The Restroom Revolution

Unisex Toilets and Campus Politics

Olga Gershenson

The history of the modern restroom has been a history of successive social groups proposing a right to access and a mode of toilet configuration fitting to their needs and desires. First were the women: we owe the term potty politics to the Ladies’ Sanitary Association and similar women’s organizations that put up a fight for the room of their own. Establishing the first women’s lavatory in Victorian London took the persistence of the lone female member of the government and the advocacy of a famous vestryman, George Bernard Shaw, to overcome the resistance of the residents and the vestry. It was not until 1905, after five years of stalling, that the decision to build a women’s bathroom was finally made. A similar pattern, explained in part by Terry Kogan in chapter 7 in this volume, took place in the United States and other parts of the world.

In the U.S. case, racial minorities were next in line to take up the challenge. In the era of racial segregation in the United States, blacks and whites couldn’t drink from the same fountain, let alone urinate into the same bowl, certainly across the South but to a degree in other parts of the country as well. Up until the 1950s and even the 1960s, locker rooms and bathrooms were still not integrated. For instance, when the Western Electric Company in Baltimore adopted a policy against segregation of public facilities, the union, consisting of white members, went on strike. This was during World War II, and the strike had military consequences, leading the War Department to briefly take over the plant. Rather than continue the arrangement,
after three months and further negotiation, resegregation was imposed.\textsuperscript{3} As late as the 1970s, court battles over segregation of public facilities continued (e.g., \textit{James v. Stockham}, 1977).

In line behind women and blacks were people with disabilities, who waged their own fight for full public participation via architectural modification of bathrooms, entryways, and more (see Serlin, chapter 8, in this volume). Their movement resulted in legislation that changed building codes and made the provision of an inclusive toilet a legal requirement.

Transgender and other gender-variant people have now joined the civil rights toilet queue, straining—with a mix of fear and indignation (and conciliation)—for admission to the public bathroom. Traditional sex-segregated public restrooms bring them routine risk of being insulted, mocked, attacked, and even arrested. As interim remedy, they hunt for bathrooms in which they feel stigma free and physically safe, timing their visits to avoid potentially conflict-ridden overlap with other users. The possible policy solutions to their problem vary from unisex or single-stall bathrooms to education campaigns that might, for example, cause others to be more open to the gender-nonconforming people in their midst. Whatever the best ultimate remedy, the demand for transgender toilet provision stirs public controversy, even among those sympathetic to the campaigns for civil rights of those who have come before.

Because transgender people do not conform to societal expectations of “male” and “female,” their mere presence in a sex-segregated place raises anxieties about gender and sexuality.\textsuperscript{4} Ever since psychoanalytic theory linked toilet training with sexuality, bathrooms and sex have been intrinsically connected in both public imagination and scholarly analysis. Patricia Cooper and Ruth Oldenziel, in their brilliant analysis of the cultural meanings of bathroom space, comment,

> The very creation of bathroom spaces, which are routinely separated by sex, reflect cultural beliefs about privacy and sexuality. Separating women’s and men’s toilet facilities prevents either sex from viewing, accidentally or otherwise, genitals of the other. The bathroom is a place where genitals may be touched but not primarily for the purpose of sexual stimulation. Western social norms also
dictate that sexual relations are not permitted here. The separation ignores same-sex sexuality. ... So women’s and men’s bathrooms assume heterosexuality and the existence of only two sexes, permit genital touching, and reject overt sexual expression.⁵

These cultural meanings define the “discipline” (in Foucauldian terms) of the bathroom space, and hence its political meanings, reflecting “an unintentional cultural strategy for preserving existing social categories, the ‘cherished classifications’”⁶—with the two-sex model key among them.

Restroom Revolution at UMass

These issues took concrete form in a political battle waged at the University of Massachusetts–Amherst (UMass) in 2001, when a student group called Restroom Revolution advocated for transgender-friendly unisex bathrooms on campus. The group’s campaign, not atypical of similar initiatives at other U.S. institutions, resulted in an uproar in the campus media and a prolonged dispute with the administration. Conservative administrations resist changes proposed by more socially progressive student bodies. Other student groups resist as well—a pattern with precedent in regard to prior groups’ push for civil rights. The opponents of unisex bathrooms expressed concerns over public morality, safety, cost, and regulatory intrusion—again a list with precedents in the rationales for opposing rights of prior groups when they made their demands.

Educational institutions are often held to be key mechanisms for realizing the American ethos of equal opportunity. It’s no wonder, then, that colleges and universities have regularly found themselves at the forefront of activism and strife in the name of civil rights. Vietnam War protesters died for their cause at Kent State, the sexual revolution of the 1960s drew from a strong campus-based support network, and campuses were an important base for the civil rights movement, in both the North and the South. The women’s movement was based in or at least abetted from campuses across the United States. Combine
the widespread expectation that educational institutions will serve as models of secular social justice with their young students’ passionate practice of identity politics, and it’s no surprise that the fight for bathroom access plays out on campuses.

From a practical standpoint, the campus bathroom problem is doubly pressing for students whose workplaces and home spaces (dorms) so often rely on shared facilities. And such facilities are subject to regulation by both the state and university administrations, making them an appropriate target for demands to reform. Only a small percentage of campuses nationwide provide unisex bathrooms and gender-blind floors in residence halls, and their introduction is often divisive, as it was at UMass. The apprehensions reveal the persisting deep anxieties even in the socially progressive atmosphere of higher education and in places such as a liberal university in Massachusetts.

In the fall of 2001, several students gathered at the Stonewall Center, a lesbian, bisexual, gay, and transgender educational resource at UMass. They formed a special group to work on transgender issues on campus. As Mitch Boucher, one of the activists, explained to me, the issues included education about transgender people, especially for Resident Directors (RDs) and Resident Assistants (RAs), and the quality of life for transgender people on campus. It was at the meetings of this student group that the problem of bathroom use was raised for the first time. After sharing and reflecting on various risks and indignities suffered by transgendered students, the group’s members reasoned that everyone, including gender-variant people, should be able to use campus facilities safely and comfortably.

The solution seemed clear: unisex bathrooms.

In December 2001, the group members sent their first proposal to the administrators responsible for student affairs and residence life on campus to establish several unisex or “gender-neutral” public bathrooms on campus. The students wrote,

We are a contingent of students living in the residence halls of the University of Massachusetts who self-identify as transgender, transsexual, gender-queer, or something other than “man” or “woman.” As gender variant people, we encounter discrimination in our daily
lives. The most pressing matter, however, is our use of the bathrooms in the residence halls in which we live. . . . We are often subjecting ourselves to severe discomfort, verbal and physical harassment, and a general fear of who we will encounter and what they will say or do based on their assumption of our identities.7

Further, the proposal made suggestions to designate at least one bathroom (including showers) per residence hall as unisex and to establish such bathrooms on every third floor of a building (in high-rise structures).

This original proposal had a didactic character: the Stonewall Center group wanted not only to bring about instrumental change by establishing unisex bathrooms but also to use it as opportunity for education and value change. They proposed to provide education on transgender issues “to all Residence Life staff.” Moreover, they proposed to give information to students and parents not only about the location of these facilities but also about “why they exist.” The subcommittee even tried to educate the administration by including with the proposal “a gender expression umbrella and a few of our personal stories.”8

The administration was seemingly sympathetic: the vice chancellor of student affairs met with the subcommittee to discuss the proposal and, later, promised to establish two unisex bathrooms in the residence halls (in the Prince-Crampton and Wheeler dormitories). But nothing happened.

The next fall the students intensified efforts, issuing a call in the Stonewall newsletter Queerie for a meeting of all interested students. In response, on October 2, 2002, Restroom Revolution was formed. The twenty-three participants at this meeting represented a range of gender identities: transgender, transsexual, and gender-queer, as well as what the group called “allies”—straights who took up a just cause. The newly established group adopted the following mission:

The mission of the Restroom Revolution is to advocate for safe, accessible restroom facilities for our campus community. . . . People who do not appear traditionally male or female risk harassment and violence in sex segregated facilities. The Restroom Revolution affirms the right of all people to have access to safe bathrooms.9
The first act of the group was to write another letter to the administration. The tone had changed. Instead of an emphasis on education, the group was trying to exert some political pressure: “It is the basic right of every human being to have access to safe, public restrooms, especially at a public university of which we are a part.” Besides the rhetoric of human rights, the group also put their struggle into the context of what was happening at other schools: “More and more, universities across the country are recognizing and responding to the needs of trans people by making gender-neutral bathrooms available to the campus community. We hope UMass, Amherst will follow their lead.” Indeed, among the schools that had unisex bathrooms at the time were Hampshire College, Amherst College, the University of New Hampshire at Durham, the University of Minnesota, and the University of Chicago. The majority of bathrooms at Reed College were gender-neutral. Wesleyan University had in its residence halls a gender-blind floor with a unisex bathroom.

The Restroom Revolution members didn’t limit themselves to a letter. Mitch Boucher recalls, “We flooded the administration with emails and phone calls. We put posters in the bathrooms to raise awareness of the issue (see fig. 9.1). We set up a table at the Campus Center. We arranged for press coverage.”

At the table at the Campus Center, Restroom Revolution distributed contact information for the university administration and a template to help in writing letters in support of the group. For those who didn’t want to write letters, Restroom Revolution offered a petition of support they could sign. Hundreds signed. A student, allied with Restroom Revolution, produced and distributed a zine, Lobbying for Lavatory Change (see fig. 9.2). Finally, Restroom Revolution secured the support of the Student Government Association (SGA), the Graduate Student Senate, and the Graduate Employee Organization. The Boston Globe announced in its largely sympathetic article, “Transgender students at the University of Massachusetts at Amherst, unable to persuade administrators in the past year to create coed bathrooms, are shifting their strategy from private talks with school officials to a petition drive and mass mobilization.” A campus media debate ensued.
DO YOU KNOW THAT YOU ARE SITTING IN A SEAT OF PRIVILEGE?

The Mission of the Restroom Revolution is to advocate for safe, accessible restroom facilities for our campus community. Currently, many people do not have access to such facilities—particularly those whose gender identity or appearance does not conform to societal expectations. People who do not appear traditionally male or female risk harassment and violence in sex segregated facilities. The Restroom Revolution affirms the right of all people to have access to safe bathrooms.

Stop by our table in the Campus Center Concourse to learn more about Restroom Revolution.

Figure 9.1. A poster distributed by Restroom Revolution and hung in the restrooms at UMass-Amherst in 2002. (Courtesy of the author)
Figure 9.2. Page from an independently produced zine lobbying in support of Restroom Revolution. (Courtesy of the author)
Media Positions

At first, campus media refused to take the bathroom issue seriously. A columnist in the official campus newspaper, the Daily Collegian, wrote, “When the Restroom Revolution at the University of Massachusetts started to hit the papers and the airwaves at the beginning of October, I think the initial reaction to it by most of the students on campus was predictable: they sighed, they laughed, and then they mouthed, ‘You’ve got to be kidding me.’” The Collegian quoted a member of the UMass Republican Club who opposed Restroom Revolution: “What the Republican Club sees it is a joke [sic].” One of the responses on Collegian website ranted, “Get a life! There are much more critical issues to focus on. . . . In the real world, we seem to be worrying about an impending war in the middle east [sic], a real crappy economy, and a president who doesn’t seem to know how to lead our country. Wake up! and take up a real cause.” The conservative monthly publication Minuteman (“Minutemen” is the university sports teams’ name as well as a patriotic gloss) amplified the Collegian’s concern that Restroom Revolution was pursuing a silly cause. But the Minuteman went on to argue that Restroom Revolution’s “joke” was not just harmless. Olaf Aprans worried that the activists were exaggerating concerns of no real significance in order to draw attention to the public display of morally repugnant behavior:

The most probable motive for the Restroom Revolution is not the need or want of transgender bathrooms, it is the desire for attention. Transgender students have been using gender-specific bathrooms for years without any complaints. Why the sudden outcry for transgender bathrooms? The answer is easy, the activists behind this movement are using a petty issue like bathrooms as a medium to throw their lifestyles in the face of every-day students.

In an article with a telling title, “The Politics of Pee,” the Minuteman proclaimed, “gender-neutral bathrooms are neither an issue of safety nor comfort for transgender students; they are merely a means for
homosexual activists to influence [the] campus with their immoral ideals and to break the traditional gender barriers that normal students hold.”

The vocal resistance of the on-campus press was echoed off-campus as other organizations took up the debate. Unsurprisingly, the Traditional Values Coalition, a nationwide organization of churches which routinely opposes campus-based efforts such as these, issued a condemnatory statement: “Individuals with mental problems should not be allowed to dictate social policies at a university nor [sic] in legislation that will normalize a mental disorder.” It followed up with a special report on transgenderism, similarly censorious. But resistance also came from those within the gay community. The online publication _Independent Gay Forum_ ran a story entitled “Down the Drain” in which the author dismissed the petty concerns of pampered students and asked them to consider the truly meaningful negative implications for public relations between the queer community and the general public. In the author’s words, “Certainly the transgendered, outside of the halls of ivy, face greater issues—like not being murdered. . . . Making straights use coed johns isn’t going to improve matters in this regard.” The argument was that on-campus efforts draw broad negative attention to an already difficult fight for increased safety off-campus, where real danger lurks.

The discussion of unisex bathrooms brings responses of ridicule, indignation, and the conflation of gender nonnormativity with homosexuality. Evident are anxieties about sexuality and gender performativity and a primal fear of sexual mixing:

There are only two things that make me a man and they are my X chromosome and my Y chromosome. . . . People have the right to feel that they should not be the gender that God gave them. . . . However, the fact that some people do not live in reality or that some wish reality were not true, does not entitle them to a special bathroom in a public university.

As Cooper and Oldenziel explain in their research on the prospects for the integration of railways during World War II, “The specter of
shared bathrooms not only touched people’s feelings about privacy (feelings related in part to worries about one sex seeing the genitals of the other), but it also tapped deep fears about sexual mixing, transgressing social boundaries, and ending recognition of gender differences."

The same fears were captured in an informal student survey conducted by and publicized in the Minuteman. The students were asked, “Do you feel that ‘transgendered’ students should have their own bathrooms, taking away a men’s or women’s room from buildings?” The rhetorical impetus of the question is notable: unisex bathrooms accessible to all genders are turned into entirely segregated spaces from which presumably “normal” men and women are excluded. The answers were predictable: “No, that’s ridiculous!” exclaimed a freshman. “No. If they are comfortable with who they are, they shouldn’t be afraid to use the bathrooms and feel different from anyone else,” said a junior.

The anxieties surrounding sexuality lurked not only in the responses induced by the openly socially conservative Minuteman but also in the discussion on the Collegian website. In the responses dismissing the issue, the ridicule of gender variance became a major way of coping with these anxieties: “Its [sic] this simple: If you have a penis then use the men’s room. If you do not have a penis then use the women’s room.” Another respondent added, “If you want to be a woman, have some backbone and go get Mr. Happy chopped off. Until you feel strong enough to change yourself because of your beliefs, then don’t you dare expect everyone else to change to cater to your needs.” Another joined in: “To ask for a separate bathroom because you dress as a member of the opposite sex, when in reality you are pretending to be a member of the opposite sex does not give you the freedom to have a bathroom designated specifically for you. . . . You are male or female, end of story.”

Claiming naturalized sex differences is a problematic and much contested, albeit familiar, argument. But even if there are “natural” biological differences between men and women, this argument is beside the point, as “the ‘natural’ is not, and never has been for human beings, the sole determinant of social possibility.” And it was
this “social possibility” that Restroom Revolution’s opponents feared. A columnist in the Collegian summarized the attitude of Restroom Revolution’s opponents, who were reluctant to face the more complicated picture of the social world:

Proponents of the [Restroom] Revolution argue that sex is a social construct, that it’s something that society put in place to restrict our freedoms. They couldn’t be more right. The thing is, it’s something that’s been in place since the beginning of time. Challenge the existence of male versus female? Next perhaps we’ll argue what color the sky is.32

Making claims based on “natural” differences is, of course, a recurrent strategy over history, including the efforts that went into defeating the Equal Rights Amendment for women; antiratificationists wanted to preserve, as Jane De Hart explains, “classification by sex, the definition of social role by gender.” For them, she continues (and as further examined by Mary Anne Case in chapter 10 in this volume), “gender . . . was sacred. It was a given: a biologically, physically, spiritually defined thing, an unambiguous, clear, definite division of humanity into two.”33 It was the fear of losing the sacred division of gender into two that propelled opposition to Restroom Revolution.

Safety First, but Safety for What and Safety for Whom?

The issue of safety was tightly woven into the issue of the preservation of gender binaries or the ability to relax them. Advocates of unisex bathrooms had argued for unisex facilities to enhance the safety of gender-variant people. In Boucher’s Collegian editorial, he argued that establishing unisex bathrooms “is a safety issue, as well as a workplace issue for RAs, grad student employees, faculty and staff whose gender expression or identity does not conform to cultural norms.”34 The administration, on the other hand, took a position that it was a matter of discomfort, not necessarily safety. Boucher paraphrased a member of the administration who downgraded the safety argument
to one of discomfort: “Well, you guys can use the bathrooms, you are just uncomfortable.” This rhetoric sets the mild “discomfort” of gender-variant people against the “real” issue of women’s safety.

According to the reports in both the Collegian and the Minuteman, the issue of safety became a stumbling block during the SGA meeting that discussed the resolution of support for Restroom Revolution. The Collegian quoted student senator Matt Progen, an opponent of change: “This has nothing to do with sex or gender; it has to do with making some people feel comfortable and the comfort of some is not as important as the comfort and safety of others.” Another senator quoted in the same article, Dave Falvey, was clearer about who stood to lose if gender-variant people gained unisex bathrooms: “I think it’s a bad idea and I’m concerned with the safety of women on this campus. . . . I feel that it’s taking women’s safety away. Basically I feel that it’s a very big safety concern and putting women in a more vulnerable position.”

The Minuteman quoted Falvey in greater detail, revealing that the anxiety incited by the proposed acceptance of gender nonconformity was rooted in fears of male-on-female violence:

What would prevent . . . a drunk male at three a.m. in the morning . . . from entering this “unisex” bathroom and attacking or harassing a female? . . . It’s bad enough that these types of attacks are occurring with sex segregation in place. Can you imagine how many opportunities for this type of incident would arise if males were allowed to be in the shower stall next to their female peers?

Another SGA senator wrote a letter to the Collegian amplifying the paranoia Falvey expressed, warning women that in unisex bathrooms they would be surrounded by voyeurs and pranksters:

I have several friends who can see over the stalls. As a female, could you ever feel comfortable knowing somebody can walk in next to you and lean over at any time? . . . We are a campus that has several incidents of reported rape each year. Worse off [sic], more common examples of abuse would probably be simple and immature in nature, like stealing a towel.
In the humor section of the *Minuteman*, in which the paper’s “Jackass of the Month” title was awarded to Restroom Revolution advocate Ed Kammerer, a similar argument appeared:

Kammerer gave very little thought to the safety of women in bathrooms. The first reported rape of the year happened in the bathroom of Chadbourne dormitory. Common sense dictates that if there are frequent encounters of men and women in bathrooms (possibly when drunk at 2:30 a.m.) there may be an increase in situations.\(^{39}\)

Accepting a gender-nonconformity approach threatens to unleash male violence and mischief that’s already just barely contained.

Of course, women’s safety is an important, even vital, concern on college campuses and beyond. However, the anti–Restroom Revolution rhetoric employs particular traditional attitudes toward masculinity and femininity to frame how safety can be achieved: weak females require protection from violent male sexuality. This ideology relies on the production and maintenance of clear performances of and boundaries between two genders. Conveniently, these boundaries would not only protect women’s private “safe” place but also keep them in their place, disciplined and properly sorted.

**Administrative Response**

With all the letter writing, petitioning, and news coverage, how did the administration respond? Slowly, quietly, and with heavy reliance on dry state-based regulatory language. Although some students were willing to fight the powers that be, the administration made reference to those (still higher) powers in support of the status quo. In an interview with me, the vice chancellor of student affairs at the time pointed first to Massachusetts architectural code: “In the case of dormitories, there is a regulation [as to] how many fixtures you have to have in a building, how many for men, how many for women. It also says that the bathrooms have to be designated by gender.” What
about Restroom Revolution’s rhetoric of human rights and the widely accepted framing of the struggle as a political fight? The vice chancellor’s attitude was patronizing, advising caution lest the group might have been unaware that they were inviting negative attention: “My first response to Restroom Revolution is, you are looking for problems, you are setting up a target. You are bringing attention to yourself, to your political statements.”

The administration did conduct a “building summary,” collecting data about bathrooms on campus. The survey showed an insufficient number of bathrooms—which was offered as evidence of the impossibility of converting gendered bathrooms to gender-neutral bathrooms. Under the administration’s strict reading of the regulatory code, a bathroom without a gender mark was no bathroom at all. Thus, changing the designation of a bathroom from male or female to unisex would lower the already insufficient number of bathrooms on campus. But from a regulatory standpoint, the worst that could happen if several bathrooms were designated unisex and therefore uncountable as bathrooms under the code would be an inspection failure. In that case, the university could either undertake to build more bathrooms or appeal to the Board of State Examiners of Plumbers and Gas Fitters in Boston. “Have you checked this possibility?” I asked the administrators. They recoiled in response: “No, no, we know it’s virtually impossible to get a permit from the Board.”

However, Joseph Peluso of the Board of State Examiners of Plumbers and Gas Fitters, with whom I spoke on the phone, assured me that “the regulation cannot cover all the situations” and that the Board encourages organizations to “file for a variance if they have an extraordinary situation.” The university could have appealed to the Board on the grounds that it had an extraordinary situation, one covered by state disability laws. According to Lisa Mottet of the Transgender Civil Rights Project, in Massachusetts transsexual people are indeed protected under state disability laws.40 Therefore, there is no legal difference between handicap-accessible and unisex bathrooms. But the administration was not motivated to explore this direction.

The vice chancellor also employed a numbers game, assuming that the population desiring unisex accommodation at the school was
obvious by sight: “Some of the challenges are to assess the needs. I saw two [transgender] students—I know that one individual already graduated—and even though I received many letters of support, I took a position to meet the needs as they are demonstrated. I don’t see the need right now to increase the program.” It appears that the administration did not view the “many letters of support” for Restroom Revolution or the hundreds of signatures on the petition as evidence of “need” within the student body.

In the end, the group was never taken seriously because its members’ demands were interpreted as an expression not of a real need but of a desire to be more “comfortable,” and for a handful of people at most. These factors—a narrow understanding of “the needs,” the interpretation of Restroom Revolution as ploy, and the pressure of negative publicity—defined the administration’s strategy of doing the minimum. It appeared sympathetic to a sensitive issue by changing the signage on two single-user restrooms of the many hundreds on the entire campus while neatly sidestepping a broader reevaluation of gendered restroom provision.

The controversy over unisex bathrooms on this contemporary college campus in a liberal state echoes historical controversies over the creation of public restrooms for women and the destruction of racially segregated restrooms. It reveals deep cultural anxieties about the consequences of a slowly eroding gender binary. As with past exclusionary practices, the mere fact that the cultural practice is widespread or typical (such as war or slavery) does not make it just or desirable.41 Philosopher Richard Wasserstrom asks “what a good society can and should make of these [gender] differences.”42 His answer is unequivocal: “eradication of all sex-role differences.”43 Why? Because maintaining a system of gender categorization inevitably leads to sexist attitudes and practices, of “taking sex into account in a certain way, in the context of a specific set of institutional arrangements and a specific ideology which together create and maintain a system of unjust institutions and unwarranted beliefs and attitudes.”44

Sex-segregated bathrooms, Wasserstrom concludes, are just “one small part of that scheme of sex-role differentiation which uses the mystery of sexual anatomy, among other things, to maintain the
primacy of heterosexual sexual attraction central to that version of
the patriarchal system of power relationships we have today.”45 The
same patriarchal system that envisions sex as a crucial binary category
insists on the sexual segregation of bathrooms.

Feminist philosopher Louise Antony continues the argument for
the eradication of gender. Echoing Wasserstrom, she argues, “Gen-
der, whatever its etiology, is the raw material of sexism. . . . We should
strive for a society in which biological sex has as little systematic so-
cial significance as eye color.”46 This does not mean, however, that she
advocates the obliteration of difference. “Under current, gendered ar-
rangements, difference among human beings is ‘packaged’ into two
salient, mutually exclusive categories. . . . The point of abolishing gen-
der categories, and with them gender norms, is to eliminate such ho-
mogenizing forces.”47 So the result would be more difference, not less.