

The gender binary, the third space, and public university washrooms

THE GENDER BINARY, THE THIRD SPACE, AND PUBLIC UNIVERSITY
WASHROOMS

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Lay Abstract

This project is a critical reflection on the problem of the gender binary from the perspective of the third space; it offers case studies of two Canadian universities who have made an effort to become more gender inclusive by introducing gender accessible public washrooms.

Abstract

Sexed bathrooms are key locations for sex and gender violence and oppression. Recent political events have made the problem of gendered bathrooms in public spaces much more visible. This project aims to address this issue in part as an iteration of the ways that gender and sex can be critiqued and practiced. It presents and critiques the problem of the gender binary from two perspectives—the feminist, and the feminist poststructuralist—and argues that Homi Bhabha’s third space approach to constructing identity offers us a unique way of critiquing the gender binary while keeping in mind the discursiveness, and fluidity of gender, but also the fundamentality to which many people ascribe their own gender identity. As a demonstration of the way the third space can address the problem of the gender binary this project contextualizes the third space by applying it to gender neutral washrooms. It will also offer case studies of two Canadian universities—Queen’s and Victoria—who have put gender neutral washrooms in place on their campuses.

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Declaration of Academic Achievement

Under the supervision of Inder Marwah I designed the research conducted in this dissertation. In recognition of this, I have chosen to use the personal pronoun “I” where applicable throughout the dissertation. With the advice and guidance of Prof. Marwah I conducted literature reviews, and web-based research on social media. I performed all analyses. I wrote the manuscript with the editorial advice and supervision of Prof. Marwah.

Chapter 1: Introduction

The problem of gendered washrooms is as such timely, and the following work aims to address this issue in part as an iteration of the ways that gender and sex can be critiqued and practiced. Sex and gender are both noted here as they are interrelated yet distinct concepts which carry with them significant social justice implications.

Historically there has been a gradual shift away from problems of sex and towards problems of gender. When early thinkers like Virginia Woolf and Mary Wollstonecraft write they do not speak of gender. They speak of sex, the sexes, that is, men and women. Throughout the last century, though, the concept of gender has been gradually introduced into feminist thought, as feminists begin, in the mid-20th century, to take note of the gendered nature of male dominance. Women were said to have certain social responsibilities, roles, and attributes that were distinct from men but were not necessarily directly tied to their physiology. This acknowledgement leads to the contemporary distinction between sex as having to do with genitals, bodies and reproduction, and gender having to do with social mores, individual identities, and cultural construction. However, gender is not to social construction as sex is to birth, and increasingly feminists (and scientists) are acknowledging the social construction of sex as well. Christine Overall postulates that this acknowledgement has led to an increasing conflation of the terms sex and gender in the academic realm, even as our society retains distinct definition of what sex and gender mean (p. 73). Overall insists that we continue to use both terms, that is, sex as well as gender, in part “to avoid losing sight of the differences between two different kinds of oppression that the concepts permit, namely, sex oppression and gender

oppression” (p. 74). She explains that sex oppression “is the kind of oppression that makes it impossible for female human beings to become Roman Catholic priests” or for an individual to marry someone of the same sex, while gender oppression is the type of “oppression that says that women are primarily suited for care giving and lack the ability to be scientific geniuses or great artists” (p/ 74). These are two very important and distinct forms of discrimination.

Sexual discrimination and gender discrimination, or oppression, are deeply intertwined when it comes to issues of access and equity in public spaces. So, while the following work will use the term “gender binary” to refer to the construction of the dimorphic understanding of both sex and gender, this is not done with the intention of undermining or ignoring the different, and equally important, types of oppression that gender and sex denote. The problem of the gendered or sexed washroom is complicated by the fact that washrooms are created with physical characteristics in mind. Individuals who do not have the ‘right’ genitals are largely banned from using washrooms that are not intended for people of their biological sex; but when we introduce the variable of the gender diverse individual, gender oppression becomes the fundamental issue. Individuals whose gender expression does not line up with the sex of their birth are said not to belong within either of the sexed spaces of female or male washrooms.

Motivated by the problem of gender oppression which takes place within public space—particularly in the cases of public washrooms in Canada and the United States—the following work will explore the gender binary. This work will first explore the problem of the gender binary – and note here that I use the term gender sometimes

interchangeably with sex when referencing the social implications of the binary as largely a construction – and then introduce the problem of sexed bathrooms, particularly on university campuses, as a way of exploring problems of gender in a real world context. The following work will not be a critique of the gender and sex male/female binary – this has been done at length; rather, it will explore the ways that the binary itself has been critiqued by others, and where these other conceptions can be improved upon. A key pitfall in political theory that crosses boundaries between classical to contemporary approaches is the idea of dualistic or binary understandings of the world; binary conceptions are necessarily normative. In stating that a binary exists, a prescription is made to those who do not conform. ‘This is the way the world *should* look’, this approach demands. In the following three chapters I will address this problem of the binary from two perspectives, the feminist, and the feminist poststructuralist—understanding, of course that there is necessarily some overlap between the approaches—then posit an addendum to the feminist poststructuralist perspective. This addition proposes that what is lacking in the approaches of feminist and later feminist poststructuralist critiques is the inclusion of a non-structured, often confrontational tête-à-tête approach to critiquing gender. This is to say that we must recognize that the prescriptiveness of our critiques has an impact on those to whom our theory applies, and revise our way of discussing gender to be a conversation between groups. Homi Bhabha’s third space approach to constructing identity offers us a unique way of critiquing the gender binary while keeping in mind the discursiveness, and fluidity of gender, but also the fundamentality to which many people ascribe their own gender identity. By supplementing feminist

poststructuralist thought with a postcolonial third space approach we have a feminism that critiques the binary through active confrontation of difference, rather than through discursive problematizing. This approach offers the option for new identity formation through confrontation with difference rather than the cementation of identity through dogmatic adherence to a way of thinking, which is common among feminist and poststructuralist theory.

In feminist literature, there is distinct tendency to reify the binary, even as we are critical of its impact. That is, while we point out the problematics of the binary for women, and even for nonbinary individuals we still present it as a question of this or that, or something in between. Some feminist thinkers have begun to get beyond this problem with some success; for example, Judith Butler (1988) has argued that the binary is normative and prescriptive. Some, though, are critical of her for not taking into account the identity issues of individuals who are impacted by her theory. That is, what of the individual who is so tormented by disjunction with their born “sex” that they go through lengths – surgical and hormonal – to alter their bodies to match their internal gender identity?

Even when we begin to address problems of gender, we sometime fall into the trap of over-theorizing without actually having any impact on the lives of real people. This is a problem for much of theory and is certainly not limited to issues of gender identity. Viviane Namaste addresses the problem of over theorization, especially with regard to gender theory, and argues that given that much of feminist theory, especially queer and poststructuralist theory, has relied on the lives of transgendered or transsexual

women for decades, “it is perhaps appropriate at this point in history to evaluate the extent to which transsexual women themselves have been served by such an academic feminist project” (p. 12). She concludes that what is needed is not an undoing of gender but rather “nothing short of undoing of theory” (p. 28). Her critique is that in theorizing gender we miss out on the very real lives of individuals whose gender identities are not their entire existence, but who are marginalized greatly because of these identities. In theorizing we often focus on the big picture questions of what gender is, what it means, how it came to be, and we sometimes forget to consider, or we simply dismiss, the real lives of individuals. This happens not only in theory but also in politics. This is particularly notable in the university setting where a small group of individuals are involved in putting in place policies that effect the entire population. They can very easily fall short of their inclusionary goals by not approaching it as a conversation between groups of individuals.

In writing about non-binary gender, theorists may also dismiss the identity of those who identify comfortably with binary orientations. That is to say, we can be critical of the binary and critical of a system which demands that individuals adhere to certain principles, but in practice conversations about gender should be just that – conversations. At a recent conference where I defended non-binary multi-stall washrooms to a room full of gender theorists a woman put her hand up and simply asked “but what if a woman gets her period and needs a safe space to run where she knows others will understand?” In focusing entirely on the problems of the binary it is easy to forget that while the binary is constructed it has real and meaningful consequences on our day to day lives that will not

simply disappear by putting gender neutral washrooms in place. As Nancy Chodorow (1995) explains, “each person's sense of gender—her gender identity or gendered subjectivity—is an inextricable fusion or melding of personally created... and cultural meaning” (p. 517). We cannot simply tear down the walls of culturally constructed gender without doing harm to the individual whose own personal identity has been constructed within it.

The third space literature begins to address these issues, and offers us the opportunity to do theory in a more conversational way. The third space is best understood as a moment in time wherein two opposing parties come together, clash if you will, and in that moment they find themselves unable to communicate, in the unknown – groundless and homeless. It is in this space, Bhabha tells us, that identity is formed. The gender theory I critique herein – particularly that which focuses on the problem of binary gender – does the opposite. It seeks to find a home before the identity has been realized, and in doing so it reifies, and solidifies gender, even as it seeks to it.

Surveying the recent history of political thought the gender binary has increasingly come under fire by feminist thinkers. The next two chapters offer a broad overview of the ways that two sometimes loosely related groups of theorists have criticized the binary. Chapter 2 discusses feminist approaches, which largely focus on the impacts of ideas of gender on women, though contemporary (or third wave) feminists do begin to acknowledge the complicated nature of gender and the intersectionality of gender and sex oppression. Chapter 3 explores feminist poststructuralist criticisms of the gender binary, which tend to focus on deconstructing the gender binary itself in order to solve the

problems of gender and sex oppression. Chapter 4 introduces Homi Bhabha's concept of the third space as a way of supplementing the feminist poststructuralist approach to gender binary deconstruction. This chapter explores how poststructural approaches, particularly those informed by feminism and queer theory, open up a space of uneasiness that is necessary for truly effective questioning. Nonetheless, the feminist and feminist poststructuralist methods are missing something fundamental, which can be summed up in three points: first, they often reify the binary, even as they seek to deconstruct it; second, they sometimes forget or neglect to ask who they are doing this theory for; and third, critiques of the binary are seldom presented as a conversation between opposing viewpoints, but rather as a denouncement of previous ways of thinking and doing gender.

The fifth chapter focuses on gendered washrooms as spaces for third space interaction by exploring why the gendered washroom matters at all. It briefly addresses the violence which can take place within these spaces against transgendered or nonbinary identified people, but also focuses on the social justice and identity issues that arise out of single sex washrooms in public spaces. This chapter highlights some of the experiences of transgendered people as addressed by thinkers like Sheila Cavanaugh (2011). It also explores why gender neutral washrooms on university campuses in particular are sites for the enactment of third space encounters. This includes an explanation of how the third space literature can serve as a guide for gender inclusion in university settings. In Chapter 6, two case studies are presented to demonstrate this. Queen's University and the University of Victoria have both taken strides to become more inclusive and gender accommodative on their campuses, both putting in place gender neutral washrooms on

their campuses. I explore how each of these universities has succeeded and fallen short of their goals of accommodation, and how their approaches relate to and diverge from the third space ideal laid out earlier in the chapter.

Throughout this work I use trans and non-binary interchangeably. Each of these words refers to: “a range of gender experiences, subjectivities and presentations that fall across, between or beyond stable categories of ‘man’ and ‘woman.’” This includes “...gender identities that have, more traditionally, been described as ‘transsexual,’ and a diversity of genders that call into question an assumed relationship between gender identity and presentation and the ‘sexed’ body” (Hines, 2010, p. 1). The wide use of the term transgendered is controversial. Kelly Coogan (2006) writes that the subsumption of transsexuality under the transgender banner “unfairly erases the lived experiences of transsexual subjects by ignoring their specificities in the flesh” (p. 17). This is why I have opted to use the terms non-binary and trans. Nonetheless, there are still limitations to using the terms non-binary or trans as this language may still neglect to highlight the specificities of the unique experiences of transsexual, intersex, transgendered, and genderqueer individuals.

Methodology

This study follows Joseph Carens’ conceptualization of contextualism (2004). According to Carens the contextual approach to political theory has five key aspects that make it useful in exploring the way that theory can interact with reality. First, it uses examples to illustrate theory. Second, it involves a “normative exploration of actual cases” (p. 118) where we can see the key concerns of a theory at work. Third, by using it,

theorists pay greater attention to whether their theoretical formulations are “compatible with the normative positions that they themselves take” (p. 118) on the issues at hand. Fourth, this approach searches for cases that challenge the theory. And finally, it encourages theorists to consider a wider range of cases, not limited to the familiar (p. 118). Contextualism thus allows for a reflexive examination of the world and the theory that seeks to explain it, and shape it. When theory and practice do not line up this approach allows us to find the incongruities and alter theory to suit reality. It is counter to the relative hard-nosed approaches used by political theorists which seek to justify or write off incongruities as ‘outliers’, and whose theory may tend towards abstraction rather than explanation of political and social reality.

My choice to approach the problem of the gender binary through an exploration of the way Canadian universities have begun to address issues of equity and inclusion is motivated largely by the political timeliness of this issue, as noted above. However, the case studies chosen also offer a unique opportunity to use Carens’ contextual technique. The case studies I have chosen reflect the third space approach, but also the limitations of the third space concept. For example, while the all accessible multi-stall washroom at the University of Victoria’s reflects the third space method, the limited success of trans inclusivity on campus as a whole perhaps demonstrates the limitations of community-based initiatives and radical restructuring of washroom facilities. This will be particularly notable in the case of Queen’s University whose approach does not line up entirely with the theoretical approach for which I am advocating, but has nonetheless seen moderate

success in implementing a policy that encourages inclusion and gender accessibility on its campus (see Chapter 6).

My exploration of university washrooms will by no means be a comprehensive study but will draw on the key principles of good analysis laid out by Dvora Yanow (2007). Yanow explains that the process of interpreting policy is made complicated when we recognize the researcher's positionality in terms of her subject. To mediate this, she suggests that "interpretive policy analysis needs to focus not only on figuring out what policy-relevant elements carry or convey meaning...but also on the methods through which the analyst-researcher accesses and generates these meanings and analyzes them" (2007, p. 111). This approach to policy analysis is in stark contrast to approaches which claim objective scientific authority, and it is drawn from two fundamental philosophical traditions: hermeneutics and phenomenology (p. 113).

Hermeneutics is an exploration of texts and other artifacts and their meaning. According to this approach "people imbue the artifacts they create with meaning and/or project meanings onto those artifacts (or read meaning out of them) as they engage them" (p. 114). Given that artifacts and texts are meaningful, and that they not only reflect, but also can create meaning, my approach will include an exploration of the 'paper trails' left by those who aimed to put the bathroom policies in place, and those who stood in the way. The texts and artifacts I will be exploring are the publicly available policy and proposal documents, posters, and campaign material both for and against gender neutral washrooms on university campuses.

Phenomenology involves acknowledging the filters that separate truth from lived experience. According to the phenomenological perspective, researchers need to set aside the thing that they seek to understand and focus on the ways that people make sense of it. Yanow tells us, “with its focus on lived experience [the phenomenological approach] directs researchers toward conversational...interviews, in order to understand how individuals frame policy issues and where these frames come from” (p. 113). While this project does not seek to undertake personal interviews, it will focus on the discourses surrounding the washroom policy issue at the universities under review. These discourses will be teased out by exploring newspaper articles and social media sources not directly involved in the policy-making process. The project will focus on the individuals impacted by gender neutral washrooms, with particular emphasis on the students who attend the University of Victoria and Queen’s University. I will draw on publicly available online sources like Facebook reviews, blog posts, letters to the editor and editorials, and other social media sources to explore the opinions and perspectives of those impacted by these policies.

The universities I will look at in Chapter Six will be Queen’s University, who implemented their gender neutral washroom policy in 2012 (see Queen’s Bathroom Policy Decision, 2012); and the University of Victoria, whose student union, the University of Victoria Student Society (UVSS) put multi-stall gender inclusive washrooms in place in 2012 as well. The washroom and inclusion policies will be explored, where available, as well as the discourses surrounding the policies.

Chapter 2: Feminist approaches to the gender binary

Despite the many great contributions of feminists throughout the last two centuries, important voices are still marginalized by the continual reification of the binary endemic in feminist criticism prior to poststructuralism. This chapter focuses on feminist approaches to gender to draw out that feminists have long been critical of a dualistic conception of gender, though historically the focus of feminist thinkers tends to be the binary's impact on the lives of women. Feminist criticism tends to focus on women's hierarchical relationship with their male, patriarchal, counterparts. Feminist thinkers have always been critical of the binary, but were unable, unwilling, or simply found it unnecessary to point to the binary as the root of their unequal relationship with men. I hope to show that throughout feminism's history diversity and a multiplicity of voices has strengthened rather than diluted the ongoing feminist struggle for equality and social justice. As such, the inclusion of trans, queer, and non-binary voices in the feminist narrative is a natural and necessary progression for feminist theory and politics. This chapter broadly presents the history, development and evolution of feminist scholarship.

While many thinkers tend to explain feminist thought in terms of waves, which take place over distinct periods of time and contain within them certain consistencies and themes, I prefer to understand feminism before poststructuralism in a less bordered way. The wave approach of referring to feminist political thought and action is very limiting. The first wave of feminism normally refers to nineteenth century women's suffrage movements in the United States, inspired by the abolitionist movement. The second wave usually refers to the women's movement beginning in the nineteen sixties spurred on by

the Civil Rights movement. The third wave normally refers to the program of feminists beginning in the nineteen nineties whereby women became disenchanted with the dogmatic or doctrinaire mainstream feminism of their foremothers (Walker 1995, xxxiv). This third wave appears to have catalyzed critical race and ethnic approaches to feminism by thinkers like Kimberly Springer, who saw a gap in the ways that third wave thinkers critiqued their predecessors and wanted to incite a conversation among young black women and their feminist foremothers (2002).

One limitation of the waves approach is that while it may aim to generalize common concerns during particular time periods, it tends to assume a unified approach to feminist activism and thought which progressed with relative consistency over time. Relatedly, the wave approach seems to ignore the existence of critical cultural, ethnic, and dogma-critical approaches among the earlier ‘waves’ of feminism, insisting that these additions are presented uniquely by third wave feminist thinkers. Cathryn Bailey summarizes why the wave metaphor is so dissatisfying. “...to call something a wave implies that it is one among others in some sort of succession, both similar to and different from the other occurrences. For waves in water, the similarities are temporal and proximal (relatively speaking), and the medium in which the waves are created is also the same” (1997, p. 18). For example, Beverly Guy-Sheftall, who identifies with second wave feminism (2002) published *Words of Fire* in 1995 in the midst of the so-called third wave of feminism presenting a myriad of black feminist perspectives. We can look back further to Simone de Beauvoir’s 1949 publishing of the *Second Sex* (2009) to see the way history deviates from the doctrinaire understanding of feminist waves; her book frames

the relationship between men and women as one of othering, the language later adopted by third wave feminists and postcolonial theorists, and also argues that man's power is learned and women's subordinate position is constructed, language later used by poststructural feminists like Judith Butler.

Instead, it is more helpful to focus on feminist political thought as a whole with many facets and perspective coming out of cultural, ethnic, and geographic differences. Therefore, throughout this work I do not focus too heavily on waves of feminism, but rather themes of feminist thought and action. I sometimes adopt the language of waves throughout this chapter, because when referencing political thinkers who identify with and critique the waves, it is often difficult to escape the language. Many scholars are less hesitant to rely on waves, and admittedly their approaches can be helpful, especially when we are referring to more contemporary modes of feminism that incorporate multiple perspectives and do not adhere so strictly to the dogmatism that can be attributed to feminist discourse. For example, R. Claire Snyder writes that "third-wave feminism rejects grand narratives for a feminism that operates as a hermeneutics of critique within a wide array of discursive locations, and replaces attempts at unity with a dynamic and welcoming politics of coalition" (2008, p. 176). Snyder's use of the third wave as a unifying definition of this type of feminism which defies previous norms is useful, and provides clarity into what the best parts of contemporary feminism are aiming for.

Feminists have long been critical of the binary but early feminists avoid articulating, or do not believe, that the binary itself is to blame for the patriarchal norms of female subjugation. It is, perhaps, too radical a notion before the 20th century to blame

the social constructed existence of a dualistic conception of sex for the problems faced by women. Nonetheless, early feminists do take aim at the patriarchy, which is itself a product of the binary. As early as the 18th century women like Mary Wollstonecraft insist that women ought to at least be considered intellectual equals of man and be given the same opportunities for education as men were. In her 1792 treatise, *A Vindication of the Rights of Woman*, Wollstonecraft argues “if women are to be excluded, without having a voice, from a participation of the natural rights of mankind, prove first, to ward off the charge of injustice and inconsistency, that they want reason” (2000, p. 5, web).

Wollstonecraft is critical of biological determinism that claims by virtue of her sex she is necessarily less rational, and therefore less suited to public life, than a man. Even this early on we can see that feminists, though they do not explicitly make it clear, are critical of the way that the world was apparently split into two categories – men, who are reasonable and intelligent, and therefore have power – and women, who lack reason, and are incapable of the same level of learning, and are therefore subjugated. Wollstonecraft recognizes that culture created women and men, or at least the cultural and social attributes of men and women. She argues, drawing on Rousseau, that “[c]ivilized women are...so weakened by false refinement, that, respecting morals, their condition is much below what it would be were they left in a state nearer to nature” (2000, p. 67). The idea of woman as inadequate for public life, frivolous, and emotional, she maintains, is a result of culture, not of birth sex, also noting that exceptions among women to these less desirable attributes are plenty. JS Mill (1869) recognizes this problem in the 19th century and writes: “What in unenlightened societies colour, race, religion, or nationality are to

some men, sex is to all women—an abrupt exclusion from almost all honourable occupations except ones that others can't perform or aren't willing to perform" (2009, p. 60). He claims that the social situation by which women are ruled over by men "is the primitive state of slavery lasting on," and further that "[t]he subjection of women hasn't lost the taint of its brutal origin" (p. 4). Here he is arguing against those who may say that women's place is a natural one as it is the result of the domination of the biologically strong over the biologically weak. He is unwilling to accept such differences as natural and claims that in fact, much like how the slavery of men led to the social exclusion of certain races, the slavery of women has led to the weakening of the male and female sexes. While Mill does not criticize the binary conception of the sexes as the root of the subjection of women to men, he does point out that the subjection of women is not a natural one.

Later in the 20th century Simone de Beauvoir (2010) offers a similar criticism of biological determinism to that of Mill, claiming that one is not born a woman, but rather becomes a woman by interacting with society. She writes "[social discrimination's] moral and intellectual repercussions are so deep in woman that they appear to spring from an original nature" (p. 35). Her argument is in response to the subjection of women and the implied inferiority of women evident in the social structure of the day, but at its core her argument, like Mill's, criticizes the very idea that one's biological sex is a determinant of any of one's capacities. Hers is among the first arguments that point to a distinction between biological sex and gender. That one is not born a woman, even though one is

born into a sexed body, but rather becomes a woman through socialization, points to problems with a dualistic, male-female, society.

At the same time that de Beauvoir writes feminists in Britain in the United States, often characterized as the first wave, were petitioning and marching for women's suffrage, and later equal pay in the post-war era. Some of these feminists appeared to be less critical of differentiation between men and women, yet they did address the broader patriarchal norms of their society. Among these feminists was Bessie Rayner Parkes (2010), a poet and writer who advocated for safe work and equal pay for young working women. Parkes famously criticized the over-valuation of acquired education, claiming that social structures that limit women's access to education are largely to blame for misconceptions about women's intellectual capacities. Again, like de Beauvoir, her writing is critical of the systemic subjection of women, but her work focuses more on the working woman who is seen as less valuable than a man. Her focus on women's work, and the focus of many mid-20th century feminists on women's suffrage, work, and economic and political equality is perhaps a result of the post-war era; during this time in history people in the United States and Western Europe were struggling to survive and increasingly being confronted by the incompatibility of Victorian values about sex differentiation and the introduction of women into the workforce. As a result, groups like the National Women's Suffrage Association (NWSA) in the US during this time focused not only on federally mandated women's suffrage but also economic and social equality (Dicker, 2008, pp. 40-43).

Their project seems to have inspired those often referred to as second wave feminists in the 20th century who began fighting in the 1950s for contraception, abortion, and reproductive rights more generally, and also brought to the fore questions of marital rape and domestic violence. The late second wave is usually characterized by a unified voice of white middle class women taking aim at sexist structures that place women on a rung lower than their male counterparts. Among those vocally critical of patriarchal culture in the 1970s was Alice Embree whose work is famously critical of pop culture, and soap operas in particular because they “reinforced the image of male-dominated women” (1970, p. 202). This feminist perspective claims that cultural iconography, like the Miss America pageants, reinforces women’s socially constructed inferiority. Women at this time were increasingly fighting for employment, and feminists in the 1960s became very critical of women who appeared overly feminine and who adhered too strictly to feminine norms like mothering, being a housewife, and wearing high-heeled shoes. As Michelle Arrow writes, “[t]he housewife *the non-feminist or pre-feminist* was a kind of feminist Other in the 1960s and 1970s, against which the feminist intellectual could define herself” (2007, p. 218).

The story of second wave feminism, though, tends to leave out a litany of other voices who were active and vocal at the time. Becky Thompson writes:

This feminism is white led, marginalizes the activism and world views of women of color, focuses mainly on the United States, and treats sexism as the ultimate oppression. Hegemonic feminism deemphasizes or ignores a class and race analysis, generally sees equality with men as the goal of feminism, and has an individual rights-based, rather than justice-based vision for social change. (Thompson 2002, p. 337)

Becky Thompson's critique illustrates the deficits of understanding feminism as unified waves. At the same time that white middle class women began fighting against sexist and patriarchal norms, and urging their legislators to do something about draconian laws that governed women's sexuality and reproduction, women of colour in the United States were forming subgroups and caucuses in dual gender organizations, and Black, Latina, and Asian centered feminist groups, while working in tandem with primarily white feminist groups. These feminist activists, Thompson tells us, did not focus solely on issues of sexism and women's reproductive rights, but demonstrated an understanding of the intersectionality of race/ethnic and gender politics (2002, p. 330). She writes that "[t]his three-pronged approach contrasts sharply with the common notion that women of color feminists emerged in reaction to (and therefore later than) white feminism" (Thompson 2002, p. 338). This type of feminism, which includes coloured, non-white, non-American voices tends to be placed within the scope of the third wave, but it is evident that it was present in the discourse and action of feminist thinkers and activists earlier on in feminist history. This is the key place where feminism begins to acknowledge the intersectionality of women's issues; especially the feminism of women of colour in the 1960s and 1970s and the later third wave feminism of the late 1990s and early 2000s. Finally, feminism begins to acknowledge the existence of divergent values, identities and interests and rather than silencing these voices in favour of forming a unified whole, feminism begins to adopt a policy of coalition forming and inclusive activism.

This feminism sets the stage for an introduction of gender identity and trans politics into the feminist narrative. Early feminisms leading into the early 21st century were intrinsically critical of the gender binary, but the articulation of the problem in early feminist writing almost always relates to the sexual hierarchy rather than the binary itself. Where early feminists like Wollstonecraft (2000) and later de Beauvoir (2009) critique biological essentialism which claims that birth sex determines one's capacities, later feminists like Thompson begin to recognize the problematics of discussing issues of women's liberation from a singular, white female perspective. The acknowledgement of the absurdity of essentialism coupled with the recognition that feminism is not just about women, demonstrates that feminists have always been concerned with dualistic conceptions of society.

While feminists increasingly embrace diversity and difference, feminism remains a problematic concept for many young people in contemporary culture who see feminism's perceived rejection of femininity as too radical. This perception no doubt is the culprit for the increasing popularity of post-feminist approaches that embrace promiscuity and rejoice in 'pretty' things. New forms of feminism have begun to circumvent the trend of feminist diversity. Often referred to as post-feminism by critics and supporters alike, we see this new trend arise in 1990s and early 2000s with the popularization of bands like the Spice Girls and Destiny's Child that openly embrace their extreme femininity and celebrate the power of female sexuality and all things girly (see McRobbie 2009). This new feminism, which is reminiscent of the sexual liberation movements of the 60s and 70s seems to celebrate patriarchal norms of female subjugation

and objectification by placing the power to control when this objectification happens in the hands of the woman being objectified. Tram Ngyuen (2013) writes that “[p]ower feminism, or girlie feminism, envisages not women combating institutional sexism, but girls experimenting with personal choices in a perpetual state of youth and innocence...But where is the political power in feeling the starlet or talking to friends at a dinner party” (p. 158)?

Interestingly, the perception of feminists as radical, angry, and destructive may have even deeper historical roots. As William Pinar writes in his work on the history of feminism in the United States and its complicated relationship with religious and social mores at the time, early 19th century secular “[f]eminists were out-and-out evil, profaning the divine order and defiling middle-class propriety” (p. 279). Further, the celebration of the domestic woman, mistress of the home and excellent dinner party hostess, also seems to mimic early 19th century Christian Feminist sentiment. Christian feminism in the 19th century arose in response to the male-centric society’s rejection of secular feminism (Pinar 2001, p. 287). Pinar writes that “Christian feminists were quick to accept conservative men's glorification of woman's integral social role”, which apparently relegated them to the realm of the home (p. 286). Unlike modern post-feminists, though, 19th century Christian feminists...

...reiterated the conservative rhetoric of true womanhood and separate spheres but reconfigured them in doing so, exposing them as political constructions rather than innate, divinely decreed, “natural” laws. While nineteenth-century Protestant women maybe have been positioned to serve as “domestic slaves,” within those positions they became "secret rebels." (Pinar 2001, p. 286)

These feminists took hold of social mores and made them their own. They were, in doing so, subversive.

The post-feminist, girl power feminism to which Nguyen refers questions the way the binary takes the power out of the hands of women – elaborating on the concerns expressed by Wollstonecraft, Mill, and de Beauvoir – yet it also reinforces the harmful norms that are pervasive in a sexually binary world. The post-feminist approach poses itself as a new way but is in many ways a return to the problem outlined by de Beauvoir (2009), and recognized in the 19th century by Christian feminists. Women are ‘othered’ now not by men but by themselves, and while this politics of difference may appear to the actors empowering, they still highly reflect and reinforce the harmful norms of sexual and cultural subordination that feminists before them aimed to deconstruct. For example, of the SlutWalk, Nguyen writes: “T-shirts, buttons, and posters proclaiming, “This is what a slut looks like” seek to reclaim the insult “slut” through inversion, but, I argue, they leave in place the structure of subjugation” (2013, p. 160). They mimic the approach of queer, and gay folks to reclaim harmful words as empowering. Nguyen goes on to say that “[a]lthough “queer” has been successfully reclaimed and is dominant in academia, ‘nigger,’ ‘bitch,’ and ‘slut’ still trigger deep historical wounds” (p. 160). For example, she tells us to “Add an adjective to the noun” and notes that “the word remains unkind, unredeemable, a stinging slap of judgment to reduce a woman to sexual essence” (2013, p. 160). These words which carry with them deep, harmful meanings and seem not to carry with them any positive connotation do not stop being cruel when you preface them with a compliment. Nguyen asks: “Is it possible for a woman to be a “kind slut,” an

"intelligent slut," or a "generous slut"? ... To answer the insidious charge of women's essential sexual promiscuity with the declaration "Yes, we are sexual!" is not much of a rejoinder.... In essence, inversion leads not only to reaffirmation but also to normalization" (Nguyen 2013, p. 160).

Proponents of post-feminism disagree with this assessment. Jess Butler (2013) provides a more positive valuation of post-feminist girl culture, drawing on the popularity of Nikki Minaj. She notes the "fractured positionality" (p. 53) which makes Minaj's simultaneous rejection of feminism and embracement of female empowerment potentially subversive by claiming multiple identities that seem fundamentally opposed to one another. Minaj, whose appearance parodies Barbie, defends her right to identify with her blatant femininity, while referring to herself as a 'bad bitch' and claiming to sell records 'like dudes':

She simultaneously locates herself within the hip-hop "community" and critiques the search for (imagined) racial authenticity that has long been a point of contestation in hip-hop culture...[and] while her erotic lyrics and hypersexual performances are often in line with mainstream assumptions about women of color, Minaj's sexual identification remains ambiguous... (Butler 2013, p. 52)

Butler's defense of this post-feministic, potentially subversive approach to empowerment also draws attention the binary identifications that order the world – which Minaj straddles. In this way, the post-feminist project may be critical of the binary in a way that earlier feminism never was. By highlighting the discontinuity of femininity and female sexuality with empowerment, wealth, and success, artists like Minaj, and indeed the Spice Girls and Destiny's Child (noted above) may present a unique challenge to the gender binary.

However, Nguyen's assessment of post-feminist culture highlights a problem that is quite obvious in the music of Nikki Minaj. That is, the normalization of harmful stereotypes is visible in the now common casual use of slurs and insults in popular music and in on online forums where people regularly refer to one another as whore and where beating another team in a computer/video game badly is referred to as "raping". Despite her reticence to associate with contemporary feminists, Camille Paglia makes a complimentary point. She claims that "[modern feminism] demands the intrusion and protection of paternalistic authority figures to project a hypothetical utopia that will be magically free from offense and hurt. Its rampant policing of thought and speech is completely reactionary, a gross betrayal of the radical principles of 1960s counterculture" (Whelan 2015, web). In short, power/victim type feminism does not circumvent the traditional model of male domination and female victimization. Rather, it unsuccessfully attempts to take ownership of slurs—like slut—and female sexuality while simultaneously insisting that women are perpetual victims of male patriarchy. She claims that these two counterintuitive themes run throughout contemporary feminism. While Paglia may go a little far in dismissing discourses regarding consent, her critique addresses the type of feminism that criticizes patriarchal norms while it simultaneously embraces them. Paglia is critical of rape-culture discussions that criticize the normalization of sexual violence—like the use of rape in video game lingo—but none-the-less points to a flaw in the post-feminist narrative.

Where Paglia goes wrong, though, is in her across-the-board characterization of modern and contemporary feminist movements as being singularly focused on

individualistic and self-righteous, western centric female victimization. While feminism can fall into the trap of portraying women as innocent creatures in need of protection, contemporary feminism often embraces a wide range of voices and encouraged the introduction of individual, narrative and anecdotal experiences into the feminist conversation. As R. Claire Snyder writes: “third-wavers embrace a multiplicity of identities, accept the messiness of lived contradiction, and eschew a unifying agenda”; and “these hallmarks make third-wave feminism difficult to define” (p. 177). Third wave feminism and the multi-racial feminism of the 60s and 70s both introduce the concepts of multiplicity, diversity, and cooperation.

Julia Kristeva writes of the 20th century of feminist thought and action:

The sexual, social, and political liberation of women and their entry into various intellectual and professional domains in the modern polity raises the question of their equality or their difference with regard to men. This was the central question of the twentieth century. (Kristeva 2004, p. 503)

The project of feminists, throughout most of the 20th century and the early 21st century so far, has been a constant struggle to discover what defines the differences between man and woman, and whether articulating those differences, or similarities, is the most fruitful approach to achieving gender equality or gender equity. And yet, they fail to target the existence of the gender binary as forming the harmful norms they criticize. Deborah Seigel (1997) writes that “...what unites practitioners in a third wave of praxis is a pledge to expand on the groundwork laid during waves one and two” but more than that they are united by their “...commitment to continue the feminist legacy of assessing foundational concepts, particularly the category ‘women’” as well as “the courage to embrace the

challenge of moving feminism, as a political movement without the fixity of a single feminist agenda in view, into the next millennium” (p. 56). Seigel sees merit in this feminism’s rejection of unity and embracement of complexity; but this does not mean it is without issue. Feminists of the late 20th and early 21st centuries are constantly pulled back and forth between the desire to reject a unified concept of “us” and “we the women” and the apparent political need to build and secure common ground in order to fight for political and social justice.

Chapter 3: Poststructural feminism and the gender binary

Julia Kristeva (2004) asks: “...is there a [unified] feminine genius” (p. 504)? She writes that:

[t]he example of twentieth-century women has made it difficult to avoid the question. And it has led us to consider that the anxiety over the feminine has been the communal experience that has allowed our civilization to reveal, in a new way, the incommensurability of the individual. This incommensurability is rooted in sexual experience but nonetheless is realized through the risks that each of us is prepared to take by calling into question thought, language, one’s own age, and any identity that resides in them. You are a genius to the extent that you are able to challenge the sociohistorical conditions of your identity. (Kristeva 2004, p. 504)

This recognition of the vast differences that exist among and between individuals with diverse and unique personal identities, demonstrates how poststructural feminism begins to fill the gaps left by 20th century feminism. Kristeva notes the need for feminists to address the issues of injustice, and call everything, even individual identities, into question. Whereas 20th century feminism assumes a distinction between men and women, while fighting for the equality of the sexes, post-structural feminism begins to deconstruct the gender binary by recognizing that gender is not just a question of male-singular and

female-singular. Gender identity is far more complex than these outdated structures suggest and poststructural feminists take aim at not only the gender binary, but the intersectional systems of injustice which shape the world in which we live.

Poststructuralist feminism recognizes the problematics of a binary conception of gender and sex. This chapter first, offers a brief explanation of what feminist poststructuralism is, and second explores how feminist poststructuralists address the problem of the gender binary.

Chris Weedon (1987) defines poststructural feminism as “a mode of knowledge production which uses poststructural theories of language, subjectivity, social processes and institutions to understand existing power relations and to identify areas and strategies for change” (p. 40-41). Poststructuralist feminists understand that the identities and subject positions of female individuals are many. Having the body of a woman does not necessarily mean that one shares the experience of womanhood with all other women. There are and must be multiple feminisms because there can never be a unified theory which applies to all women. This approach allows us to acknowledge the experiences of trans women and non-binary individuals in a way that earlier feminism does not.

Of poststructuralism more generally, David Campbell (1994), drawing on Levinas, tells us that in order to challenge the prevalent evils in the world, we must call into question the hierarchy of ontological claims upon which the world relies. From Derrida we find that this drawing into question comprises of “simultaneously gesturing in different directions” (Campbell 1994, p. 474). The ontological claim poststructural and queer feminists question is the dominance of the binary. This is to say that while we aim

to deconstruct the binary, we must also admit that on the one hand the binary is an invention, an imagined structure, while on the other hand it deeply impacts political and social life. What we are left with when we draw into question political norms like the gender binary is an uneasiness to which there is no end in sight. This uneasiness is not as problematic, however, as some critics might like to claim. For it is the case that in a state of uneasiness there can be found nearly endless possibility. The gesturing in one direction and the other simultaneously of the poststructuralist approach allows us to explore the question of how it is that we come to understand the world in binary terms. “[P]erhaps gender isn't so binary after all” (Roof 2002, p. 52).

Like feminism, poststructural feminism is far from a unified field, but its common thread is deconstruction and either a critique or complete rejection of culturally accepted norms. Whereas most feminist criticism puts women's issues at or near the core of social critique poststructuralism finally addresses the problem of the gender binary in itself as a problematic social construction that makes possible the patriarchal sexist norms at which earlier feminists took aim. Poststructuralists want us to rethink the normalcy of the man woman, boy girl, he her distinctions that underscore our every day interactions and the organization of our culture. Miqqi Gilbert (2009), tells us that there are eight basic assumptions that we make about gender and sex in our society. These are: 1) there are two genders; 2) one's gender is unchanging; 3) genitals are the essential indicator of one's gender; 4) exceptions to this [3] cannot be taken seriously; 5) all transfers from one gender to another are purely ceremonial; 6) everyone who exists is either one gender or the other; 7) the dichotomy between male and female is natural; 8) and likewise,

membership in one gender or another is also natural (p. 95). These eight assumptions rest in the background of the feminist narrative discussed in the previous chapter. For those who do not identify as male or female, this can cause a great deal of distress. In a world that either inadvertently or explicitly demands adherence to the labels of man or woman, male or female, the trans, queer, non-binary, and intersex people are excluded to great social and personal detriment. Those who are not male or female (full stop) in our culture “must pass or suffer the consequences of social censure” (Gilbert 2009, p. 96). These assumptions underscore a great deal of our activities and social interactions. From the time we are children we see that there are male toys and female toys, male clothes and female clothes, male jobs and female jobs. Even as we get older and begin to question these gender roles, clothes and activities, our way of questioning them tends towards an insistence that all activities, toys and jobs are meant for both boys and girls. We seldom stop to consider that perhaps the gendering of activities is not the problem; perhaps it is actually the distinction between boy and girl, and the insistence on the existence of boy and girl in the first place, which lies at the root. Christine Overall (2007) makes a similar point. In her personal narrative exploration of living within a bigendered world she writes: “I am not just a human being...I am a female human being, and my being female...is thought worth knowing about me” (p. 74). Socially and politically our sexual identities are understood to represent some core aspect of ourselves—it must be important if it is on our birth certificates, our driver’s licenses, and every other form of government identification, our school records, and so forth. “In choosing to attribute significance to

sex”, Overall (2007) writes, “we make it central to the very intelligibility of human individuals” (p. 74).

A poststructuralist approach lets us see that in our everyday interactions we unquestioningly make assumptions about the sex of our interlocutors. Suzanne Kessler and Wendy McKenna (1978) termed these assumed genitals, these imaginary organs, ‘cultural genitals’. In their view gender attribution in our culture is not a matter of guessing the gender identity of our interlocutors, but rather that it is a matter of fact – at least insofar as it pertains to the ways that we treat and interact with one another. We do not, for example, interact with an individual as a male because we think they are a male, but rather we *know* they are a male. They write that “[t]he gender attribution process is the method by which we construct our world of two genders” (p. 18). The gender binary is so deeply enmeshed in our society in such a way that even those critical of the binary cannot entirely escape it in their every-day interactions. For example, Betsy Lucal (1990) recognizes that attempts to act against gender norms does not deconstruct the norms themselves:

For me, the social processes and structures of gender mean that, in the context of our culture, my appearance will be read as masculine. Given the common conflation of sex and gender I will be assumed to be male. Because of the two and only-two genders rule, I will be classified, perhaps more often than not, as a man—not as an atypical woman, not as a genderless person. I must be one gender or the other; I cannot be neither, nor can I be both. (1990, p. 785)¹

¹ This misattribution, and these stark gender rules “have a variety of mundane and serious consequences for [her] everyday existence” (p. 785); these consequences include things like a difficulty accessing public washrooms.

In the mid to late 20th century feminist thinkers were increasingly beginning to question not only the duality of gender, but the duality of sex. Suzanne Kessler and Wendy McKenna (1978) are among the first to deconstruct the sex binary, a project that is later echoed by thinkers like Judith Butler. They write:

What does it mean to say that the existence of two sexes is an ‘irreducible fact’? ... [W]e will show that this ‘irreducible fact’ is a product of social interaction in everyday life and that gender in everyday life provides the basis for all scientific work on gender and sex. (Kessler and McKenna, 1978: vii)

Poststructural feminists take up this challenge, arguing that binary sex is problematic for a number of reasons. For example, first, sexual organs are not as binary at birth as we are lead to believe. There are many medical reasons for the inability to distinguish sex at birth, including, as Stephanie Turner (1999) points out, androgen insensitivity syndrome, progestin-induced virilisation, congenital adrenal hyperplasia, Klinefelter's syndrome, hypospadias, and variations in gonadal differentiation. Further, many feminists, like Judith Butler (1992), argue that sex and gender are both equally constructed, and in fact may not be distinct from each other at all.

Butler tells us that “[i]dentity categories are never merely descriptive, but always normative, and as such, exclusionary” (1992, p. 15). This is the case for sex as much as it is for what feminists in the 20th century came to call gender. Sexual categories of male or female are normative; you are a real man insofar as you act like a man, and you are woman insofar as you act like a woman. Unitary gender notions—that is, notions of gender that fix them into the binary of male or female without qualification—do not take differences amongst women into account and therefore fail to recognize “the multiplicity of cultural, social, and political intersections in which the concrete array of ‘women’ are

constructed” (Butler 1999, pp. 19–20). The same can be said for ideas of sex and gender to which the label of ‘woman’ are not ascribed. The binary sexual paradigm—identifying gender or sex as being singularly either male or female and nothing other or in between—solidify such categories into political life. This binary makes inclusion of individuals not adhering to the label of male or female excluded from a large portion of societal interactions made easily accessible (if still problematically) to the status quo.

As Butler notes, “gender is not to culture as sex is to nature; gender is also the discursive/cultural means by which ‘sexed nature’ or ‘a natural sex’ is produced and established as ‘prediscursive,’ prior to culture, a politically neutral surface on which culture acts” (1991, p. 10). Butler is critical of the sex-gender distinction, countenanced by thinkers like Mill and de Beauvoir. Increasingly, scientists are exploring “sexual development with an eye toward variability rather than bimodality” (Blackless, Charuvastra, Derryck, Fausto-Sterling, Lauzanne, & Lee 2000, p. 151; see also Lane, 2009). This approach rejects “[t]he belief that *Homo sapiens* is absolutely dimorphic” (Blackless et al 2000, p. 151). Blackless et. al. similarly write that “developmental biology suggests that a belief in absolute sexual dimorphism is wrong” (p. 163). Sexual non-binary born individuals make up a potentially large subset of the population. Recent estimates in the United States say that 1 of every 2,000 babies is born with ambiguous genitals. Six or more surgical interventions are carried out on such children each day in North America to officially “choose” the sex of a child (Mulgrew 1997, web), while Blackless et. al. estimate that actually approximately 2% of children are born sexually ambiguous in one way or another (2000, p. 151). In response to such research Butler

writes: “If the immutable character of sex is contested, perhaps this construct called ‘sex’ is as culturally constructed as gender” and goes on to assert that “perhaps [sex] was always already gender, with the consequence that the distinction between sex and gender turns out to be no distinction at all” (1999, pp. 10-11). Following the same line of reasoning, Juane Clarke (1978) explores the possibility for a sexless or non-gender differentiated human future. He puts forth an argument based on three key points: (1) the technological advances in terms of childbearing and lactation, (2) the present minimal sex differences between men and women, and (3) the fact that the nearly universal division of labour by sex is always related to the fact that women conceive, gestate and lactate. He argues that sex differences between men and women will be eliminated in the wake of technological developments which are increasingly available to us.

Poststructural feminists nevertheless continue to distinguish between conceptions of gender and sex. For example, Linda Alcoff maintains that there are real and meaningful differences between both men and women biologically which determine the social relations we refer to as gender. She writes that reproductive roles determine sexual identification, “with biological reproduction referring to conceiving, giving birth, and breast-feeding, involving one's body” (original italics removed, Alcoff 2006, p. 172), and defends the sex/gender distinction: “maintaining a distinction between the objective category of sexed identity and the varied and culturally contingent practices of gender does not presume an absolute distinction of the old-fashioned sort between culture and a reified nature” (Alcoff 2006, p. 175).

Whether sex and gender are distinct, and whether sex determines in some way some of the cultural aspects of gender relations, the feminists who will be discussed in this chapter agree that a great deal of what we understand to be gender in contemporary society is culturally constructed. They also acknowledge the experiences of individuals who do not adhere to the male/female binary. The poststructuralist perspective opens up an even more broad understanding of a multiplicity of identities that do not conform to dualistic gender/sex conceptions. Granted, there are problems with idea of a third, or other, category for sex or gender; bending or blending genders or sex does not eliminate the singular categories of male and female, or man and woman. Betsy Lucal reflects on her inability to get beyond the genders, even as she dresses and acts in such a way as to defy gender norms. In spite of this, she tells us, she is mistaken for a man, not seen as a person without gender or as a woman who is atypical of her sex. As Sandy Stone writes: “[t]o attempt to occupy a place as speaking subject within the traditional gender frame is to become complicit in the discourse which one wishes to deconstruct” (1994, p. 12). Gender is so deeply ingrained in our society understandings of one another that we find ourselves, in opposing the binary, simply outwardly expressing one of the two or part of both of the accepted categories. If one has female genitals and chooses to wear men’s clothes in order to get beyond normative gender categorization, this does not make one something else in the eyes of others. One is perceived as a woman in men’s clothes, or if one can passably be perceived as non-woman, I am seen as a man.

Butler's solution is to take a phenomenological approach to gender, following in the tracks of Simone de Beauvoir who tells us that "one is not born, but, rather, becomes a woman" (in Butler 1988, p. 519). Butler tells us that that gender is performative:

"...if gender is instituted through acts which are internally discontinuous, then the appearance of substance is precisely that, a constructed identity, a performative accomplishment which the mundane social audience, including the actors themselves, come to believe and to perform in the mode of belief. If the ground of gender identity is the stylized repetition of acts through time, and not a seemingly seamless identity, then the possibilities of gender transformation are to be found in the arbitrary relation between such acts, in the possibility of a different sort of repeating, in the breaking or subversive repetition of that style." (1988, p. 520)

This opens up new avenues for understanding gender as unfixed and allows individuals perform gender in new ways. It also opens up avenues for the transsexual and intersex individual to cast off the stereotypes of their apparent sex and take ownership of their own bodies and their own identities.

That said, this approach to gender is not without issue. While they call everything into question, they may also be guilty of creating their own dogma. Further, while the project of deconstruction is deeply meaningful, especially for those who find themselves outside of the gender binary, they may be guilty of over-theorizing and ignoring the real lived experiences of the people to whom their theory refers. Unlike feminists before them who did heavily theorize but tended always to return to the problems of equality and social justice, poststructuralists have a tendency to stray almost entirely at points from real life consequences and in doing so they silence important voices of both binary and non-binary identifying individuals. The critical problem with poststructuralist approaches to gender deconstruction can be summed up in what Susan Stanford Friedman (1998)

calls the “the antihumanist project of poststructuralism” (p. 182). That is, poststructuralism may have become dogmatic not only in its rejection of ontology but has gotten to the point that it is willfully ignorant of authorship, or activism, of the individual. It is theory about theory, rather than theory about society, and people, and individuals, and the issues that arise out of human interaction. Poststructural feminists can tend to become a linguistic battle rather than one that focuses on important social issues that impact the people to whom their theories apply. Friedman frames the period in which we find ourselves—although she was writing in the late eighties as an entrance and a looking forward into the new century—as the post-poststructuralist period. In this moment there is an increasing dissatisfaction with the poststructuralist, literary criticism, approach to theory as “[r]esurgent activism around the globe is forcing people within the academy into the experience of history” (p. 469). She seems to predict an end to the poststructuralist project as an opening into the return to activism and lived experience, and a new commitment to the experiences of every day people. She makes reference, for example, to the Montreal Massacre, where 14 women were gunned down because the shooter blamed feminists for ruining his life (CBC 1989, web). This incident, no doubt, spurred outrage, and certainly led to an increase in feminist activism in Canada and the United States, and she saw that as a moment that would incite change the academy that focused on the real life issues that women have to deal with. Even as poststructural feminism shifts its gaze away from questions of theorizing theory, it remains at a distance from the lived experiences of the people to whom the theory applies. What poststructuralism allows us to do is to look at the problems through the lens of the ever-

critical scientist, focusing on the problematics of constructed reality rather than focuses on the outcomes of these problematics. This is why when Butler writes about gender being performative, and in fact having no intrinsic reality, it twists a knife that already resides in the backs of transsexual men and women undergoing invasive procedures and operations in order to alter their exterior to match their inborn truth (see Schep 2012, p. 867). As Schep argues:

“The problem with Butler’s theory, then, is exactly the fact that it attempts to account for all gender dynamics, eagerly foreclosing the possibility of an outside to which it cannot be applied. Of course, every scholarly work tries to anticipate the attacks of its adversaries—but when a theory becomes too all-encompassing and hegemonic, its insights can revert to mere tautology: Gender is performative, because we can read performativity in every gender identity.” (2012, p. 873)

Against Schep, though, the “official” norms of gender are what are performative in Butler’s theory. This means that all gender—even those not included explicitly in her theory are performative, even if they have not been openly performed; and their being performative do not mean that they do not have real and meaningful impacts on individual’s life. Butler claims that there is no core to the idea of gender, no internal identity that gender represents. If we understand this not as the dismissal of meaningful differences, but take it to mean simply that individuals do not naturally contain within them the particularities of gender, Butler’s claims are less troublesome.

However, Schep’s criticism goes deeper than this. He reflects on a conference he attended at which Butler spoke of a queer poetry slam she had attended: “One particularly angry poem, recited by a transgender woman (MTF), started by cursing various social groups and institutions—family, Republicans, women’s studies departments—and ended with the line: “Fuck you, Judith Butler.” (p. 867). This woman’s experience pointed to the

shortcomings of Butler's theory of performative gender in a visceral way. This woman was angry not at Butler, but at the theory that claimed her internal identity did not exist, thereby trivializing her desire to physically become a woman so that she could truly *be* what she always knew she was.

Vivian Namaste draws out the problem in "Undoing Theory". She is critical of the type of approach taken by thinkers like Butler who aim to problematize and theorize questions of trans identity. She writes:

Given that the field of Anglo-American feminist theory has relied on trans-sexual women to ask theoretical questions since the early 1990s, it is perhaps appropriate at this point in history to evaluate the extent to which transsexual women themselves have been served by such an academic feminist project." (p. 12)

Shannon Wyss's (2004) exploration of the violence experienced by trans and gender queer youth in high school steps back from theory and into the real world. More than an academic project, Wyss gives voice to teens who have experienced violence as a result of the gender identity. As a solution to the problem of violence against non-binary people Wyss writes: "i² am calling for a radical revisioning of gender, including the eradication of the binary sex/gender system, a move away from the assumption that there are only two sexes and two genders" (p. 724). Gender may still be performative, as Butler argues, but the binary has become so solidified in our culture that individuals are forced to choose between one sex and the other, and one gender and the other. The ideal solution is a society which does not ascribe traits onto sexes, and does not limit its understanding of physical sex in a binary way as well. This is perhaps not a solution for those who have

² Wyss uses lower case 'i' in place of "I"

undergone sex reassignment surgery, but it is a possible solution for a future where individuals would not be forced to adhere to the binary and would perhaps no longer feel the need to undergo sex reassignment surgery.

Other thinkers have similarly taken issue with the language of poststructural feminism. Sandy Stone's post-transsexual manifesto argues against the language of transsexuality and intersexuality as inadvertently reifying the categories that it claims to take issue with. She sees the solution in the reshaping of language around gender and sex. Instead of the insistence on "passing" language which claims that a transsexual or intersex individual is passably one or the other sex, Stone tells us, drawing on Butler, that there is something to be found in lesbian language that hints towards the language of the other. For example, Stone writes:

"...the contextualized and resignified "masculinity" of the butch, seen against a culturally intelligible "female" body, invokes a dissonance that both generates a sexual tension and constitutes the object of desire. [Butler] points out that this way of thinking about gendered objects of desire admits of much greater complexity than the example suggests. The lesbian butch or femme both recall the heterosexual scene but simultaneously displace it. The idea that butch and femme are "replicas" or "copies" of heterosexual exchange underestimates the erotic power of their internal dissonance." (1994, p. 12)

Stone's approach to deconstructing the binary implies that there is another way of acknowledging difference without inadvertently solidifying the dualistic understanding of sex and gender. This approach, allowing for a multitude of alternative, other, identities beyond the simple binary heterosexual male/female idea, Stone encourages us to consider the butch and femme as something other altogether, not as the lesbian versions of heterosexual male and female. This is a step away from the rigid binary way of self-identifying, and contrary to Overall's (2007) observation that attempts to get beyond the binary by

ignoring the rules that say what it is to be a man or a woman is unsuccessful in deconstructing the binary, Stone's argument points us in the other direction. Perhaps acting out against the rules of gender creates a dissonance which is difficult to ignore.

This step away from traditional modes of thought, and towards a less rigid, fluid, and fluctuating conception of gender identity can be seen in both a positive and a negative light. On the one hand, the fluidity of identity can empower individuals to step outside of traditional boundaries. On the other, it can make it difficult to form a unified activist voice in order to impact meaningful social and political change. As is the case with 'third wave' feminists who acknowledge the intersectionality of injustice, the poststructural feminists wide scope may render them ineffectual. Coupled with their broad scope, though, is an even deeper problem. That is, poststructuralists often struggle, or simply neglect, to ask and answer the question: *so what?*

Chapter 4: The Third Space

The concept of the third space offers us a possible solution to these problems. Through the concept of the third space into the conversations about the gender binary we are able to target the binary particularly as a serious hindrance to social justice—something that feminist scholarship does not—while allowing for a more open, inclusive, and hybrid/conversational conception of gender and how the problems posed by the binary can be redressed within our societies—which is the limitation of the poststructuralists. In this chapter I will provide an explanation of what the third space is, and explore how it is that the third space concepts can apply to the problem of the gender binary.

The third space is not a literal located space with borders and physical structures to define it. Homi Bhabha coined the third space to describe the space given rise to by the interactions taking place in the borderlands between the first and second space. The space which is dominated by structures and concepts is the first space; and representational—that is, the symbolic and personal—space is the second space. He tells us that the production of meaning for opposing identities and cultures requires that “these two places be mobilized in the passage through the Third Space” (1994, p. 53). In an interview with Jonathan Rutherford (1990), Bhabha tells us that “...hybridity...is the third space that enables other positions to emerge” (p. 211). He explains that hybridity in the third space can be related to the concept of translation in that hybridity “puts together the traces of certain other meanings and discourses” (p. 211). Cultural hybridity creates something new in the place of older structures and paradigms, but it maintains some aspects of what it replaces; it simply represents them in a new, almost unrecognizable way. So, for Bhabha, the third space is an undecided space of tension for the negotiation of differences. In the borderlands between the first and third space, the third space allows opposing groups to come into contact with one another, clash, merge, and eventually create something new and different that contains traces of the old groups. On the border between different languages or cultures, hybrid languages, or new dialects and cultural practices can emerge.

James Elmborg focuses on libraries as zones for the articulation of the third space, and explains that third space encounters can take place within particular localities: “migrating humans introduce new symbolic systems and new ways of reading and

experiencing space into these stable and articulated zones” (p. 344). Migrating in this sense can be understood as the movement of a person or people who are different from the norm, or are outsiders, moving through an articulated zone. The articulated zone is a space with a particular purpose and a set structure. In *The Location of Culture* (2004), Bhabha explains how hybridity has an impact both on the colonizer and colonized – the newcomer and the traditional. Bhabha explains:

The migrant culture of the ‘in-between’, the minority position, dramatizes the activity of culture’s appropriation beyond the assimilationist’s dream, or the racist’s nightmare...and towards an encounter with the ambivalent process of splitting and hybridity that marks the identification with culture’s difference. (2004, p. 321)

In migration ‘cultural translation’ takes place that reveals the traces of both the original culture’s source and the new. Jenni Ramone writes, “the individual who migrates is translated into a new place and operates through a new language, becoming a translated individual bearing traces of both locations and languages” (2011, p. 115). This is the cultural hybridity of the third space. Some part of both old cultures are lost in the process of translation.

This is not, however, something to be mourned. Bhabha urges us to “remember that it is the ‘inter’ the cutting edge of translation and negotiation, the in between space that carries the burden of the meaning of a culture... And by exploring this Third Space, we may elude the politics of polarity and emerge as the others of our selves” (1994, p. 56). The third space is a conceptual space wherein individuals and groups interact meaningfully, gain or create meaning, and whereby we can transcend the binary polarity of our identities. Bhabha writes of this other space, this inbetween space as one...

“...which provides the terrain for elaborating strategies of selfhood, singular or communal - that initiate new signs of identity, and innovative sites of collaboration and contestation ... it is in the emergence of these interstices – the overlap and displacement of domains of difference that the inter-subjective and collective experiences of nationness, community interest or cultural value are negotiated.” (1994, p. 2)

New identities and a new hybrid culture can therefore emerge out of the loss of the old.

Bhabha maintains that the third space is unconscious, indeterminate" and

"unrepresentable in itself" (1994, p. 25). Thanks to this quality the third space is uniquely suited to cultural criticism because it "introduces... an ambivalence in the act of interpretation" (p. 36) and introduces "a split in the performative present of cultural identification; a split between the traditional culturalist demand for a model, a tradition, a community, a stable system of reference, and the necessary negation of the certitude in the articulation of new cultural demands, meanings, strategies in the political present" (p. 35). The "intervention of the Third Space" deconstructs our ideas of "fixity," and "hegemony," and therefor makes possible "the political" of theoretical criticism (p. 24).

Given the ambiguities in Bhabha's description of the third space, the concept of third space has been debated among postcolonial thinkers. Most thinkers, like Julia Lossau (2009) and Robert J. C. Young (2009) agree that the third space is conceptual, and not rooted in a geographical place. Young argues that, in fact, the third space is better understood temporally, rather than spatially. Noting the linguistic aspects of the third space, he writes that the third space happens when "the disjunctive moment of modernity" opens up "a space of intersubjective negotiation" (p. 89). For Young, the third space is "above all, a *caesura*, the pause in between, the stop, the cut, the *caedere*; the event of the subject, wounded at the fall (*caedere*) into language" (p. 89). In more simple terms, the

third space is the moment of uneasiness in a conversation between parties that do not have the language to communicate. The wound here is fundamental to the third space. It is by being confronted by difference that is incompatible with our worldview that we change. The third space takes place within this gap into which we fall at that moment of uneasiness in conversation. We must, therefore, be willing to “descend into the void” (Young 2009, p. 89)

The third space is broadly understood as a conceptual space, but can still find connections to physical space. Adela Licona writes that the “third space can be understood as a location and/or a practice” (p. 105). Much like Young, she argues that “[a]s a practice it reveals a differential consciousness capable of engaging creative and coalitional forms of opposition to the limits of dichotomous (mis)representations” (p. 105). If understood in terms of a locality, the third space can be a literal space where we build new understandings which are shared, and where we can create new meanings. She writes: “Through a thirdspace consciousness then dualities are transcended to reveal fertile and reproductive spaces where subjects put perspectives, lived experiences, and rhetorical performances into play” (Licona 2005, p. 105).

David Gutierrez’s (1999) approach to the third space is particularly useful in parsing out what the third space can mean in terms of a physically located space. He points out that, while “...different social theorists have used different inflections of the notion of a third space...to describe and analyze the unsettled situations of colonized or diasporic populations” his use of the term third space “...denotes[s] the social spaces where marginalized people have forged new identities in reaction to, and often in

opposition to, their marginalization” (p. 488). The third space is thus a “dynamic social [site] where people construct senses of community based both on ‘recognition of cultural similarity or social contiguity’ and in reaction to externally imposed processes ‘exclusion and constructions of otherness’” (1999, p. 488, footnote 13). The third space is where individuals and groups find themselves living and interacting with two contradictory ideas at the same time without either transcending nor repressing the contradiction. This hybridity brings about new meaning without either party wholly rejecting the other.

The locatedness of third spaces is further elaborated by James Elmborg (2011). Elmborg argues that while the “Third Space provides a concept whereby people with less obvious social, political, or military power can still exert influence on space by resisting the represented structures of dominant cultures” (2011, p. 345), spaces like the library can be understood in terms of the third space because “[a]s absolute space, the library presents itself as a highly articulated, powerfully constructed institution” (p. 345). Elmborg invites us to act against these structures by interacting with the library as a place for third space encounters: “If we think of the library as a Third Space where real human interactions create new positive and generative realities, then we work against that agenda by dominating space with monocultural rules and systems” (p. 347). Elmborg’s library third space is the location of third space moments within the confines of space where migrant people move within the space of the library, creating new ways of interacting and working within the space.

What is problematic in this understanding of the third space is that by projecting the concept of third space into monoculturally structured spaces like libraries—and

indeed, bathrooms—we can lose out on the important uneasiness that is the essence of the third space encounter. When Elmborg tells us that we must “think of the library as a Third Space” (p. 347) he cannot tell us how we go about doing this without resorting back to the power structures of the institution. On the other hand, Bhabha tells us that the process of creating the “Third Space” starts with concrete political positions and then annihilates them (1994, p. 24). As such, the articulation of the third space can take place within the realm of powerfully monoculturally constructed spaces even with external influence, so long as once articulated the process of creating new identities and meanings is undertaken via the process of third space interaction. This means that individuals or groups with opposing identities or culture confront one another, are caught in a moment of uneasiness in their inability to communicate, and are forced by the situation to become hybrids as they struggle to communicate in the third space. This can be more easily understood linguistically – where groups with different languages create hybrid languages in order to communicate with one another. The space, then, too becomes a hybrid of itself, as people enter into it, and change its meaning by interacting in it and with it.

Robert Young writes that Bhabha’s third space is not a liminal space as such but rather a site. He calls it “the non-place of no-fixed abode” and “a site in the sense of situation...a site of fading, of appearance and disappearance” (2009, p. 82). As such, it can be better understood in terms of time rather than geography. Bhabha (2006) tells us that the third space is a space representing hybridity, where cultures are not either one or other, but can be encountered and interpreted through a new and different lens that lends itself to coexistence rather than simple ‘tolerance’ (p. 155). This third space can apply to

the 'problem' of gender and sexual difference because it is conceptually both a non-place (that is, a moment) and a fixed literal space. The third space can be located in fixed places where important differences are brought to the fore.

The Third space and gender

Adela Licona (2005) writes that "[t]hird-space subjects (perpetually) slip and slide across both sides of a border to a third space, between the authentic and the inauthentic, the legitimate and the illegitimate, the pure and the impure, and the proper and the improper." She goes on to say that the purpose of "...the theoretical undertakings in third-space sites is to uncover Other ways of being, and of knowing, in order to make meaning of the everyday" (p. 106). This opening up of space for new ways of coming to knowledge can help us respond to the abstraction of the poststructural feminist perspective. The third space presents an opportunity to rebuild a dialogue among and between people and groups with opposing perspectives. That is to say, the dogma of feminism and poststructuralism can be partially avoided by introducing a third space approach to conversations regarding gender identity, inclusion, and equity.

Hybridized individuals, caught in the discontinuous time of translation and negotiation, erasing any claims for inherent cultural purity, inhabit the rim of an "in-between reality" marked by shifting psychic, cultural, and territorial boundaries. Trinh Minh-Ha speaks of this translation in "Grandma's Story" when she says, 'Each woman, like each people, has her own way of unrolling the ties that bind.' (Khan 1998, p. 464)

What Shahnaz Khan has demonstrated above is that the third space approach opens up new ways of doing for those hybridized individuals, who are created through a clash with an other. As we have seen, binary sex/gender categories delimit what a woman or man should be, should act like, and should look like, excluding individuals not adhering to the

label of male or female from many societal interactions easily accessible to the status quo. However, in the third space nobody belongs and therefore sex/gender categories are no longer exclusionary.

This may seem like further abstraction, but while feminist poststructuralists can appear to be using a similar tactic, in embracing the messiness and discursiveness of identity. By deconstructing binaries poststructuralists question the assumed ontologies of other modes, like earlier feminism. However, as previously argued, they have a tendency not only to over theorize, but also to create their own insuperable tenets. For example, Butler's (1988) insistence that gender is performative, and formed by "the stylized repetition of acts through time" (p. 520) leaves little room for negotiation. Gender may be purely performative, but what of the real and lasting impact it has on the identities of the individuals who claim – or tacitly consent to – their gender identity? The poststructuralist approach deconstructs gender, and it leaves nothing in its place. On the other hand, the third space approach deconstructs gender and offers the opportunity to build something new in its place. This is not abstract, but a concrete opportunity that takes place in a moment of conflict. The third space approach offers us a way of building on that messiness to form new, hybrid identities and ways of understanding and performing gender.

Chapter 5: Gendered Washrooms and the Third Space

Public university washrooms relate to the third space in two meaningful and interrelated ways: first, they are themselves locations for the enactment of the third space in that they are spaces where confrontation with the intimate nature of our differences are

laid bare (this will be discussed in more detail in the second section of this chapter); second, public washrooms make possible meaningful and consistent participation in other public places where third space interactions take place (i.e., the university lecture hall and classroom). Access to public washrooms is often a prerequisite for participation in the university setting, for without safe access to toilets it is unlikely that many or any individuals would feel comfortable spending extensive lengths of time away from home. In this chapter I will first explore why public washrooms pose such a problem for gender and sex diverse individuals; second, I will outline how the public washroom is a location for third space encounters; third, I will explore the greater significance of public washrooms on university campuses as they relate to inclusion and accommodation in university activities; and finally, I will explore the ways that two universities in Canada have begun to address the problem of gendered washrooms on their campuses as a way of demonstrating the need for a third space perspective when it comes to questions of gender in the public sphere.

The public washroom problem

The physical sexed segregation of bathrooms reproduces the illusion of a natural, biological binary separation of sex and physically (re)places bodies within dichotomous sexes ordering these sites. (Browne 2004, p. 338)

Why should we be concerned about the stark and strict adherence to a binary sexed bathroom system? There are at least two problems with binary sexed washroom is: it solidifies the sexual binary, and it reifies the gender binary. Rasmussen (2009) reflects on her experience of being misrecognized within public washrooms. She explains that “...toilets don’t just tell us where to go; they also tell us who we are, where we belong,

and where we don't belong' (p. 439). Washrooms reinforce the social mores that tell us what it is to be a man and a woman – and that being a man or a woman are necessary, essential aspects of being a human. What is at stake here is not a matter of hurt feelings of even a matter of physical violence, though these instances “can be highly detrimental to one's bodily, emotional and mental health” (Wyss 2004, p. 718); transgendered individuals who are made to feel unwelcome because of physical or emotional violence are barred from participating meaningfully in the public sphere. Bathroom facilities that restrict access for non-binary individuals represent systemic social and political injustice impacting an increasingly visible portion of the population; still further, the systemic injustice which sexed bathrooms represent recurrently erases the identities of trans people (see Bauer, Hammond, Travers, Kay, Hohenadel and Boyce 2009).

As Jennifer Ingray writes, “[f]or the gender nonconforming person, the public washroom is a site of contention, danger and potential violence” (2012, p. 799). When using public washrooms those who do not conform to the man/woman binary find themselves subject to violence, both physical and verbal (Namaste 2009; Browne 2004; Cavanaugh 2011; Wyss 2004). Quoting a young trans youth, Alluvian, whose experience in high school included many instances bathroom violence Wyss writes: “boys would drag me into the men's bathroom and be like, ‘Don't you belong in here, little faggot?’, and all kindsa' stuff” (2004, p. 723). Hir³ experience is very common among non-conforming people, especially in school settings. While Alluvian did hir best to ‘pass’ as

³ Wyss chooses to use the gender pronouns preferred by informants: “Alluvion...uses ‘sie’ for a subject pronoun and ‘hir’ for an object pronoun (Wyss 2004, p. 715)

a heterosexual female, hir peers saw a disconnect between hir birth sex and identity. As Wyss writes, “[f]or hir, as for many others, utilizing the social meanings already attached to certain gendered actions was a way of gaining (or trying to gain) some amount of safety in school” (p. 723), but in spite of this struggle for safety, school spaces, and particularly bathrooms offered a space where gender divergence is most notable and gender surveillance leads to violence. Where one ‘belongs’ becomes important and visible in spaces where the sign on the door states the sex of the occupants. Gender surveillance can have a substantive impact on the comfort that individuals feel in public spaces. For example, one of Kath Browne’s informants, Emma, explains: “...I find myself adapting in order to avoid or survive the [bathroom access] problem. I have been to parties in sports clubs where I’ll spend the evening pissing in the car park” (2004, p. 340).

Sheila L. Cavanaugh writes of the public washrooms that “[n]ot having a door (or a sign) is a pertinent metaphor for those who have their gender identities rendered invisible, subject to erasure, or expunged from the social field” (2011, p. 53). Public washrooms, as such, are not a neutral space. They are a minefield of overlapping and intersecting social mores. For transgendered people not only does the sign on the door not represent their identity, but even the space – the architecture – of the public washroom is one which makes nonconforming sexual and gender identities all the more visible. Washrooms designated for men have few stalls and more urinals, and the spaces beneath doors allow one to see whether an individual sits or stands to pee, even when they try to conceal themselves within these semi-private spaces. Cavanaugh demonstrates through

interviews with individuals from across the gender spectrum that the washroom is not a safe place for those who do not conform to gender norms. She cites one of her interviewees, a genderqueer individual named Jay, who tells her: “it’s pretty important to have your gender [perceived] in a certain way and when you have to go into a bathroom ... that’s all thrown into doubt. I think that’s pretty threatening on your self and your soul” (p. 59). Cavanaugh also cites a queer individual, Rohan, who tells her: “Part of [gender based regulation] is tied up in disgust. I can see it on people’s faces... people find me disgusting in bathrooms” (p. 155).

Cavanaugh associates this disgust with “illegible bodies”, that is, bodies that cannot be read as one sex or another and therefore cause unease in the onlooker, often leading to fear or anger. This is not only because gender misreadings are so common in a culture that puts so much emphasis on femininity and masculinity, but also because one’s individual identity is so personal to oneself, that even when one “passes”, so to speak, for one sex or another, one still feels judged and haunted by the signage on the door and physical space of the bathroom setting. Browne writes that “[i]n the ‘breach-zone between public and private, between gender and the body the contestation of gender dichotomies exists as an immediate and dangerous threat’ to the ‘sanctity’ of female spaces and embodiments” (2004, p. 339). Individuals are threatened by the confrontation with difference, which is seldom more immediate than in a bathroom setting where one’s sexual identity is foundational to the use of the space. This is not only the case for “female spaces” but for sexed spaces more generally, as it applies to both male and female assigned washrooms. When one does not seem to fit, then the identities of those

who do are threatened. “Crossing boundaries of sex” is more problematic in public washrooms, Brown suggests, “because the leakiness of bodies cannot be associated with fluid possibilities of sexed bodies” (2004, p.338). Brown writes that “where bodies are revealed as unstable and porous, flowing between sexes may be more threatening; where one border (bodily) is contravened others (man/woman) may be more intensely protected” (2004, p.338).

Perhaps, though, it is less about bodily “leakiness” (p. 338) or the “sanctity of [gendered] spaces” (p. 339) than it is about the insecurity and intimacy of these spaces that makes otherness threatening. When something makes one uncomfortable or uneasy the uneasiness is all the more heightened when one feels like they are in a vulnerable position. Exposing one’s genitals, as is the case for men at public urinals, presents a problematic situation for the trans-phobic individual, much like it is problematic for the homo-phobic individual. The men’s public washroom has long been a deeply sexualized space; in some large metropolises as early as the 1800s officials began installing separated urinal stalls to “preclude sexual activities” (Aldrich 2004, p. 1724) and in contemporary nightclubs public urinals are “popular places in which male mutual masturbation occur[s]” (Magni 2007, p. 238). The discomfort with divergent bodies, and the confusion over the difference between homosexuality and transsexuality (as witnessed in the interviews in Cavanaugh 2011 and Wyss 2004) may also add to the volatility of gender ‘transgressive’ situations in public toilets.

Added to this is the perception of the transgendered person as sexual deviant or pedophile evident in public discourses surrounding trans rights in contemporary politics.

Recent political events in Canada and the United States reveal the existence of this trans-fear/phobia. In 2013 private members a bill was brought before Canadian parliament to add transgendered Canadians to the list of people protected from discrimination. In support of the bill Raymond Côté stated: “people like me, who have the privilege to have a favourable—even comfortable—place in society, must make concessions. I am very pleased to be able to reach out to a group in our society whose rights are too easily violated and to offer them some progress” (Open Parliament 2013, web). He expressed outrage at the assertions being made by the opposition that the bill would violate those privileged people who had not had to experience gender exclusion on the basis of their individual identity. For example, speaking out against the bill Liberal MP, Sean Casey, stood before the speaker to say: “This is important because today, when transgendered individuals seek to allege they have been discriminated against, they have to fit their claim within the definition of either discrimination on the basis of sex or discrimination on the basis of disability” (2013, web). This dismissal of discrimination against transsexual people is echoed in the refusal of other politicians to acknowledge the identities of trans people. Rob Anders, Conservative MP for Calgary said in parliament: “I stand today to present, on behalf of thousands of people who sent these to my office, petitions in opposition to Bill C-279, otherwise known as ‘the bathroom bill’, that would give transgendered men access to women's public washroom facilities” (2013, web), dismissing the individuals to whom the bill pertains’ claim to justice.

In 2015⁴ a number of amendments were made to the bill – the most controversial of which banned transgendered individuals from accessing washrooms other than those pertaining to their assigned sex. Trans activists like Brae Carnes, frustrated over the amendments proposed by Conservative Senator Donald Plett, took to the internet to protest, posting photographs of themselves in men’s public washrooms to highlight the absurdity of the legislation that would ban them from women’s only spaces. Carnes shared photos, which went viral in 2015, with the tag line ‘DONALD PLETT PUT ME HERE,’ in which she stands in front of men’s urinals to juxtapose her obvious femininity to the equally obvious maleness of the space. In one of her photos she asks “wonder what could happen in the men's room late on a [sic] saturday night” (Carnes 2015, Facebook)⁵, calling into question the safety of men’s spaces for trans women.

The amendments to the Transgendered Rights bill were defended on the basis of preventing sexual predators from gaining access to women’s washrooms. The safety of women’s spaces seems to be at the core of many arguments against trans access to public washrooms. This tendency to “conflate being transgender with predatory behaviors against women” (Seelman 2014, p. 201) seem particularly related to perceptions of male to female trans people. Kristie Seelman finds two problematic dynamics at the root of these perceptions: “(1) the pattern of questioning the authenticity of trans women as ‘true’ women; and (2) the societal norm that assumes that women (and ‘women-only’ spaces)

⁴ Due to the upcoming election the conservative Senators did not let the bill go to a vote after the third reading and parliament was closed before the bill could be passed, even with the controversial amendments (Mitchell, web).

⁵ See Figure 1 in Appendix

should be protected from potential male predators through the exclusion of trans women” (p. 200).

The conservative right is not the only source of protest against trans inclusivity in women’s spaces. There are some feminist proponents of maintaining the “sanctity of [gendered] spaces” (Browne 2004, p. 338). For example, Sheila Jeffreys writes critically of the urge to degender sexed spaces that “[t]he impetus behind the campaign for unisex toilets is the demand by male bodied transgenders to be able to use the women’s facilities as an aspect of their ‘right to gender expression’” (2014, p. 44). She addresses the problem through the lens of the “International Bill of Gender Rights” which was written, she tells us, not by a transgender but by a crossdressing man. She dismisses the validity of the identity of the individuals in question by telling us that “[t]hough seeking to enter women’s spaces, the *men* making this demand can be rather unlike women in all but the fixed idea in their minds” (p. 44, emphasis added).

There are a number of problems with Jeffreys’ objections. First, while it is the case that JoAnn Roberts—the cross dressing man who wrote the bill and made the initial demand to have the right to enter gendered spaces without discrimination—did not always identify as a woman, she did identify as a transgendered person. Jeffreys demonstrates a vital misunderstanding of the plight of trans, queer, and other gendered people. It is notable that JoAnn Roberts, who passed away in 2013, was the co-founder of a website called the Trans Gender Forum (tgfforum.com) and in her later years became increasingly involved in transgender rights advocacy. She was not, as Jeffreys claims, a

man who dressed as a woman. She largely identified as a transgendered woman (Gardner 2014, web).

Second, Jeffreys criticizes queer theory for denying “the reality of male domination” (p. 44), arguing that queer theorists arguing for degendered spaces claim that making assertions about male on female violence is sexist. Indeed, Cavanaugh tells us that “[t]here is an antiquated and heterosexist construction of masculinity underpinning cissexual safety narratives” (2011, p. 4); for instance, she tells us of one interview participant who tells her that “there's a whole idea in this society that... if a man sees a woman, just a glimpse, he cannot be controlled” (p. 74; Jeffreys 2014, p. 45). Jeffreys claims that this is problematic because “it is not ‘sexist’ to say that men are violent towards women but factually correct” (2014, p. 45). And yet, this is exactly at the core of the problem of the gender binary itself. Queer theorists who argue for the degendering or desexing of sexed public spaces are not denying the cultural and social existence of historical and contemporary male domination; rather, they are pointing out that there is something bigger at the base of male domination which represents itself at the cultural level. The gender binary is oppressive, and a degendering of public spaces will create the opportunity for safer spaces for a group of people are disadvantaged by binary gender norms and structure.

However, Jeffreys raises an important point about the safety of women’s spaces which needs to be addressed. I have two responses to the concerns over safety in women’s spaces where trans and non-binary bathroom access is considered. First, the concerns over women’s safety are deeply heteronormative; that is, they assume that

women are not sexual predators against other women. Yu-Wei Wang tells us that this assumption is not only heterosexists, it is outright incorrect. According to Wang “[w]ithin the LGB group, studies suggest approximately 18 to 57% of the lesbian women had experienced actual or attempted rape by female perpetrators” (p. 167).

Second, the concerns over women’s safety seem to misinterpret the data that shows sexual assault and violence takes place often within women-only spaces. For example, Jeffreys points out that there have been numerous cases of sexual assault and violence against women in public washrooms, and also points out cases wherein predators have snuck into women’s spaces and placed cameras (2014, p. 47). Jeffreys uses this as a defense of sex-segregated washrooms, but offers little argument in support of why a problem that exists in sex segregated washrooms can be solved by continuing sex segregated washrooms. As Christine Overall (2007) points out, “justifying sex-segregated toilets on grounds of safety is ironic, for such facilities can actually create dangers for women, children, and members of sexual minorities by isolating them” (p. 82). She cites Louis Antony who explains that if a sexual predator is seeking a potential victim he could reasonably expect to find one in the women’s only public washroom. Overall therefore argues that “the sex-segregation of toilets does not increase what safety we have, and may even detract from it” (p. 82).

Jeffreys responds to this line of reasoning, arguing that:

Even supposing that men might be deterred by others of their kind from assaulting women publicly, the presence of numbers of men might not be efficacious in preventing everyday voyeurism, or the auditory excitement some men will receive from being able to hear a woman urinate in the stall next door. (Jeffreys 2014, p. 48)

She goes on to argue that women's spaces should remain a refuge for women and a safe space where the risk of sexual assault is minimized, claiming that men, and male-bodied transgendered people, engage in activities which threaten the sanctity and security of women's spaces (p. 49). While her presentation is heterosexist, and trans-sexist, Jeffreys raises valid concerns about the safety of women's spaces, and the social implications of gender neutral washrooms. Her concern over the safety of women's spaces cannot be adequately addressed by the responses offered by Antony and Overall. I can respond to her claims about voyeurism and "auditory excitement" by again pointing out the heterosexism of her argument, but I cannot adequately rebut her concerns, as they are rooted in our binary sexed culture.

That being said, while I do not wish to construct a hierarchy of injustice, those like Jeffreys voicing concerns over women's safety in public spaces must also take into consideration how they define woman and man. Jeffreys regularly references male-bodied transgenders and men in "women's clothing" (p 48) throughout her work, but does not, unfortunately, ever directly address her unwillingness to understand the trans woman as real woman. If the safety of women really matters to Jeffreys, then the safety of trans women should matter too, and she should refrain from referring to trans women as men in women's clothing. Her approach is eerily similar to that taken by conservative advocacy groups like Family Action in Canada who say things like: "[t]here are two genders, and confusing our children by teaching otherwise is foolish and dangerous for the child's future well-being" (Family Action 2015, web).

University washrooms as sites for the Third Space

Post-secondary education facilities are particularly interesting in this discussion of third space encounters in washrooms. Post-secondary institutions in Canada are generally publicly funded organizations that are at their core meant to be inclusively accessible to all citizens. Further, post-secondary institutions house scholars and thinkers that often question the assumptions that underpin society, and whose works can shape or influence social and political thought. Cavanagh (2010) tells us that public washrooms are representative of the “gendered architecture of exclusion” (p. 32) and universities, in not addressing problems of gender access to public washrooms, undercut the efforts directed towards ensuring inclusion. Gender and sex exclusion are systemic and pervasive in universities—perhaps this is because, as O’Donoghue frames it, school spaces are key places wherein gender is performed and, where masculinities are “produced, reproduced and reinforced” (2006, p. 15). The resulting problem is that people who do not adhere to the gender binary, and feel uncomfortable in or are excluded from public washroom facilities are less likely to participate in the public realm; “[t]he bathroom problem severely limits their ability to circulate in public spaces” (Halberstam 1998, p. 23).

The university setting generates vulnerability for non-binary and trans students “especially when it comes to being misgendered” (Pryor 2015, p. 442). Jonathan Pryor notes that in such cases students may be less likely to openly identify themselves with their sex or gender identity, thereby rendering themselves invisible (2015, p. 443). This invisibility in public spaces in universities mirrors the experiences of the youth in high schools interviewed by Wyss (2004), who made attempts to either pass as heterosexual

males or females, or the experiences of trans people interviewed by Browne, who did their best to avoid public washrooms in public spaces altogether (2004). That this fear of being misgendered or outed takes place in the university setting is all the more problematic, as these students therefore receive less of a chance to participate in class discussions and debates. Not only might these students miss out on their education, but the classroom and other public spaces where debate and dialogue take place lose out on the perspectives of gender diverse students. The university, and more specifically the public university washroom is a structure dominated by sexual and gender norms, representing the dominant regime of binary sexuality and heteronormativity. Within these structures, those who do not conform struggle to find spaces where they can present their alternative identities. These dominant, structural spaces leave little room for conflicting identities. In a survey of transgendered discrimination Kristie Seelman (2014) finds that “a notable proportion of transgender people who have attended higher education are not allowed to access...appropriate bathrooms and other facilities (23.9%) while they are students” (p. 198).

However, culturally the washroom represents a borderland; and third space encounters, Bhabha tells us, take place within the borderlands, the outlying spaces that lay between defined locations or ways of living, thinking, and being. Magdalena Naum tells us that “[b]orderlands are physically present wherever two or more groups come into contact with each other, where people of different cultural backgrounds occupy the same territory and where the space between them grows intimate” (2010, p. 101). The washroom is open to people from all walks of life, regardless of their age, ethnicity, and

disability. It is one of the few places in which such myriad of different faces, languages, and activities – bodily and otherwise – fall within four walls. If true and full inclusion of gender and sex diverse individuals is ever to be achieved the public university washroom may be the right place to start.

Single-user stalls may in part address the issue of systemic genderism and transsexism which can prevent non-binary individuals from participating in public spaces, while reducing the risk of violence against trans and non-binary people. Poststructural feminists like Overall have neglected to consider the immediate needs and desires of the people to whom their theory applies. For example, Kat Callahan, a trans woman, writes: “[m]y biggest concern is safety, my second concern is my comfort” (2014, web) in relation to more single user washrooms. She explains that “what I need, and what I feel other trans people need, is often actually ignored in the sensational debate over all-gender bathrooms/mixed gender bathrooms” (2014, web). This concern should not be readily dismissed, as the safety and security of marginalized people should be central to any theory’s response. That said, the introduction of more single user washrooms, while immediately important for the safety and dignity of trans and non-binary people, does not offer a lasting solution. As Crawford (2014) argues “...the washroom takes the place of the closet when it comes to transgender” (p. 633). If the public washroom is a place of privacy and seclusion it serves a purpose for those who are uncomfortable sharing their sexual and gender identity with others. It is the choice of any individual to remain within the border of the bathroom/closet, but there must be the option to leave. The single user washroom can trap the trans or non-binary individual in the closet, and not provide them

with a safe environment in which to ‘come out’. Further, if one is never confronted with difference or otherness, then one’s perspective will very likely go unchallenged. The interaction of opposing forces or groups who lack the language to communicate gives rise to the third space (Bhabha 1994). This space, or to use Young’s (2009) language, this moment, gives rise to hybridity whereby both identities are challenged, and both are changed into something new. Both parties are challenged in this space; unfortunately for trans and non-binary people, the current system which segregates individuals based on binary sex creates a situation where the challenge is relatively one-sided, resulting in violence and harassment against the one who does not seem to ‘fit’. The introduction of multi-stall gender neutral washrooms would create a location for the enactment of third space encounters in the university setting where both parties are challenged equally because both have equal claim to the space.

Chapter 6: Case Studies

Queen’s University

Queen’s University is one of the only universities in Canada to have responded to the problem of sex segregated washrooms for non-binary people through an official policy. In 2012 the university implemented a gender neutral washroom policy in response to a proposal put forth by the Transgender/Transsexual Policy Group, a committee of the university’s Positive Space Program. The policy proposal states: “Gender specific washrooms and change rooms, facilities that are designated for use by a single gender only, fail to accommodate gender variant members of the Queen’s University community” (2012). The policy explains that the Ontario Human Rights Commission

policy clearly demonstrates that trans people have the right to access appropriate washrooms, and acknowledges that while this may be the case gender specific washrooms result in violence and harassment toward trans and non-binary people:

Without the existence of gender neutral facilities, these individuals have no choice but to use gender specific washrooms – an experience that can be uncomfortable, embarrassing, hurtful, frightening, and dangerous. Further, gender specific facilities reflect a gender binary with which many individuals may not identify. (Queen's University 2012)

The policy goes on to state: “This policy will allow individuals to have the option of using a washroom or change room without identifying their gender” (2012). The official policy on gender neutral washrooms at Queen's was enacted in 2012, a process which took 6 years and was undertaken through the cooperation of students, staff and faculty in a working group, guided by a steering committee called the Positive Space Project (Pfleiderer, 2015). They faced and continue to face administrative and architectural barriers in enacting the contents of the policy, which calls for the transformation of present single use washrooms into gender neutral ones and for the accommodation of gender neutral washrooms in the construction of new buildings on campus.

Queen's is not the first university to focus on the issue of gender inclusiveness in washroom settings. In fact, their policy was inspired, in part, by the actions taking place on university campuses across Canada. In their policy they cite McGill, UBC, Simon Fraser, and Western as universities that have taken steps to make washrooms more accessible to gender variant and non-conforming individuals. However, Queen's University is one of the first universities in Canada to have responded to the problem of gender inclusivity with an official policy on gender neutral washrooms and stands as an

example of how we can begin to rethink public washrooms within the University setting, and in the public sphere more broadly. And yet, while the way the policy was enacted involved a wide range of individuals and is an excellent example of how others can put in place the same type of policy, there remain some problems. First, the gender neutral washrooms put into place are generally single use washrooms with conservative signage, with a male symbol and female symbol, coupled with the wheelchair sign where appropriate. This approach is different than that taken by other universities, like the University of Western Ontario who uses signs that simply read “WASHROOM” for gender neutral single use washrooms of the same sort or the University of Victoria (to be discussed shortly) whose signage holds the picture of a toilet and reads “MULTI-STALL GENDER INCLUSIVE WASHROOM”. Second, the university and student communities do not seem to be actively consulted and engaged in the planning process for new washrooms. Finally, the university seems slow to enact its policy. The policy was approved in 2012 and in 2015 there remained minimal gender neutral washrooms on campus. Further, where there are gender neutral washrooms, they are primarily single user, which means that a large building like a Student Centre can accommodate at any one time one trans person who requires gender accessible washroom facilities. One student writes in 2005: “I believe there should be a gender-neutral washroom wherever there is a female and male washroom. At Queen’s we have one for the whole of campus and I do not think one is enough” (Holub 2005, web). At the end of 2014, two years after the policy was passed, another student writes: “*The first steps to make this policy a reality are underway*” (emphasis added, Vena 2014, web), noting the introduction of new

signage on some of the university's single user washrooms. This is a very slow step in the right direction. Administrative officials at Queen's say there has been progress but the situation is not perfect. For example, Jean Pfleiderer said in an interview with *University Affairs* "It is often the case in a large system that it takes time to get things done" (Gessell 2014, web). Pfleiderer, the Human Rights Advisor and Sexual and Gender Diversity Coordinator at Queen's University, explains:

Assuring that the actions called for by the policy actually occur is, of course, another piece of the work. Campus Planning does seem to be providing for gender neutral washrooms in new building plans, but getting the single-user washrooms on campus re-purposed (posting new signage) has taken quite a while... (Pfleiderer 2015, personal email).

Nevertheless, the project seems fairly successful in the transformation of existing single user washrooms into gender accessible spaces. The Positive Space Project published a list of gender accessible washrooms which shows 98 gender accessible washrooms across campus.

University of Victoria

The University of Victoria is another university that was among the first in the country to respond officially to the problem of sex segregated washrooms on campus. In 2012, two formerly gendered washrooms in the main concourse of the UVic Student Union Building (SUB) were reopened as multi-stall gender-inclusive washrooms, meaning any person of any perceived gender can use either space.

The University of Victoria's approach diverges from Queen's University's. UVic Pride, a campus group dedicated to gay, lesbian, bisexual, trans, queer, and non-binary issues began their campaign for gender neutral washrooms in 2011 and founded the

Gender Inclusive Washroom Initiative (GIWI) in the Spring of 2011 “to advocate for more gender-inclusive washrooms both on and off campus” (GIWI 2016, web). Within a month a motion was passed in the University of Victoria Student’s Society (UVSS) committing to investigate the possibility of gender-inclusive facilities (Low 2012, web). The push for gender inclusive space has taken place largely in student activist circles, and likewise the multi-stall gender inclusive washrooms that were opened in 2012 are in the student union building and not in buildings regulated solely by University of Victoria administration. Despite this key difference, the motivation behind the installation of gender inclusive washrooms is very similar. The 2012 director of Finance and Operations for UVSS stated in an interview with a campus newspaper: “The driving force behind why we are going gender inclusive is there are a lot of issues of violence against transgendered people in washrooms and difficulty for them to access or enter gendered spaces” (Low 2012, web).

The administration at the University of Victoria has not been very receptive to putting gender accessible washrooms in place in university buildings across campus. UVic Pride submitted a proposal to the administration to include gender accessible washrooms in their 2016-2026 Campus Plan. Their proposal suggested that the university commit to the safety of its trans students by addressing issues of gender accessibility to public washrooms. The proposal outlined four key goals: 1) ensuring that new buildings are equipped with gender accessible showers and washrooms; 2) switching all current single user washrooms to gender accessible washrooms; 3) the creation of an interactive gender accessible washroom map to direct students towards trans-safe facilities; and 4)

the creation of an official university policy to “concretize the University’s commitment to creating safer washroom and shower spaces for trans and queer students, faculty, staff and community members” (UVision Submission 2015, p. 2). The safety and comfort of University of Victoria students is at the core of their proposal, which also highlights some results from a survey undertaken by UVic Pride on the receptiveness of the school community to gender accessible washrooms.

The survey found that student, staff, and faculty populations were relatively receptive to the new gender accessible multi-stall washrooms in the student union building (SUB). The UVic Pride survey was undertaken in three waves, the first and second of which addressed staff, management and SUB stakeholders, and the third of which addressed general SUB users, like students and visitors. The survey found that more than 11% of the first and second wave, and almost 19% of the general SUB users would choose to go out of their way to use the gender accessible multi-stall washrooms were they available. In addition, nearly 80% of respondents indicated that they would use the multi-stall gender accessible washrooms rather than travel to another part of the building to find a single gender or single user space. Overall, the population appeared open to gender neutral washrooms spaces.

However, the university did not respond positively to the proposal, and instead chose to direct the majority of their 2015 Campus Plan towards sustainability and outdoor spaces. While the Campus Plan web page states that the plan is a “Decision-Making Tool for the Physical Development of Campus”, and that the “new Campus Plan is the culmination of a comprehensive planning and stakeholder engagement process” (UVic

Campus Plan, 2015), there is no mention of the UVic Pride Gender Inclusive Washroom proposal on their list of relevant documents and presentations, nor in the campus plan itself.

UVic Pride has published a map online of gender accessible washrooms on campus. However, those washrooms which are noted as gender neutral in non-union university buildings on campus are single user accessible washrooms intended for use by individuals with physical disabilities. Overall, the map states that there are a total of 40 gender accessible washrooms on the University of Victoria campus, most of which are single user wheelchair accessible washrooms (UVicPride 2015, web).

Discussion

There are three key differences between the two cases presented above. First, the universities' student unions appear to have very different approaches to advocacy for marginalized groups. Second, they have approached the problem of gender inclusive washrooms from two different perspectives; at Queen's University the problem has been addressed by official university administration policy, and at the University of Victoria, the efforts for trans inclusion are largely student-driven. Third, the two cases relate to the concept of the third space in different ways. The University of Victoria's student advocacy efforts led to the installation of multi-gender, all inclusive washrooms where third space encounters can take place between binary and non-binary individuals. Meanwhile, Queen's University's multi-level organizational structure and the many groups involved in the Positive Space Project reflect in many ways the dialogical ideal of the third space, even if their single user washrooms do not. The success of Queen's

University's washroom initiative may also highlight the limitations of a third space approach. Nonetheless, the key similarity between both cases is that in both cases the university administration has not attempted to involve the students and the university community actively in issues of gender inclusion. There are problems within both cases, but also points that can serve as excellent examples for universities aiming to be more gender inclusive moving forward.

The key difference between the two cases is that Queen's was successful in involving the school administration in efforts to put gender neutral washrooms in place, whereas the University of Victoria was not. This difference between the cases reflects the differences in their administrative policies. At the University of Victoria, the student union (UVSS), and their building (SUB), are largely distinct from the university itself. The UVSS is self-governed by students elected by the undergraduate population and manages—and operates out of—the SUB. Further, the union is organized to uniquely represent marginalized students. There are five advocacy groups which are represented within the student union, in addition to an international student representative: the Women's Centre, the Students of Colour Collective, UVic Pride, Society for Students with Disabilities, and the Native Student Union (UVSS 2016, web). The UVSS identifies itself as “a social justice based non-profit run by students” (UVSS 2016b, web).

Queen's University, on the other hand, has two large long-standing student associations – the Arts and Science Undergraduate Society (ASUS), which represents students in the faculty of Arts and Science, and the Alma Mater Society (AMS), which advocates on behalf of the entire student population. While these groups are student run,

they have a closer connection to groups within the university. For example, the AMS has six key commissions, one of which is related to issues of social justice. This group advocates for social justice issues and includes under it heading a queer issues education group called the Education and Queer Issues Project (EQuIP). This group is a resource on campus for queer and trans students, staff, and faculty, and is a contributor to the Positive Space Project which was instrumental in the gender neutral washroom policy making process. The Positive Space Project does not operate under the banner of the AMS as UVic Pride does under the banner of UVSS. Rather, it is run in partnership with the university, staff, faculty, students, and the AMS. The close relationship of the AMS with the university is likely accountable for some of the success of the gender neutral washrooms initiative at Queen's University, as well as the type of approach taken by the Positive Space Project in advocating for gender accessible washrooms.

Interestingly, the University of Victoria UVSS's approach was unique in that they converted previously male and female multi-stall washrooms into multi-stall gender accessible washrooms. Queen's University has committed to converting existing single user washrooms to gender neutral, but has not indicated that they will put multi-user washrooms in place, nor convert existing multi-user washrooms to gender accessible ones in the future. As such, the Queen's case is less likely to present opportunities for third space encounters, as gender diverse students are not actively encouraged to use multi-user spaces. One University of Victoria student, interviewed by CTV News, stated: "You spend your entire life being segregated from each other, so it's just really weird," and went on to say, "I don't think I'd want to go to the bathroom with my (male) friend. It'd

just be weird” (Johnson, CTV News 2012, web). This student raises concerns about the enculturation of gender norms and gendered spaces. People may not be comfortable using gender neutral washrooms because they are not used to the idea of being in a washroom space with members of the opposite gender/sex. However, when we begin to question the binary itself and recognize that a portion of the population do not identify with either binary option, the question becomes less about sharing the washroom with members of the opposite sex and more about simply sharing the washroom – something that most of us already do unquestioningly. CTV’s Andrew Johnson reports that while some students seem skeptical of the washrooms, after getting used to them, they do not see the problem. He reports that the washrooms have generated a lot of conversation about gendered spaces and why we as a culture find them necessary in the first place. This is an excellent iteration of the power of third space encounters, which are only made possible when spaces are left open to members of all identities.

The confrontation with non-binary gender can create a moment of uneasiness and incommunicability for those who are not accustomed to gender diversity. The CTV (2012) report includes video of two young women entering the gender neutral washroom, followed by a young man who hesitates at the door, with the door open, and then quickly exits – presumably after seeing the women. As Young (2009) writes, the third space takes place within this gap into which we fall at that moment of uneasiness (p. 89). When we are confronted with something unfamiliar we are struck by our inability to relate, to negotiate, and to understand. If this experience is shared with another person, we are both

struck. And it is in that moment that we are forced to create a new way of communicating, and create a new way of negotiating.

In the context of the public washroom, we are forced to renegotiate the meaning of the public washroom space. The University of Victoria, in putting multi-stall washrooms in place, has created the opportunity for this renegotiation to begin. Despite the negative reviews some students have given the university on their public Facebook page (Facebook 2016, web) the conversation which has taken place among the student community demonstrates the power of the third space. By this I mean, the University's Facebook presence as well as the bathrooms themselves have become a place for students and faculty with different perspectives on gender diversity to come into conflict with one another in a space where violence is mediated by mutual surveillance, but access is not refereed. That is, all students are welcome in the washrooms and on Facebook.

On the other hand, the case of Queen's University, though officially endorsed by the university administration, offers less possibility for the performance of third space encounters. Little online discussion has taken place surrounding gender accessible washrooms on Queen's' campus, and the official policy itself is limited in its encouragement of gender diverse spaces. By this I mean that the washrooms to be put in place at Queen's are accessible in that they are open to 'all' genders, but they are not diverse in that they are single use and do not provide an opportunity for multiple users and safe confrontation, as is the case in the University of Victoria's student union building.

Nonetheless, Queen's University has demonstrated a commitment to gender accessibility beyond that of the University of Victoria, and the success of their initiative may highlight a limit to the third space approach for which I have been advocating. While the University of Victoria has 40 gender neutral washrooms, according to UVic Pride, Queen's University has 98. This is a notable difference given the relative similarity in student population (Queen's Enrolment Report 2014; UVic Demographics 2014, web). The dialogical approach taken by the UVSS and UVic Pride, which undertook surveys and involved activism and confrontation, has seen only limited success. Meanwhile, Queen's University's top down approach to policy implementation has led to the conversion of many campus washrooms into gender accessible spaces, despite the limited student and public consultation undertaken by the Positive Space Project, the university Human Rights Office, and the approving body, the Vice Principals' Operations Committee.

There are also distinct and important difference between the iconography used on both universities' gender accessible washroom signage. Whereas at the University of Victoria the sign contains the image of a toilet on a white background with the words "Multi-Stall Gender Inclusive Washroom"⁶, the Queen's University signage, as noted above, holds the image of stick figures with and without a dress side by side. This approach solidifies the binary and may still be alienating for students who do not adhere to the binary. If the objective is to provide a gender inclusive or accessible space, then using the universal symbols (at least universal to North America) for male and female is

⁶ See Figure 2 in Appendix

not the ideal approach. Queen's University has done what many early feminists did: they have criticized the binary and simultaneously reinforced it.

The official involvement of both the binary and trans/non-binary community in conversations surrounding gender identity and gender neutral washroom policies at the university administration level is lacking in both cases. One trans woman activist, Daphne Shaed, writes in frustration at the lack of communication between University of Victoria officials and trans and other marginalized communities on campus. In a blog post published in 2016 Shaed writes: "Forget about the fact that UVic still has not publicly [...] acknowledged the problems that trans students face daily on campus, forget about the absence of indigenous voices, forget about the lack of transparency, forget about the lack of consultation with community..." Shaed remarks that UVic pride is unlikely to be able to continue its trans accessibility programs due to a lack of funding (2016, Blog).

... forget that intersexes are absent from the textbooks and teachings at UVic, forget about the fact that UVic continues to purchase goods produced by companies with known ties to hate campaigns⁷, forget about the continuing white colonial binary heteronormative practices at UVic and tokenizing queers. Just remember UVic's shining motto and crowning achievement: KEEP CALM AND PRODUCE PROPAGANDA. (Shaed 2016, Blog)

Shaed's feelings of disenfranchisement and invisibility in a system which relies on external public relations rather than community consultation and cross-group communication are well-grounded. While UVic Pride advocated for gender neutral washrooms, and while the policy to implement new gender neutral washrooms was swift, the policy was not a result of the university administration's attention to trans issues, but

⁷ Jelly Belly Chairman Herman Rowland donated money to the campaign to repeal transgender rights legislation in California (Bennett-Smith 2013, web).

rather was undertaken by students for students. The university itself has taken some strides toward inclusion, including the institution of a Chair of Transgender Studies, but in terms of the immediate safety and security of its non-binary and trans students, it has demonstrated little concern.

This sentiment is shared by some other students and activists on campus, who took to the university's Facebook in March 2016 to protest the University's lack of responsiveness to trans student issues. One student writes: "...when you've tried to open a dialogue [*sic*] with the University on these issues numerous times and they are clearly not open to it, you have to use other avenues" (Gaelle Rossi 2016, Facebook comment). The student goes on to say that "...[c]learly there is a power imbalance here, and it's obvious that Uvic cares way more about its image than its students" (Gaelle Rossi 2016, Facebook comment). Another student writes: "I'm saddened and angered by the University's disregard for trans, queer, two spirit, and gender non-conforming students. It would not be difficult to make meaningful changes if the University would listen to these students and respond to their needs" (Isaac Rosenberg 2016, Facebook review). Overall, between February and March 2016 the university received 16 negative reviews noting the University of Victoria's lack of emphasis on trans and queer inclusion, and their poor responses to sexual assault on campus. The consensus of these critics is that the University has offered inadequate responses to issues of gender diverse safety and accessibility for its students.

Not all students share this view, though, and some are supportive of the University of Victoria's efforts to become and advertise itself publicly as gender inclusive.

Commenting on the painting of a rainbow crosswalk on campus, one self-identified queer student writes: "...I think the rainbow crosswalk is a small gesture, but a welcome one." The student goes on to say that the new chair of transgender studies should be a "marker of pride" for the university community as it has the potential "...to educate, inform better laws & policies to improve the situation for trans people globally..." (McAllister 2016, Facebook review).

Some students have attempted to generate a conversation surrounding issues of gender inclusive washrooms spaces using the *Queen's University Journal* as a medium. One PhD student writes: "What the gender-neutral washroom debate ultimately boils down to is a cultural belief that there are indeed only two sexes, and that a person's body inherently reveals what sex they are in a visible manner" (Vena 2014, web). The student is supportive of the use of single user spaces, claiming that "[i]mplementing gender-neutral washrooms could be a way to prevent violence of all kinds by providing individuals with a single-stall option that only allows one person to enter at a time" (2014, web). This is a view shared by many in debates over gender inclusive washrooms, and it is worth noting that the single user washroom does provide a safe refuge for people of every gender. However, the downside to this is that single user spaces, like those at Queen's University and within the majority of the University of Victoria buildings, address the problem of gender exclusion via further exclusion. If the only safe spaces for trans and non-binary students are private, then the stigma is likely to continue. On the other hand, if a space is designated for use by all students, regardless of their gender or sex identity, then the stigma may gradually disappear.

The minimal online discussions of gender accessibility and gender neutral washrooms at Queen's university stands in stark contrast to the variety of activist student conversations online from the University of Victoria. The reason for this dearth of online discussion is unclear, though it perhaps relates to the apparent relationship of student groups to the university at large at Queen's. As noted above, at the University of Victoria the student union is significantly more autonomous than Queen's University's student government group. Relatedly, the scarcity of news articles relating to Queen's University's gender neutral washroom policy likely stems from their relatively uncontroversial approach – that is, transforming existing single user washrooms to gender neutral single user washrooms. There is little fear of being expected to share space with people of another gender when the washroom is single user. In contrast, the case of the University of Victoria's student union washrooms is widely reported; this is most likely because of the exceptionality of their approach – the multi-stall gender inclusive washroom.

Chapter 7: Conclusions

The exclusion of trans and non-binary people from public spaces like washrooms highlights the problem of the gender binary. It reminds us that the gender binary impacts our lives in ways that are sometimes invisible, but are viscerally important to the everyday lives of an increasingly visible portion of the population. The problem of sex segregated public washrooms present of the unique opportunity to explore the ways in which our culture solidifies male/female conception of gender into the infrastructure of our everyday lives. When we approach the problem of gender from the third space

perspective, the multiuser gender neutral washroom becomes a location for the enactment of third space encounters.

This project has aimed to undertake an exploration of the ways by which theorists have critiqued the problem of male/female, binary conceptions of sex and gender, and provide a new way of approaching the problem drawing on Homi Bhabha's third space. The third space in practice introduces dialogue, conflict, and the opportunity for creating new identities through consultation as well as confrontation. The third space, without rejecting the important accomplishments of poststructuralists, introduces the humanist project back into conversations of sex and gender identity.

Homi Bhabha (2006) writes that the third space is a place where hybridity takes place, and where cultures are not either one or other, but can be encountered and interpreted through a new and different lens that lends itself to coexistence rather than simple 'tolerance' (p. 155). While many feminist approaches reify the binary they are engaged in critiquing, the third space approach, like the poststructuralists, accepts the messiness of reality. Unlike the poststructuralist approach, though, when we approach gender from the third space perspective we can discover new ways of building on the messiness of gender identity. Using the third space as a guide the concept of gender identity becomes unfixed, and we are able to accept that our identities as humans are fluid, and subject to change and hybridity. This hybridity takes place when those from different perspectives, with different cultural values, identities, languages and life experiences come into confrontation with one another. This leads to a temporal space wherein these opposing groups or individuals find they have no ability to communicate

(Young 2009). As such, they are forced to create new ways of understanding, and new ways of being and communicating their identities to one another. This revisioning of our modes of communication forces us out of the comfort zone of our existing identities and allows us to reimagine, and reemerge from this experience as hybrids – part what we once were, and part something new.

This third space is a political, dialogical space, and the university setting is an ideal place to apply and explore the implications of third space methodology. Post-secondary institutions in Canada are largely publicly funded organizations that are at their core meant to be inclusively accessible to all citizens; they are also fundamental in shaping young adults, teaching students how to think, not what to think, and allowing individuals to find their own path; and finally, they house scholars and thinkers who question the assumptions that underpin society, and are fundamental in influencing social and political thought. Universities that do not accommodate their gender diverse students highlight systemic and pervasive gender exclusion, an exclusion that is pervasive in school settings - perhaps this is because school spaces are significant places where gender is performed (O'Donoghue 2006, p. 15). Given the political nature of the public university, the lack of accommodation for gender diverse students represents a lack of commitment to inclusion, as it may bar students from something as simple as showing up to class; without a safe washroom space, individuals are unlikely to be able to stay out in public for extended periods of time.

It appears in the case of the UVSS gender inclusive SUB bathrooms, these spaces can lead us to begin questioning conceptions of gender and space in ways previously

unimagined (for example, see interview with students by Johnson for CTV News 2012, web). The policy to put in place multi-stall gender inclusive washrooms also motivated a wealth of activist and detractor conversations whereby individuals were given the opportunity to question and debate conceptions of gender and sex identity. These discussions taking place in the university newspaper (*The Martlet*), on activist blogs, and on Facebook, all demonstrate the need for more opportunities for discussion, debate, and open communication among students at universities where gender neutral washrooms are being considered. It appears that students are anxious to share their views, and the most common criticism from University of Victoria students is the lack of responsiveness to student concerns over safety and accessibility.

When we approach the problem of gender from the third space perspective, the multi-user gender neutral washroom becomes a location for third space interactions that can lead to hybridity, acceptance, and inclusiveness, rather than simple tolerance. When the borders that separate bathrooms by gender are broken down individuals have the opportunity to confront difference within a space where nobody is necessarily seen as an intruder or an outsider. The bathroom understood as a borderland allows meaningful gender negotiations to take place.

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Appendix

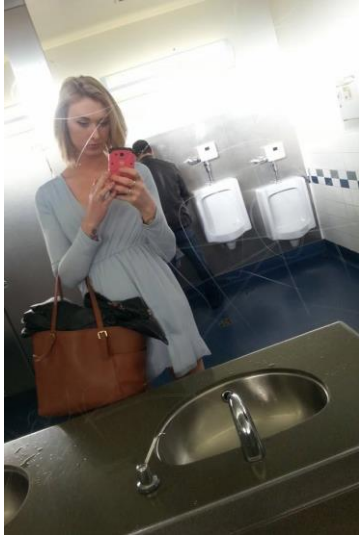


Figure 1: Brae Carnes Facebook photo



Figure 2: University of Victoria Washroom sign