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Empowering women for gender equity

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Violent cistems: Trans experiences of bathroom space

Nigel Patel

abstract

Transgender people in South Africa face problems with safe access to spaces that have been shaped and gendered by colonisation and apartheid. Cape Town, despite being labelled ‘the gay capital’ of Africa, contains bathroom spaces that carry this often unscrutinised violent legacy. This qualitative study deals with the experiences of discrimination and violence against transgender people of colour within the bathroom space. The study participants comprised ten transgender people of colour. Their different narratives demonstrate racist, sexist and transphobic modes of violence experienced in relation to the toilet space. In doing so, they show how the problems transgender people face within bathroom spaces are indeed significantly about gender, but cannot be robustly considered through a lens that views the problem as one that it is determined by gender alone. Thus, this study suggests that activism directed towards the safety of transgender people of colour necessitates a queer decolonisation of the toilet space, which has intersectionality at its core.

Keywords

transgender, toilet equity in the Global South, sex segregation, gendered violence, intersectionality

Introduction

Throughout history, toilet spaces have “both reflect[ed] and enforce[d] societal assumptions about gender and serve[d] as important sites for societal change” (Gershenson and Penner, 2009:7). The image of a bathroom sign from the University of Cape Town’s Humanities Building (Figure 1) is a glimpse of the contestation for inclusive toilet spaces which makes up one of the component parts of the multifaceted global transgender movement.

Central to the conversation on creating inclusive toilet spaces has been the exclusionary effects of sex-segregated¹ bathrooms on transgender² people. In the global media this conversation has been dominated by the ‘Bathroom Bill’ passed in North Carolina that requires individuals to

use only the bathroom that corresponds to their assigned sex at birth (NY Times Editorial Board, 2016). The consequence of this Bill has been the criminalisation of transgender people’s use of bathrooms that do not ‘correctly’ correspond to their assigned sex. Based on a hegemonic Western conception of sex and gender (Oyèwùmí, 1997:34), the Bill advances a two ‘opposites’ cistem of male and female. By cistem I refer to the systematised power which oppresses, subjugates, and marginalises transgender people. Hence the structural sex segregation of bathroom spaces creates problems for those who are viewed as being at odds with a cistem characterised by a sex-gender binary.

It follows that in the interests of bathroom equity, many transgender rights

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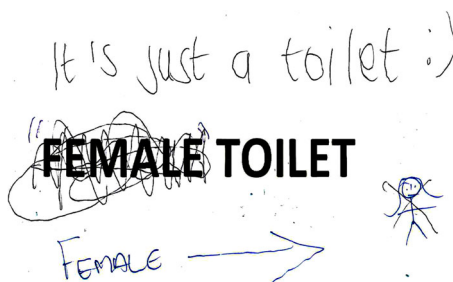


Figure 1: A bathroom sign from the University of Cape Town's Humanities Building.

advocates and organisations (particularly in the Global North) have primarily focused their efforts on the degendering of bathrooms. However, in the context of the Global South, creating a positive change for transgender people of colour in bathrooms must involve not only degendering, but also decolonisation. It is at this intersection that this study explores transgender people of colour's experiences in bathrooms in order to provide a "comparative, relational, historicized, and contextualized understanding" of the violence they experience (Spurlin, 2001:186).

Segregated bathrooms in context

Through briefly observing the history of the toilet, the experiences of transgender people of colour in Cape Town's bathrooms can be located within the intersections of gender, race and class. The first record of sex-segregated bathrooms was in Paris during a ball in 1739 (Cavanagh, 2011:19). Thus, the earliest operation of sex segregation began with the Parisian upper class, who emphasised sex difference in the public space (Cavanagh, 2010:580/7075). A novel practice at the time, sex segregation then began to be incorporated into European society during the late 1800s, which further emphasised notions of sex difference (Cavanagh, 2010:584/7075). Prior to this, public bathrooms had existed only for men. The effect of this was to limit women's movement, confining them away from public spaces and within the private sphere (Penner, 2001: 46).

However, as women began to join the workforce, anxiety over "women leaving their homes – the appropriate 'separate sphere'," prompted the enactment of sex-

segregated toilets (Kogan, 2010:145). Terry Kogan argues that this was founded on the "nineteenth-century ideology of pure womanhood and separate spheres" (164). At the time discourses on pure womanhood asserted that "womanly virtue resided in piety, purity, submissiveness and domesticity" (Welter, 1966:151). Notably, this fitted the construction of white women as "civilised and restrained, and ... fragile bodies in need of protection from the sexual" (Railton and Watson, 2011:94). On the other hand, black feminine bodies were "animalistically hypersexed bodies, accessible for scrutiny and pleasure" (94). Hence the creation of a sex-segregated bathroom space to enclose and protect the feminine was formed exclusively in relation to white femininities.

It is this toilet **cistern** that served to cement the spatially constructed division between man and woman that is still present today. Importantly, its current manifestation in the Global South emphasises how this cistern also perpetuates racial division. Specifically, in relation to South Africa the toilet cistern was imposed on indigenous communities through colonisation and apartheid (Cavanagh, 2010). In precolonial times the indigenous people (who came from different African cultures) would bury their excreta (Mbatha *et al*, 2008). Sanitation was dealt with on a regular basis as a 'needs must' issue, and not regarded with any particular moral agenda. This is particularly due to the fact that the balance between people and nature was managed with traditional learning and belief systems. Population numbers were lower and populations were more dispersed during this precolonial period, and thus "water pollution and waterborne illnesses were rare" (Mbatha *et al*, 2008:8).

It was the arrival of the white settlers in 1652 and the consequent battles, particularly in the 1800s, which distorted indigenous communities' ways of life. As the colonisers moved further into South Africa in order to expand their territory, sanitation practices were substantially changed. In a study on Zulu indigenous practices relating to sanitation it was pointed out, among other things, how "people started establishing designated areas for human excreta" and also "began digging pit toilets" (Mbatha *et al*, 2008:4). The important change to note here was the move to a centralised system. The shift away from the previous autonomous system marked the beginning of an organisational scheme whereby sanitation management became a centralised site through which ideological control could be influenced (Mbatha *et al*, 2008:2).

Furthermore, the first records of early variations of the European-style toilet³ were in the Castle of Good Hope in Cape Town (Mbatha *et al*, 2008:4). Made for the soldiers and administrative staff of the Dutch East India Company, it is this point that marks the beginning of racialisation through the cistem. Indigenous toilets that required the user to squat were constructed as inferior to the European-style toilet. This set up the toilet that came from the Global North as a civilising technology. Toilets that required the user to squat, such as pit latrines, were branded "'primitive', 'backwards' and 'retrograde'" (Cavanagh, 2010:1257/7075). Thus the indigenous people who used squatting toilets were excluded from the confines of femininity that were occupied by white European women who used the 'respectable' sex-segregated water closet toilet.

During late colonialism and formal apartheid the racially and sex-segregated English water closet toilet became pervasive (Cavanagh, 2010:1257/7075). In fact, the separation of toilet spaces during apartheid was central to the logic of complete separation of races in all aspects of public and private life, and the designation of people of colour as inferior. Hence when reflecting on the history of gender discrimination in South Africa it must be considered alongside race and its close connection to class (Coles *et al*, 2015:273). Notably, whilst the end of apartheid and the ushering in of a constitutional democracy in the mid-1990s saw the elimination of racially segregated

amenities, the sex-segregated bathroom space was left unscrutinised.

In contemporary South Africa toilets have continued to be an area of contention. Evident currently in the country is the reality that whilst

50 percent of the world's population is now urbanized ... a third of that number live in slums, shanty towns, and unofficial settlements lacking the basics in terms of water and sanitation. (Coles *et al*, 2015: 272)

South Africa's townships and informal settlements, home to a majority of black urban dwellers, are the visible product of apartheid's racist urban planning. In Cape Town this discriminatory history is a substantial factor in the politicisation of the toilet space. The city itself has been taken to court by the marginalised community of Makhaza in Khayelitsha, and lost due to its violation of their right to access sanitation (*Beja v. Premier of the Western Cape* (2011) 3 All SA 401). Notably, in these residential areas toilets are communal. A continuation of the ideology of different bodies being allocated different toilets, this is indicative of their position as markers of class and race in a way that has gendered implications.

In the contemporary South African context various studies have documented the experiences of homophobic and transphobic discrimination and violence experienced by LGBTQIA+⁴ people (Francis and Msibi, 2011; Sutherland *et al*, 2016) although there is relatively less evidence focused on trans people. More specifically, there has been no undertaking to understand the impact of the colonial genesis of toilet cistems and their continued racialised organisation in relation to trans people. Thus it is in the intersections of gender, race and class that this study locates the violence that transgender people of colour face in Cape Town's bathrooms.

Activism and the toilet space

This study was carried out to contribute to the literature pertaining to transgender people of colour within the Global South, specifically South Africa. Evident in the historicising of the bathroom space is that the sex-segregated European-style toilet cistem

imposed on and adopted in the Global South is rooted in many intersecting forms of violence. Hence in South Africa specifically it is essential that gender be considered alongside race and class for any future activism that aims to address the violence that transgender people face in bathrooms. A degendering approach devoid of intersectional considerations would be overly simplistic. This is because it would essentially lift the transgender politics of the Global North and apply it uncritically to African contexts. To do so would be a striking disregard of the South African context, which historically necessitates significant consideration of the effects of colonisation.

Equally important is that activists for transgender causes note that the politicisation of the bathroom space by social justice movements is not unique to the transgender movement (Plaskow, 2008:51). The concept of bathroom equity initially found expression within feminist movements in a Western context. The issues raised by different feminist movements include the lack, absence and poor quality of female bathroom spaces when compared to male bathroom spaces (Anthony and Dufresne, 2007:271). These feminist critiques of the inequality in the conditions of sex-segregated bathrooms are important in confronting patriarchal planning practices. They have served to transform toilet spaces by ensuring equal access to toilets for women (Anthony and Dufresne, 2007:271–272).

However, some of these critiques employ problematic notions of transgender-exclusionary radical feminism (TERF). Such notions are premised on the idea that trans women can never be women. Whilst this is not the case in all the feminist literature, there are advocates such as Sheila Jeffreys who argue from the premise that those assigned male at birth can never be women. On this basis, Jeffreys (2014:47) claims that transgender women's behaviour is "more likely to resemble that of other males rather than that of women, and men's behaviour in women's toilets can be very abusive".

Not only are such accounts guilty of gender essentialism, they also negate gender identity based on value-laden assumptions about how behaviour is necessarily determined by sex. This study challenges exponents of TERF like Jeffreys by showing that those assigned male at birth

who are transgender are vulnerable to multiple forms of discrimination, thereby contesting the idea that one's assigned sex necessarily determines bathroom experiences and interactions. Furthermore, it is worth noting how TERFs employ narratives about female fragility that reproduce the dominant colonial narratives based on white women's vulnerability.

Unlike transgender-exclusionary radical feminists, many disability rights advocates have formed valuable and positive relationships with transgender rights advocates around the issue of bathroom equity (Schmidt, 2013:182–183). Importantly, the positionalities of these advocates for differing concerns are not mutually exclusive as there are those who occupy the intersection of being transgender and disabled. Globally the efforts of movements with a focus on disability justice have resulted in the creation of the disabled toilet space (Serlin, 2010:168). Whilst disability encompasses a vast range of bodies, it has been highlighted how disabled toilet spaces attempt to increase accessibility for a wide range of people. These spaces often have "doors without handles, roomier stalls, lowered sinks, and interior spaces that allow one to move around with another patron" (Serlin, 2010:173). These spaces are also quite often gender neutral (Cavanagh, 2010:1026/75). Thus, sex-segregated bathrooms are disrupted in the creation of specifically disabled-accessible space.

Similarly, in South Africa there has increasingly been activism around toilet equity and sanitation. Black marginalised communities in townships and informal settlements are provided with communal toilets. These spaces more often than not are not gendered. However, these communal toilets are not the product of local people or activists, but rather are simply in the form in which the state has delivered them. The lack of consideration for providing technology that is modelled on communities' needs and practices is evident, as these toilets present immense issues around safety, hygiene and overall accessibility (*Beja v. Premier of the Western Cape* (2011) 3 All SA 401). Activisms for toilet equity in these spaces, specifically in the Cape Town townships of Khayelitsha and Gugulethu, have included protests where residents have demanded toilets that are

consistent with maintaining their dignity. There are significant parallels between the current resistance in informal settlements to the imposed technologies and indigenous peoples' "resistance [during colonisation] to ... [the] uptake of western technologies for agricultural and domestic needs" (Mbatha *et al*, 2008:7).

The state-provided communal toilets have also been contested specifically on the grounds of gender. Cases have been presented of women being attacked on their way to communal toilets that are an extensive distance from where they reside (*Beja v. Premier of the Western Cape* (2011) 3 All SA 401). They have also been shown to be inaccessible for people with disabilities, particularly those in wheelchairs (*Beja v. Premier of the Western Cape* (2011) 3 All SA 401). Interestingly though, there is no evidence from communities for a call to segregate toilets by sex in order to solve these issues. Rather, the call to action has been primarily focused on providing safer, accessible conditions of toilet use (closer toilets, improved privacy, better lighting, and lockable, sturdy and permanent stalls).

These activists poignantly show how engagement centred on degendering bathrooms alone is insufficient to ensure safety for all transgender people of colour in Cape Town. Moreover, it highlights the "importance of social research in developing and implementing sustainable and appropriate ... sanitation" (Mbatha *et al*, 2008:8). These movements for toilet justice are decolonial in nature; that is, they challenge the planning that "has been deployed historically in the colonial era" (Miraftab, 2009:44). In demanding toilets that ensure dignity, they mandate the state to transform the inequity of historically racial and gendered urban planning.⁵ It is this rich history that transgender advocates fighting for bathroom access are part of.

Research methodology

This study aimed to provide information on the discrimination and violence that bathrooms present for transgender people of colour within Cape Town. The decision was made to focus on the experiences of people in Cape Town who live at the intersections of being a person of colour and transgender. This was motivated by the

lack of specific studies that take into account individuals who live at this intersection; where similar studies have been conducted on queerness and the bathroom, most participants tended to be white (Cavanagh, 2010; Clark, 2011). Furthermore, the study considers colonisation's effect on gender, which is unarguably racialised. Colonisation's role in shaping understandings of gender undoubtedly marginalises white transgender individuals, yet it disproportionately marginalises transgender people of colour. The reason for this is that transgender people of colour find themselves in the overlap of colonially oppressed identities.

This study is based on ten in-depth interviews with transgender people of colour who have had to navigate Cape Town's toilet spaces. The interviews conducted lasted between 20 minutes and an hour. The included selections from the interviews are in no way a full presentation of the complex relationships of each transgender person of colour's relationship with the toilet space; rather, they reflect common issues that were raised across the interviews. Thus the selected segments describe the violence that trans people experience when using bathroom spaces. In addition to this, the study has also benefitted from use of the archives of various human rights and specifically transgender activist organisations who work with transgender individuals in Cape Town and nationally (Gender DynamiX, Iranti-org, Free Gender, Triangle Project and PASSOP).

Those who participated in the interviews were approached through informal routes – mainly through social media and subsequently through recommendations. Potential participants were all advised on the nature and purpose of the study. The interviews were all done face to face, and all took place in private areas or places chosen and deemed appropriate by the interviewee due to the sensitive and highly personal nature of the questions. The participants' ages ranged from 18 to 28 years, and they came from different backgrounds and positionalities, as is evident from the interviews. I will not attempt to capture all of these, but they included people with psychosocial disabilities, unemployed persons, students, activists, sex workers and artists. All those who volunteered were accepted and

their identities were not questioned. Some of the names and places in the narratives were altered slightly to preserve confidentiality and privacy for those who requested to remain anonymous. All participants were provided with a copy of the final study which was presented at the Queer in Africa symposium held at the District Six Home Coming Museum in Cape Town on 7 October 2016.

Representation of diverse positionalities was limited in that all participants were physically able-bodied. Also, no one identified as homeless, while homelessness is a pertinent problem for transgender people that increases the risk of violence in bathroom spaces. Furthermore, no one identified themselves as currently or permanently living in a Cape Town township. However, some participants did identify as having previously and temporarily lived within a township space not constrained to Cape Town. The constraint of the power difference between interviewer and interviewee was partially mitigated as I, a transgender person of colour, was the researcher conducting the study. However, this does not negate the fact that the narratives gathered are coloured by the socio-economic, age and other differences between the parties.

Findings and discussion

Each interview revealed complex issues, and through the process of reflecting each participant provided insightful accounts of their lived experiences of Cape Town, specifically focusing on the bathroom space. The participants self-identified with different terms, namely, 'non-binary',⁶ 'transgender',⁷ 'gender-fluid',⁸ 'gender queer',⁹ 'queer',¹⁰ 'female-to-male',¹¹ 'male-to-female',¹² and 'gender non-conforming'.¹³ Whilst some participants used the same terms, they often had different nuanced understandings of what these terms meant for them. For the purposes of this study I use the umbrella term transgender.

The participants' interactions with bathroom spaces covered a range of areas that predominantly included nightclubs and bars, but also schools, townships, malls, restaurants, universities, changing rooms, and sports, beach and park bathrooms. The differing types of violence that were raised by the participants were grouped into the

following categories: (i) visual and verbal violence, (ii) physical violence, and (iii) spatial violence, each of which are discussed below. However, their distinctness does not imply that they occur separately. Rather, as emphasised in the interviews, these modes of discrimination often converge in the violent acts perpetrated by non-trans bathroom users.

Visual and verbal violence

Dani, who identified as non-binary, noted that:

Cape Town bathrooms are not for us. Not for trans people. Not for non-binary people. I've never been physically attacked yet, but like one time I went into the bathroom with a friend, another non-binary friend, and the receptionist said, "You are not allowed to go in there, that is a women's toilet!" So there is that sense of immediately being misgendered, people forcing the gender binary on you. They threatened to call security even.

At play here is the notion of 'pure womanhood'. The toilet space is used to police what a woman both can and should be. Building on this explanation of the toilet space as an exclusionary and harmful one, Vumi, a trans woman shared that:

Cape Town bathrooms are violent as fuck. Like the way people look at you. It's not just in Cape Town though, but I think Cape Town is really bad, because it sells you the dream of being so friendly to queers, but it's not, unless you're like white, then I think life must be really nice for you.

Vumi's reflection of the toilet spaces as violent was emphasised through relating it to a perception of Cape Town as a queer-inclusive, and therefore potentially a safe space. She touches on how the disparity between this perception and her reality seems to magnify the violence she experiences. For Vumi this violence is inflicted through the looks of the other individuals in the female toilet space. This was a common occurrence in many of the interviews, with participants mentioning how "heads turn[ing] followed by long stares" and "repeated glances" were regular

responses to their presence in public bathroom spaces. These reactions are indicative of **cissexist** visual investigations to which the transgender persons are subjected. Through these we can view the bathroom space and the gaze as deployed to govern transgender bodies, both at an institutional and personal level (Brown and Knopp, 2014:100).

Furthermore, Dani pointed out how the occupants of the bathroom did not seem to see themselves as voyeuristic; rather, it seemed as if people felt authorised to look, particularly in the bathroom space: “because for them [cisgender people] you have elicited that reaction by not meeting the standards set up on the door”. Evident here is that binary gendered signs on bathroom doors confer visual power upon the cisgender onlooker, authorising their gaze and allowing them to confidently stare or actively bar transgender people from using the bathroom of their choice, as was done to Dani. Thus bathrooms are spaces where the interactions between cisgender and transgender persons reveal the compelling ways that the cisgender gaze becomes brutal and controlling in order to preserve ‘pure womanhood’ (Brown and Knopp, 2014).

In line with Vumi’s response, half of the participants constructed the hostility in the bathroom space as not only being based on their gender, but also being enabled by their blackness. A gender-queer participant, who preferred to remain totally anonymous and not use a pseudonym, told of an occurrence with a bathroom in a Cape Town mall:

So I walk into the ‘ladies’ bathroom and the white person at the sink looked away from the mirror where they were doing their lipstick, to look at me, paused, and then looked me up and down, paused, and then awkwardly said “Hi”, with only their upper lip done. We had made eye contact so I was standing there, kind of stuck, but when they said “Hi” I said hi back, not really expecting a reply and finally getting the confidence to walk over to the stall. And then they responded with a sigh, of relief I think, because of my voice, and then they apologised, they were like “Oh sorry, sometimes I find it hard to tell the difference between black men and women”, they laughed and

they said “old age”. I just went into the stall and sat down. I don’t know if I was upset or angry.

Perceived as less feminine by the white gaze, this interaction is a reproduction of colonial ideas on the dubiousness of black femininity. It raises parallel issues with a case that was documented in a similar Canadian study where one of the few transgender persons of colour interviewed said that in Canadian public restrooms he never knows “if someone is being sexist, racist, or homophobic” (Cavanagh, 2010:1260/7075). In both cases, a “gender [ed] misreading [was] inflected by racism and classism” (1260/7075), which brought about a mixed and often confusing range of emotions for the individual subjected to the discrimination.

These moments require intersectional analysis. Through understanding these symbiotic modes of discrimination, the moment can be framed not as singularly transphobic, but rather as co-constitutively simultaneously transphobic, racist and sexist, irrespective of the perpetrator’s intentions.

Physical violence

Attacks on transgender identity were not confined to looks and words. Many participants raised the issue of physical contact as another manifestation of violence. Perpetrated by non-trans bathroom users, the discriminatory acts recounted by the participants should not be viewed as isolated incidents. Instead, these acts are better understood as reproductions of the cistem that polices those who have transgressed the binary. By restricting the autonomy of self-identification outside of the gender binary, the state’s cistem curtails the individual’s opportunity to self-actualise (Langley, 2006:102). The discriminatory situations described by the participants flow from this “regime which vigilantly polices the brutal boundaries of male and female” (102). Collectively, these form a culture that excludes transgender persons from the bathroom.

Neo identified as a woman and recognised that her gender performativity eluded placement. “This difficulty to place me in a box”, she recalled, led to a situation in a nightclub that she described as disgraceful:

It was the evening of my friend's birthday, and we had gone to dinner, I was wearing a suit with a polo neck and I think I looked pretty cute. I think it is important to tell you what I was wearing because people like do gender clothing, you know. We just arrived at this club on Loop Street for the after-party celebrations and I needed to use the restroom. I go to the restroom that society has assigned to me as a woman which is the woman's restroom and I walked in there and another woman was like "this is the ladies bathroom". And as I was entering the bouncer grabbed me and said you cannot go in there; now everyone is looking and it was an overall humiliation.

Neo's narrative raises the difference in policing of gender by other bathroom users and those hired for security. It was a common thread through the interviews that security guards, mandated to look out for the safety of individuals, were actually the people that were the most regularly physically violent towards the transgender participants. This speaks to the literature on the 'fear of police violence' as "the use of the 'wrong' bathroom ... often results in arrests for crimes such as public lewdness, public obscenity, [and] public indecency" (Gehi, 2008:315).

Casting the transgender body as one that requires intensified policing, it is set up as the antithesis of the body that appears worthy of protection (Haritaworn, 2010:15). When security guards violently removed transgender participants from the bathroom, it was mainly from the women's bathrooms. This is indicative of notions that bathrooms are firstly constructed for cisgender women and not transgender individuals. Additionally, it highlights the colonial logic that bathroom spaces function according to official regimes of power in order to protect white femininity. Siya's case in particular highlights the issue of occupying both masculine and feminine spaces. A gender queer individual who used 'he' and 'him' as pronouns but did not identify as a man, Siya used the men's bathroom often as this caused less trouble. He recounted one occasion where:

I was at a club-type place. I needed to fix my make-up, and there was no mirror in the men's bathroom and my girlfriends

had gone to fix theirs in the women's bathroom, when I came out of the men's they were not out of the women's so I knew it must have a mirror. I walk in, there they are, I am fixing my make-up, next thing I know I'm being physically escorted out of the bathroom and out of club. Me and my friends don't go there anymore.

The idea at play is that security and protection need to be provided to cisgender women from transgender individuals. Siv, who identified as non-binary, raised the issues around how transgender people are seen as dangerous because cisgender women are assumed to always be victims. They contested this by commenting:

People forget cisgender women can be violent. Also what do you think is going to happen, I'm going to walk into the bathroom and suddenly you're going to question everything you thought about your gender and then Boom! You're also trans! That is not what is going to happen.

At times, as suggested by Siv, this anxiety around transgender people stems from the irrational idea that transgender people are potentially contagious. This can be understood as stemming from the ability of the transgender person's presence in a bathroom to challenge the politics of feminine respectability. Judith Butler (2005:24) has suggested that this anxiety is sometimes founded in unexplored gender identities of bathroom users. She argues that thoughts of transgressing the binary are forced to consciousness when people are perceived as transgender in the bathroom space (24).

Siv's visible frustration was also in response to cissexist and heterosexist narratives which suggest that the elimination of sex segregation of toilet spaces poses a safety risk to cisgender women (Cavanagh, 2010). In arguing this, these narratives often deploy the female body as fragile in parallel ways to the colonial construction of the vulnerability of the "pure, white, female body" (Railton and Watson, 2011:94). In fact, it was this conception of the white woman's body that reinforced many colonial practices and policies (94). Vron Ware (2015: 38) emphasises that:

One of the recurring themes in the history of colonial repression is the way in which

the threat of real or imagined violence against white women became a symbol of the most dangerous form of insubordination ... Protecting the virtue of white women was the pretext for instituting draconian measures against indigenous populations in several parts of the empire.

Continuous with this logic, one of the central motivations that led to the drafting of the 'Bathroom Bills' in the United States of America was concern for the safety of women and children. A very similar narrative is often deployed in South Africa, where it perhaps has more currency due to its high rates of sexual assault. However, studies have shown that it is trans women, forced to use the toilet gendered for men, that are most likely to be subject to violence (Cavanagh, 2010:1556/7075; Whittle, 2007). It was frequently mentioned in the interviews that the idea that the bathroom ought to be a safe space is often capitalised on by some women, who see their safety in opposition to or in conflict with the safety of transgender people. This is in line with literature that suggests that cis-women's fear-based responses can actually stem from their transphobia (Cavanagh, 2010:1551/7075).

Spatial violence

Indicative of the broad range of experiences under the umbrella term of transgender, Layla talked about how the men's bathrooms have never been an option for them. Identifying their gender as non-binary, they related discrimination to the spatial design of bathrooms constructed for men, specifically commenting on the urinal:

I've been into men's bathrooms sometimes and yeah urinals. But really ... as someone who has a vagina who sometimes does identify with 'masculine' gender identity, like it is just the most clear and evident slap in your face that anyone walking into this bathroom meant for people with the gender identity of a man must have a penis. It hits me every single time.

Through their reflections on space, Layla emphasised the projection of gender and its conflation with sex in the public space. The urinal is a piece of infrastructure that

actually magnifies the difference between sexes. Through creating a toilet space that requires a specific urinary position and confining this urinary position to the toilet constructed for men, gender is spatially linked to the genitalia (Serlin, 2010:176). Furthermore, the notion of heterosexual sex is invoked, supported by the theory that explicates the urinals' likeness to a vagina (Kira, 1966).

This notion of a lack of space for transgender individuals was also emphasised in reference to recent Cape Town feminist activism that has called for free sanitary pads and tampons in women's bathrooms. Layla critiqued the activism aimed at addressing the unaffordability of pads and tampons that mostly impacts on poor, usually black people. In their interview, they raised how within this activism there has been a lack of consideration of the need to create free sanitary pads within both bathrooms, or to stand in solidarity with a movement for gender-neutral toilets. This lack of intersectional consideration effectively serves to erase transgender men who menstruate, and is an example illustrating the necessity of an intersecting queer decolonisation that centres poor black transgender individuals.

When the participants were asked to describe a bathroom space, most explanations were of a room containing one or more toilets. Only three participants included a urinal within their descriptions. The predominant understanding of a toilet by the participants was one that flushed with water. This type of toilet, described in most of the interviews, was in fact the English water closet – the toilet that has been suggested to be the most in line with the value of dignity in specific contemporary African contexts (*Beja v. Premier of the Western Cape* (2011) 3 All SA 401). However, this could be challenged as indicative of a problematic aspirational value associated with these toilets, since they are in fact costly and wasteful (Anand and Apul, 2014:329).

Instead of viewing sanitation within the imposed European confines, it has been suggested that there needs to be an expansion of our hygienic imagination (Mbatha *et al*, 2008:8). Research on this issue encourages "sanitation technology development to introduce technologies that are

closer to the people and their indigenous cultural practices" (8). These may, for example, include the various possibilities that composting toilets offer, which could fulfil the sanitation needs of built-up areas that lack water (Anand and Apul, 2011:420). Therefore, when considering spatial violence inflicted on transgender people of colour, we must consider toilet spaces framed within the wider environment, and conversely, in reimagining more environmentally sensitive sanitation practices. We should take the opportunity to create more gender-just ones.

Within the group of participants only three raised how the external space in which the toilet was located was significant in shaping their experiences. The first participant, Wandile, who identified as a non-binary trans person, talked about institutional space, referring specifically to school and university bathrooms:

In schools, in university, in res. Yoh. The first things I would always notice from my time in these spaces were the gendered restrooms. It is a matter that is so alienating because now at school or on campus I must make a choice to use gendered bathrooms and face violence or wait till I get home. But essentially my home while I am studying, in residence has gendered toilets also. Wow. So my home is also telling me you don't matter, you do not get to shit, and you do not get to pee. It's part of the reason I had a mental breakdown earlier this year. I couldn't occupy that space, and the matter of the bathrooms made it worse.

Wandile's narrative illustrated how within educational institutions sex-segregated toilets isolate transgender learners. In research conducted by Gender DynamiX, it was highlighted how transgender students "spoke about not using the bathrooms at school at all for fear of the other learners' reactions" (Sanger, 2014:27). In order to avoid discrimination transgender students often unnaturally "contained urinating, defecating, and changing menstrual items" until they were home (27). This in itself restricts transgender students from being actively able to participate in their education because of the physical discomfort and anxiety of not being able to freely use the

bathroom, and also raises future health risks (Schuster *et al*, 2016:101). Furthermore, in Wandile's situation the circumstances were aggravated because the bathrooms in their 'single-sex' residence were all constructed as spaces for women through signs on the door. This meant that their bathroom experiences while studying were continuously gendered, which ultimately had very detrimental effects on them, and contributed to their being hospitalised for reasons concerning their mental health.

The experiences of the two other participants who considered the external spaces of the toilets they had interacted with were markedly different to Wandile's continuously gendered experience of bathroom spaces. Their reflections were on their past experiences with toilet spaces located in informal settlements. Both raised how they knew from stories and the media that these spaces were particularly dangerous, and how they did not "use these toilets at all because the risks were too high". Amidst the overarching climate of fear in the face of violence against LGBTQIA+ people, toilets are a space of intensified fear within a wider schema of violence.

Both participants focused on the case of Zoliswa Nkonyana, one specifically stating it as "one of the biggest reasons I'm afraid to use the toilets in what is supposed to be my home." This case occurred in a tavern in Khayelitsha where Zoliswa, a black lesbian, was murdered, following an argument based on her use of the ladies' toilet (Social Justice Coalition *et al*, 2010). Zoliswa, who identified as a woman, was perceived as being masculine by another woman at the tavern. In court testimony this woman said that "she had berated Nkonyana for using the ladies' toilets. She admonished the lesbians, and said they should have gone to the male toilets because they were acting like men" (De Waal, 2011). Following this openly gender-based aggression, the woman then proceeded to "go to the nine men she was with, and tell them that Nkonyana made unwanted sexual advances towards her" (De Waal, 2011). In doing this, Zoliswa's perceived gender transgression from the binary intersected with her sexuality that transgressed the heterosexual norm. This resulted in a culmination of visual, verbal and physical violence within a site where

its very existence is a direct effect of the spatial violence of apartheid.

Conclusion

The findings of this study have provided a contextualised understanding of the violence that transgender people of colour face in the bathroom space. Through historicising these spaces we are able to see how participants' experiences of violence in bathrooms are connected not just through gender, but also through race and class. Analysis of the interviews supports the conclusion that activism centred on making bathroom spaces in Cape Town safe and accessible for transgender people of colour needs to be intersectional. That is to say, South Africa's colonial history mandates an activism that strives to bring into focus other interconnected identities, relating not solely to gender but also to class, race and disability. This necessitates a queer and decolonial approach, as captured by Kerry in one of the interviews:

The toilets can be gender neutral but beyond that you need to create an inclusive space. It is not enough to just say or label your bathroom as gender neutral.

Hence, activism for bathroom equity in the post-colony as this study suggests ought to recognise that different forms of discrimination, as a result of colonisation, occur in a combined and interconnected manner. It is only through acknowledging colonisation's symbiotic modes of violence that an intersectional activism (Crenshaw, 1991) better suited to the South African context can be developed.

Notes

1. Sex segregation refers to the systematic/organisational practice whereby individuals are separated based on sex (usually within a binary system). Note that whilst different from gender segregation, bathroom policies are not always clear and often conflate gendered segregation with sex segregation. For the purposes of this study, sex segregation is used as it underpins the practice of gender segregation. Furthermore, this study rejects the term urinary segregation because it suggests that ways of urinating are different based on sex. Moreover, it fallaciously reduces the toilet space to one purpose, namely urinating.

2. Transgender is used as an umbrella term indicative of the diversity within gender and so operates as a way of promoting association between those who transgress the gender binary. The term cisgender, on the other hand, is indicative of a (non-trans) person who identifies with the gender assigned to them at birth (based on a system where the sex binary is equated to gender).
3. Generally understood to be the English water closet toilet, which is one with a bowl that is flushed by water.
4. 'LGBTQIA+' is an acronym for Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual. An umbrella term, the + indicates the diversity of the community in relation to sex, gender and sexuality.
5. Note the connections and similarities of the post-colonial bathroom equity movement to the Civil Rights Movement.
6. These terms describe a broad range of gender identities that reject the binary sex-gender assumption.
7. The term 'transgender' is often used interchangeably with 'trans'.
8. The term 'gender-fluid' is used by people whose gender identity and/or expression shifts and moves across the spectrum.
9. The term 'gender queer' is used to describe a broad range of gender identities used by people whose gender identity is neither man nor woman. It is often identified to be between or beyond gender, or some combination of genders.
10. 'Queer' is an umbrella term used to refer to the range of people who transgress heterosexual and cisgender norms. Historically it has been used as a slur; however, some have reclaimed it as affirming, while others still consider it derogatory.
11. The term 'female-to-male' is used by people assigned female at birth, who identify as male all or part of the time. Some prefer to identify with the phrase 'transitioning to male', because this does not suggest that they were female-identified at any time.
12. The term 'male-to-female' is used by people assigned male at birth, who identify as female all or part of the time. Some prefer to identify with the phrase 'transitioning to female', because this does not suggest that they were male-identified at any time.
13. The term "gender non-conforming" refers to a person whose gender expression is perceived as being inconsistent with cultural norms expected for that gender.

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