

## **Restroom Conflicts, Bodies & Somatophobia**

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Funded by Laidlaw Foundation

## Introduction

Although New York City often promises to be filled with opportunities, citizens struggle every day to find a decent restroom. Ranked 93rd in the United States for its ratio of public restrooms to people, NYC simply does not have enough accessible toilets for its eight million residents.<sup>1</sup> This shortage was undoubtedly exacerbated by the Covid-19 pandemic as both public and private establishments tightened their restrictions,<sup>2</sup> but it has been a prevalent issue since at least the 1860s.<sup>3</sup> The most striking moments in recent history begin in the 1990s when a group of homeless individuals sued the City of New York for lacking access to public bathrooms.<sup>4</sup> In 2006, former mayor Bloomberg promised to install 20 public bathrooms but only managed to deliver seven,<sup>5</sup> and just recently a governmental investment of \$5.3 million was enough to install just five bathrooms, one in each borough.<sup>6</sup> This begs the question: why is restroom accessibility a persistent issue in one of the world's wealthiest cities, and more importantly, what does it mean for the marginalized communities most affected?

The consequence is that women,<sup>7</sup> lower or working class people,<sup>8</sup> and people of color<sup>9</sup> are most vulnerable because they rely on the governmental provision of this public good; they are denied access to other types of restrooms more readily available to privileged individuals. It is worth noting that semantics

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<sup>1</sup> Austin Cope, "New York City Is Lacking Public Restrooms, but Officials Hope to Offer Some Relief." *NPR*, July 3, 2022. <https://www.npr.org/2022/07/03/1108890230/public-restroom-in-new-york-city>.

<sup>2</sup> Julia Carmel, "No Place to Go When You Need to Go? These New Yorkers Have Ideas." *The New York Times*, July 2, 2021. <https://www.nytimes.com/2021/07/02/nyregion/nyc-bathrooms.html>.

<sup>3</sup>A.K. Gardner, "Report to the Sanitary Association by Dr. A.L. Gardner." *The New York Times*, April 20, 1862. <https://www.nytimes.com/1862/04/20/archives/important-sanitary-suggestions-report-to-the-sanitary-association.html>.

<sup>4</sup> Felicia R. Lee, "The Homeless Sue for Toilets in New York." *The New York Times*, November 1, 1990. <https://www.nytimes.com/1990/11/01/nyregion/the-homeless-sue-for-toilets-in-new-york.html>.

<sup>5</sup> Winnie Hu, "City Finally Proclaims Deal for Public Toilets." *The New York Times*, July 22, 2003. <https://www.nytimes.com/2003/07/22/nyregion/city-finally-proclaims-deal-for-public-toilets.html>.

<sup>6</sup> Anna Rahmanan, "These Modular Public Bathrooms Are Being Installed Inside Five NYC Parks." *Time Out New York*, February 28, 2023. <https://www.timeout.com/newyork/news/these-modular-public-bathrooms-are-being-installed-inside-five-nyc-parks-022823>.

<sup>7</sup> Stephen Mihm, "Why Is It So Hard to Find a Decent Public Bathroom?" *The Washington Post*, June 18, 2022. [https://www.washingtonpost.com/business/why-is-it-so-hard-to-find-a-decent-public-bathroom/2022/06/18/604cd8c-c-ef07-11ec-9f90-79df1fb28296\\_story.html](https://www.washingtonpost.com/business/why-is-it-so-hard-to-find-a-decent-public-bathroom/2022/06/18/604cd8c-c-ef07-11ec-9f90-79df1fb28296_story.html).

<sup>8</sup> Reuven Blau, "No Bathroom Relief in Sight for Thousands Living on the Streets." *The City*, August 13, 2020. <https://www.thecity.nyc/2020/8/13/21365521/nyc-homeless-bathroom-penn-station-subways-manhattan>.

<sup>9</sup> Siegel, Theodora. "If New York Is so Great, Why Isn't There Anywhere to Pee?" *The New York Times*, January 15, 2023. <https://www.nytimes.com/2023/01/15/opinion/new-york-public-toilets.html>.

insidiously compartmentalize instead of interlock these identities, so it is important to recognize the varying experiences faced by different people given their intersectional identities. In other words, when I say “women”, I do not mean to suggest that the experience of a wealthy, white woman is interchangeable to that of a working-class woman of color; I take an intersectional approach. Although current analyses focus on political and urban design limitations influencing NYC’s public bathroom shortage, a philosophical approach, including existentialist, critical race feminist, and historical perspectives, can perhaps shine light on an overlooked root of this issue. Fundamentally, the shortage deals with people’s inability to carry out necessary bodily functions, and I assert that the problem relates directly to deeper underlying issues in the Western conception of the body. Philosopher Elizabeth Spelman coined the term “somatophobia” as fear of and disdain for the body to explain how the Western white-feminist desire that women disassociate from their bodies is rooted in a negative view of the body.<sup>10</sup> My research will investigate how this theory can be extended and yield meaningful answers not only about NYC’s continuous public restroom shortage, but also the implications of somatophobia on women, people of color, and working class people, as seen through the issue of public restrooms. Ultimately, I will be answering the question: *To what extent are historical and contemporary restroom conflicts real-life manifestations of somatophobia, and what are their repercussions for the marginalized communities that are associated with the body?*

### **Women and Body**

It is not a new concept that women are associated with the body whereas men are associated with the mind, and Simone de Beauvoir’s work in *The Second Sex* rests on this gendered mind/body distinction. When de Beauvoir recalls that “*tota mulier in utero*; she is a womb,” she is drawing upon historical correlations made by philosophers such as Aristotle and Plato.<sup>11</sup> Contemplations about women in antiquity centered on their shortcomings compared to men and were consequently used to justify the

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<sup>10</sup> Elizabeth V. Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (Boston: Beacon Press, 1988), 126.

<sup>11</sup> Simone de Beauvoir, *The Second Sex*, trans. by Constance Borde and Sheila Malovany-Chevallier. (New York: Vintage Books, 2011), 3.

delegation of women into spheres of life that were deemed beneath men. For example, Plato, despite conceding that men and women “should share all duties,” maintained that females should be treated “as the weaker, [and] the males as the stronger.”<sup>12</sup> Similarly, and more overtly misogynistic than his teacher, Aristotle states “the relation of male to female is naturally that of the superior to the inferior”<sup>13</sup> because “the element which is able, by virtue of its *intelligence*, to exercise forethought, is naturally a ruling and master element; the element which is able, by virtue of its *bodily* power, to do what the other element plans, is a ruled element” [emphases mine].<sup>14</sup> According to Aristotle, then, it is the mind of man that justifies his position at the apex of the hierarchy, while a woman’s body explains her subordination. That a woman then embodies (!) a lack of reason is because she is *ipso facto* associated with the body, which, in turn, gives man the license to establish himself as superior in virtue of his reason – hence the gendered mind/body distinction. Paradoxically, even though women are said to be physically weaker, they are nonetheless forced to take on tasks “by virtue of [their] bodily power,” which might appear as a contradiction.<sup>15</sup> However, this can be reconciled by the observation that the West – as epitomized by some of its most famous thinkers previously acknowledged – considers physical activities easier than those of the mind. The former are guided by instinct or habit while the latter by reasoning, so despite the fact that women are said to be weaker, they are still relegated to bodily tasks exactly because they are seen as inferior to those of the mind. This is seen in Aristotle’s comment that “virtue, therefore, is a characteristic... defined by reason.”<sup>16</sup>

Other philosophers continued the tradition of conceptually segregating women from the mind, which supports de Beauvoir’s observation that men are “Subject” and women are “Other.” Friedrich Nietzsche comments in the 19th century that “[W]hen a woman has scholarly inclinations there is generally something wrong with her sexual nature. Barrenness itself conduces to a certain virility of taste;

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<sup>12</sup> Plato, *Republic*, trans. by Desmond Lee. (London: Penguin Classics, 2007), 5.451e, p. 160.

<sup>13</sup> Aristotle, *The Politics*, trans. by Ernest Barker. (Oxford: Clarendon Press, 1946), 13.

<sup>14</sup> Aristotle, *The Politics*, 3.

<sup>15</sup> Aristotle, *The Politics*, 3.

<sup>16</sup> Aristotle, *Nicomachean Ethics*, trans. by Robert C. Bartlett and Susan D. Collins (Chicago; London: University of Chicago Press, 2011), 35.

man, indeed, if I may say so, is "the barren animal."<sup>17</sup> The fact that a woman's intellect is caused by her flawed "sexual nature" solidifies the notion that a woman's body supersedes her mind, and is therefore fundamental to who she is. For men, their inability to reproduce is, according to Nietzsche, what characterizes them, and consequently, what allows them to have "scholarly inclinations." Men, in turn, are associated with the mind despite the fact that they also have a body; the difference in bodies (and associations) between men and women relates to their respective functions. A woman's body is essential and an obstacle, while a man's body is merely coincidental and a vessel through which he experiences the world because as de Beauvoir explains, man "vainly forgets that his anatomy also includes hormones and testicles. He grasps his body as a direct link with the world that he believes apprehends in all objectivity."<sup>18</sup> Following from this, de Beauvoir quotes philosopher Julien Benda on the fact that a man's body is not defined by what it lacks, something de Beauvoir shows is not true for women. Indeed, a woman "is determined and differentiated in relation to man, while he is not in relation to her... He is the Subject; he is the Absolute. She is the Other."<sup>19</sup> The concept of women as "Other" is hence fundamental to de Beauvoir's work because it shows the ways in which women were, and continue to be, subordinated by men. Furthermore, it is reflective of Western attitudes towards the mind and the body, respectively. Whether one concedes that the mind and body are two separate entities, as the dualists would have it, or proposes instead that they are interconnected, as monists argue, it is clear that the mind is regarded more highly than the body by the very fact that men and the mind are Subject while women and bodies are Object.

As such, de Beauvoir begins constructing her argument that women's oppression ends where their transcendence of the body begins. De Beauvoir firstly introduces that "transcendence," by which she means an "expansion toward an indefinitely open future", is in direct contrast to "immanence," or the "degradation of existence into "in-itself".<sup>20</sup> In a state of transcendence, something "accomplishes its

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<sup>17</sup> Friedrich Nietzsche, *Beyond Good and Evil*, trans. by Helen Zimmern (New York: Modern Library Publishers, 1917), 86.

<sup>18</sup> de Beauvoir, *The Second Sex*, 5.

<sup>19</sup> de Beauvoir, *The Second Sex*, 6.

<sup>20</sup> de Beauvoir, *The Second Sex*, 16.

freedom,” and transcendence itself is characterized by being active, extending, and creative.<sup>21</sup> Immanence, on the other hand, “takes the form of frustration and oppression,” such that immanence is reflective of those who are passive, inward, and stagnating.<sup>22</sup> Hence, de Beauvoir presents the predicament of women: “she discovers and chooses herself in a world where men force her to assume herself as Other: an attempt is made to freeze her as an object and doom her into immanence, since her transcendence will be forever transcended by another essential and sovereign consciousness.”<sup>23</sup> In other words, women are ascribed a life of immanence and it is their inability to step into a life of transcendence that maintains their oppression. Given the association of women and body, and men and mind, these two existentialist concepts comfortably coincide with a gendered mind/body distinction: immanence is manifested through the body, and transcendence is manifested through the mind.

Subsequently, de Beauvoir argues that women’s association with the body causes their immanence, so efforts to end their oppression should be focused on transcending the body. On the one hand, there is a biological reality that forces women into a life of stagnation, namely, their reproductive capability. “[T]he passive fertility of their body”<sup>24</sup> brings forth the consequences of pregnancy, giving birth, and menstruation that mark a woman’s life by forcing her to “passively submit to her biological destiny.”<sup>25</sup> In this way, a woman’s physical reality becomes a barrier to her transcendence because she cannot control her body. She cannot choose to move beyond the risk of unwanted pregnancies, just as she cannot rise above her menstruation cycle. These are “not activities but natural functions” that force a woman to give in to her body’s reproductive capabilities, and so maintain her within a life of stagnation.<sup>26</sup> On the other hand, there is also a socialization of women’s bodies that leads them to a life of immanence. It does not follow that a woman’s ability to give birth *necessarily* means she lives passively because “there is no way to directly oblige a woman to give birth: all that can be done is to enclose her in

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<sup>21</sup> de Beauvoir, *The Second Sex*, 16.

<sup>22</sup> de Beauvoir, *The Second Sex*, 16.

<sup>23</sup> de Beauvoir, *The Second Sex*, 17.

<sup>24</sup> de Beauvoir, *The Second Sex*, 539.

<sup>25</sup> de Beauvoir, *The Second Sex*, 73.

<sup>26</sup> de Beauvoir, *The Second Sex*, 73.

situations where motherhood is her only option.”<sup>27</sup> However, society constrains a woman into a life of stagnation because “housework alone is compatible with the duties of motherhood.”<sup>28</sup> Women lack the option to move beyond work that is “monotonous and mechanical” because their bodies are socialized to serve in spheres of life that are physical.<sup>29</sup> The socialization of women’s bodies as a cause of immanence is perpetuated by the reinforcement of gender norms. As such, De Beauvoir’s argument now seems clear enough: women ought to transcend their bodies to liberate themselves from oppression.

### **Somatophobia**

Philosopher Elizabeth Spelman, however, contends that de Beauvoir’s argument for transcendence of the body is problematic because “de Beauvoir’s prescription for women’s liberation does not challenge the negative view toward the body; it only hopes to end the association between the body, so negatively characterized, and women.”<sup>30</sup> To do so, Spelman introduces the concept of “somatophobia”, which she defines as the “fear of and disdain for the body.”<sup>31</sup> In practice, somatophobia is seeing the body “as the source of all the undesirable traits a human being could have,” and the idea of transcending the body is one manifestation of it.<sup>32</sup> On the surface, the first problem is that transcendence of the body essentially licenses the belief that men are superior to women by extension of the hierarchy regarding their respective associations with mind and body. If the mind truly is superior to the body, then analogously, men are superior to women, and “woman’s liberation, on this view, is just a much belated version of the men’s liberation that took place centuries ago.”<sup>33</sup> On a deeper level, somatophobia in the form of bodily transcendence is “likely to be predicated on the oppression of other groups” because the body, despite a desire to disassociate from it, is necessary for human existence.<sup>34</sup> If women are not going to be assigned to do the body’s work, then it is because their liberation depends on the fact that that work

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<sup>27</sup> de Beauvoir, *The Second Sex*, 67.

<sup>28</sup> de Beauvoir, *The Second Sex*, 73.

<sup>29</sup> de Beauvoir, *The Second Sex*, 418.

<sup>30</sup> Elizabeth V. Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (Boston: Beacon Press, 1988), 127.

<sup>31</sup> Spelman, *Inessential Woman*, 126.

<sup>32</sup> Elizabeth V. Spelman, "Woman as Body: Ancient and Contemporary Views," *Feminist Studies* 8, no. 1 (1982): 118, <https://doi.org/10.2307/3177582>.

<sup>33</sup> Spelman, “Woman as Body”, 124.

<sup>34</sup> Spelman, *Inessential Woman*, 128.

is going to fall on someone else; in the same way that the tasks relegated to women in antiquity reflected women's social value, or lack thereof, somatophobia too extends that lack of value to other groups. In simple terms, "we may recall why Plato and Aristotle thought philosophers and citizens needed leisure from this kind of work and who they thought ought to do it."<sup>35</sup> Furthermore, abstracting the body from the notion of woman lends itself to the idea of "a woman who is no particular historical woman."<sup>36</sup> The repercussions are that it becomes "beside the point to think of women in terms of any physical characteristics."<sup>37</sup> In other words, bodily aspects that give a woman her identity, besides, or indeed interconnected with, her gender, such as race, class, etc., are erased, which renders it impossible to understand her situation in terms of her physical features given there are none. A woman's experiences, insofar as they are influenced by physical attributes, are set aside, and core aspects that are significant to her life are muted.

The shortcomings of de Beauvoir's appeal for transcendence, then, become clear when we factor in Spelman's theory of somatophobia: transcendence of the body not only reinforces a negative view of the body, but also extends such a disdain to other types of identities beyond gender, such as race and class, ultimately perpetuating rather than dismantling the oppression of those associated with the body. Turning towards the real-world expressions of these theories, then, it is worthwhile considering how somatophobia is manifested in everyday life. Particularly, restrooms are a place where the body is at the forefront, which raises the question: have restrooms ever functioned as a locale through which somatophobia is manifested? I argue they have, and will present historical examples of segregated bathrooms, both by gender and race, from the 18th to 20th century in the United States to demonstrate how and why.

It is worth highlighting that Spelman defines somatophobia as the fear of or disdain for the body, as previously noted, but she also extends somatophobia to argue that groups of people associated with the body are treated with an analogous disdain exactly because they are associated with the body. Spelman demonstrates somatophobia is deeply interconnected with sexism, racism and classism because "the soul/

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<sup>35</sup> Spelman, *Inessential Woman*, 128.

<sup>36</sup> Spelman, *Inessential Woman*, 128.

<sup>37</sup> Spelman, *Inessential Woman*, 128.

body distinction, now highly politicized and hierarchically ordered, [can be] used in a variety of ways in connection with repressive theories of the self, as well as oppressive theories of social and political relations.”<sup>38</sup> In other words, ranking the mind over the body extends to ranking the groups of people with whom mind and body are respectively associated. This hierarchical mind/body distinction leads those at the top to utilize said ranking to implement and reinforce social structures that are oppressive towards groups at the bottom. As such, in evaluating the extent to which bathroom conflicts are instances of somatophobia, not only will I be searching for evidence that shows a disdain for the body, but also an analogous disdain towards groups associated with the body that is sexist, racist, and/or classist oppression.

### **History of Gender-Segregated Restrooms**

Before I begin with this section of my investigation, however, it is worth mentioning that my approach thus far has been to consider “woman” as a broad category, following the example of Plato, Aristotle, Nietzsche and de Beauvoir. Yet Spelman, alongside other feminist scholars like Kimberle Crenshaw, has been right in criticizing this tradition. To think of “woman” as a homogenous category whereby each member experiences the same degree and type of oppression misrepresents reality; other factors such as race and class are significant parts of a woman’s identity and intersect with each other to change the way she experiences the world. Thus, turning away from an additive analysis of oppression,<sup>39</sup> and instead embracing a conceptual framework of intersectionality,<sup>40</sup> I will explore different sections of identity individually for the sake of clarity, while also identifying the areas for intersectional nuances as they arise.

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<sup>38</sup> Spelman, “Woman as Body”, 127.

<sup>39</sup> Spelman, *Inessential Woman*, 125. The additive theory of oppression compartmentalizes struggles into neat delineations of what falls under sexism, racism, classism, etc., such that they can be piled on top of one another. Its main shortcoming is that instead of accounting for the ways in which these systems of oppression interlock, it asks individuals who belong to more than one marginalized community to nonsensically indicate which oppression supersedes another.

<sup>40</sup> Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1244, <https://doi.org/10.2307/1229039>.

Gender-segregated bathrooms, or “water closets” designated for men and women, respectively, were first utilized in France in 1739 at a royal ball,<sup>41</sup> but it was only in 1887 that a statute required them in the United States.<sup>42</sup> Massachusetts policymakers implemented gender-segregated bathrooms in factories during the Industrial Revolution, a time when technological advancements coincided with the cholera epidemic. As such, the development of public sewer systems became both an architectural and sanitary focus; however, it remains contested why bathrooms were separated by gender. Considering various historical perspectives, I will argue that even though a concern for women’s safety was important, the most significant cause for implementing gender-segregated restrooms in the United States was the social anxiety of women leaving the domestic sphere which was counteracted by using pseudo-scientific justifications that reinforced the notion that women’s bodies were weaker than men’s. Thus, gender-segregated restrooms are a manifestation of somatophobia given they reinforce both a narrative about female inferiority through their bodies, and perpetuate women’s oppression.

On the one hand, Professor W. Burlette Carter argues the implementation of gender-segregated restrooms in the United States was to protect women from sexual harassment and assault. Carter references contemporary artwork from the 1700s onwards to exemplify the rampant concern women were voicing as they fought for their right to exchange domesticity for participation in public life.<sup>43</sup> Moreover, she interprets euphemisms of women’s “immorality” and “sacrificing their honor” as expressions referring to women being sexually harassed.<sup>44</sup> Arguing that “the answer to accommodating women was to separate them entirely from men,”<sup>45</sup> Carter concludes that far from “being sexist or patronizing,” gender-segregated restrooms arose from a need to protect women workers.<sup>46</sup> Nevertheless, the lack of legal structures to enforce anti-sexual harassment laws undermines this argument; the concern for

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<sup>41</sup> Sheila L. Cavanagh, *Queering Bathrooms: Gender, Sexuality, and the Hygienic Imagination* (Toronto: University of Toronto Press, 2011), 10.

<sup>42</sup> “An Act To Secure Proper Sanitary Provisions in Factories and Workshops,” Mass. Acts 1887, ch. 340, State Library of Massachusetts Digital Repository, <https://archives.lib.state.ma.us/handle/2452/83308>.

<sup>43</sup> W. Burlette Carter, “Sexism in the ‘Bathroom Debates’: How Bathrooms Really Became Separated by Sex,” *Yale Law & Policy Review* 37 (2018), 253.

[https://yalelawandpolicy.org/sites/default/files/YLPR/carter\\_vol.37.1\\_227-297.pdf](https://yalelawandpolicy.org/sites/default/files/YLPR/carter_vol.37.1_227-297.pdf)

<sup>44</sup> Carter, “Sexism in the ‘Bathroom Debates,’” 282.

<sup>45</sup> Carter, “Sexism in the ‘Bathroom Debates,’” 245.

<sup>46</sup> Carter, “Sexism in the ‘Bathroom Debates,’” 279.

women's safety as a primary reason for gender-segregated restrooms fails to explain why such segregation was not implemented in other places where sexual assault may have also been a concern, such as industries where women dominated the workforce but were employed under male bosses, like textiles. Furthermore, Carter's interpretation of contemporary euphemisms leaves out the cultural sexism that permeated notions about women's inherent weakness.

On the other hand, Professor Terry Kogan shows euphemisms about "morality" were not about women being safe from sexual harassment, but rather them staying "pure and virginal."<sup>47</sup> This interpretation is based on the contemporary belief that women had weaker bodies, and that their presence in the workforce was out of place.<sup>48</sup> Kogan concedes that concern for women's safety was part of the conversation, citing that literature at the time depicted men "illicitly sneaking peeks at [a woman's] lower extremities while she is using the water closet."<sup>49</sup> However, Kogan points out that primarily, "justifications for sex separation of factory water closets based on women's weaker bodies, factory sanitation, and modesty were all related to late-century anxieties that evolved from the realist movement's scientific pretensions concerning women's bodies and from disruptions to daily life wrought by a burgeoning industrial society."<sup>50</sup> Realist science in the turn of the late nineteenth century emphasized empirical results, and the "scientists in these disciplines reached the common conclusion that "women were inherently different from men in their anatomy, physiology, temperament, and intellect."<sup>51</sup> Moreover, the Industrial Revolution "threatened the ideological divide between public space and the private home" by inviting women's presence in both spheres.<sup>52</sup> In other words, at a time when the status quo was disturbed by women joining the workforce rather than staying solely at home, policymakers implemented gender-segregated restrooms to enforce traditional social values about the role of women, and justified them using pseudo-science. Even though Carter is right to highlight the anti-sexual

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<sup>47</sup> Terry S. Kogan, "Sex Separation: The Cure-all for Victorian Social Anxiety," in *Toilet: Public Restrooms and the Politics of Sharing*, ed. Harvey Molotch and Laura Noren (New York: New York University Press, 2010), 162.

<sup>48</sup> Kogan, "Sex Separation", 147.

<sup>49</sup> Kogan, "Sex Separation", 159.

<sup>50</sup> Kogan, "Sex Separation", 145.

<sup>51</sup> Kogan, "Sex Separation", 149.

<sup>52</sup> Kogan, "Sex Separation", 148.

harassment conversation, such a concern about female safety was only palatable to male legislators because it fit within pre-existing sexist ideologies about women's inherent weakness and their place in the household.

Therefore, gender-segregated restrooms not only gave rise to, but also consolidated, a patriarchal social order in two distinct yet interconnected ways: first, gender-segregated restrooms lent themselves to a seemingly natural dichotomy between men and women that justified women's bodily restraint by men, and second, gender-segregated restrooms presented themselves as a safe haven for women against a backdrop of insufficient legal structures against sexual harassment on a wider scale. Given the rise of women in factories in the late 1800s coincided with the popularization of realist science, the socially-accepted notion that women's bodies were weaker than men's garnered "empirical" foundations that more strongly legitimized it. Philosopher Kate Manne argues sexism is "the branch of patriarchal ideology that *justifies* and *rationalizes* a patriarchal social order" such that "sexism is scientific."<sup>53</sup> Indeed, this is what we see with gender-segregated restrooms on behalf of male policymakers; many used pseudo-scientific claims, such as "a woman's body is unable to withstand strains, fatigues, and privations as well as a man's," to make gender-segregated restrooms appear natural.<sup>54</sup> These pseudo-scientific differences between men and women thus seemed to mirror the alleged function of gender-segregated restrooms: protecting women's inherently weak bodies. Based on the foundations that legitimize them, gender-segregated restrooms are an example of a patriarchal social order because they rest on and perpetuate the sexist view that women's bodies are inherently weaker than men's.

If we consider a feminist perspective of agency, we can see how the implementation of gender-segregated restrooms covertly sustained women's oppression. As opposed to a traditional conception of agency that "is intimately tied to the mind" given it "implies rationality and free will," a

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<sup>53</sup> Kate Manne, *Down Girl: The Logic of Misogyny* (Oxford: Oxford University Press, 2018), 79.

<sup>54</sup> United States. Department of Labor, *Bulletin of the Department of Labor*, Issues 40-44. Washington, D.C.: U.S. Government Printing Office, 1902. Digital, Harvard University Library, digitized March 12, 2009. 2. [https://books.google.com/books?id=dMBAAAAAYAAJ&source=gbs\\_navlinks\\_s](https://books.google.com/books?id=dMBAAAAAYAAJ&source=gbs_navlinks_s).

feminist framework can better elucidate the stakes because it embraces an embodied notion.<sup>55</sup> Feminist philosopher Catriona Mackenzie argues that “bodily perspective forms the lens through which the subject experiences and understands her life and thus is the basis of all possible action.”<sup>56</sup> In other words, the body becomes central for understanding agency because it is what allows for any reasoning to take a physical manifestation. Philosopher Elizabeth Grosz adds that “a body relies on many bodies, just as concepts rely on a milieu of other concepts, for these two orders always function inseparably.”<sup>57</sup> Agency through a feminist perspective, then, depends on one’s understanding of their place in the world and in relation to others, as facilitated and enacted by the body. Thus, gender-segregated restrooms undermined women’s agency because they confined women’s bodies which in turn limited their ability to act freely. More profoundly, Mackenzie’s conception of agency explains “the ways in which oppressive norms can be internalized.”<sup>58</sup> Since one’s bodily perspective is “mediated by, and responsive to, one’s relationships with other people, one’s social situation, and social and cultural representations and practices,” one can internalize oppressive norms grounded on negative views of the body.<sup>59</sup> The implication of this responsiveness to others, specifically as it pertains to gender-segregated restrooms, is that women internalize the somatophobic justifications for undermining their agency; the design of gender-segregated public restrooms leads women to internalize the “fact” that their bodies are weaker than men’s and thus in need of the protection offered by restraining their bodies to a specific bathroom. We see this internalization at a social level with the appeal that men and women’s bodies are *naturally*, and thus unchangeably, different. As Manne notes, “If certain social differences between men and women could hardly be otherwise, then is it worth the effort to try to combat them?”<sup>60</sup>

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<sup>55</sup> Sue Campbell, Letitia Meynell, and Susan Sherwin, *Embodiment and Agency* (University Park, Pa: Pennsylvania State University Press, 2009), 2.

<sup>56</sup> Campbell, *Embodiment & Agency*, 14.

<sup>57</sup> Kathryn Yusoff, “On Ontogenesis and the Ethics of Becoming: Elizabeth Grosz, Interviewed by Kathryn Yusoff,” *Society and Space*, May 22, 2014, <https://www.societyandspace.org/articles/on-ontogenesis-and-the-ethics-of-becoming>.

<sup>58</sup> Campbell, *Embodiment & Agency*, 14.

<sup>59</sup> Campbell, *Embodiment & Agency*, 118.

<sup>60</sup> Manne, *Girl Down*, 79.

On the other hand, the lack of other anti-sexual harassment legislation forced women to accept gender-segregated restrooms as the few, if not only, spaces where they were granted the safety they searched for; this, in turn, consolidated gender-segregated restrooms as a patriarchal social order. Despite the fact that women highlighted the threat of sexual violence to garner protection as they entered the workplace, there lacked a wide scale legal structure against sexual harassment that suggests the predominant concern for male legislators was about reinforcing sexist notions rather than fighting sexual harassment. It might appear as presentist to expect wide-spread anti-sexual harassment legislations to be implemented at a time when women could not even vote; however, it is exactly this anachronistic, even progressive, nature of the “protecting women from sexual harassment” justification that makes its defense ironic, if not dubious. If policy-making men seriously worried about women’s protection from sexual violence, then they would have gone beyond bathroom segregation to ensure there was protection everywhere, specially since sexual harassment occurs anywhere, not just restrooms. Instead, as Kogan argues, “segregation reinforced the cultural message that, as the weaker sex, women needed special home-like havens.”<sup>61</sup> As such, male legislators capitalized off of the female concern for safety by claiming to institute gender-segregated restrooms under this premise when in fact the more predominant reason was the reinforcement of male bodily superiority. The divergence in priorities between men and women, coupled with the lack of other anti-sexual harassment legislation, highlights that gender-segregated bathrooms consolidated a patriarchal social order because they reinforced the narrative that women’s bodies are inherently weaker than men’s. Meanwhile, women who raised serious concerns about safety in terms of sexual harassment were pushed to the margins and only found refuge from harassment in gender-segregated bathrooms, as they were the only option. Women were structurally compelled to accept a patriarchal social order that claimed to – and by lack of options, appeared to – protect their safety though simultaneously, and tacitly, undermined their agency.

Therefore, gender-segregated restrooms are somatophobic because they reveal a disdain for the body and perpetuate women’s oppression by undermining women’s agency. It is clear that the

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<sup>61</sup> Kogan, “Sex Separation”, 152.

pseudo-scientific justification that women's bodies are inherently weaker is dismissive of the body. Moreover, the idea women should have stayed within the household – as male policymakers implicitly showed by maintaining women alienated in the workplace – also reveals a tacit degree of somatophobia insofar as domestic work is associated with the body and consequently looked down upon. These sexist ideologies were then used to establish a seemingly-natural patriarchal social order in the form of gender-segregated restrooms, given they were rooted on a hierarchy that placed men above women. Furthermore, gender-segregated restrooms are somatophobic on account of the twofold threat they pose to women's agency. First, gender-segregated bathrooms restrained women's bodies and by extension, their capacity to act; second, women were forced to accept gender-segregated restrooms as the only option to protect them from sexual harassment, as well as internalize negative views of the body. As previously argued, confining women's bodies meant their agency was undermined because, using Mackenzie's conception of agency, their bodily perspectives could not freely form the lens through which they both experienced and understood their lives. Similarly, the fact that gender-segregated bathrooms were the only places where women found refuge from sexual harassment given the lack of legal structures elsewhere delineated the boundaries of where they could act freely. The scarcity of anti-harassment infrastructure coupled with internalizing the notion that women's bodies were inherently weaker than men's on the basis of "natural" bodily differences consequently undermined women's agency. Culminating in a perpetuation of women's oppression by undermining their agency, gender-segregated restrooms are thus rooted and enforced by somatophobia.

### **Race-Segregated Restrooms**

Despite the insights an analysis of gender-segregated restrooms offers, it is important to remember the conversation surrounding women referred to only white women, given that "many places only offered a unisex restroom for African American people."<sup>62</sup> In fact, "white supremacist ideologies favor unisex bathrooms because African American women were not viewed as women who needed the

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<sup>62</sup> Tynslei Spence-Mitchell, "Restroom Restrictions: How Race and Sexuality Have Affected Bathroom Legislation," *Wiley Online Library*, 2020, 16, <https://onlinelibrary.wiley.com/doi/10.1111/gwao.12545>.

same protections as their white counterparts.”<sup>63</sup> Yet in the context of Jim Crow, race-segregated restrooms employ a similar argument for safety as gender-segregated restrooms, in this case protection of white people from black people. Moreover, white supremacist ideology associates communities of color with the body and white people with the mind, creating a racial mind/body distinction similar to the gendered one. Ibram X. Kendi points out how François Bernier, the first popular classifier of people into races, wrote that “those who excel in the powers of the mind... [should] command those who only excel in brute force, just as the soul governs the body, and man rules animals.”<sup>64</sup> Thus, I will consider race-segregated restrooms during the 1950s and 60s, and demonstrate that even though white supremacists often used a religious justification for segregation, the argument that God created different races rested directly on hierarchical bodily distinctions. The deep-seated notion that black bodies were inferior to white bodies was primary over piety, and particularly, the belief that black people’s bodily fluids threatened white people’s health was used as justification for implementing race-segregated restrooms. Hence, race-segregated restrooms are also a manifestation of somatophobia because they reinforce both a narrative about black inferiority through their bodies, and perpetuate racial oppression.

Though it is undisputed that racial segregation in the United States functioned to uphold white supremacy, historians argue over what was the most significant justification for such segregation.<sup>65</sup> For example, Prof. Tisa Wenger highlights the function of religion, arguing that “preachers, politicians and pundits developed a segregationist folk theology that defended the reconstituted Southern racial order as divinely ordained: God had created the races separate and did not intend for them to mix.”<sup>66</sup> Considering the ways in which oppression of people of color had been previously justified, Wenger argues that “much

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<sup>63</sup> Spence-Mitchell, “Restroom Restrictions”, 16.

<sup>64</sup> Ibram X. Kendi. *Stamped From the Beginning: The Definitive History of Racist Ideas in America*. New York: Bold Type Books, 2016.

<https://search-ebshost-com.ezproxy.cul.columbia.edu/login.aspx?direct=true&AuthType=ip&db=nlebk&AN=1195944&site=ehost-live&scope=site>.

<sup>65</sup> Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America's Great Migration* (Westminster: Knopf Doubleday Publishing Group, 2010), accessed June 13, 2023, ProQuest Ebook Central, 52.

<sup>66</sup> Tisa Wenger, “Discriminating in the Name of Religion? Segregationists and Slaveholders Did It, Too.,” *The Washington Post*, October 28, 2021, <https://www.washingtonpost.com/news/made-by-history/wp/2017/12/05/discriminating-in-the-name-of-religion-segregationists-and-slaveholders-did-it-too/>.

like their proslavery predecessors, 20th-century segregationists argued that the civil rights movement was trying to impose an alien, anti-Christian, even communistic ideology that would destroy the Christian racial order of the South.”<sup>67</sup> In other words, white people under Jim Crow claimed that since God had created different races, this divine differentiation had to be respected by racially segregating American citizens.

However, the religious argument that “the difference in color, the difference in our body, our minds... is God given”<sup>68</sup> actually makes a far stronger claim than the one Wenger identifies; rather than arguing a *mere* difference in bodies that makes no value-judgment, religious reasoning argued a *bad* difference that licensed a hierarchy with white people on top. Therefore, even though Wenger accurately notes how religion was used to justify race-segregated restrooms, the more fundamental argument underlying the religious justification relates to the hierarchy of bodies. Prof. Joel Sanders highlights how rhetoric about threats to white people’s health was used as justification for race-segregated restrooms that reinforced white supremacy. Using feminist philosopher Julia Kristeva’s concept of “corporeality abjection,” which Kristeva defines as the discomfort and panic we face when we come into contact with human waste and other bodily substances that are discharged, Sanders explains the correlations between fluids, bodies and racism.<sup>69</sup> Specifically, human waste, and its uncontrollable fluidity, appears unclean and this means “bodies become identified with and take on the abject qualities of the dirty fluids that they discharge... they in turn become abject, reviled for being intrinsically dirty, and polluting.”<sup>70</sup> In other words, the fluids that come out of the body, so negatively depicted in virtue of their uncontrollability and filth, lead the body itself to become negatively depicted. Race becomes a factor in abjection when we consider the racist narrative that black bodies are inherently dirty.<sup>71</sup> It was not enough that bodily fluids were already looked down upon, but the fact that black bodies were seen as dirty also gave room for the

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<sup>67</sup> Wenger, “Discriminating in the Name of Religion?”

<sup>68</sup> Tom Gjelten, “White Supremacist Ideas Have Historical Roots in U.S. Christianity,” *NPR*, July 1, 2020, <https://www.npr.org/2020/07/01/883115867/white-supremacist-ideas-have-historical-roots-in-u-s-christianity>.

<sup>69</sup> Julia Kristeva, *Powers of Horror: An Essay on Abjection*, trans. Leon Samuel Roudiez (New York: Columbia University Press, 2010), 53.

<sup>70</sup> Joel Sanders, “Architectural History,” *Stalled!*, <https://www.stalled.online/historicalcontext>.

<sup>71</sup> Wayne M. Mellinger & Rodney Beaulieu, “White Fantasies, Black Bodies: Racial Power, Disgust and Desire in American Popular Culture,” *Visual Anthropology*, 9:2, (1997), 117-147, DOI: 10.1080/08949468.1997.9966696

justification of race-segregated restrooms. Quick to forget that their own bodies also produce waste and discharge fluids, white people embraced the racist logic that their health was in danger when sharing common spaces with black people because not only did this logic accommodate itself alongside pre-existing notions of abjection, but it served to perpetuate white supremacy by reinforcing a “bad difference” view of black bodies. As Prof. Simon Bryant demonstrates, bathrooms in the 1940s became “the essential entry point to the public” such that “those in favor of exclusion, of upholding caste systems, recognized that cutting off access to a bathroom translated into cutting off access to the public and social equality.”<sup>72</sup>

Therefore, race-segregated restrooms are an instance of somatophobia because they primarily reveal a disdain for the body. On the one hand, panic about uncontrollable bodily fluids applies to both white and black bodies, which, despite its *prima facie* “color blindness,” is somatophobic insofar as we see the body as undesirable regardless of race because it is the source of such panic-inducing fluids. On the other hand, panicking over bodily fluids is actually quite sensitive to race because, as Prof. Brandon R. Davis argues, “abjection operates either to consolidate group identities in the support of the status quo or to disrupt that stability.”<sup>73</sup> Under Jim Crow with regards to restrooms, abjection “consolidate[d]group identities” along racial lines, and was utilized to support the status quo of white supremacy by using the (black) body’s supposed filth to justify race-segregated restrooms.<sup>74</sup> As such, the racist notion that black bodies are inherently dirty is intertwined with abjection to demonstrate a blatant disdain for the black body that is somatophobic. The consequence of such somatophobia is that people of color’s dignity is undermined, which in effect sustains their oppression. If we consider dignity as Prof. Christopher A. Bracey does in his investigation of race jurisprudence, we can understand the twofold somatophobic effect that race-segregated restrooms had. On the one hand, Bracey claims that “dignity can be

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<sup>72</sup> Simon Bryant, “The Trouble with Bathrooms.” *Modern American History* 4, no. 2 (2021), 201, doi:<https://doi.org/10.1017/mah.2021.10>.

<sup>73</sup> Brandon R. Davis “The Politics of Racial Abjection.” *Du Bois Review: Social Science Research on Race* 20, no. 1 (2023), 147, doi:[10.1017/S1742058X22000182](https://doi.org/10.1017/S1742058X22000182).

<sup>74</sup> Davis, “The Politics of Racial Abjection”, 147.

understood in personal or individualistic terms,” relating it to self-worth.<sup>75</sup> Being able to withstand pressures intended to lower one’s self-worth is reflective of what Bracey calls “first-order dignity.”<sup>76</sup> On the other hand, dignity also has a communal facet whereby “inclusion is the essence of dignity,” which Bracey calls “second-order dignity.”<sup>77</sup> Treating someone with dignity at a communal level is to consider them “worthy of integration into community membership” which makes dignity a “universal and undifferentiated respect for social value.”<sup>78</sup> Together, first and second-order dignity elucidate the overt and covert somatophobia that black people faced under race-segregated restrooms. First, the overt threat that race-segregated restrooms posed to black people was diminishing their dignity by excluding them from communal spaces. As is the case with second-order dignity, being included demonstrates a level of worthiness that is bestowed upon someone by their community. In the context of race-segregated restrooms, the overt message white people propagated was that people of color were unworthy of social inclusion and thus sought to diminish black people’s dignity insofar as it depends upon one’s belonging within a community. For women of color, their intersectional identity placed them in a unique situation; despite the fact that, as previously mentioned, unisex restrooms were established within communities of color because black women were not viewed as women in need of protection, black women faced an intertwined threat to their second-order dignity given they were included neither physically within public spaces, nor abstractly within the concept of “woman”.

Regarding first-order dignity, the covert threat to black people stems more profoundly from the space at hand: bathrooms. As journalist Lydia Polgreen observes, “bathrooms are a place where we expose our most tender parts and attend to the most private needs” such that “policing access to facilities to meet basic bodily needs has been an effective method of repression.”<sup>79</sup> White people during Jim Crow exploited the notion that bathrooms are vulnerable spaces in order to diminish black people’s dignity by

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<sup>75</sup> Christopher A. Bracey, "Dignity in Race Jurisprudence", *University of Pennsylvania Journal of Constitutional Law*, Vol. 7, No. 3, (2005), 679.

<sup>76</sup> Bracey, "Dignity in Race Jurisprudence," 680.

<sup>77</sup> Bracey, "Dignity in Race Jurisprudence," 680.

<sup>78</sup> Bracey, "Dignity in Race Jurisprudence," 680.

<sup>79</sup> Lydia Polgreen, "Ron DeSantis Knows That the Best Place to Humiliate People Is in the Bathroom," *The New York Times*, May 19, 2023, <https://www.nytimes.com/2023/05/19/opinion/anti-trans-bathroom-laws-florida.html>.

further stigmatizing an already-sensitive space. Utilizing the concept of first-order dignity, the weaponizing and policing of a universal and simultaneously vulnerable experience – the need to use a restroom – threatened people of color’s dignity by hindering their ability to protect their self-worth against further stigma. Race-segregated restrooms covertly communicated to people of color that, by virtue of their race, their natural needs made them *extra* unworthy because they were depicted as filthy, weak, and shameful in a space already deemed degrading. As such, race-segregated restrooms threatened people of color’s ability to retain their dignity given they faced pressures of racist abjection within a setting already stigmatized as humiliating.

Therefore, race-segregated restrooms are somatophobic because they reveal a disdain for the body and perpetuate people of color’s oppression by threatening their dignity. Race-segregated restrooms are somatophobic on account of their justification; the bodily hierarchy that placed white people above people of color rests directly on racist notions that black bodies, and their fluids, are inherently dirty. Abjection, so interconnected with racism, disdains the body given it is the source of not only filth but danger as well. Race-segregated restrooms are also somatophobic because they overtly and covertly threaten people of color’s dignity and, in doing so, perpetuate racism. First, the explicit alienation of black people from white people functioned to undermine, in Bracey’s vocabulary, their second-order dignity given they were depicted as unworthy of social inclusion. Particularly for black *women*, they faced an even more complex threat to their dignity insofar as they were also excluded also from the conception of what is a “woman” given unisex restrooms dominated the Jim Crow bathroom scene. Second, racial segregation within *restrooms* threatened black people’s first-order dignity given an already-stigmatized space was weaponized to further appeal to white people’s prejudices.

### **New York City Today**

Turning to contemporary restroom conflicts, I argue that New York City’s public restroom shortage is also somatophobic because it too deals with threats to agency and dignity through the body similar to the segregation of bathrooms, particularly when considering its primary victim: working class people. NYC’s current state has not always been this way, and the decay of public restrooms in the city is

rooted in racist policies intended to compensate for the end of Jim Crow segregation. Prof. Bryant Simon demonstrates that “rather than sit back and watch ‘their’ golf courses, swimming pools, and neighborhood schools be integrated by protestors, courts, and federal authorities, white public officials simply shut down public facilities” in order to prevent black people from accessing such spaces.<sup>80</sup> With regards to public restrooms, Simon highlights that massive white resistance to the end of Jim Crow translated into “neglecting these places, letting toilets leak and sinks crack, and then closing the facilities down because they were beyond repair.”<sup>81</sup> In other words, wealthy white people chose to retreat from the public and turn toward the private in order to exclude communities of color; given that hundreds of years of racial oppression resulted in the overrepresentation of black people within the lowest socioeconomic classes in America, such a strategy proved quite effective.<sup>82</sup> Specifically in NYC, in 1972 there were 708 public restrooms in the city’s 463 subway stations; ten years later, that number dropped to 175 and a decade after that, “less than half of these bathrooms remained open and many were so grimy and dirty that they were unusable.”<sup>83</sup> Fast-forward to 2020, and of the subway’s 472 stations, only 69 have bathrooms and all of them were shut down due to the pandemic; currently, only nine have been reopened.<sup>84</sup>

This inaccessibility of public restrooms, which has outgrown though not completely detached itself from race and now more broadly deals with class, is somatophobic on two accounts. On the one hand, the shortage is somatophobic insofar as it neglects the body; by failing to provide citizens, especially those financially disadvantaged, accessible public restrooms, politicians in New York are implicitly sustaining a notion that the body can be rejected. Ignoring the need for more restrooms around the city is to pretend the bodies of working class people do not matter, let alone *exist*, suggesting the body is not nearly as important as the mind. On the other hand, the repercussions for marginalized communities is a threat to their agency and dignity, which ultimately sustains their oppression and thus is

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<sup>80</sup> Simon Bryant, “The Trouble with Bathrooms,” 207.

<sup>81</sup> Simon Bryant, “The Trouble with Bathrooms,” 207.

<sup>82</sup> National Alliance to End Homelessness, “Homelessness and Black History: Poverty and Income,” *National Alliance to End Homelessness*, February 26, 2021, <https://endhomelessness.org/blog/homelessness-and-black-history-poverty-and-income/>.

<sup>83</sup> Simon Bryant, “The Trouble with Bathrooms,” 207.

<sup>84</sup> Ana Ley, “M.T.A. Will Reopen Some Subway Bathrooms for First Time since Pandemic,” *The New York Times*, October 24, 2022, <https://www.nytimes.com/2022/10/24/nyregion/mta-subway-bathrooms-reopen.html>.

somatophobic. Testimonies by the people most affected by the restroom shortage, those who rely on the government to provide certain goods and services, highlight both the lack of control they have over their ability to use a bathroom whenever they need to, and the degrading effect that urinating on the street has on them.<sup>85</sup> Even though new legislation has been implemented to extend the accessibility of restrooms for delivery people,<sup>86</sup> anecdotes such as Richard Perry's, who tells that "human waste is everywhere... because people aren't letting us in" demonstrate there remains prejudice towards other working class people who do not appear wealthy, white and cisgender.<sup>87</sup> Using the frameworks introduced by Mackenzie and Bracey, respectively, it becomes clear that being unable to freely enter a restroom whenever one chooses to and consequently being forced to urinate in public undermines both people's agency – insofar as their bodies are confined – and first-order dignity, given one's self-worth diminishes.

### **Conclusion**

Analyzing gender and race segregated restrooms at different times in US history, I have argued that restrooms have historically functioned to a significant extent as locales through which somatophobia is manifested because they have been exclusive spaces that undermine people's agency and dignity. Restroom conflicts thus exemplify how marginalized communities associated with the body continue to face oppression through – indeed by virtue of – their bodies, specifically women and people of color. I have also demonstrated the ways in which New York City's public restroom shortage today is somatophobic for similar reasons, particularly as it affects working class people.

Although I hope my current analysis serves to shine light on the deeper, philosophical stakes of restroom conflicts, there is room to expand upon the existence, or dismantling, of somatophobia in other aspects of our lives. Where else do we see a disdain for the body that results in an analogous disdain for groups of people? What other marginalized communities are affected by somatophobia? Is it in a similar fashion to the somatophobia faced by women and people of color, or does it have idiosyncratic

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<sup>85</sup> Siegel, Theodora. "If New York Is so Great, Why Isn't There Anywhere to Pee?"

<sup>86</sup> Claudia Irizarry Aponte, "Delivery Workers Cheer Restroom Access and Tip Transparency alongside AOC and Chuck Schumer," *The City*, January 23, 2022, <https://www.thecity.nyc/work/2022/1/23/22898143/delivery-workers-restroom-access-aoc-schumer>.

<sup>87</sup> Reuven Blau, "No Bathroom Relief in Sight for Thousands Living on the Streets."

repercussions? I also want to highlight that the notions of the mind being superior to the body, or that we ought to transcend the body in order to end our oppression, are particularly Western ideas, and they need not be the standard. The concept of somatophobia can be taken into many different directions, and my hope is that we in the West begin to carefully consider the underlying biases and value judgments that not only ground our systems, but that remain hidden when we fail to question them.

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