

# Waste Culture and Isolation: Prisons, Toilets, and Gender Segregation

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*After reviewing the use of isolation in US prisons and public restrooms to confine transgender people in solitary cells and single-occupancy bathrooms, I propose an explanatory theory of eliminative space. I argue that prisons and toilets are eliminative spaces: that is, spaces of waste management that use layers of isolation to sanctify social or individual waste, at the outer and inner limits of society. As such, they function according to an eliminative logic. Eliminative logic, as I develop it, involves three distinct but interrelated mechanisms: 1) purification of the social center, through 2) iterative segregation, presuming and enforcing 3) the reduced relationality of marginal persons. By evaluating the historical development and contemporary function of prisons and restrooms, I demonstrate that both seek to protect the gender binary through waves of segregation by sex, race, disability, and gender identity. I further argue that both assume the thin relationality of, in this case, transgender people, who are conceived of as impervious to the effects of isolation and thus always already isolable. I conclude that, if we are to counter the violence of these isolation practices, we not only need to think holistically about eliminative spaces and logic, but also to richly reconceptualize relationality.*

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There is nothing new about gendered lives that fall outside a gender binary. Nor is there anything new about state-sanctioned—or even legislated—violence against gender-nonconforming bodies. Yet those instances of state-sanctioned violence change in remarkably flexible response to shifts in the loci and formations of power. In order to identify effective resistance models, it is necessary to attend to the specificity of the moment and its incumbent tactics. In this essay, I focus on one generalized form of violence: isolation. Although segregation and confinement have long been a political tactic to contain and control gender-nonconforming people, the active isolation of transgender people within prisons and public restrooms has recently gained unique salience in the public eye.<sup>1</sup> Since 2002, the Sylvia Rivera Law Project and the Familia: Trans Queer Liberation Movement, among others, have magnified a

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sustained outcry against the solitary confinement of trans people in jails, prisons, and detention centers. Meanwhile, so-called “bathroom bills,” which effectively restrict many trans people to single-occupancy restrooms, have galvanized nationwide political debates. The newly targeted isolation of trans people in carceral and waste management systems<sup>2</sup> demands that we reconsider the function of isolative violence<sup>3</sup> against transgender people in the United States today and reconceptualize modes of resistance to that violence.

Such a project is especially pressing in the current political climate. In its explicit rollback of Obama era policies, the Trump administration has initiated a sustained assault on trans citizenship, undermining trans people’s capacity to serve this country, as well as navigate its juridical and social systems. Consider the proposed military ban on transgender service members. By its own estimation, the military is a paragon of tactical efficiency, “a single fighting organism” (DOD 2018, 3). The Secretary of Defense recently determined that persons diagnosed with gender identity disorder and undergoing medical transition compromise the military’s capacity for effectiveness. Open, medically transitioned, or transitioning people incur “disproportionate costs,” “impair unit readiness,” and “undermine unit cohesion” (5). Implicit in this assessment is the neoliberal ideology of ableism, whereby “normal” individual function is the prerequisite for collective capacity and, thereby, superior efficiency, whether economic or otherwise. It is not hard to imagine employers increasingly making a similar case: trans people compromise team spirit and effectiveness, and trans healthcare is too expensive.<sup>4</sup> Trans people are just not worth the economic cost. Such a logic simply entrenches existing patterns of underemployment. Indeed, neoliberal ableist logic demands the exclusion of trans people from spaces of production.<sup>5</sup>

But what of other spaces, spaces not explicitly tied to tactical efficiency and collective capacity? What about prisons and public restrooms? The fine-tuned efficiency of these spaces is evidently not a social goal. And the team capacity and cohesion of either incarcerated persons or bathroom-goers is not at issue. Here, the current administration makes no move to exclude trans people from prisons or from bathrooms. Rather, it doubles down on pre-Obama-era policies that trans people be housed in correctional facilities consistent with their “biological sex” and access public accommodations consistent with their “biological sex” (DOJ 2018). The concern here is that transgender people threaten social order, both by blurring the gender binary and by introducing new potential for sexual violence, assuming that they tend to elicit sexual harassment and commit sexual assault. Therefore, it is determined that, where their consignment to facilities threatens their own or other people’s safety, “reasonable accommodations” of solitary cells and single stalls should be provided. What we see here is a shift from capacity enhancement to transgression management. As such, trans people are not excluded *from* these spaces, but excluded *within* them.

My question is, why? Why the difference in these two strategies? And what logic governs prisons and restrooms so as to produce such a dissimilar effect? Indeed, does it even make sense to compare the carceral and waste management systems in this way? What function could institutions as distinct as prisons and public restrooms conceivably share?

After reviewing the contemporary use of isolation in US prisons and public restrooms to hyper-confine transgender people in solitary cells and single-occupancy bathrooms, I propose an explanatory theory of eliminative space. I argue that prisons and toilets are both eliminative spaces—that is, spaces of waste management that use layers of segregation to sanctify social or individual waste, at the outer and inner limits of society. As such, they function according to an eliminative logic. Eliminative logic, as I develop it through accounts of purity and impurity, involves three distinct but interrelated mechanisms: 1) purification of the social center, through 2) iterative segregation, presuming 3) the reduced relationality of marginal persons. By evaluating the historical development and contemporary function of prisons and restrooms, I demonstrate that both seek to protect the gender binary through waves of segregation by sex, race, disability, and gender identity. I further argue that both assume the thin relationality of, in this case, transgender people, who are conceived of as impervious to the effects of isolation and thus always already isolable. I conclude that, if we are to counter the violence of these isolation practices, we not only need to think holistically about eliminative space and logic, but also to richly reconceptualize relationality. Ultimately, resisting a culture of isolation requires revitalizing the sociality and interdependency of places where isolation goes unthought, unquestioned, and yet is wielded against those in the margins of our societies. Where better to begin than our nation's prisons and public restrooms?

### I. JUSTIFYING ISOLATION: SOLITARY CELLS, SINGLE STALLS

As architectural and social phenomena, prisons and public restrooms are not commonly thought alongside each other. They have certain obvious dissimilarities. Restrooms serve a necessary bodily function, whereas prisons serve a customary social function. Access and egress in the former case is largely voluntary (except for children), but it is heavily constrained in the latter, whether for prisoners themselves or personnel. Yet prisons and public restrooms also share significant similarities, suggesting the possibility of a common social fabric. Both spaces are set apart from society, composed of cubicles, and shrouded in shame. On the one hand, they are spaces where certain marks of modernity are stripped away, leaving vestiges of bare life. On the other, they are spaces of significant social policing, whether of visual and auditory habits, gender norms, or sexual acts. In what follows, I review the ways in which trans and gender-nonconforming bodies are isolated in prisons and public restrooms. The marked similarities in their isolation protocols and justifications suggest that the prison and the restroom are not accidentally but fundamentally interconnected, sharing a structural commitment to safeguarding the gender binary through transgression management. Following this review, I turn to develop a theoretical framework of eliminative space rich enough to encompass the intertwined logics of these two institutions.

Today, the use of solitary confinement is extensive and the construction of maximum-security housing units is increasingly routinized. Although all prisoners are at

risk of solitary, prisoners with disabilities, with nonnormative genders, and/or with nonwhite racial markers are targeted for it at higher rates. That is, already socially marginalized prisoners sustain additive punishment through isolation (Lydon et al. 2015, 36–38). As reported by the Sylvia Rivera Law Project, transgender and intersex people in prisons sustain “disproportionate” isolation, where they experience assault, harassment, and neglect by correctional officers (Bassichis 2007, 22).<sup>6</sup> Hearts on a Wire lists various reasons why trans and gender-nonconforming people are placed in restrictive housing, thrown in “the hole,” or “Z-coded” (single-celled). These include having gender-affirming possessions (for example, bra or makeup in men’s prisons, specific items of clothing, and so on), engaging in “homosexual” behavior (for example, sitting beside, touching, kissing, or sleeping with another prisoner), fighting, practicing self-defense (against other prisoners or guards), testifying against the administration, and being raped (Emmer, Lowe, and Marshall 2011, 22). Even following the Prison Rape Elimination Act (PREA), solitary confinement continues to be used to protect LGBT prisoners from the threat of rape, or after the occurrence of rape, despite the fact that this population is at increased risk of sexual assault in solitary, not to mention serious social and psychiatric disintegration as a result (Hanssens et al. 2014). A similar targeting of trans people for additive confinement also occurs throughout immigrant detention centers.

The explicit justification for these isolation practices is the maintenance of security and order. Insofar as transgender people violate the norms of gender expression and sexual desire, they are inherently a threat to the prison as an institution, which is historically predicated on cisheteronormative forces. More fundamentally, however, the confinement of transgender prisoners by their assigned sex at birth and their additional isolation within those facilities is justified with reference to the safety of women and, by extension, the protection of womanhood itself. The recent recommitment of the Bureau of Prisons to housing trans prisoners according to their assigned sex at birth comes on the heels of a case in which prisoners in two Texas women’s facilities argued that the presence of trans women violated their own safety and freedom (*Fleming v. USA* 2017). In women’s prisons, masculine women and trans men are typically isolated under the auspices of being “sexual predators,” against whom ciswomen prisoners need to be protected (Law 2009, 204). Their inherent “aggressivity” is perceived to extend to ciswomen officers, who should be wary of physical assault from them (Shelley 2011, 167). In men’s prisons, feminine men and trans women are isolated precisely because of their femininity, which is presumed to signal vulnerability and require protection. However, because their femininity is taken to threaten womanhood, it is simultaneously punished (in the form of V-coding, or housing as sexual favor for another prisoner) or denied them (in the form of mandatory crew cuts, denial of hormone replacement therapy, and write-ups for makeup or feminine apparel) (Mogul, Whitlock, and Ritchie 2011, 99–100; nemeC 2011, 228–29).

Practices of isolating trans people, particularly under the auspices of safeguarding the gender binary and especially womanhood, however, are not only germane to the US criminal justice system or immigration system. They also appear at the heart of everyday life. When it comes to public restrooms, single-occupancy bathrooms have

been the privileged panacea for trans people. As recently exemplified in *G.G. v. Gloucester County School Board*, trans school children and young adults are often required to use single-stall, unisex restrooms, typically reserved for teachers (*G.G.* 2016, 10, 41). It was Gloucester High School's policy that "the use of [male and female] restroom and locker facilities shall be limited to the corresponding biological genders, and students with gender identity issues shall be provided an alternative appropriate private facility" (8). This practice extends to college education. As a case in point, recall that in 2001 and 2002, the Restroom Revolution student group at the University of Massachusetts, Amherst, fought for gender-neutral bathrooms to alleviate "severe discomfort, verbal and physical harassment, and a general fear of who we will encounter and what they will say or do based on their assumption of our identities" (Gershenson 2010, 195). The university finally responded by creating two gender-neutral, single-occupancy restrooms—on a campus of over twenty thousand students (206).<sup>7</sup>

The recent spate of "bathroom bills" solidifies the political legitimacy of this arrangement. Consider the case of North Carolina's House Bill 2. At issue in this bill was the definition of sex and the right to privacy, the jurisdiction of cities, and the interpretation of Title IX (and Title VII). What is less obvious, however, but certainly pernicious about House Bill 2 is this: it legislated the state-sanctioned use of isolation as a form of social organization, specifically around a two-gender system. The North Carolina state legislature passed House Bill 2 on March 23, 2016. This bill invalidated Charlotte's revised nondiscrimination ordinance and established a statewide requirement that occupants of public accommodations (for example, restrooms, locker rooms, showers, and so on) be segregated by their sex assigned at birth, not their gender identity. After pushback across the nation, then-North Carolina Governor Pat McCrory issued "Executive Order 93" (McCrory 2016), recommending the "reasonable accommodation" of single-occupancy restrooms for trans people. The ACLU and Lambda Legal then filed a lawsuit against the state of North Carolina, *Carcaño v. McCrory*, challenging the bill and insisting that protections in public accommodations be extended to the LGBT population. In it, they make much of the unacceptability of single-occupancy bathrooms for two transgender plaintiffs, Mr. Carcaño and Mr. McGarry, insisting that these are inconvenient and stigmatizing, marking each "as different and lesser than other men" (ACLU 2016, 17–18).

Overwhelmingly, the necessity of isolating transgender people in single-occupancy bathrooms is justified by appealing to the safety of women (Cavanaugh 2010, 73; cf. Case 2010, 221–22). For example, backlash against the UMass Restroom Revolution group insisted that gender-neutral multi-stall restrooms would "take women's safety away" and "put women in a more vulnerable position" (Gershenson 2010, 203). The student newspaper even claimed that gender-neutral multi-stall restrooms pose "a risk to women" and "basic decency" (*The Minuteman* 2002, 7). As for North Carolina's House Bill 2, Governor Pat McCrory, along with a number of organizations including Keep NC Safe, Concerned Women of America (NC chapter), and the American Family Association pinned their most truculent media statements on the claim that "transgender bathrooms" "target women and girls."<sup>8</sup> In each case, it is presumed that

security and order can best be provided by consigning transgender people to single-occupancy restrooms—that is, by isolating them within an already segregated institution.

Given the analysis above, it is clear that trans and gender-nonconforming people in the US today face state-sanctioned isolation in at least two places: the prison and the restroom.<sup>9</sup> Moreover, such isolation is utilized in order to control these misfitting bodies, which jeopardize the clarity of the gender binary and are perceived to uniquely threaten one side of that binary: women. Put differently, prisons and restrooms are institutions of gender transgression management—or, gender normalization—which deploy redoubled sequestration as a form of social organization. The question at this point is why? Why is the practice of isolation, coupled with the deep concern for gender segregation, so prevalent in prisons and public restrooms, but not so in the military or the workplace, in team sports or public pools?

To answer this question, I argue we must look beneath the explicit justifications for these isolation practices to identify the implicit logic that marks these two institutions and their similar effects. Such an institutional analysis, which attends both to the structure of the isolative logic at work in prisons and public restrooms and to the unique genealogical development of that logic within the US context, will demonstrate that addressing isolation practices in either space involves addressing them in both. In what follows, I propose a theory of eliminative space, according to which prisons and restrooms utilize iterative segregation in order to sanctify individual and social waste. This iterative segregation sanctifies waste if and when it protects the social center—assuming and ensuring its purity—and polices the social margins—assuming and enforcing their separability. In this case, I argue that isolation practices protect the gender binary by treating trans people as always already isolable or *thinly relational*. As such, my analysis shifts the terms of the debate 1) from a single-issue policy analysis to a cross-institution functional analysis and 2) from what is being done to trans people to what is believed of trans people in order for those things to be done.

## II. A THEORY OF ELIMINATIVE SPACE

It is not merely accidental that the prison and the restroom share practices of isolating trans and gender-nonconforming people. A fundamental link between these two institutions explains their commitment to policing the gender binary this way. In this section, I flesh out that essential interrelation. First, by analyzing the testimonies of prisoners and restroom-goers, I establish that US prisons and toilets are what I call “eliminative spaces”; that is, they are places in which the forces of waste management and segregation collude. Second, I revisit the work of Mary Douglas, Julia Kristeva, and María Lugones to illuminate how prisons and toilets are part of a broader waste management system that sanctifies itself by excluding individual and social excrement. This sanctificatory exclusion works in two directions: on the one hand, it constitutes the social center as clean and, on the other, it constitutes the sordid margins

as nonsocial or, rather, thinly relational such that its subjects can be isolated with impunity.

#### CARCERAL AND WASTE SYSTEMS: EXPERIENTIAL COLLUSIONS

It almost goes without saying that patient attention to the details of a given experience illuminates it, breaking through the crust of perceptual habit and redirecting one's gaze toward its subterranean or peripheral elements. This is, in one sense, the phenomenological instinct. What then do the firsthand accounts of prisons and toilets reveal about these two places and their interrelation? Although the prison is typically considered a place of confinement and the toilet is considered a place of waste removal, voices from inside each highlight that toilets are also places of confinement, just as prisons are also places of waste removal. The social body sloughs off its rejects and the individual body is ensconced in cubicle after cubicle. This more nuanced picture, based on experiential knowledge, suggests that both places are eliminative spaces, where the forces of waste management and segregation collude.

Toilets are consistently set apart, whether outside, at home, or in social centers. They are set off by themselves, closeted by multiple doors, screens, and passageways. And their limited size is standardized: stalls at 36x60 and urinals at 30x21. There is perhaps no single testament to the toilet as a space of confinement more powerful than that penned by Jean Genet in *Our Lady of the Flowers*. He describes the outhouse of his childhood as a place not only separated from home, but importantly separated from the world and from life itself. It was a place where solace and stink enveloped him, as if it were a cell or a confessional booth. He stays there, excerpted from the hurtling of humanity. "The reminiscence that really tugs at my heart," he writes, "is that of the toilet of the slate house. It was my refuge. Life . . . I saw far off and blurred through its darkness and smell. . . . I would remain for hours squatting in my cell, roosting on my wooden seat, my body and soul prey to the odor and darkness" (Genet 1943/1993, 97–99). Genet speaks of his affinity for the toilet and the prison here in one breath—as equally intimate, isolated places, rich to him but regularly treated as worthless to the world. The toilet, for him, is a space of solitude and segregation—even a welcome confinement.

In turn, prisoners experience their confinement as inherently linked with their social status as waste, garbage, and trash (Dillon 2015). Across prison literature, people repeatedly testify to feeling forgotten and abandoned, seen as the refuse of society, with no future and no humanity. For most, this is not a personal reflection but a structural condition of incarceration. Yusuf bin Yamin, incarcerated in Alabama, states, "You take out your garbage with no intention of ever seeing it again. . . . People look at prisons the same way" (Archibald 2015). Parrhesia, incarcerated in Tennessee, expands on accounts like Yamin's as follows: "Our legislature made the policy decision to throw human beings away like garbage in a landfill called the prison system. I am a piece of that garbage . . ." (Parrhesia 2014). Yamin and Parrhesia's testimonies of being thrown away like garbage resonate deeply with many other prisoners'

testimonies of being treated like shit—not like just any organic waste, but human feces.<sup>10</sup> To be incarcerated is, in more than one sense, to feel flushed away, a byproduct of social ablution practices presided over by the justice system. To be confined, then, is also to be eliminated; prison is a waste place.

It is difficult to represent the enmeshment of these two forces: confinement and waste removal. It is perhaps best done by Jack Henry Abbott. In his prison letters, he describes his experience of a strip-cell (one form of solitary confinement). The cell includes a hole in the floor for his excrement. Abbott sees the hole as a metaphor for his isolation unit—as if he, too, were refuse. He then muses:

The floor inclines from the walls inward to the center of the cell. It inclines gradually, like the bottom of a sink. A toilet bowl is more accurate. Then, in the center of the floor, there is a hole about two inches in diameter. It is flush with the concrete floor—as flush as a hole in a golf course. At first its purpose mystifies you. Stains of urine and feces matter radiate outward from the hole to within a foot or so from the walls. The stench is ever-present. . . . What faces you is a cesspool world of murk and slime; a subterranean world of things that squirm and slide through noxious sewage, piles of shit and vomit and piss. . . . If you are in that cell for weeks that add up to months, you do not ignore all this and live “with it”; you *enter* it and become a part of it. (Abbott 1981/1991, 29)

Here Abbott captures a process of becoming-waste. Although the prison and its prisoners, the toilet and its contents, are at first distinguishable, they meaningfully collude and collapse in isolation. The rejection, squalor, and malodorous amorphous existence all become one. To be absolutely isolated is to be made waste.

These narratives demonstrate, first of all, that the prison and toilet are already felt, perceived, thought, and understood together. Second, they highlight what is, in retrospect, widely observable: that refuse and confinement, filth and separation are co-constituting in these spaces. This suggests that the prison and toilet are places of isolation today precisely *because* they are cultural waste spaces. Third and finally, these experiential analyses support the assessment that the prison and the toilet are eliminative spaces, in which the forces of waste management and confinement meaningfully collude. I now turn to theories of dirt, abjection, and purity to illuminate the mechanics by which these eliminative spaces function. That is, what are the protocols and processes by which they behave?

#### ELIMINATIVE SPACE, ELIMINATIVE LOGIC

Even in the ancient world, the functions of the prison and the toilet were related. As Plutarch reminds us, classical cities “have certain unlucky and dismal gates through which they lead out condemned criminals and cast out the refuse and the scapegoats, while nothing undefiled or sacred either goes in or out through them” (Plutarch 2005, 518b). Many ancient cities expunged not only what was worthless or

threatening to the health of the city, but also the bodies of scapegoats, upon which the city's uncleanness was placed. Cultural analyst Gay Hawkins confirms that, still today, the prison and toilet systems are "deeply implicated in the positive valuation of bodies and space as clean" and, I might add, as innocent (Hawkins and Muecke 2003, 41). In fact, innocence is a form of cleanliness or, what is more fundamental, purity. From ancient times to the present, the prison and the toilet might be said to each house social filth, sanctified through iterative segregation. Prisons and toilets are private, hidden, and often isolated—*because* they are the holding cells of what has been expelled from the clean, pure, and innocent social body. How is this sanctification effected?

My account of eliminative space draws heavily on theories of purity and impurity developed by Mary Douglas, Julia Kristeva, and María Lugones.<sup>11</sup> All three thinkers share a conviction that spaces of elimination are not places of absolute exclusion, but rather control and creation. In *Purity and Danger*, Douglas insists that what is eliminable, from the social or individual body, is not essentially so, but rather constructed as such through a contingent symbolic order. Just as geographical borderlands are the effects of nation-building, architectural spaces like latrines, prisons, and asylums (Douglas 1966/1984, 2, 98, 123) are the byproducts of a culturally constructed divide between form and formlessness, what is endangered and what is endangering. Here in these marginal spaces, a disruptive power lurks (99), which must be both harnessed and contained by careful rites. These liminal spaces, which are "neither one state nor the next," are best controlled through "rituals of segregation" (97), which cut life into "ever finer and finer divisions" (35).<sup>12</sup> The effect of such rituals may move from organization and control to outright "suppression" (105). What is most significant about Douglas's account, for our purposes here, is its emphasis on the control of eliminative space through ever more refined forms of segregation, which might produce exclusions *within* spaces of exclusion or isolations *within* spaces of confinement.

In *Powers of Horror*, Kristeva reflects on the margins—at once a transitional and eliminative state—between self and other. She develops an account of abjection, which falls between absolute incorporation, on the one hand, and ultimate exclusion, on the other. She argues that the self—and, we might extrapolate, the social body—abjects part of itself as a way of creating itself. "I expel *myself*, I spit *myself* out," she writes, "I abject *myself* within the same motion through which 'I' claim to establish *myself*" (Kristeva 1980/1982, 3). She gives the example of refuse (3). Refuse is a part of the living body and therefore a part of life. Life, however, is symbolically constructed as separate from death through the abjection of refuse. This structure is not unique to refuse, however. Anything "in-between," "ambiguous," or "composite" may be abjected as "what disturbs identity, system, [and] order" (4, cf. 10). Besides waste, corpses, and muck, Kristeva identifies crime as a prime target of abjection, since "any crime, because it draws attention to the fragility of the law, is abject" (4). Criminal spaces will therefore necessarily be spaces of social abjection, just as much as spaces of refuse or bathrooms are. Crucial to Kristeva's account, however, is that abjection in a space of elimination ensures the construction of a falsely simplified, falsely purified subject, whether individual or social. Justifying abjection of transgender people,

including transgender women, with an appeal to protect *gender* and *women* as such follows precisely this logic.

In “Purity, Impurity, and Separation,” Lugones distinguishes between the logic of purity and the logic of impurity (Lugones 2003, 127; cf. Douglas 1966/1984, 163). According to the logic of purity, “the social world is both unified and fragmented” (Lugones 2003, 127), creating a clean or split separation between subjects, which then end up forming a homogenized whole. This form of social ordering stems from “the urge to control” (128, 132, 142), what is “middle, anomalous, deviant, ambiguous, impure” and “hybrid” (125). According to the logic of impurity, on the other hand, the social world is “complex” and “multiple” (125), creating an unclean or curdled separation among its members, who can then never form a monochromatic or single-axis whole. What the *mestizalo* faces, in a culture of purity, is the relentless reduction of their multiplicitous self to what Lugones calls a “split self,” in which their multiple identities are perceived as cleanly separable and flattened (134–42). Moreover, although the marginalized groups from which these identities stem are perceived as “cultures,” they are also heavily redacted and reduced, functionally separable from their real forces of community-building and cultural sense-making. The *mestizalo* is, then, made inherently cultural and yet without relation, beholden to a community and yet absolutely isolable. Thus, Lugones reprises themes of segregation and subject-constitution, and she adds the reduced relationality of the multiplicitous subject or border-dweller. By this logic, one would expect to see, as one in fact does, transgender people—themselves border-dwellers—socially ostracized for sullyng an artificially pure gender binary, stereotyped as social threats, and treated as if they had little to no social needs or relational depth.

I have proposed that prisons and public restrooms are eliminative spaces, where the forces of waste management and segregation collude. As eliminative spaces, prisons and public restrooms are on the margins, places of abjection, and places of mixing. As such, they function according to an eliminative logic which, as I have developed it through accounts of purity and impurity, involves three mechanisms: 1) iterative segregation, which 2) purifies the social center and 3) presumes the reduced or *thin* relationality of marginal persons. That is, prisons and public restrooms are, functionally speaking, places where ritual is intensified, where control is heightened through practices of segregation, and where the “I” or social center is purified. They are also places where the subjectivity of their impossible inhabitants is flattened, especially through the perception of an inherently thin relationality. The practices of isolating transgender people in solitary cells and single stalls exemplifies the first function of eliminative logic: iterative segregation. The justification of those practices with reference to preserving the gender binary and protecting womanhood from incursions exemplifies the second function: purification of the social center. The presumption of transgender people as mere sexual predators or sexual prey, moreover, exemplifies the third function: the presumed thin relationality of marginal persons.

These functions are not just true of prisons and public restrooms today. They are demonstrably present in the very fabric of carceral and waste management history in the West. Let me take a step back, then, to show eliminative logic at work in the

genealogical development of these two institutions. I will then, in closing, return to the notion of thin relationality and propose a thick relational praxis as an antidote to isolative violence.

### III. ELIMINATIVE LOGIC AT WORK

It is not the case that prisons and public restrooms have only recently become eliminative spaces. Rather, eliminative logic has marked the development of these modern-day institutions from the beginning. That is, across Western and specifically US history, one finds in prisons and public restrooms a series of subdivisions, self-constitutions, and disavowals of relationality. One finds eliminative logic at work.<sup>13</sup> It is a little-known fact that modern prisons and public restrooms actually share historical outlines. Both developed their current forms in the early nineteenth century and both were segregated by binary gender in the late nineteenth century. Each institution's history, moreover, is defined by an investment in a nineteenth-century view of womanhood—presumed as cisgender, able-bodied, and white—such that the prison's and the public restroom's internal subdivisions serve to constitute said womanhood and disavow the relationality of nonwhite, disabled, and/or gender-nonconforming people. That the prison and the restroom both developed as eliminative spaces, according to eliminative logic, not only confirms that carceral and waste management systems ought to be thought together but suggests that addressing their practices of isolative violence will have to be radical, getting at the root of these historical institutions.

#### PRISONS

Before the 1800s, prisons or jails existed, but they were used primarily as detention facilities where prisoners would await trial and punishment (typically fines, whippings, or the stocks) (Foucault 1972/2003, 1165). It was only in the early 1800s that prisons became the punishment itself. The first modern prisons in the US were Auburn Prison (1818) in New York and Eastern State Penitentiary (1829) in Pennsylvania. Auburn aimed to rehabilitate through work, whereas Eastern State aimed to do so through solitude. Consistent with values inherited from Victorian England, women, during this period, were cultural icons of domestic purity, essentially incompatible with criminality (Zedner 1991, 15). As such, most misbehaving women were confined in asylums rather than prisons (Davis 2003, 66). The few who were sent to prison were assumed to be nonwomen, embodying a dangerous lacuna of femininity and even humanity (Zedner 1991, 41; Dodge 1999, 913). Presumed as therefore incapable of rehabilitation, they were housed in separate units or quarters, suffering unconscionable overcrowding and neglect. Due to the tireless work of activists such as Josephine Lowell and Abby Hopper, who insisted that women, too, can be saved, women's prisons appeared in the 1870s. Activists succeeded in this fight by granting

the fundamental difference between men and women but redefining it: men and women in fact shared criminal tendencies, but whereas men might be redeemed through physical labor, women could be redeemed through additional segregation, domestic training, and the oversight of matrons (Freedman 1981, 105). Moreover, this redemption was modulated according to normative promise: white, cisgender, able-bodied women were primed for reformation, but nonwhite, disabled, and/or gender-nonconforming prisoners were targeted for custodial control (Rafter 1990/1992, 155; Ferguson 2014; Vitulli 2018). In either case, the nineteenth-century norm of womanhood was underscored (Rafter 1983, 147).

In this brief history, we see the outlines of a contingent series of subdivisions, self-constitutions, and the disavowal of relationality: functions consistent with the prison as an eliminative space, governed by eliminative logic. Those functions hinge on formations of gender, race, and ability specific, in this case, to the Western and especially US context. As the prison's modern use is solidified, it quickly self-segregates into men's and women's prisons, reformatories and custodial facilities. Through this segregation, a specific norm of womanhood is constituted and preserved—and it is constituted as a subjectivity falsely purified, restricted to the domestic realm. In turn, the relationality of nonwhite, disabled, and/or gender-nonconforming prisoners assigned female at birth is reduced through their exclusion from social reformation and full womanhood. Current practices of isolating trans people in solitary confinement cells should be placed within the context of this historical eliminative terrain.<sup>14</sup> Such practices, although they are indeed expressions of transphobia, are more basically tactics to preserve a particularly historicized construction of the social center, itself protected by the gender binary.

## RESTROOMS

As for restrooms, before the 1800s, they were certainly present (in the form of a chamber pot or a pail closet). It was only in the early 1800s, as industrial cities took shape, that the restroom as a fully enclosed unit, equipped with plumbing and toilet, really took root (Penner 2013, 70). In fact, the modern flush toilet developed only in the mid to late 1800s in Britain, thanks to George Jennings and Thomas Twyford.<sup>15</sup> The first recorded instance of gender-segregated public restrooms occurred in 1739 at a Parisian ball, where high-class citizens enjoyed the extravagance of separate facilities replete with appropriately sexed help (Cavanaugh 2010, 28). But gender-segregated restrooms were not legislated, at least in the US, until 1887, when Massachusetts insisted that, throughout factories and workshops, “wherever male and female persons are employed . . . a sufficient number of separate and distinct water closets, earth-closets, or privies shall be provided for the use of each sex” (*Massachusetts Acts* 1887). By 1920, forty-three states had passed similar laws. The legislation was prompted by anxiety over women entering the workforce (Kogan 2007). In order to maintain the cult of true womanhood in a changing society, according to which women are deeply vulnerable and essentially pure, facilities must be separated

and their entrances clearly screened. In addition, women's rooms had to include domestic decor and amenities, "to reflect decorative details of the home" (Kogan 2010, 150, cf. 162). In this way, women could restore their beleaguered femininity, much as they did in the reformatory cottages. Of course, with Jim Crow laws, the restroom was also cleaved by race, although the effect was piecemeal. In 1920, for example, restrooms in the North regularly included "colored" options, whereas Black people traveling in the South were still expected to use fields by the train tracks (Abel 1999, 440, 445). And it was not until 1990 that accessible toilets were legislated by the Americans with Disabilities Act.

Here again we see a contingent series of subdivisions, self-constitutions, and the disavowal of relationality, tuned to Western/US-specific race and gender formations. As the restroom takes root as a public accommodation, it quickly self-segregates into men's rooms and women's rooms, "colored" restrooms and then, later, accessible ones. Again, this series of restroom segregations functions to constitute and shore up a certain conception of woman, already under siege by her sudden propulsion into work and public life. Furthermore, insofar as Black and/or disabled bodies were commonly segregated into gender-neutral spaces (that is, simply "colored" rooms or separate toilets), a richly nuanced perception of their relationality, as gendered beings, was largely precluded. US public restrooms, then, like prisons, are historically robust eliminative spaces, working to create rarified social norms that, in turn, diminish marginalized lives. Current initiatives to isolate transgender people in single-occupancy bathrooms should be contextualized within this larger frame. Such initiatives are not merely transphobic; they are eliminative mechanisms that protect a historical social structure, itself protected by the gender binary.

History marks time, but also geography and culture. To recognize that the modern prison and public restrooms are *historically* eliminative spaces,<sup>16</sup> governed by eliminative logic, is not simply to recognize that these institutions have been eliminative for some time, or that they are inherently eliminative. It is also to recognize that these institutions are eliminative *within* a contingent set of historically and geographically specific values, beliefs, and practices. Their structural underpinnings as hyper-policed waste spaces are refracted through fundamental elements of Western and US society—including European, settler-colonial categories of gender, race, and ability, as well as economic investments in slavery, criminality, and eugenic purity. As such, it is important that both institutions be thought together historically, such that the practical redress of isolative violence in either institution today necessarily involves a historically informed critique of eliminative logic in both. Such work begins by recognizing that the isolative segregation of trans people in prisons and public restrooms today is only contingently an exercise in transphobia and more fundamentally a strategy of waste sanctification, through historically specific tactics of gender normalization (including the reduction of relational capacity), by which a geographically and culturally specific notion of social purity is protected. Effective redress to isolative violence, then, must counter these institutions at their genealogical root. This is an abolitionist project.<sup>17</sup>

A number of such efforts are already underway. Across literature in critical prison studies and transgender studies, there are now established genealogical critiques of isolative violence (for example, Guenther 2013; Reiter 2016; Pitcher 2018) and eliminative debts to a nineteenth-century view of white womanhood (for example, Davis 2003; Cavanaugh 2010; Mogul, Whitlock, and Ritchie 2011; Richie 2012). What has yet to be critically untangled, however, is the third eliminative function: the presumption and enforcement of thin relationality among marginalized populations. I turn, in the final section, therefore, to unpack the notion of thin relationality and to call for a revitalized, thick sense of relationality for, in this case, trans prisoners and trans bathroom-goers. I do so with the conviction that this third eliminative function constitutes an underappreciated linchpin through which eliminative logic can be broken and the eliminative spaces of prison and public restrooms can be deconstructed. I also do so in the knowledge that whatever tactical reductions of trans relationality I identify here are historically and geographically specific.

#### IV. TRANS RELATIONALITY: THIN AND THICK

The current, US eliminative practice of isolating transgender people in solitary cells and single-occupancy restrooms presumes that trans people are always already isolable. In turn, this presumption is predicated on the eliminative belief that trans people are *thinly relational*—that is, they are unrelatable, solitary folks who, while belonging to the highly stereotyped and stylized category of “the transsexual,” nevertheless have little to no needs to belong either to their own community or to the world at large. Within US culture, especially in Western media and medicine, trans people today are subject to a representational totalization. Their (inter)subjectivities are overwhelming flattened. They appear as merely the story of their death or discrimination, their genitalia and medical transition. Within the material-discursive fabric of US prisons and public restrooms in particular, trans people are perceived not just as thinly relational social and civic subjects, but also as wholly and only sexual predators or sexual prey.<sup>18</sup> In either case, they are perceived as a threat. Any effective response to current US practices of isolating transgender people in solitary cells and single stalls, therefore, requires a representational thickening of the relationality of transgender people in and beyond the eliminative spaces in which they find themselves.

Consider the reduction of trans relationality implicit within carceral practices of isolation. In her landmark study of solitary confinement, Lisa Guenther argues that such isolation is egregious for two reasons: 1) it denies opportunities for relationality, and 2) it turns a person’s capacity for relationality against itself, thereby eroding the psyche (Guenther 2013, xv). I propose that there is a third injustice at work here: the isolated person is reduced to a thinly relational subject *prior* to isolation. Under the auspices of criminality, prisoners are perceived as less like persons and more like things. They are perceived to already exist, then, apart from human society, incapable of proper relationality. Trans or gender-nonconforming prisoners are doubly so

(Mogul, Ritchie, and Whitlock 2011). Categorized as deviant, they are treated more as objects and less like humans with feelings, histories, and communities. This is a structural condition of incarceration uniquely tuned, here, to gender transgression. When trans and gender-nonconforming prisoners, therefore, are isolated, it is of a piece with their presumed lacuna of relationality.

Trans bathroom-goers pass through a similar crucible. The animality of excretion coupled with the monstrosity of gender-nonconformity ensures the perception that they cannot share fully in human sociality. Single-occupancy restrooms are then simply a natural expression of trans people's position as extraneous to and outside society. In sum, it is not just that trans bathroom-goers are isolated, where their capacity for relationality is in some sense turned against them, then, but that they are seen as already lacking the important component of relationality, which makes them more easily and justifiably isolated. Isolation then confirms their monadic standing. As Rocky, a genderqueer interviewee states, "Single stalls . . . it's isolationist, which is, like, part of the issue" (Cavanaugh 2010, 216). The logic of eliminative space thus works in tandem with greater forces of social marginalization. One might even say that society at large contributes to eliminative spaces the reductive beliefs necessary for their function.

How ought we to address the contemporary climate in which the isolation of trans and gender-nonconforming people in solitary confinement cells and single-occupancy bathrooms is not only an established practice, but an intensifying one? I have argued that this question cannot be adequately answered without revisiting the function of eliminative spaces—that is, the collusion of segregation, confinement, and waste removal—which lies at the very foundations of our modern prisons and public restrooms. This will involve continued critical attention to the violence of isolation and gender norms, but also to the ways in which representational totalization reduces marginalized people and places to *thin relationality*. Revitalizing our sense of the relationality of these spaces and their inhabitants equips us to deconstruct the tactics and institutions that target those already deeply marginalized in our society.

The first step is to develop a rich appreciation for trans and gender-nonconforming people as relational subjects. This requires moving against the current culture of collapsing trans people into strange, unrelatable, and nonrelational lifeforms and returning instead to a long history of vibrant trans community-building and world-making. This is, in large part, the aspiration of transgender studies: to place trans people "in cultural and historical context and imagine us as part of communities and social movements" (Stryker 2018, 2). This work involves both bringing "new visual grammars into existence" and "remembering and unearthing suppressed ones" (Gossett, Stanley, and Burton 2018, xviii). Instead of, for example, reducing trans individuals to shadow people—mere curios (Marvin forthcoming)—whether murder victims, sexual predators, or singular celebrities, a thick relational lens unearths, appreciates, and reimagines how trans people live, how we love, and how we lead. It means attending not to trans people as curios, but to trans people as curious creators of themselves *in relationship* and in community (Zurn 2018). To conceive of trans people

as thickly relational is to acknowledge the way in which they collectively rebuild themselves and our world.

The second step is to recognize, against media reductions or bias, that prisons and public restrooms are already deeply relational spaces, full of social interactions. The prison is a place where touch, sex, friendship, and family are forbidden, and yet stubbornly present (for example, Champion 2012). Prisons are saturated in hierarchies, over-determining relations among prisoners, guards, personnel, and administrators (Bijersbergen et al. 2014), and yet they are also intergenerational spaces of care and mentoring (Filison and Ciambone 2015). If the prison seems too policed to foster relations, the bathroom seems too sanitized. Yet the bathroom supports socialization techniques, from interpersonal modeling to bathroom graffiti.<sup>19</sup> Multi-stall restrooms are a place where youths develop self-identities and group-identities, adults are more likely to develop their careers and adjust their social standing, and, of course, they present opportunities for sexual intimacy (Case 2010, 224). If these eliminative spaces are already spaces of constructive engagement, functional expectations must be revised.

It is not only the case, however, that these spaces are relational in rich and as yet unaccounted-for ways. Each also harbors instances of relationality that resist the forces of segregation so rampant in each place. Most single-occupancy restrooms in large public settings in the US, for example, are labeled “family restroom” or “companion restroom.” This practice demonstrates that basic forms of relationality cannot be accommodated in binary, multi-stall restrooms. In fact, even North Carolina’s House Bill 2 identified instances of assistance (medical or otherwise) as necessary exceptions to its gender-segregation policy. In detention settings, moreover, the remarkable aging of the prison population has required a real shift from punishment to caretaking, both by personnel and by other prisoners (Human Rights Watch 2012; Taylor 2016). Each of these instances provides examples of care cultures. They equip us to rethink norms of relationality themselves, whether the thin relationality attributed to marginalized groups or the falsely simplified relationality of groups at the social center. Ultimately, if basic human relationality actually demands the breakdown of eliminative space, then eliminative space itself must be radically reconceived. Both penal and waste systems must be changed based on the revised notion of human bodies and communities as dynamically interdependent.<sup>20</sup>

Today, prisons and toilets are central to the culture of human waste in the US, albeit in different respects. Together they represent perhaps two of the US’ most effective means of creating the illusion of safety, heavily framing the “refuse” of its systems, and causing a cascade of socio-ecological damage in the meantime. My account of eliminative space—suggested by experiential narratives, further illuminated by theoretical analyses, and nuanced by historical developments<sup>21</sup> does more than explain the current isolation crisis. It provides an interpretive framework through which to better understand the increasingly fine segregation of trans people in these places, the rampant use of women’s vulnerability as a justification for that isolation, and the implicit construction of trans personhood as shallow. Analyzing these eliminative institutions together, moreover, allows for a significant expansion of

the gendered analysis of prisons and the penal analysis of toilets, but it also—and perhaps more importantly—equips us to engage meaningfully in the work of political imagination, as critical and impassioned participants in the effort to achieve greater social justice throughout our society.

## NOTES

1. By *confinement*, I mean a situation in which one or more persons is being held in place by force; by *segregation*, I mean a situation in which one or more persons is held apart from another person or group of persons, typically by reason of social difference. By *isolation*, I generally mean hyper-confinement, a situation in which one person is held in a small place by force. In the specific case of transgender persons isolated in already confined and gender-segregated spaces such as the prison or the public restroom, I use the term *isolation* to mean hyper-confinement and hyper-segregation, a situation in which one person is held apart from others, typically by reason of social difference.

2. Allow me to offer two qualifications of my project upfront. First, although I grant there is a difference in the intensity and duration of harm across these two forms of isolation, I argue in what follows that the two are structurally related and therefore require a cross-institutional analysis. Nevertheless, I do wish to mark that the difference in harm is scalar; studies of solitary confinement and sustained minority stress indicate that social isolation in either case contributes to psychological unhinging, granted of different intensities and temporal durations. Second, though I grant that some people will request solitary cells during their incarceration, or single-stall restrooms for the purposes of excretion, I limit my argument to the *consignment* of trans people to these places. It is nevertheless worth noting that most such requests expressly stem, in either case, from an informed fear of violence and a concomitant desire for protection. In some instances, such requests also stem from a desire for privacy informed, in no small part, by acculturated shame and should not, therefore, be taken as indicative of a “natural attitude.”

3. Typically, the harms of isolative violence are thought to affect merely the physical and mental capacities of the individual person being isolated. The harms of isolative violence, however, are in fact always relational harms; that is, the consignment of someone to a small space by force (and often by reason of social difference) harms people in their relational being. Through isolative violence, people are harmed not only on an individual level (through, for example, anxiety, depression, suicidality, dissociation, disorientation, perceptual distortion, and so on) but also and therewith on a social level (through, for example, shame, alienation, minority stress, and the breakdown of meaning, mattering, and world-making). As such, the harms of isolative violence constitute an assault on a person’s creaturely being, which is always already their being-with or in community (cf. Guenther 2013).

4. Such a claim is made easy in a workplace rife with transphobia (National Center for Transgender Equality 2015) and in a climate where trans people are stripped of Title VII protections (Attorney General 2017).

5. This is particularly serious given that estimates indicate the military is the largest single employer of trans people in the nation.

6. Stephen Whittle grants that trans people have a right to protective custody, but never through isolation (Whittle 2002, 233, 235).

7. Beginning in 2010, the university committed to include a single-stall, gender-inclusive bathroom in all major renovations and new facilities. There are currently more than 150 gender-inclusive restrooms in academic buildings; all are single-user (<https://www.umass.edu/stonewall/campus-restrooms>).

8. See, for example, their Boycott Target initiative: <https://www.afa.net/action-alerts/sign-the-boycott-target-pledge/>.

9. This is in contrast to other sex-segregated institutions, such as team sports and homeless shelters, where trans people may simply be rejected outright rather than accommodated through isolation.

10. For example, according to prisoners at Peterhead, Aberdeen, guards referred to them in scatological terms (“scum,” “dross,” “shit”) (Scraton 2009, 73).

11. For an interpretation of mass incarceration and immigrant detention practices as eliminative, see Cisneros 2016.

12. Douglas 1966/1984, 35; cf. Lugones 2003, 133: they are “split over and over.”

13. Here, let me offer two implicit qualifications of my account of eliminative space. First, my account is limited to these historically eliminative institutions and need not explain an institution that has utilized or now utilizes any one component of eliminative logic, whether isolation, segregation, purification, or reduction. That, for example, workplaces and libraries have a history of gender and racial segregation (Baggs 2005; Wiegand and Wiegand 2018) or that campus housing often recommends single rooms for transgender students, does not entail that workplaces, libraries, or dormitories are eliminative spaces. Their historical development has been governed by another logic, the logic of material and discursive production. Second, my account need not apply to institutions of punishment and excretion beyond the Western and specifically US context, except insofar as Western/US practices have been exported through globalization. These institutions have different histories and may very well have different logics, warranting their own analysis.

14. Implicit within my analysis is a suspicion of the gender-responsive justice movement, insofar as it employs segregation and isolation to precondition its targeted programs and administrative care. If my argument is correct, interdependence and community must be the cornerstones of any justice movement going forward.

15. The modern flush toilet developed in England against the French bidet, which, to the Victorian mind, induced sexual promiscuity, becoming the product of choice for French sex workers (Cavanaugh 2010, 38).

16. This relation warrants a full-length historical study all its own, which would productively explore not only the similarities I have outlined here, but also those moments where the experiences, functions, and histories of the prison and the toilet diverge from each other.

17. I am not suggesting that places of correction or excretion be abolished, but that the institutions historically governing them give way to community practices built upon social and ecological relationality.

18. Thanks to an anonymous reviewer for insisting I highlight this point.

19. Restroom graffiti is as old as ancient Rome, where sketches indicated bathrooms as places of philosophizing but also as places of prayer, given the dangers of vulnerability while naked (see Kamash 2010, 54–58).

20. This work might well rely on the rich resources in disability studies and queer ecology.

21. To my mind, these three elements—experience, structure, and history—are necessary to any nuanced, accountable, and relevant philosophical analysis of a contemporary political issue.

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