

# Origins and Solutions to Menstrual Injustice

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## **Stigma and Shame Around Menstruation**

Ancient Roman Philosopher Pliny the Elder believed that “menstrual blood could make seeds infertile, kill insects, kill flowers, kill grass, cause fruit to fall off trees, dull razors, and drive dogs mad. The glance of a menstruating woman could kill bees, her touch could make a horse miscarry, and contact with her blood could cause another woman to lose her child.” While his statement is rather extreme, it is representative of long-held prejudices against menstruation that have existed throughout history and still have major ramifications today in the stigma and negative connotations of periods.

In many major religions and society as a whole, periods, which are a normal and healthy bodily function, have been associated with dirtiness and met with disgust. For example, Christian women were traditionally separated from others during their cycle to avoid making others impure. Hindu women have also historically been isolated, as the impurity of menstruation was believed to be contagious. Menstruating women were also deemed unclean in Judaism. In Islam, during menstruation, women have traditionally been prevented from participating in religious activities. Since periods are generally believed to be a women’s issue, women throughout time have been thought of as incompetent and impure, and have been taught to hide their periods and feel shame. For many menstruators, this religious-based punishment of periods has lasting effects of uncomfortability and embarrassment.

These ideologies also exist outside of religion, as prejudices against women and menstruators have permeated nearly every part of our society. A New York Times opinion article in 1912 asserted that “the mind of a woman is always threatened with danger from the reverberations of her physiological emergencies (i.e., menstruation).” In 1964, NASA stated their opinion that hormonal mood changes associated with periods would make women unable to be astronauts.

More recently, in 2015, Instagram twice took down a post showing a picture of artist and poet Rupi Kaur laying on her bed with a spot of blood on her pants and sheets. While this picture shows a familiar occurrence for menstruators, it was deemed inappropriate on social media.



A psychological study known as the Tampon Experiment further proved the bias against menstruators. According to Margaret E. Johnson, Professor of Law and Co-Director of the Center on Applied Feminism at the University of Baltimore School of Law, "in the experiment, the woman dropped either a tampon or a hairclip from her purse and the researchers studied how the person observing this later evaluated the women. The study found that when the woman dropped the tampon, rather than the hairclip, the observing participant evaluated the woman more negatively. Specifically, the observer judged the woman with the tampon as lower in competency and less likable. In addition, the observer tended to avoid sitting close to the woman and was more likely to objectify the woman."

This stigma and shame surrounding menstruation is something that is taught as a way to keep men comfortable and to degrade women. Factors like religion, media, and unconscious bias create a taboo around periods. They make menstruators feel unable to talk about menstruation and feel embarrassment around their bodily functions which then causes anxiety, stress, and pressure to hide period products. According to one adolescent surveyed for Professor Johnson's journal article, "women don't like to talk about having their period because, alright, because it's gross to men. And men don't like to hear it and men are the more dominant people in society, and if a man doesn't like it being talked about then women are not going to talk about it in front of people in general. And so it's kind of seen as taboo to talk about your period. Something that has to do with your vagina, that's taboo you can't talk about that you know?"

## Intersectionality

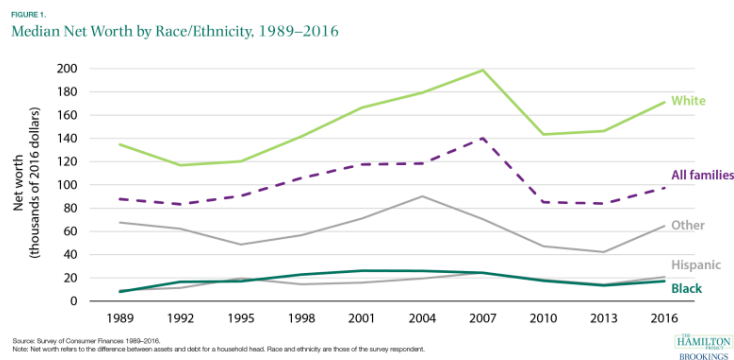
Patterns of viewing periods as a specifically feminine evil not only lead to negative psychological effects in menstruators, but it restricts the idea of womanhood itself. While it is important to recognize the ways in which misogyny plays a role in the stigmatization of periods because, as previously mentioned, periods are mostly linked to cisgender women, it is also important to recognize that this association isn't completely accurate. Not all women menstruate, and not all menstruators are women. For example, transgender men and non-binary people may menstruate, or transgender and cisgender women may not menstruate. Cass Bliss, a trans activist, artist and educator, states that "sex and gender are different, and they do not always match up. However, when it comes to periods, society tried to make us believe exactly that. Menstruation is almost always tied to womanhood... does not having the ability to menstruate make you a man? And if menstruating is what makes you a woman, then are women who may not have periods, for a variety of health reasons, not real women? What about trans women? Are they not women because they do not have the capacity to menstruate?"

When talking about menstrual justice, it is also important to understand how poverty, race, and their intersection affect access to period products and can exacerbate already existing menstrual injustice.

A quarter of Black (23%) and Latina (24%) people with periods strongly agree that they've struggled to afford period products in 2020-2021, compared to 8% of white respondents.

A 2019 research study of low-income women in St. Louis, Missouri found that 64% of the women studied could not afford menstrual products in the previous year. Some women also reported going to hospital emergency rooms to get products.

Given systemic inequalities that create issues like the racial wealth gap, where a typical white family's net worth is nearly ten times greater than a typical Black family's net worth, it is clear how an individual's wealth and race impact access to period products and make it even harder to manage their menstrual cycle.



## Laws and The Tampon Tax

Taxes on period products and a lack of adequate laws to ensure access to products exacerbate the issue of period poverty. This table below shows which states provide free products in correctional facilities, schools, and shelters, as well as which states don't tax period products.

TABLE 1: MENSTRUAL EQUITY LAWS BY STATE

(inclusive of District of Columbia)

|                | Correctional Facilities | Schools | Shelters | Tax Exemption |
|----------------|-------------------------|---------|----------|---------------|
| Alabama        | X                       |         |          |               |
| Alaska         |                         |         |          | NA            |
| Arizona        |                         |         |          |               |
| Arkansas       |                         |         |          |               |
| California*    | X                       | X       |          | †             |
| Colorado       | X                       |         |          |               |
| Connecticut    | X                       |         |          | X             |
| Delaware       |                         |         |          | NA            |
| D.C.           | X                       |         |          | X             |
| Florida        | X                       |         |          | X             |
| Georgia        |                         |         |          |               |
| Hawaii         |                         |         |          |               |
| Idaho          |                         |         |          |               |
| Illinois       |                         | X       |          | X             |
| Indiana        |                         |         |          |               |
| Iowa           |                         |         |          |               |
| Kansas         |                         |         |          |               |
| Kentucky       | X                       |         |          |               |
| Louisiana      | X                       |         |          |               |
| Maine          |                         |         |          |               |
| Maryland**     | X                       |         | X        | X             |
| Massachusetts  |                         |         |          | X             |
| Michigan       |                         |         |          |               |
| Minnesota      |                         |         |          | X             |
| Mississippi    |                         |         |          |               |
| Missouri       |                         |         |          |               |
| Montana        |                         |         |          | NA            |
| Nebraska       |                         |         |          |               |
| Nevada         |                         |         |          | X             |
| New Hampshire  |                         | X       |          | NA            |
| New Jersey     |                         |         |          | X             |
| New Mexico     |                         |         |          |               |
| New York       | X                       | X       |          | X             |
| North Carolina |                         |         |          |               |
| North Dakota   |                         |         |          |               |
| Ohio           |                         |         |          | X             |
| Oklahoma       |                         |         |          |               |
| Oregon         |                         |         |          | NA            |
| Pennsylvania   |                         |         |          | X             |
| Rhode Island   |                         |         |          | X             |
| South Carolina |                         |         |          |               |
| South Dakota   |                         |         |          |               |
| Tennessee      | X                       |         |          |               |
| Texas          | X                       |         |          |               |
| Utah           |                         |         |          |               |
| Vermont        |                         |         |          |               |
| Virginia       | X                       |         |          |               |
| Washington     |                         |         |          |               |
| West Virginia  |                         |         |          |               |
| Wisconsin      |                         |         |          |               |
| Wyoming        |                         |         |          |               |
|                | 13                      | 4       | 1        | 12            |

NA: These states do not impose sales taxes on any products, including menstrual products.

\* California has temporarily suspended the tax on menstrual products, but only for the next two years. The law allows menstrual products to be taxed, and unless the legislature and governor act, the products will be taxed again starting in 2021. See Taryn Luna, Newsom Faces Criticism for Not Delivering on Grand Promises, THE LOS ANGELES TIMES (May 13, 2019).

\*\* Maryland has a state law that applies to schools, however, it is specific in that it only requires free menstrual products to be provided to students who are homeless, not to all students who may need them. Thus, for the purposes of this analysis, Maryland's law as it applies to schools is not considered broad enough to qualify as a menstrual equity law for schools.

Period products are currently being taxed in 30 states, making it even harder for people to access them.

[This interactive map](#) shows items that are tax-exempt in states that tax tampons, as well as which states don't tax period products. For example, California has a tax on tampons, but not chocolate bars; Wyoming doesn't tax swimming pool admission, but taxes tampons; and Missouri also has a tampon tax, but bingo supplies can be bought tax-free.

Furthermore, these products are not covered by government assistance programs, such as SNAP and WIC.

## **Periods in School**

Unfair views of menstruators as impure, irrational, and incapable contribute to stigma and shame around periods, which directly impacts students both in and out of school. In a study of 1,000 teens ages 13 to 19 by Thinx, a period underwear company, and PERIOD, a non-profit working to eradicate period poverty, it was found that 64% of teens surveyed believe society teaches people to be ashamed of their periods. A similar amount feel embarrassed when they have to bring period products to the bathroom.

While it is important to provide these essential products to students at no cost, having to go to a third party to receive them creates more problems for every student regardless of social and economic factors. Ideally, free products would be easily accessed by students in bathrooms. University of Michigan Master's Students in Epidemiology Ashley Rapp and Sidonie Kilpatrick elaborate that this shame exists “even in situations where products are available for free, but a person must ask a gatekeeper--like an administrator or teacher--for access to the product.” Professor Margaret E. Johnson further says that “young girls and other menstruators at the intersection of gender and age are subject to structural disadvantages because they are not able to freely go to the bathroom when menstruating. School girls report the indignity of their schools’ limited bathroom access. The limited access results in unnecessary leaks, stigma, and avoidance of attending school while menstruating.”

In a 2020 journal article written by law professors Margaret E. Johnson (University of Baltimore), Emily Gold Waldman (Pace University) and Bridget J. Crawford (Pace University), they state in support of free products in bathrooms that: “placing the products where students are most likely to need them—in the bathrooms, as opposed to at a nurse’s station—reduces students’ barriers to access, whether the barrier is the physical location of a nurse’s station or a school administrator’s office, the authority of a school administrator, a culture of stigma surrounding menstruation, or the student’s own shyness.”

On a more local level, Bill H.2354 proposed in the 192nd (Current) session of the Massachusetts State House would, among other things, add a section to Massachusetts General Law requiring that: “all schools serving students in any grade from grade six through grade twelve shall provide disposable menstrual products in all restrooms of such school building or buildings for people who menstruate. Such products shall be provided at no charge to students. Such products shall be available in a convenient manner that does not stigmatize any persons seeking such products.” If passed into law, the provision of free products in each bathroom would be mandated.

## ACLU's Five Recommendations for How You Can Further Menstrual Equity

(from [aclu.org/report/unequal-price-periods](https://aclu.org/report/unequal-price-periods))

1. **Fight for accountability.** Ensure that laws that do exist — be it federal law regarding women's corrections institutions or state laws applying to jails, prisons, schools, and shelters — are properly implemented and enforced. Advocate for audits and demand accountability when evidence arises that institutions are not complying with the laws. Furthermore, as many of these laws are unfunded mandates, advocates should support fully funding these laws in order for institutions to have the resources needed to comply.
2. **Support laws that advance menstrual equity.** This includes those that make menstrual products freely available to people living in poverty, exempt menstrual products from state taxes, and require menstrual products to be freely available to detained and incarcerated people. These laws should specify that a variety of high-quality menstrual products, including both tampons and pads, should be available in unlimited quantities in a freely accessible area and should include an enforcement or reporting mechanism. If there is such a bill pending in your state, make sure to call your representatives to encourage their support and to thank them if they are working to advance menstrual equity.
3. **Advocate that all students have access to free pads and tampons.** Most states do not require that menstrual products be available in public school restrooms. It is not enough that products might be available at the nurse's office — students should not have to ask an adult for menstrual products but instead should have regular access to them as needed. Products should be available in all restrooms and locker rooms.
4. **Speak to local homeless shelters, food banks, and any organizations that provide on the ground services to homeless people.** Even if they currently do not provide menstrual products, they may be open to doing so. You can organize or participate in drives to raise awareness about the dangers of menstruating while homeless and to collect menstrual products for organizations that work with homeless people. It is critical that all homeless people who menstruate get access to menstrual products, since homelessness is a serious issue in the transgender community; if only women's shelters stock menstrual products, transgender men and non-binary people may suffer.
5. **Engage in public education to raise awareness and reduce stigma.** Talk about your own experiences, listen to others, and shut down conversations about how periods are "gross," or that spread misinformation about how periods work or who menstruates (e.g., that only women and girls menstruate). When we become more comfortable talking about periods and ending the stigma, we are poised to make menstrual equity a reality.

## Sources

- [State of the Period -- study commissioned by Thinx & PERIOD](#)
- [Bill H.2354](#)
- [U by Kotex Period Poverty Awareness Week – Survey Results](#)
- [Changing the Cycle: Period Poverty as a Public Health Crisis](#)
- [The Unequal Price of Periods | American Civil Liberties Union](#)
- [Home — Tax Free. Period.](#)
- [Menstrual Justice by Margaret E. Johnson](#)
- [Title IX and Menstruation](#)
- [Examining the Black-white wealth gap](#)

## Further Reading *(sources not directly used in the above article)*

- [1 in 10 College Women Experience Period Poverty, More Likely to Experience Depression | College of Health and Human Services](#)
- [1 in 10 college women face period poverty, a study shows. Here's what that means.](#)
- [University of Maryland students campaign for free pads and tampons in bathrooms - The Lily](#)
- ['It cannot be this way': What is period poverty and how to solve it](#)
- [Massachusetts State Fact Sheet On Period Poverty \(Alliance for Period Supplies\)](#)