

**BEAUVOIR'S ETHICS BEYOND BEAUVOIR: MASCOTS, ASEXUALITY,
AND GENDER ELIMINATIVISM**

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A Dissertation

*Submitted to the Faculty of Purdue University
In Partial Fulfillment of the Requirements for the degree of*

Doctor of Philosophy



Department of Philosophy
West Lafayette, Indiana
May 2022

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ACKNOWLEDGMENTS

The first essay of this dissertation, “Personal Foul: Indifference to Native Americans,” has been accepted for publication and is, at the time of this writing, forthcoming in the journal *Social Theory and Practice*. I thank the editors for allowing me to use the essay here.

Thank you to my committee members, William McBride, Daniel Smith, Lynn Parrish, and Sally Scholz, for all their comments, questions, and support. Special thanks to Sally for agreeing to be the outside reader just a month and a half before the defense.

This dissertation was written with the help of so many people. There are my undergraduate professors, Gary L. Angel and Jack Corvin, who were the first to guide me in my philosophical studies, and have never stopped supporting and cheering for me. There are all the colleagues I have had in these six years of graduate school: Elaine Blum, Max Spears, James Mollison, Samantha Seybold, Troy Seagraves, Jashiel Resto, Chen Yang, Keun-Chang Oh, Lacey Davidson, Perry Hendricks, Dan Linford, Ana Carolina Gómez Sierra, Sarah Lucas, Alzbeta Hajkova, Luke Wilson, Stephen Setman, Jim Elliot, Tiffany Montoya, Reyes Espinoza, Alex Vrabely, Sam Pell. Special thanks to Tom Doyle and Matt Fritz, the first close friends I made in graduate school. There are the professors I have had at Purdue: Dan Frank, Jan Cover, Dan Kelly, Taylor Davis, Mark Bernstein, Jackie Mariña, Rod Bertolet, Pat Kaine, Christopher Yeomans, Mike Bergmann, Mike Jacovides, Leonard Harris, Paul Draper. I would not be surprised if there was somebody I have forgotten. I only hope they understand that my ADHD brain is at fault and not my heart. There are also the countless folks whom I have met at conferences; I could not even begin to list them here. And if I were to attempt to include all those who have encouraged me and supported me, there is no telling how long these acknowledgments would go. Thank you, all of you.

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ABSTRACT

This dissertation applies Simone de Beauvoir's existential ethics to three contemporary moral issues. The first essay is on pseudo-Native-American representations (PNAR) used by sports teams. It argues that the use of PNAR is an instance of oppressive indifference and should no longer be used. The second essay is on asexuality, a sexual orientation defined by little to no sexual attraction to others. Due to their lack of sexual attraction to their partners, it may seem at first that asexual folks cannot have moral sex. On the contrary, this essay argues that asexual folks can have moral sex. Finally, the third essay argues for gender eliminativism, which I understand as the elimination of arbitrary gender norms.

INTRODUCTION

Scholarship on Simone de Beauvoir is often feminist, political, or phenomenological in nature. This is to be expected. But from my perspective, this literature does not reflect just how significant of a moral theorist (broadly construed) Beauvoir was. Granted, I take the Beauvoirian feminist and political philosophy to be subsets of moral philosophy. And granted, there has been excellent Beauvoirian scholarship covering topics in applied ethics such as punishment, racism, sexism, gender identity, political movements, and platonic and romantic relationships, among others. As great as all this literature is, there is so much more we can do with Beauvoir. Authors who work in utilitarianism, Kantian ethics, and virtue ethics alike have written original works that go beyond what John Stuart Mill, Immanuel Kant, or Aristotle ever considered. My dissertation sets out to do the same with Beauvoir's existentialist ethics.

Existentialism takes all values as being mind-dependent. Values only exist in the world because conscious beings have them. It is through our free choices that values "spring up in the world."¹ It is this idea that leads many to think that a normative ethical theory cannot be grounded in existentialism. This is what makes Beauvoir's contributions so valuable. She distinguishes ontological freedom, what makes consciousness able to have values, from moral freedom, which has two necessary conditions. First, one must value one's own ontological freedom. It is a fair question to ask, "Why must one do this?" If we are free to choose what we value, there would be nothing stopping me from choosing not to value my freedom. This is true. But notice that such a choice is itself a free choice. Freedom is simply the human condition. As Sartre puts it, we are condemned to be free. So, Beauvoir calls on us to embrace our freedom, not flee from it. Make no mistake, this first necessary condition is not easy to meet. Many of us do flee our freedom because being free in the way that the existentialist understands means being completely responsible for our own lives and our own actions.

But despite valuing one's own freedom being as difficult as it is, it is still not enough for moral freedom. One must also value the freedom of others. Once again, we are confronted with the question, "Why? Why should I value the freedom of others when I am free to value what I choose?" Because one must exercise one's freedom through concrete projects in this human-made

¹ Simone de Beauvoir, *Ethics of Ambiguity* (New York: Philosophical Library, 1948), 14.

world that one shares with others. Because of this, one's freedom is interdependent with the freedom of others. Writing a book would seem to be a meaningless task if there was no one to read it. One could not even begin to write a book if there was no one to make a desk or a computer to write on. And if that book was a political manifesto, it could not carry out its goals unless others joined one's cause in solidarity. This concept of moral freedom is at the core of Beauvoir's existentialist ethics.

The first essay, "Personal Foul: Indifference to Native Americans" is on the use of pseudo-Native-American representations (PNAR) by sports teams. I argue that PNAR is immoral. The main concept used in this essay is indifference, in which the oppressor is completely indifferent to the oppressed's subjectivity; the oppressed is treated as nothing more than an object. Sonia Kruks writes regarding indifference, "Individuals may be treated as no more than anonymous members of a social category, as interchangeable units in a 'series.' This kind of objectification often facilitates economic exploitation or cultural appropriation."² While oppression can be complicated, such that multiple modes of oppression may be used on a particular marginalized group, I take indifference to be the primary one regarding PNAR. While fans cheer for their Braves, Indians, Chiefs, Seminoles, Blackhawks, or R-skins, they have no regard for the effects of the stereotypes their mascots, logos, and fan rituals have on the *real* Native American people.

The second essay, "Moral Sex When You Would Rather Have Cake," is on asexuality, an often-neglected sexual orientation defined by little to no sexual attraction to anyone. Reciprocity is the main concept; philosophers of sex often think it imperative that sex partners respect each other as subjects while they covet each other's objective flesh. What makes asexuality interesting to think about regarding reciprocity is that the greater challenge for asexual folks is reciprocating their partner's sexual desire. Asexuality, then, requires us to rethink the meanings of reciprocity, desire, relationships, and intimacy. I argue that asexual folks can have moral sex. To appreciate fully how this can be, we must confront compulsory sexuality, the view that everyone wants, or at least ought to want, sex. In Beauvoirian terms, this view takes sex to be an absolute value. The problem with this view is that it is bad faith. All values, as mentioned above, only exist because conscious beings have them. It is, thus, a mistake to think any value automatically has a privileged place. Each of us is free to decide what to value, and that includes whether to value sex or not.

² Sonia Kruks, *Simone de Beauvoir and the Politics of Ambiguity*, (New York, Oxford University Press, 2012) pg. 73.

From this, and from the lived experiences of asexual folks, we can see that sexual pleasure is not the only reason why one would have sex with a romantic partner. Many asexual folks with allo partners – partners who are not asexual – have sex to make their partners happy or to spend time with their partners. For them, sex itself is not the end. Rather, intimacy is the end. Allos can learn from asexual folks because intimacy is often what many allos authentically value too.

Finally, the third essay, “One Is Not Born, and Should Not Become, a Woman or a Man,” argues for gender eliminativism, which I take as the view that all arbitrary gender norms should no longer be socially enforced. Beauvoir wrote, “Every time transcendence lapses into immanence, there is degradation of existence into ‘in-itself,’ of freedom into facticity; *this fall is a moral fault if the subject consents to it; if this fall is inflicted on the subject, it takes the form of frustration and oppression*; in both cases it is an absolute evil.”³ That is, the limiting of freedom can happen either from within or from without. Gender norms do both, as they are enforced by others and internalized by each of us. Because of gender norms and stereotypes, many of us forgo or even fail to consider things that we may enjoy. Some will forgo nail polish simply because they identify as a man. Some will not consider pursuing computer science simply because gender stereotypes make women feel like computer science is not for them. Authenticity is the main concept in this essay, which is best understood as living according to one’s own chosen values. My third essay calls on us, to the best of our ability, to have the courage to live authentically and to defy the ready-made values that are gender norms and stereotypes.

Besides the fact that all three of these essays use Beauvoir’s existentialist ethics, I see another common, more specific theme throughout them. Each one is challenging one of the ways we fail to recognize consciousness as free in-itself, as something that cannot be well-defined, like pure being can. In the existentialist framework, consciousness is a nothingness. This is what makes it ontologically free. We cannot understand it through well-defined concepts, because anything that it is, it could not be. All three of my essays challenge attempts to understand consciousness, whether in a particular marginalized group or in all humans, as having some immutable characteristic. Whether we think of Native Americans as nothing more than warriors, or think that part of what it means to be human is to be sexual, or think that certain anatomical features can dictate what we wear, we are living in bad faith.

³ Simone de Beauvoir, *The Second Sex* (New York: Vintage Books, 2010), 16; emphasis added.

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PERSONAL FOUL: INDIFFERENCE TO NATIVE AMERICANS

Introduction

Much of the discussion over the use of pseudo-Native-American representations (PNAR) by sports teams from high school to the professional level has been over claims of racism. It is said that the use of team names, logos, and mascots perpetuates harmful stereotypes that have negative psychological effects on Native Americans. A common, more specific example of a claim of racism has been about the former name of the NFL's Washington Football Team. That name was, of course, the Redskins.¹ Among the many teams that use PNAR, the Washington team received the most criticism for using what many Native Americans consider to be a racial slur. As Suzan Harjo, a Native American activist, put it, "No matter where you went or what was the mascot fight of the moment in any locale, everyone [Native Americans] would always say, 'And the worst one is right there in the nation's capital, the Washington team name.'"² Note, however, that it was not considered the only problematic team, but the worst one. Now that Washington has succumbed to recent political pressure and changed its name, some may think that the fight over PNAR is over and won in favor of the activists. The fact that the Cleveland Indians are also considering, at the time of this writing, changing their name is a bonus. In this essay I will argue that PNAR in general is immoral and that several other teams – including but not limited to the Cleveland Indians, as well as the Kansas City Chiefs, Atlanta Braves, and Chicago Blackhawks – should also change their branding.

In *Simone de Beauvoir and the Politics of Ambiguity* – specifically in the chapter titled, "Theorizing Oppression" – Sonia Kruks discusses three types of oppression. As the title of her book suggests, she draws on the works of Simone de Beauvoir in her discussion. Kruks uses Beauvoir's *America Day by Day* to discuss the mode of oppression she calls indifference.³ In *America Day by Day*, Beauvoir reflects on racial issues in the United States, particularly regarding Native Americans and Black Americans. Kruks does not specifically mention the use of PNAR by

¹ At the time of this writing, Washington had not yet chosen a new nickname. In this essay I will avoid using the former nickname whenever possible. Instead, I will use "R-skins."

² Hunter Walker, "Meet the Native American Grandmother Who Just Beat the Washington Redskins," *Business Insider*, June 18, 2014.

³ The other forms of oppression are asymmetrical recognition and aversion. See "Theorizing Oppression" in Kruks' *Simone de Beauvoir and the Politics of Ambiguity*.

sports teams, but I will ultimately be arguing that the use of such representations in sports is oppressive indifference.

In the second section of this essay, I will explicate Beauvoir's existential ethics, which I will be using to evaluate sports teams' PNAR. In the third section, I will focus the discussion on oppressive indifference. In the fourth section, I will demonstrate indifference in a few examples of sports teams' use of PNAR. The main purpose to the fourth section is to explore why the use of team names such as the Blackskins or Yellowskins would presumably incite outrage, but the current use of PNAR does not. It will also address teams like the Notre Dame Fighting Irish, which is commonly used as a counterexample to defend PNAR. In the fifth section, I will address the most common objection to my view: sports teams' PNAR is meant to honor Native Americans. This claim is at its strongest regarding colleges and universities that have the support of specific tribes, such as the Florida State University Seminoles and the Central Michigan University Chippewas. Finally, in the sixth section, I will discuss the lived experience of the fans of these teams.

Beauvoir's Existential Ethics

Existential ethics is grounded in freedom. For Beauvoir, there are different kinds of freedom: ontological and moral.⁴ Ontological freedom is elaborated in Sartre's *Being and Nothingness*. It is the meaning behind the claim "Existence precedes essence." Contrary to an Aristotelian conception of humans, one does not have a given function or purpose before one lives, like how one can conceive of a table before it is made. Instead, the nature of subjectivity is such that one is nothing until one makes a free choice on what one will become. This sort of freedom cannot be taken away from one, perhaps barring death; it is ontological. As Sartre puts it, one is "condemned to be free." This freedom is the movement of existence.

Ontological freedom is the ground for value in the world. According to the existentialist, meaning and values do not exist independently of consciousness. The nothingness of subjectivity creates the being of meaning and values. A subject makes the brute facticity of objects become a *beautiful day*, a *delicious apple*, a *tranquil river*, etc. Beauvoir calls this disclosing being.⁵

⁴ Some would say that there is a third kind of freedom called power. Power is freedom over social and material constraints. See Kristana Arp's *The Bonds of Freedom*.

⁵ Simone de Beauvoir, *Ethics of Ambiguity* (New York: Philosophical Library, 1948), 23.

As for moral freedom, there are two necessary conditions. The first is that one must value one's own ontological freedom. One cannot will oneself unfree, but one can take either a negative or positive attitude towards one's ontological freedom.⁶ The former is what Beauvoir and Sartre call bad faith. The latter makes freedom a value. Like all values, moral freedom is grounded in ontological freedom, and because moral freedom stems from our valuing our own ontological freedom, moral freedom is the absolute value that is the foundation for an ethics.

Moral freedom can also be thought of as ontological freedom in concrete form. However, let us be clear and careful about what we mean by this. When one values one's own ontological freedom, one will seek to give it a concrete form by taking on concrete projects (while always remembering that the value of the project is grounded in one's own ontological freedom, thus avoiding bad faith). To take on concrete projects properly, one must not only value one's own ontological freedom, but – and this is the second necessary condition to moral freedom – one must also value the freedom of others. I will now discuss three reasons why this is the case.

First, one will desire recognition and admiration for one's accomplishments. If one completes a project and nobody else recognizes the accomplishment, then the meaning of that project will only exist in relation to one; when one dies, so does the project's value. If one is unable to complete the project, then there will be nobody to continue it. Hence, one desires that others recognize one's projects, so that one's projects may obtain greater meaning. Obtaining greater meaning can be illustrated by fan receptions of pop culture media, whether it be books, plays, tv shows, movies, etc. Fans often have interpretations of works that the author may have never considered. Beauvoir described this phenomenon as the works no longer belonging to the author; it is as if the work takes on a life of its own. Now, one should not desire just any recognition, but that of an equal. In the Hegelian master-slave dialectic, the master wants to be recognized as the master by the slave, but by oppressing the slave and making him inferior, any recognition the slave could give the master is also inferior. Only when there is equality can one experience worthwhile admiration from the other; only then can one obtain moral freedom.⁷

Secondly, the world one is situated in is already a human-made world, and it is that way because all humans have disclosed it. Thus, the possibilities that are available to one have the possibilities of others as their condition. This creates an interdependence among individuals; one's

⁶ Ibid, 8.

⁷ Simone de Beauvoir, *The Second Sex* (New York: Vintage Books, 2010), 159-60.

concrete possibilities for realizing one's freedom requires that others also have concrete possibilities to realize their freedom. This can be seen in the development of philosophy. Current philosophers build on the works of each other and those who came before, and each of those philosophers required the opportunities to become philosophers. The projects of others act as springboards to one's own projects.

Thirdly, some projects are too big for a single person to accomplish, so one must take up those projects with others, in solidarity. In the United States, for example, there is a movement to pass Medicare for all, a great political project. It would not be possible for a single person to pass the policy, so one must make an appeal to one's fellow citizens. By working together in solidarity, a political movement of people can realize moral freedom.

Now that I have shown why willing one's freedom is to will the freedom of others, I will transition to discussing how the condition of Native Americans, particularly regarding sports teams' PNAR, is one of oppression. In existential ethics, because there are no ready-made values and moral standards, moral problems can be truly difficult to solve. Some may say that the cause of freedom can point us in the right direction, but one can never be sure that one is doing the right thing. Some may say that existential ethics is a sort of ethical pluralism – i.e. moral problems may have more than one correct solution. For example, Sartre discussed a student of his that could not decide between staying home to take care of his mother or to join the Free French Forces against the Nazis.⁸ According to existential ethics, either option is right. In any case, the cause of freedom *can* at least determine some actions as morally wrong. The student should not join the Nazis or kill his mother.⁹ This essay aims to show that the use of PNAR, at least in most current cases, is one such morally wrong action.

Indifference

Obviously, to talk about all the ways Native Americans are oppressed would take too long, so I will focus on one mode of oppression that I think captures much of what is going on with Native Americans' condition regarding PNAR. Sonia Kruks calls the mode of oppression indifference. In the previous section I briefly mentioned that sometimes an oppressor will want the

⁸ Jean-Paul Sartre, *Existentialism is a Humanism* (New Haven: Yale University Press, 2007), 30-1.

⁹ David Detmer, *Freedom as a Value: A Critique of the Ethical Theory of Jean-Paul Sartre* (Chicago: Open Court, 1988), 163.

oppressed to recognize him as superior. In indifference, however, the oppressor does not seek out any recognition from the oppressed and does not care if the oppressed recognizes him. Thus, the oppressor is 'freed' to completely objectify the oppressed. Kruks writes regarding indifference, "Individuals may be treated as no more than anonymous members of a social category, as interchangeable units in a 'series.' This kind of objectification often facilitates economic exploitation or cultural appropriation."¹⁰ One who is oppressed in this way is meant to be a category, not an individual subject.

Some may wonder why this mode of oppression should be called indifference. Being indifferent is not necessarily a bad thing; I am indifferent to most people in the world simply because I only have a limited understanding, if that, that they exist and there is little to nothing I can do to help them. Furthermore, the use of PNAR may strike one as being more malicious than mere indifference. In response I will say first that what one is indifferent to is the oppressed's subjectivity. Secondly, while it is true that indifference is not necessarily a bad thing, what makes it bad is when it leads to limited futures for those who are treated with indifference, which is the case for Native Americans' condition. Native Americans were relegated to reservations with few resources. In *America Day by Day*, Beauvoir describes an encounter with a museum director in Santa Fe. He suggests that she visit some Native American villages, as if they are tourist attractions. "He glosses over the fact, as is his job," Beauvoir writes, "that all the fertile lands have been taken away from them under the pretext that they wouldn't know how to cultivate them, and that they've been left with a land of broken stones and no water, where growing crops is nearly impossible."¹¹ Moreover, within their reservations Native Americans can maintain their traditions, but they are surrounded by their oppressors' way of life. They live under American law, yet, Beauvoir writes, "They have neither the status of American citizens nor the rights that that status confers."¹² In other words, they must recognize the laws of their oppressors', but no legal recognition is reciprocated. It should be noted that Beauvoir was mistaken about Native Americans' citizenship status at the time. The Indian Citizenship Act of 1924 granted them citizenship. However, her

¹⁰ Sonia Kruks, *Simone de Beauvoir and the Politics of Ambiguity*, (New York, Oxford University Press, 2012) pg. 73.

¹¹ Simone de Beauvoir, *America Day by Day*, (Los Angeles, University of California Press, 1999) 187.

¹² Ibid.

statement applies prior to 1924 and even after 1924 some states did not allow Native Americans to vote.¹³

Recognition is often not socially reciprocated; many non-natives have little to no knowledge of Native American culture, and they show no genuine signs of interest in their culture. Even among tourists that Beauvoir calls “Anglo Indian-lovers,” their interest is similar to the sort of interest one would have for tourist attractions or the various knickknacks one can find in a gift shop. As Johnson and Eck write, many “will never know that most Indians were not roaming hunters, but lived in villages with agricultural societies, or that decision-making power in many tribes rested equally with men and women.”¹⁴ It is unlikely that the “Anglo Indian-lovers” that Beauvoir describes knew these facts.¹⁵

Stereotypes emerge from indifference. For the purposes of this essay, “stereotype” will be defined as a personality trait that is believed, whether implicitly or explicitly, to be universal among the members of a group of people. This is in direct opposition to the existentialist notion that “existence precedes essence,”¹⁶ that one chooses what one will become through concrete action.

When one is stereotyped, it limits one’s possibilities in the social world. This subsequently limits the projects that one can pursue, thus foreclosing one’s freedom. I believe the social psychological work of Stephanie A. Fryberg et al. can be used as evidence for this. They have done studies on the effects of mascots (and other representations) on Native American high school and college students. Their studies tested for the effects of mascots on students’ possible selves. “Possible selves,” write Fryberg et al. “are images of the self that one hopes to become; they motivate sustained goal-directed behavior and are important for the attainment of future goals.”¹⁷ This definition of “possible selves” is compatible with existentialist philosophy; “future goals” is a good synonym for “projects.” As it turns out, these studies by Fryberg et al. found that mascots,

¹³ “Today in History – June 2: Indian Citizenship Act.”

¹⁴ Kim Chandler Johnson and John Terrence Eck, “Eliminating Indian Stereotypes,” *American Indian Law Review* 20, no. 1 (1995/1996), 77.

¹⁵ Of course, these quotes from *America Day by Day* are dated and some things have changed since the book’s publishing in 1950. However, there is also much that has stayed the same. Of course, I cannot discuss every detail or do the situation justice in a single essay.

¹⁶ Sartre, *Existentialism is a Humanism*, 22.

¹⁷ Stephanie A. Fryberg et al. “Of Warrior Chiefs and Indian Princesses,” *Basic and Applied Social Psychology* 30 (2008), 214.

even when considered as positive portrayals,¹⁸ caused students to have fewer possible selves. Stereotypes psychologically limit one's possibilities.

Specifically regarding the stereotypes that sports teams' PNAR promotes, they often portray Native Americans as warriors. One example of this is the tomahawk chop at Kansas City Chiefs,¹⁹ Atlanta Braves,²⁰ and FSU games.²¹ The practice originated with FSU.²² Fans wave their arms in a chopping motion, sometimes holding toy tomahawks, and accompanied by chanting. This supports the stereotype that Native Americans are a violent, savage people that are quick to engage in warfare. This stereotype of "Indians as warriors" has had a history in cinema,²³ and it is not surprising that it is invoked in sports; games are often made analogous to battle. Now in some ways, one might think of this as a positive image of a strong, courageous warrior. However, as Fryberg et al. point out, one of the very few times when Native Americans enter the public consciousness is when they are portrayed as caricatures or mascots.²⁴ If these are the only images that Native Americans can relate to, then that will have a psychologically limiting effect on them. Fryberg et al. have studies that show this in high school and college students, but Kim Chandler Johnson and John Terrence Eck tell a story that illustrates this phenomenon in even younger children:

Sandy Nowack, counselor for a group of Native American boys in Norman, Oklahoma, sees a wide variation in self-esteem levels. In a recent after-school discussion, she asked the boys to tell the group their name, their tribe, and why they liked being Native American. "It was easy to tell which boys had bought into the Indian stereotypes," Nowack said. Her favorite answer was, "I like being a Native American because we're sacred." But all responses were not that positive. One child said, "I like being an Indian because we get to shoot bows and arrows." Nowack believes that, to some Native American children, the images of the stereotypical Indians seem so real that these children actually believe they're supposed to wear "war paint" and "scalp" people.²⁵

¹⁸ This point will be important in a later discussion over the Florida State University Seminoles.

¹⁹ Ariel Rothfield, "Indigenous Group Asking Chiefs Fans to Stop Chop," *KSHB Kansas City*, January 15, 2016.

²⁰ Terrence Moore, "Please, Somebody Stop Atlanta Braves Fans from Chopping and Chanting," *Forbes*, October 9, 2018.

²¹ Indian Country Today, "War Chant and Tomahawk Chop," September 29, 2012.

²² This will be important for a later point.

²³ Ward Churchill, "Fantasies of the Master Race: The Cinematic Colonization of American Indians," (1998) 177.

²⁴ Fryberg, "Warrior Chiefs and Indian Princesses," 209. For an overview of the few other times Native Americans enter the public consciousness, see Ward Churchill's *Fantasies of the Master Race*.

²⁵ Johnson and Eck, "Eliminating Indian Stereotypes," 78.

Nowack's story shows an example of the internalization of the violent, warlike stereotypes. Juanita Helphrey, a demonstrator who passed out leaflets explaining the offensiveness of Washington's old R-skins name in front of Washington's old stadium, said, "our children see these images and they ask if we're really like that."²⁶ Once these stereotypes have been internalized, they become self-fulfilling prophecies, thus further supporting the imagery and the existence of the stereotypes. This quickly begins to look like a cycle, but an important step to breaking the cycle would be for team owners to remove their PNAR, which they have the power to do easily.

Besides the psychologically limiting nature of the stereotypes, these warrior representations are not useful in contemporary society.²⁷ The virtues of a warrior are not likely to help one succeed in school, for example.²⁸ So not only do these stereotypes limit the possibilities young Native Americans can see for themselves, but the possibilities that are presented to them are ones that relegate them to the past. It is also worth considering the context in which the virtues of the warrior are considered virtues. It can be said that in many sports the vice of savagery becomes a virtue on the field. Athletes and coaches praise sports for providing discipline and teaching one to channel and utilize one's aggression between the whistles. Thus, the stereotype of the primitive and base Native American is fitting. It becomes a sort of modern-day noble savage – at once seen as a savage and praised for it.²⁹ And while savagery is embraced during the game, once it is over fans and players alike can go back home to their civilizations, because they were only "playing Indian"; they are still not like those savages, those Others.

It is evident that fans of sports teams with PNAR have a lack of social recognition of Native Americans. Indeed, for fans of the Washington team, for example, the R-skins name raises thoughts about the football team, not the Native American people or their struggles. The team actually used that as a legal defense in *Harjo vs Pro Football Inc.* Specifically, they argued that the name, which is historically a racial slur, has recently developed a positive connotation because of its association with the football team.³⁰ However, this only further demonstrates that Native Americans are treated with indifference. The Washington team's use of PNAR, as well as that of other teams, has left fans thinking about their favorite teams, rather than the Native American

²⁶ Ruben Castaneda, "Protesters Condemn Redskins Name," *Washington Post*, September 7, 1993.

²⁷ Fryberg, "Warrior Chiefs and Indian Princesses," 216.

²⁸ Granted, one does often need bravery and grit when pursuing a career in academia.

²⁹ Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 4.

³⁰ Justin Grose, "Time to Bury the Tomahawk Chop: An Attempt to Reconcile the Differing Viewpoints of Native Americans and Sports Fans," (2010-2011) 706.

people and their struggles. When fans hear the names of their teams or see the imagery of their teams, those fans will not be thinking about how some of the most vulnerable to partial government shutdowns are Native Americans, due to their dependence on federal programs;³¹ nor will fans think about how Native Americans living on reservations that span across the US-Mexico border do not want to have a wall go through their land.³² Most pertinently, if not most importantly, is that fans ignore the protests Native Americans have against the name in favor of their own views. Each of these issues has a concrete effect on Indigenous people's lives. When they cannot have their basic needs met or have control over their land, they cannot pursue their own projects. To put it straightforwardly, fans are indifferent to Native Americans.

But nothing can demonstrate my point better than the lived experience of a Native American herself. Take for example the following story from Harjo: In 1974 Harjo moved to Washington, D.C. and someone gave her and her husband tickets to a Washington game. Harjo explains the event:

We're football fans and we can separate the team name from the game, so we went to a game. And we didn't stay for the game at all, because people started – someone said something, "Are you this or that?" So, we started to answer, then people started like pulling our hair. And they would call us that name and it was very weird for us. So, we just left and never went to another game. That just solidified it for me because it wasn't just namecalling, *it was what the name had promoted. That's the example of what objectification is. You strip the person of humanity and they're just an object and you can do anything.*³³

Indifference Revealed through Racial Comparisons

In the introduction I mentioned that many make racial comparisons to fictional team names like the Blackskins or the Yellowskins and suggest that these names would be far more negatively received by society. C. Richard King discusses this and many other examples of racial comparisons that seem to demonstrate much hypocrisy around societal attitudes towards sports teams with PNAR. Another example that King mentions is the Atlanta Braves' former mascot, Chief Noc-a-Homa. Whenever the Braves hit a home run, Chief Noc-a-Homa would do a stereotypical dance outside his tepee. In the light of this, Jeffrey Newman, assistant director of the Association for

³¹ Mitch Smith and Julie Turkewitz, "Shutdown Leaves Food, Medicine and Pay in Doubt in Indian Country," January 1, 2019.

³² Dianna Nájuez, "A Border Tribe, and the Wall that Will Divide It." There are many other examples that could be mentioned. See the introduction to Ward Churchill's *Fantasies of the Master Race* for more.

³³ Walker, "Native American Grandmother." Emphasis added.

American Indian Affairs, made this racial comparison: “. . . would they hire a black man to sit in a tar paper shack out there and come out picking cotton every time a player hit a home run? No, they wouldn’t dare.”³⁴ King mentions another example, this time from a 1994 editorial written by Brian Barnard, a Salt Lake City attorney. Barnard asks, “Would you watch the World Series as the Georgia Crackers took on the Nashville [N****ers]?”³⁵ Presumably, most people would answer this question with an appalled “No.” However, there were many who eagerly looked forward to watching the Dallas Cowboys play the (formerly) Washington R-skins, or the Kansas City Chiefs face the New England Patriots. In fact, there are many years when one can watch the Dallas Cowboys play the Washington team on Thanksgiving Day, no less.

There are many more examples that could be made, and most opponents of PNAR use them to make the argument that since these fictional team names and mascots are clearly not acceptable, PNAR is also not acceptable. For me, however, these racial comparisons raise a different question: Why would there presumably be more public outrage over mascots of other marginalized groups than there is over the current use of PNAR? My answer is “oppressive indifference.” As I have already said, Native Americans are not recognized as individual subjects and often do not enter the public consciousness as people. In the cases of other historically marginalized groups, many of them still suffer from oppressive indifference – indeed, Beauvoir also discusses the treatment of Black Americans in *America Day by Day* – but society has come to at least recognize that the mascotization of these other marginalized groups is wrong. As King puts it, “Pseudo-Indian imagery makes Native Americans exceptional, subject to images that disrespect and dehumanize indigenous peoples in a fashion no longer conceivable, let alone acceptable for others.”³⁶

Sometimes racial comparison goes in the other direction. Some defenders of PNAR will make sardonic claims such as, “the [University of Notre Dame] Fighting Irish would be sued by Irish people” if the Washington team’s trademark was legally revoked, or that “the [Minnesota] Vikings now need to worry about changing their name” and that fans “would have no problems with a team being named Palefaces.”³⁷ To summarize, some dedicated fans try to argue that since there is no outrage over these team names and mascots, PNAR is acceptable. While such an

³⁴ C. Richard King, “Borrowing Power: Racial Metaphors and Pseudo-Indian Mascots,” *The New Centennial Review* 4, no. 1 (Spring 2004), 195.

³⁵ Ibid, 198. I assume readers know what the censored word is.

³⁶ Ibid, 199.

³⁷ Ibid, 190-191.

argument will not stand up to scrutiny due to the disparity between white privilege and Indigenous marginalization, the case of the Notre Dame Fighting Irish is an interesting one. Granted, as Andrew C. Billings and Jason Edward Black point out, “The problem is an issue of agency – of deciding for oneself whether a mascot should stand as a representation of one’s culture. Irish Catholics founded Notre Dame and decided on their own mascot.”³⁸ Furthermore, the use of the Fighting Irish nickname was an intentional subversion of derision against Irish people.³⁹ These points are important, but I still think the case of the Fighting Irish is peculiar. Most people will not know the history of the nickname, but I think more people do know that when Irish immigrants were first immigrating to the United States, they were discriminated against. Moreover, the logo of Notre Dame is a caricature of an Irishman dressed like a leprechaun and holding up his fists; such an image could support the stereotypes of the violent, drunken Irishman. Notre Dame is also nationally recognized, making it possible for stereotypes to spread beyond the control of the university. Finally, more than just Irish students attend it, thus opening the possibility of non-Irish students “playing Irish.” Despite all of this, it is true that we do not see much criticism against Notre Dame’s representations.

But if the reader is still unconvinced that Notre Dame is an issue worth considering, there is one more telling racial comparison in the case of the Fighting Whites. King writes, “In February 2002, members of a multiracial intramural basketball team at the University of Northern Colorado changed the name of their team from Native Pride to the Fighting Whites, hoping to educate a broader public about images and their dehumanizing impact . . . The logo, in turn, was the bust of a white male, smiling, hair combed back, dressed in a suit and tie.”⁴⁰ Finally, their catchphrase was “Everythang’s gonna be all white.”⁴¹ Unfortunately, the satirical imagery did not have the desired effect. Many white Americans failed to see it as a protest. Some even took it with pride, which is not surprising since the image of a man in a suit and tie tends to represent success. Other white Americans saw it as racial humor, rather than racial protest. As King points out, the Fighting Whites did not dehumanize or create any negative stereotypes.⁴²

³⁸ Andrew C. Billings and Jason Edward Black, *Mascot Nation: The Controversy over Native American Representations in Sports* (Urbana: University of Illinois Press, 2018), 48.

³⁹ Jonathan Bailey, “Website questions if ‘Fighting Irish’ Nickname Is Offensive,” *ABC57*, July 9, 2020.

⁴⁰ *Ibid*, 204-205.

⁴¹ *Ibid*, 205.

⁴² *Ibid*, 206.

Why do the last few examples of team names and mascots fail to offend Caucasians? Once again, my answer is “oppressive indifference,” or rather the lack of it. It is readily recognized that Caucasians are individual subjects; they occupy a position of privilege in society, so satirical teams like the Fighting Whites or the Washington Palefaces are taken as racial humor, rather than racial politics. King writes, “Judging from the public response, the Fighting Whites seem to confirm, rather than challenge, white-supremacist America – a white centered, white identified, and white dominated society.”⁴³

Regarding the Notre Dame Fighting Irish, though they were once discriminated against, they are now considered fully white. Charles Mills claims in *The Racial Contract* that they were never really considered nonwhite. At worst, they were “off-white,” and still socially considered to be above nonwhite races.⁴⁴ In any case, white Irish Americans are seen as fully white now and mascotization of the white race does nothing to foreclose the freedom, to limit the futures, of white people. It could be said that white privilege is strong enough to withstand the harmful effects of mascotization.

Have You No Honor?

The most prominent claim in favor of sports teams’ PNAR is that it is meant to honor Native Americans, not disparage them. This section is meant to scrutinize this claim and will be divided into two parts. The first part will address claims to honoring Native Americans by professional sports teams. The second part will address those claims by colleges and universities. Though I have not checked every single organization that uses PNAR (a monumental task on its own) I feel safe in claiming that every one of them has at some point made the claim that their PNAR is meant to honor Native Americans. Some, however, have made great and unique efforts to back up those claims. I will mention several organizations throughout this section, but I will especially focus on three: The Chicago Blackhawks, Florida State University (FSU), and Central Michigan University (CMU).

⁴³ Ibid.

⁴⁴ Charles Mills, *The Racial Contract* (New York, Cornell University Press, 1997), 80.

V.i Professional Teams

The Chicago Blackhawks got their name from the 86th Infantry Division of the U.S. Army during World War II, which was nicknamed “Blackhawk Division.” The founder of the team, Frederic McLaughlin, was a commander of that division’s 333rd Machine Gun Battalion. The division got its name from “Chief Blackhawk who was a prominent figure in the history of Illinois.”⁴⁵ “McLaughlin chose the Blackhawks for the team’s name in honor of his military unit and the Indian Chief.”⁴⁶

Prior to 2019 the Chicago Blackhawks Foundation had a partnership with the American Indian Center of Chicago (AIC) “to educate the public about American Indians.”⁴⁷ This partnership and goal lent credence to the Blackhawks that other organizations lacked. Indeed, using their platform to educate the public about Native Americans addresses some of the issues of indifference. One way the Chicago Blackhawks worked towards this goal was adding to their website a page giving a brief history of their namesake, Black Hawk. For one example, there fans and others can learn that Black Hawk was not the name of a tribe, which is a common mistaken belief, but the name of a person.⁴⁸ However, the AIC ended that partnership, stating, “Going forward, AIC will have no professional ties with the Blackhawks, or any other organization that perpetuates harmful stereotypes.”⁴⁹ Interestingly enough, the Chicago Blackhawks website posted “A Note to Our Blackhawks Community” in July of 2020 that (at best) implies this relationship is still in place.⁵⁰ While the note affirms “a commitment to expand our efforts, serve as stewards of our name and identity and raise the bar even higher for our ongoing dialogue with local and national Native American groups,” this disregard for the stated concerns of the AIC is a prime example of using Native Americans as tools for their own interests. That is, this is indifference.

It is easy to understand why, despite the Blackhawks’ efforts, AIC was still concerned that the team’s use of PNAR was perpetuating harmful stereotypes. One might suggest that the problems of having PNAR largely stem from the actions of fans, rather than the actions of well-intentioned team organizations. However, the teams are providing the framework that allows fans

⁴⁵ Michael Stinkamp, “A Brief History: Chicago Blackhawks,” *Chicago Blackhawks*.

⁴⁶ Stacie Nicholson, “Indian Mascot World Series Tied 1-1: Who Will Prevail as Champion?,” (2004/2005), 357.

⁴⁷ Allen Kim, “The Chicago Blackhawks won’t change nickname because it honors the life of an actual Native American,” *CNN*, July 8, 2020.

⁴⁸ Chicago Blackhawks, “Black Hawk’s Legacy.”

⁴⁹ American Indian Center Chicago, “Statement on Blackhawks.”

⁵⁰ Chicago Blackhawks, “A Note.”

to act in disrespectful ways. The teams choose to have PNAR, and the fans use it, which can only be expected. Whatever sort of imagery a team uses, the fans will also use it to show their support for the team. For example, an integral part of sports team culture is fans dressing up in costume when attending games. Fans of teams with PNAR are no exception, and many of them attend games in Native American costumes featuring headdresses and redface. The teams could go as far as to prohibit anyone dressed in culturally appropriated attire from entering their stadiums, which might send a message. To be fair, in that same note to the community from the Chicago Blackhawks the team states that they will no longer allow headdresses to be worn at home games. However, due to the marketing advantage that PNAR has historically provided teams, we should not count on this policy becoming standard.⁵¹ Furthermore, fans could still dress up in Native American costumes while tailgating or watching the game at home. Ultimately, if sports teams keep their PNAR, their fans will have reason to engage in behavior that promotes stereotypes. At best, the teams are complicit in the promotion of oppressive indifference.

In fact, it is worse than just being complicit: the teams have actively supported the promotion of stereotypes. The Atlanta Braves' Chief Noc-a-Homa is a prime example. Another example mentioned above is the use of the tomahawk chop. Team organizations have supported this practice by selling toy tomahawks; professional teams are a business, so it can only be expected that they would sell products with their PNAR. Yet another example is the former mascot and logo of the Cleveland Indians, Chief Wahoo, which was nothing more than a caricature. Chief Wahoo was a cartoon man with literal red skin, a big nose, big smile, and a feather in his hair. As Harjo puts it, "Chief Wahoo is really the graphic equivalent of the [former] name of the Washington team."⁵² There are, of course, many other examples that could be given.

Now, some may still say that these teams have made progressive changes and can continue to do so until their PNAR is genuinely respectful to Native Americans. This is a common reaction from fans regarding PNAR controversies; C. Richard King discusses this strategy in *Redskins: Insult and Brand*. Since fans feel great affinity and affection for their teams as they have always known them, it is to be expected that they would seek to make a few changes that would allow them to keep their team's PNAR. Now, it is true that there has been some progress. Chief Noc-a-

⁵¹ More on this marketing advantage later in the essay.

⁵² Walker, "Native American Grandmother."

Homa was retired in 1986.⁵³ The year 2019 was the first in which Chief Wahoo was not displayed on Cleveland's player uniforms.⁵⁴ These sorts of steps are the first in a move to make the PNAR more authentic. A more robust discussion on authenticity will be covered in subsection V.ii.

Another way teams supposedly honor Native Americans is through their charity work to indigenous communities. Take the Washington R-skins Original Americans Foundation (OAF) for example. The OAF was created by Washington team owner Dan Snyder in response to criticism over his team's name. Many Native Americans suffer through poverty, and the OAF has done some charity work to alleviate that. The home page of the organization has the following message:

The mission of the Washington Redskins Original Americans Foundation is to provide resources that offer genuine opportunities for Tribal communities. We will work as partners to tackle the troubling realities facing so many Tribes across our country. The Foundation utilizes the national platform of professional sports organizations and their partners to address the challenges in the daily lives of Native Americans based on *what Tribal leaders tell us* they need most.⁵⁵

The emphasis on, "*what Tribal leaders tell us* they need most," might seem a bit defensive. In fact, many Tribal leaders have said that if Snyder were genuine in his efforts and not simply trying to buy good publicity for his team, then he would change the name.⁵⁶ Clearly Washington and other teams do not need to keep their PNAR to do charitable work for indigenous communities. Indeed, they would be more efficient if they dropped their PNAR. Many Tribes refused help from the OAF on grounds that it carried a racial slur in its name. Furthermore, as King points out, this charity work often works as a divide and conquer strategy.⁵⁷ Some indigenous communities, living in difficult circumstances, accept the money and some do not. Those that accept it are then used by the team as shields from criticism, especially the criticism coming from those indigenous communities that do not accept the money. As Jennie Stockle puts it, "This kind of charity forces us to make a choice to accept the funding or to claim our identity as Native people. We don't deserve a life where we should be forced to make that choice."⁵⁸

⁵³ Doug Williams, "Chief Noc-A-Homa Still a Braves Legend," July 30, 2012.

⁵⁴ Pete Blackburn, "Cleveland Indians Fully Phase Out Chief Wahoo Logo, Unveil New Uniforms for 2019," November 19, 2018.

⁵⁵ Washington Redskins Original Americans Foundation, "Who We Are."

⁵⁶ John Woodrow Cox, "Donations to Tribes by Daniel Snyder's Redskins Foundation Plummet in Second Year, Records Show," *The Washington Post*, April 15, 2017.

⁵⁷ C. Richard King, *Redskins: Insult and Brand* (Lincoln: University of Nebraska Press, 2016), 118.

⁵⁸ Mike Wise, "Latest Redskins nickname outreach is a step, but without a direction," *The Washington Post*, March 25, 2014.

Another, now infamous, example of support from some Native Americans being used as a shield is a *Washington Post* poll claiming that 90% of Native-identifying individuals are not bothered by the former name of the Washington professional team. Many criticisms against the validity of that poll have been made, which only further shows the indifference against Native Americans. Those criticisms include that there were no safeguards to confirm Native American identity. Respondents were also given a choice between the former name of the Washington Football Team being offensive or not bothering them. As Billings and Black write, “One would surely assume that one could be ‘bothered’ by the name without finding it formally ‘offensive’ – or vice versa.”⁵⁹ King describes examples like these as instances of selective sampling and distortion.⁶⁰ For defenders of PNAR, only those indigenous voices that are on their side matter; they are, again, used as a shield from criticism. Furthermore, it does not matter to them whether the supposed indigenous voices really are indigenous, whether those voices have essentially been bribed with needed charity, or whether, despite not being particularly bothered by PNAR, they still find it objectively offensive. Meanwhile, the dissenting voices are ignored entirely.

Regarding the professional teams, I doubt that they can reach a point where they can credibly say their PNAR is respectful. The Blackhawks had tried to develop a relationship with AIC and make efforts to be respectful to Native Americans. That partnership ultimately ended. I doubt that a capitalistic business can be reasonably expected to do the educating work needed to prevent fans from promoting harmful stereotypes. Furthermore, any charity work they do for indigenous communities ultimately uses those communities as a shield, a tool, to protect their interests in keeping their marketable PNAR. It all reduces to indifference.

V.ii Colleges and Universities

In 2005 the NCAA put 18 schools on notice for having offensive PNAR. However, five of those schools – Catawba College, Mississippi College Choctaws, University of Utah Utes, Central Michigan University Chippewas, and Florida State University Seminoles – were given a pass for their PNAR.⁶¹ Each of these colleges were given a pass for having the name of a tribe that gave the schools their support in some capacity. We may think that the use of a specific tribe’s name is

⁵⁹ Billings and Black, *Mascot Nation*, 3.

⁶⁰ King, *Redskins*, 24.

⁶¹ Evan Petzold, “Why Central Michigan ‘Chippewas’ nickname is OK with local tribe, NCAA,” *Detroit Free Press*, July 24, 2020.

better than a more generic one like Indians or Braves since those generic names lump several different tribal cultures together. The support from tribes adds a new factor to the discussion. Andrew C. Billings and Jason Edward Black have found that many fans claim they would revoke their support of the Florida State University's (FSU) Seminole name if the Seminole Tribe of Florida (STF) revoked theirs.⁶² Is it right for fans to make their support based on the condition of tribal support? Is this specific tribal support enough to render FSU's PNAR morally permissible? I mentioned above that existential ethics may be thought of as a form of moral pluralism; we may have here a situation where concerns against the use of indigenous stereotypes are against the autonomy of individual tribes freely choosing to lend their names to colleges and universities. This deserves further analysis. For the sake of simplicity, I will focus on the examples of FSU and Central Michigan University (CMU).⁶³

FSU has done a lot to make sure that their imagery is (supposedly) authentic, such as using clothing and regalia made by the Seminole Tribal women for the Homecoming chief and princess, and their mascot Osceola.⁶⁴ "Osceola" refers to the Native leader who fought in the Second Seminole war.⁶⁵ Furthermore, FSU has evolved its imagery from the typical Hollywood Indian archetype into the representations of today, which may lead one to think that the "P" in "PNAR" may be dropped for FSU.⁶⁶ Moreover, in 2005 FSU received the written approval of the Seminole Tribe of Florida (STF) to call themselves Seminoles.⁶⁷ STF granted this approval after having a decades-long relationship with FSU that included "tribal members in many of the university's most meaningful events," such as marching in the color guard at commencement ceremonies, and "to ensure tribal imagery is authentic."⁶⁸ To sum things up, it is clear that part of FSU's strategy for avoiding criticism against their PNAR is to make it as authentic as possible. We might make a *modus ponens* argument to represent their strategy:

- (1) If the representations are authentic, then they are morally permissible.
- (2) The representations are authentic.

⁶² Billings and Black, *Mascot Nation*, 174-175

⁶³ Though there are likely some unique aspects of each school that could be worthy of discussion.

⁶⁴ Florida State University, "Relationship with the Seminole Tribe of Florida," 2019. FSU claims not to have a mascot. Instead, they call Osceola a symbol. I will discuss this further shortly.

⁶⁵ Adam Augustyn et al. "Osceola: Seminole Leader."

⁶⁶ Florida State University, "Relationship with the Seminole Tribe of Florida," 2019.

⁶⁷ Idib.

⁶⁸ Idib.

(3) Therefore, the representations are morally permissible.

However, there are reasons to think that both premises are false.

Let us first examine the claim “FSU’s representations are authentic.” No discussion on FSU’s PNAR can go without an extensive look at their mascot Osceola. First, a non-Native student portrays Osceola. To be fair, the student chosen to be Osceola must maintain a 3.0 GPA and go through training for two years. The student is also expected to maintain a stoic performance, which is seen as part of how they honor the symbol of Osceola.⁶⁹ Indeed, Billings and Black found that people generally find stoic images of Native Americans to be less offensive than cartoonish ones.⁷⁰ The lack of tribal affiliation apparently does not bother STF, but there is more. As Billings and Black write,

Debates also persist as to whether FSU is educating locals on Seminole histories or, instead, is building unfounded myths regarding Seminole culture. For instance, Chief Osceola plants a spear into the football field while riding an Appaloosa horse, even though Semionoles in that area of the country rarely rode horses because of the swampy terrain. He carries a spear and inspires a “tomahawk chop,” even though Chief Osceola was a crack shot with a rifle.⁷¹

Let us now examine the claim “If the representations are authentic, then they are morally permissible. First, FSU claims that the student who rides in on an Appaloosa horse named Renegade before home football games to get the crowd hyped up with a stoic thrusting of a flame-lit spear at midfield is *not* a mascot, but a symbol. Given everything I just stated in the preceding sentence, the use of the word “symbol” over “mascot” appears to be nothing more than an empty public relations move. Many of the concerns I have raised over PNAR up to this point apply to Osceola. Between the spear and the accompanying tomahawk chop performed by the crowd, FSU is employing the typical stereotypes of violent warriors. Given the violence of sports, football especially, the use of this stereotype may be inevitable. Even if this representation of Osceola could be considered authentic, its effects on indigenous communities across America – not just STF – are still negative. Perhaps the best example of this is the spread of their tomahawk chop to the Kansas City Chiefs and the Atlanta Braves. As mentioned above, the tomahawk chop is not

⁶⁹ C. Richard King and Charles Fruehling Springwood, “The Best Offense . . . Dissociation, Desire, and the Defense of the Florida State University Seminoles,” in *Team Spirits: The Native American Mascots Controversy*, ed. C. Richard King and Charles Fruehling Springwood (Lincoln: University of Nebraska Press, 2001), 139.

⁷⁰ Billings and Black, *Mascot Nation*, 107.

⁷¹ Billings and Black, *Mascot Nation*, 32.

authentic to Osceola, but even if it were, its spread could only occur with the hegemonic view that all Native Americans are alike. The consent of one tribe will not be enough because of the larger background of systemic oppression. FSU is one school in the context of a country with a history of committing genocide on indigenous peoples and employing racist portrayals. As Daniel Francis puts it, “The imaginary Indian does not exist in a void.”⁷²

There is further reason to doubt that authenticity is the key to respectful PNAR. We might wonder if it is appropriate to think that the fanfare of a sporting event can ever lend more than a mere superficial authenticity or if it can properly bestow honor. Consider this account from Jacqueline Pata, Executive Director of the National Congress of American Indians:

One day, when I was working for the Clinton administration, we had a number of military servicemen who were building roads and houses on a reservation for a training mission. Once the project was completed, the local tribe hosted a powwow to thank the servicemen for coming out to help and for their service. During Grand Entry, the beginning of a powwow where the colors are presented, the military servicemen were recognized for their contributions to the community. It was such a powerful feeling. I saw proud Native leaders wearing headdresses, having earned every eagle feather in that headdress, acknowledging and honoring the service that the servicemen had done for our country. That is what respect looks like. When I came back to Washington, D.C., from that experience, I attended a Fourth of July parade featuring the Washington team. They were marching down the street in their fake headdresses and singing their banner song. I cried. It was such a stark contrast from the Grand Entry I had just seen. Non-Native people were mocking the very act that had moved me so much. Seeing the fake headdresses was such a contrast to the men I had just seen who were truly dignified. The parade wasn’t dignified and it certainly wasn’t respectful.⁷³

Granted, winning a championship is no small feat deserving of some honor, and fans could be expected not to wear fake headdresses and the like. However, we are ultimately talking about a game, which is still in stark contrast to the service of the servicemen Pata describes. At the very least, it is doubtful whether a game can bestow honor on indigenous cultures.

At this point, we may wonder why STF gives their support to FSU, given everything said in this subsection. Many speculate that STF’s economic interests align with FSU’s interests. I share these suspicions, but I take a nuanced approach like the one King and Charles Fruehling Springwood have in “The Best Offense.” Officially and explicitly, the only financial benefit the

⁷² Daniel Francis, *The Imaginary Indian: The Image of the Indian in Canadian Culture* (Vancouver, Arsenal Pulp Press, 2012), 194.

⁷³ Billings and Black, *Mascot Nation*, 13-14.

tribe receives is scholarships to FSU. However, James E. Billie, chair of the STF, has been able to obtain government approval within Florida to establish several casinos. As King and Springwood put it, “Billie is a politician.” Having sway with those Florida legislators who happen to be FSU alumni certainly helps STF’s interests.⁷⁴ Now, I take Billie to be making the best of a bad situation. What we should take note of is that bad situation is the result of the typical oppressive indifference that Indigenous communities, including STF, have suffered.

Before moving on to a discussion on CMU, it is worth mentioning one last important aspect of the FSU Seminole name. While the STF gives their support to FSU, the Seminole Nation of Oklahoma does not. David Narcomey, a member of that nation’s general council, responded to the NCAA’s decision to remove FSU from their list of schools with offensive imagery by saying, “I am deeply appalled, incredulously disappointed . . . I am nauseated that the NCAA is allowing this ‘minstrel show’ to carry on this form of racism in the 21st century.”⁷⁵ This is an issue discussed in the subsection on professional teams that applies to FSU as well. FSU’s use of the Seminole name has divided affiliated tribes and FSU chooses to hide behind the opinion of those Native Americans that agree with them and ignore the opinion of those that disagree with them.

Whereas FSU succumbs to many of the typical problems with using PNAR, CMU’s only current PNAR is the Chippewas name. Their logo is a stylized “C”; they do not use any Native American mascots; tomahawk chops, headdresses and other uses of feathers, and war paint are prohibited at CMU events.⁷⁶ Regarding the name, President of CMU, Bob Davies, states, “When we refer to a graduate from CMU, we don’t call them a Chippewa. We say they are a CMU Chippewa.”⁷⁷ It might be debated whether the use of “CMU” as a qualifier to “Chippewa” is enough to prevent the phenomenon of “playing Indian,” but given CMU’s other actions, I will assume it is.

Unlike professional teams, colleges and universities are much better equipped for educating people about Indigenous history and culture. For CMU’s part, their “Native American Programs office is responsible for organizing various cultural events, maintaining a Native American resource collection, recruiting Native American students, serving as the university

⁷⁴ King and Springwood, “The Best Offense,” 145-146.

⁷⁵ Steve Wieberg, “NCAA Allowing Florida State to Use Its Seminole Mascot,” *USA Today*, August 23, 2005.

⁷⁶ Central Michigan University, “Honor the Chippewa.”

⁷⁷ Petzold, “Why Central Michigan.”

liaison with tribal communities, and providing training to students faculty and staff.”⁷⁸ CMU offers a Bilingual/Bicultural Ojibwe minor and an American Indian Studies minor. In fact, the Saginaw Chippewa tribe’s (SCT) reasoning for giving their support to CMU and having an official relationship with them is centered around education.⁷⁹

In summary, CMU does not use any Native American stereotypes, educates their students and the public about indigenous cultures, and has the support of the SCT. Does this mean that CMU has found the magic formula for having morally permissible PNAR? It is not clear to me that there is a definitive way to claim that they are doing something wrong. However, I will close this section with some final concerns.

Though CMU has done a lot to be respectful to the SCT, it is worth considering how CMU’s use of the Chippewa name and SCT’s support (as well as the support of other tribes for other schools, including STF-FSU) are both in the context of oppressive indifference. Regarding CMU’s use of the name, it first began “in 1942 after CMU’s track and field coach Lawrence Sweeney approached the student council to request changing the nickname from the Bearcats to Chippewas. He argued that the Bearcat was too unfamiliar a mascot to provide the kind of atmosphere desired at athletic events and ‘the Chippewa name opens up unlimited opportunities for pageantry and showmanship.’” As CMU admits, “In practice, this amounted to stereotypical imagery and mockery of Native ceremonies.”⁸⁰ To CMU’s credit, they have since taken the actions mentioned above to be more respectful to the Chippewa name. However, they only had the name to begin with because at one time the stereotypes were seen as marketable. Regarding SCT’s support for CMU, we should not see this as a situation where SCT loans the Chippewa name to CMU in exchange for education opportunities for tribal members and the public at large. CMU sits on historically indigenous land that was imperialistically stolen. If CMU – or any university, for that matter – was not using an indigenous name, they would still be obligated to indigenous communities.

⁷⁸ Central Michigan University, “Native American Cultures.”

⁷⁹ Petzold, “Why Central Michigan.”

⁸⁰ Central Michigan University, “The Central Michigan University Chippewas.”

The Fan's Lived Experience

In this final section before the conclusion, I want to discuss the fan's perspective.⁸¹ There is an ironic phenomenon that occurs in the fandom for teams with PNAR. Though PNAR is clearly offensive, I believe that many fans genuinely do not understand how that is the case. The passion that fans have for their sports teams can be exceptionally powerful. Some fans have described their passion as being like a religion. In the 2015 film *Concussion*, Dr. Wecht (Albert Brooks) tells Dr. Omalu (Will Smith), "The NFL owns a day of the week. The same day the church used to own. Now it's theirs."⁸² The NFL could only come to own that day of the week if the fans cared that much about their product. Fans spend much of their money and time supporting their favorite teams. Though it may sound strange to some, one's favorite team can become a significant part of one's identity. And though the team's name, logo, and mascot may not have any logical connection to the sport itself, once the connection is made, fans cherish that imagery. Sometimes that passion may come from good motivations: many fans have their favorite teams as reminders of bonds with loved ones. When a father and son go to a Washington game and witness an historic 24-point comeback, the memories of their excitement and their time spent together will last their whole lives. Now, new memories could be made at new games played by the same team with new representations; but if they acknowledge that the current imagery is derogatory, then the memories they have already made may seem tainted. Fans do not wish to acknowledge even the possibility that there is something morally wrong about their favorite team's representations. They love their teams just the way they are, and some of them may not even be able to imagine themselves rooting for a team that was not called the Indians, the Blackhawks, the Chiefs, etc. The theory of oppressive indifference can help us discuss this strong opposition to change from passionate fans.

As discussed above in section III, what fans think about when they hear the term "Chiefs" or see Chief Wahoo are their favorite teams, not Native Americans. In place of Indigenous people's subjectivity are the fake Indians, the noble savages, that sports teams have conjured up for marketing purposes. It is these misrepresentations that the fans are truly revering. As the fight song goes, "Hail to the Redskins!" I claimed in the preceding paragraph that fans make their favorite teams a significant part of their identities. It could be said that following the team's rituals and using the team's imagery is how one becomes a fan in good standing, much like how, as Philip J.

⁸¹ For what it is worth, I used to be a fan of the Washington Football Team.

⁸² "*Concussion* (2015) – The NFL Owns Neuroscience Scene (2/10)." *YouTube*. May 25, 2017.

Deloria discusses in *Playing Indian*, Revolutionary Americans looked to playing Indian to discover what it means to be American, rather than British.⁸³ In other words, fans are focused on how they understand their own subjectivity. They are not concerned with the subjectivity of real Native Americans.

But now I want to focus on the well-meaning fan who is aware of the charge of racism against his favorite team. The claim that their favorite team is named after a racial slur is one that the fan is likely to respond to with incredulity. They genuinely love their team and believe they deserve the honor that comes with their accomplishments, such as the three Super Bowl wins that Washington has earned. Racism, however, is about hatred and disrespect. How could the team be racist? The need to ask such a question can be explained by, what King identifies as, naturalization and simply not knowing. Regarding the former, misrepresentations are so common and widespread – from sports teams to movie and tv show representations such as Disney’s *Pocahontas* – that Americans take them as natural facts.⁸⁴ Many sports fans grew up in or near the hometown of their favorite sports team. That team’s PNAR was a regular part of their lives. There was no occasion to question it. Regarding the issue of not knowing, a lack of education of Indigenous peoples – including what land their favorite teams play on – combined with national narratives such as the first Thanksgiving and Manifest Destiny, leaves fans in ignorance. These are instances of *systematic* indifference.

But despite the instances of systematic indifference, the sports fan is not excused from blame. I think *willful* ignorance on the part of the fan is a major part of PNAR’s oppressive indifference. It is perhaps best explicated by Elizabeth Spelman in her discussion on James Baldwin’s *The Fire Next Time*. She writes:

W’s [“rhetorically conceived white American”] ignorance involves not a simple lack of knowledge of g [“Black America’s grievances are real”] nor the embrace of a false belief about g (the false belief that g is false). W ignores g, avoids as much as he can thinking about g. He wants g to be false, but if he treats g as something that could be false, then he would also have to regard it as something that could be true. Better to ignore g altogether, given the fearful consequences of its being true. W is quite happy about not believing g is true but unhappy about not believing g is false. Ignoring g, not thinking about it, allows W to stand by g’s being false, to be committed to g’s being false, without believing g is false.⁸⁵

⁸³ Deloria, *Playing Indian*, 6-7.

⁸⁴ King, *Redskins*, 53.

⁸⁵ Elizabeth Spelman, “Managing Ignorance,” (New York, State University New York Press, 2007), 121.

This willful ignorance is alive and well in fans of teams with PNAR. Thus, many of them actively deceive themselves. Indeed, King also discusses the issues of fans not thinking or not remembering the genocide the US government committed against Native Americans to settle the land between the Atlantic and Pacific Oceans. While details about Indigenous peoples may not be covered by American education systems, that is one piece of history that is not and cannot be overlooked entirely. In addition, at this point there has been enough media coverage on the criticisms against PNAR that fans should know there is indeed criticism. From that point, given that we are now in the age of the internet, many fans have no excuse for not knowing. Rather, the issue is that they are being willfully ignorant. It can be said that the condition of the fans – a refusal to acknowledge the subjectivity of individual Native Americans for the sake of preserving a false image of their favorite teams – is that of bad faith. And as Kruks writes, “Because privilege is generally invisible to the privileged, the necessary, if not sufficient, condition for overcoming one’s privilege must be to reveal the truth about it.”⁸⁶

At this point, the passionate but well-meaning fan may concede that *some* of their favorite team’s PNAR is offensive but would still try to come up with ways to maintain as much of it as possible. Some strategies the fan may use include improving the team’s PNAR to become genuinely respectful. I have already discussed this strategy and shown its flaws. Another strategy the fan may try is to argue that removal of sports teams’ PNAR would further erase Native Americans in the public conscience. The problem with this claim is that it is a form of paternal benevolence. For the sake of Native Americans, non-indigenous folks will take from Native Americans the power to inform the public about Native Americans. Another defense is the fan may claim that they are more interested in Indigenous peoples because of their fandom for a team with PNAR, but I find this claim doubtful. I see three possibilities: (1) they have an interest in more misrepresentations, (2) they have a genuine interest that they have not yet explored, and (3) they have a genuine interest they have explored. Regarding (1), their interest is no different from that of the “Anglo-Indian lovers” that Beauvoir describes in *America Day by Day*. Regarding (2), their interest is an empty one. In practice, they remain indifferent to Native Americans. Regarding (3), after everything I have said in this essay, I am comfortable in claiming that any fan that has genuinely done enough research will no longer support PNAR.

⁸⁶ Kruks, *Politics of Ambiguity*, 99.

One last strategy the fan may employ is a common one. The fan may say that the Native American faces bigger issues than PNAR, not the least of which includes genuine sovereignty over their land. This point amounts to a red herring and posits a zero-sum game that does not exist. It is possible to address PNAR *and* other issues. In fact, from the perspective of team owners, the issue of PNAR can be addressed with a simple decision on their parts. Finally, as Frank LaMere, a Winnebago Activist, put it, “People say that Indians have bigger problems than mascots and use of Native American images, but I disagree. If you can’t see me as an individual, then how can you understand the problems we have as a people⁸⁷?” PNAR and other oppressively indifferent media portrayals serve as the first obstacle to improving Native Americans’ situation. Until such time as their ontological freedom is respected, we cannot rise to the level of moral freedom.

Conclusion

All of what has been said culminates in the following argument: First, if fans – which may include the team owners – are willfully ignorant of the effects of PNAR (and the historical context in which they are placed), which they are, then fans support the effects of PNAR. This can be read in the Spelman quote above, particularly when she writes, “Ignoring *g*, not thinking about it, allows *W* to stand by *g*’s being false, to be committed to *g*’s being false, without believing *g* is false.” By simply making *W* stand for “fan of a team with PNAR” and making *g* stand for “Native grievances over PNAR are real,” the quote will apply perfectly. Second, if fans support the effects of PNAR, then they support Native American stereotypes. This is true whether the stereotypes are perceived as negative or positive. Third, if fans support Native American stereotypes, then fans support the limiting of Native Americans’ possibilities, which is oppression.⁸⁸ Therefore, fans are supporting oppressive indifference.

Due to the Black Lives Matter protests of 2020, significant progress has been made. Many strategies for combatting PNAR have been discussed and employed. Economic pressure, brought on by the Black Lives Matter protests, has now been proven to be very effective. The Washington Football Team dropped their racial slur of a nickname after many sponsors rescinded their business with the franchise during the summer of 2020. Those same protests have led the Cleveland Indians to consider a name change; and the pressure for reform has greatly increased on other teams, such

⁸⁷ Colman McCarthy, “Sioux City’s Lesson of Enlightenmen,” *The Seattle Times*, February 22, 1993.

⁸⁸ Beauvoir, *The Second Sex*, 16.

as the Atlanta Braves, the Chicago Blackhawks, and the Kansas City Chiefs. That pressure needs to continue. Hopefully Jacqueline Pata was right when she said “We believe that if the name of the worst offender [the Washington Football Team] goes away, then the rest will follow suit.”⁸⁹

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⁸⁹ Billings and Black, *Mascot Nation*, 193.

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MORAL SEX WHEN YOU WOULD RATHER HAVE CAKE¹

Introduction

Asexuality is a sexual orientation defined by little to no sexual attraction to any others. Many assume, upon hearing this definition, that such individuals avoid having sex altogether, but some do have sex for various reasons. This raises some questions within the ethics of sex. Simone de Beauvoir believed that moral sex requires reciprocity with one's partner, and that includes reciprocity in both respect and desire. But if one partner is not interested in sex or attracted to the other partner in a sexual way, then that reciprocity seems to be lacking. Is this a moral failure? If so, for whom is it a moral failure? The asexual person? The asexual person's partner? Both? Is there a way for the asexual person to have moral sex? This last question is the one that will take priority in this essay. My thesis will answer it with yes, asexual folks can have moral sex.

But there is another purpose I have for this essay that will linger in the background as I argue for my thesis. I believe that philosophers of sex need to consider asexuality more seriously. The lessons that can be learned from asexuality, including those that will be made explicit in this essay, affect the way we think about and value sex, and they affect some of the concepts that philosophers of sex often use.

I will begin in the second section with descriptions of the relevant terminology used in the asexual community. Next, in the third section, I will focus on Sartre's and Beauvoir's views on sex with a focus on reciprocity. I take Beauvoir's view to be helpful for understanding asexuality, though we will have to build on what Beauvoir wrote. Beauvoir believed that existential ethics was the only ethical view appropriate for a human life; asexuality is a human experience, so if Beauvoir was right, then we should be able to think about asexuality through the lens of existential ethics. It will be in the fourth section that I show how this can be done. Finally, in the fifth section I will continue the discussion on Beauvoir's existential ethics to critique compulsory sexuality – society's treatment of sex as an absolute value.

¹ The title references a common joke among the asexual community. The premise is that, just as non-asexual folks think everyone likes sex, asexual folks think everyone likes cake.

Terminology

There is a high probability that the reader has never heard of asexuality before, so it will be necessary to clarify several terms. First, “asexuality” is defined by little to no sexual attraction to any others. To understand what sexual attraction is, let us first distinguish it from sexual arousal and sexual desire. Sexual arousal is simply a physical phenomenon like hunger. A tension can build and then release. Sexual desire is directed sexual arousal. Continuing with the hunger analogy, one may be hungry (have sexual arousal) while not having an interest in any particular kind of food (not desire any particular way of relieving the arousal). One may desire to relieve arousal through masturbation or partnered sex. One may desire to have penis-in-vagina sex, oral sex etc. To be clear, sexual arousal is a physical phenomenon while sexual desire is psychological. When these two things are not in sync with each other, that is arousal non-concordance. Genitalia can be stimulated and, thus, aroused without the person who has the genitalia being excited or desiring anything.² Now, sexual desire and sexual attraction can overlap, but not necessarily. It is not until a person is involved that we are talking about sexual attraction. As Angela Chen puts it, “Sexual *attraction*, then, is horniness toward or caused by a specific person. It is the desire to be sexual with that partner – libido with a target.”³

Notice that the definition of asexuality is about sexual attraction, *not* sexual behaviors. We can now see why. The assumption that all asexual folks do not desire sex is erroneous. There are certainly asexual folks who are sex-repulsed; these are likely the asexual folks that most assume when they first hear about asexuality. But there are also those who are sex-indifferent or even sex-favorable. There can be many different reasons why an asexual person is sex-favorable. To name just a few, they might enjoy sex as a means to intimacy with a romantic partner, or they might derive pleasure from sex, or they might enjoy it as a part of a kinky practice.⁴ But none of the reasons can be that they find someone sexually attractive.

As the reader may have realized, some asexual folks are in and desire romantic relationships. This brings us to more distinctions that are often overlooked. Sexual attraction is not the same as aesthetic attraction or romantic attraction. These three types of attraction overlap for many, which is why the differences among them are only typically questioned by asexual folks.

² “The Truth about Unwanted Arousal – Emily Nagoski.” *YouTube*. June 4, 2018.

³ Angela Chen, *Ace: What Asexuality Reveals about Desire, Society, and the Meaning of Sex* (Boston: Beacon Press, 2020), 21.

⁴ It is worth noting that kinky does not have to be sexual.

Aesthetic attraction to a person is similar to the aesthetic attraction one can experience to a painting. A straight person can still recognize someone of the same sex as being beautiful. The difference between romantic attraction and sexual attraction is less intuitive to many. There is a widely held assumption that the difference between platonic love and romantic love is that the latter includes sexual attraction. Much could be said about how we need to rethink our assumptions and values around platonic and romantic relationships given asexuality (and aromanticism – little to no romantic attraction to others). However, for our purposes here, it is enough to recognize that romantic attraction and sexual attraction are distinct.⁵

“Ace” is slang for “asexual.” Asexual is to ace as homosexual is to gay. Also, “allosexual” or “allo” for short refers to those who are not asexual. For the remainder of this essay, I will be using the terms “aces” and “allos.” Finally, sexuality and asexuality can be thought of as a spectrum. Some people identify as gray-asexual, meaning that they rarely experience sexual attraction or only under certain conditions, such as when certain music is playing.⁶ One subset of gray-ace is demisexual, which is experiencing sexual attraction only after an emotional bond has been formed. With this terminology introduced, let us now turn to an analysis of reciprocity.

Reciprocity

Let us begin with an analysis of Sartre’s view of sex in *Being and Nothingness*, so that we may establish the existentialist groundwork. One is a subject to oneself and one brings the objects of the world into being in the view of one’s subjectivity. A book and desk are only a book and a desk – instead of meaningless, undifferentiated matter – because a subject recognizes them as such. It is because of this that one is an essential being among all the inessential objects. But one can also feel oneself becoming an object in the view – the look, as he calls it – of the other. To be clear, the look includes all of one’s senses, not just sight. This look allows one to experience the other’s subjectivity, for nothing can be an object for anything other than a subject. However, one can attempt to make an object out of the other within one’s own look.⁷ Sartre believed that conflict

⁵ For a discussion on this distinction and the implications for relationships, see Chapter 7, “Romance, Reconsidered,” in Chen (2020) and Elizabeth Brake, *Minimizing Marriage: Marriage, Morality, and the Law* (2012).

⁶ One anecdote that will be introduced in section IV is from a gray-ace individual named Cassidy who is able to enjoy sex better when certain music is playing.

⁷ Jean-Paul Sartre, *Being and Nothingness* (New York: Washington Square Press, 1992), 344-5.

between two consciousnesses, each attempting to establish oneself as the essential subject, was inevitable and that there were various attitudes one could adopt in response to this conflict in concrete relations with the other. One kind of concrete relation he considers is sexual relations.

Generally, according to Sartre, one can meet the conflict with the other by either making oneself into an object in the other's look or making an object out of the other in one's own look. In some ways, Sartre seems to suggest that sex is an attempt to reconcile these two different approaches. He claims that in sex one makes oneself flesh to reveal to the other their own flesh. At times he says one does this to capture the other's subjectivity in their flesh. At other times he says one does this to connect with the other through their flesh.⁸ The former appears to be an attempt to make an object out of the other, while the latter appears to be an attempt at establishing reciprocity with the other. The pessimism of Sartre's view comes out when he claims that the goal of achieving reciprocity in sexual relations is doomed to failure. If one attempts to capture the other or reach the other through their flesh, one makes an object out of the other. The other is revealed as another object in the world that one uses to relieve sexual desire. If in the process one's own flesh is revealed to one, then one has taken on the look of the other and recognizes oneself as an object.⁹ In Sartre's view, the one being made into an object may switch, but one and the other cannot be both subject and object for each other at the same time.

Beauvoir, however, has a much more optimistic view of sex. She believes that it is possible to achieve reciprocity in sex. Beauvoir writes:

The asymmetry of male and female eroticism creates insoluble problems as long as there is a battle of the sexes; they can easily be settled when a woman feels both desire and respect in a man; if he covets her in her flesh while recognizing her freedom, she recovers her essentialness at the moment she becomes object, she remains free in the submission to which she consents. Thus, the lovers can experience shared pleasure in their own way; each partner feels pleasure as being his own while at the same time having its source in the other. The words "receive" and "give" exchange meanings, joy is gratitude, pleasure is tenderness. In a concrete and sexual form the reciprocal recognition of the self and the other is accomplished in the keenest consciousness of the other and the self.¹⁰

Sartre's view assumed that one could not see the other as a subject and an object at the same time. Beauvoir disagrees. Indeed, she puts forth the imperative to recognize, in order to live with

⁸ Sartre, *Being and Nothingness*, 513-4.

⁹ Sartre, *Being and Nothingness*, 515-6.

¹⁰ Simone de Beauvoir, *The Second Sex* (New York: Vintage Books, 2010), 415.

authenticity, that each of us has an ambiguous existence of being both subject for oneself and object for others.¹¹ (In fact, we could say that Sartre's view was one of bad faith precisely because it assumes one can only recognize oneself as either subject or object at one time.) This reciprocity that Beauvoir describes in the above quote is one where, as Penelope Deutscher puts it, "subjects [are] serving as both subject and object for each other, occupying positions as simultaneously subject and object."¹²

We also find in Beauvoir's novel, *The Mandarins*, an example of sex without this reciprocity. Upon Anne's third trip to the United States, her American lover, Lewis, reveals to her that he no longer loves her. Sometime afterwards, in the heat of a moment, they have sex. It is quick and Lewis immediately turns to go to sleep. Anne has these thoughts:

A desperate anger gripped my throat. "He has no right to do this," I murmured. Not for an instant had he given me his presence; he had treated me as a pleasure machine. Even if he didn't love me any more, he shouldn't have done that. . . . How could our bodies, those bodies which had loved each other so well, how could they have become such total strangers? He said, "I'm so happy, I'm so proud." He said, "Anne!" He gave me his heart. With his hands, his lips, his sex, with his whole body. That was yesterday.¹³

By only seeking to relieve his desire, Lewis acted as an essential subject making use of Anne's flesh. Anne felt Lewis' look make her into nothing more than an object, "a pleasure machine." She lost her essentialness within Lewis' perspective in that moment.

Moral sex for Beauvoir can be best understood as something that one must do *with* others. In *Being and Nothingness*, Sartre explains how consciousness is fundamentally free to choose its own values.¹⁴ This is simply what it means to have consciousness; it is ontological freedom.¹⁵ According to Beauvoir, it is when one and the other share values and act in solidarity *with* each other that they obtain moral freedom.¹⁶ This is why reciprocity is important. When one can recognize that one and the other can only have relations with each other as objects in this world, while also recognizing the other as a subject that must exercise their freedom through concrete projects of their own choosing, just as one must, only then can moral relations be had between one and the other. This way of thinking about existential ethics is prominent in Beauvoir's novel, *All*

¹¹ Simone de Beauvoir, *The Ethics of Ambiguity* (New York: Philosophical Library, 1948), 6.

¹² Deutscher, "Enemies and Reciprocities," 669.

¹³ Simone de Beauvoir, *The Mandarins* (New York: W. W. Norton & Company, 1991), 547-548.

¹⁴ Sartre, *Being and Nothingness*, 135-6.

¹⁵ Sartre, *Being and Nothingness*, 60.

¹⁶ Beauvoir, *Ethics of Ambiguity*, 76-8.

Men Are Mortal. The main character, Fosca, is immortal and, thus, cannot do anything *with* others. He can risk nothing, thus he is incapable of courage or generosity. As Fosca puts it, “Because I wanted nothing for myself *with* them, there was nothing I could want *for* them.”¹⁷ Regarding sex, the act is moral when the participants recognize each other as subjects while coveting each other’s objective flesh and, thus, have sex *with* each other, as opposed to just doing each other.

Moral Sex for the Ace?

Beyond the basic definition of “asexuality” that I gave above, asexuality can mean many different things, depending on the ace one asks. Given that there are so many different individual experiences that fit under the ace umbrella, it is worth narrowing down the focus for this section. I am concerned, here, with aces that have sex. Furthermore, insofar as some who identify as being on the ace spectrum can experience sexual attraction, such as demisexual folks, my essay will not be concerned with them, or at least not with the instances in which they have sex while experiencing sexual attraction.

Obviously, those who are sex-repulsed struggle to have sexual relationships more than those who are sex-neutral or sex-favorable. Zoe writes about her struggles in her relationships as a sex-repulsed ace:

I’ve had 2 sexual relationships with men. My reluctance to have sex/lack of pleasure in having sex was the primary point of contention. I did not understand why I had to do this even once a month, let alone several times a week. Many disagreements and emotional extortion ensued.¹⁸

On the one hand, Zoe should not have to go through emotional extortion at the hands of her partner. There is a nasty, yet pervasive, idea that sex is an obligation within a romantic relationship. Many will agree that there are plenty of reasons for why a partner would be justified in saying “no”, but, in the context of a romantic relationship, “I just don’t want to,” is not one of them. As Chen puts it, “if all humans have a baseline of sexual desire and nothing is currently wrong, saying no on a beautiful, happy day to a beautiful, happy partner means you are selfish and intentionally withholding.”¹⁹ Thus, it is assumed that the ace partner in a relationship, (or even just the allo

¹⁷ Simone de Beauvoir, *All Men Are Mortal* (New York: W. W. Norton & Company, 1992), 333.

¹⁸ Sandra Bellamy, *Asexual Perspectives: 47 Asexual Stories: Love, Life and Sex, ACElebration of Asexual Diversity* (Truro: Quirky Books, 2017), 158.

¹⁹ Chen, *Ace*, 136.

partner with a low sex drive,) must work to fulfill their obligation in the relationship. But “I just don’t want to” should be a good-enough reason; to think otherwise is disrespectful to the ace partner.

On the other hand, many think that one’s sexuality is an important part of who one is, that expressing it is an important part of human flourishing, and that it should not be denied. I would not say that human flourishing requires sex (for reasons that will become more explicit in section V). However, while I would not want to say that sex is or should be important for everyone, I would not want to dismiss the idea that it is important for some people. For these reasons, one might think that someone like Zoe should only seek out relationships with other asexual people or allow her partners to be polyamorous and find sexual satisfaction in other relationships. That is, one might think that moral sex for people like Zoe is not possible.

The option of polyamory is used by some asexual people, but some asexual folks prefer monogamy. Zoe is one such person: “My marriage deal-breaker is monogamy, both physical and emotional. This is what I want to give my partner and I would want it reciprocated.”²⁰ However, the option of only dating other asexual people limits one’s pool of potential partners, making dating more challenging than it already is. As one anonymous asexual person (Anon) put it, “I would not reduce my availability to only a small fraction of the 1%,²¹ which is why I’m not picky about my man’s sexual orientation.”²² There is an important difference between Zoe and Anon: Anon is sex neutral. Anon also compromises with her boyfriend by doing non-penetrative sex acts with him. “As for the non-penetration sexual acts he tries with me, I don’t care for it but I compromise on it. I don’t hate it but I’m more apathetic about it.”²³ This is considerably different from Zoe, who writes, “Sex made me feel used, like I’d put my body through something that was unnatural.”²⁴ This feeling of being used is exactly the sort of issue we have identified as problematic.

But might Anon’s sexual relations with her boyfriend also be problematic? Beauvoir describes moral sex as having both desire and respect. It is clear how sex without respect is wrong. But what about sex without desire? Many likely assume that consensual sex within a relationship would have desire, but asexual folks prove that assumption erroneous. Is desire an important part

²⁰ Bellamy, *Asexual Perspectives*, 161.

²¹ A commonly used statistic claims that 1% of the population is asexual, though given that so few people are aware that asexuality is possible for humans, I suspect the true percentage is much higher.

²² Bellamy, *Asexual Perspectives*, 243.

²³ Bellamy, *Asexual Perspectives*, 242.

²⁴ Bellamy, *Asexual Perspectives*, 158.

to moral sex? People typically want to feel like they are attractive. Furthermore, we might think that desire is what makes one present in the moment. Take Kenneth William's story for example:

Everything sexual I did was to try to make my partner happy, and not something I would have ever done for myself. In the end it still didn't work out. I wasn't willing often enough, and it was often obvious I was bored or unhappy with what was going on. I actually got caught watching Futurama on the TV over my partner's shoulder. He realized it when I laughed, forgetting I was supposed to be moaning or something. He was pretty unhappy with me.²⁵

Without desire, Kenneth did not participate in sex with his partner. His consciousness was elsewhere. His partner was having sex without him, instead of *with* him.

Is the blame entirely on Kenneth? Should not his partner, who presumably knows that Kenneth is ace or at least knows that Kenneth is not as interested in sex as he is, be more respectful of what Kenneth wants? The thesis of this essay is that aces can have moral sex. The focus for demonstrating this is on reciprocity, both in respect and desire. From the perspective of the ace partner in an ace-allo relationship, desire is of more concern. However, respect is of more concern for the allo partner. It is important that we not lose sight of this, so I now want to turn to a discussion on consent.

We might think that consent is a sufficient condition for moral sex and that if the asexual person consents to sex, it does not matter if the asexual person does not desire sex with their partner, insofar as their partner shows them respect. Robin West raises four reasons to doubt this line of thinking²⁶: when one regularly consents to unwanted sex, it may cause injury to one's self-assertiveness, self-possession, sense of autonomy, and integrity.²⁷

First, regarding self-assertiveness, West writes, "*Acting* on the basis of our own felt pleasures and pains is an important component of forging our own way in the world – of 'asserting' our 'selves.' Consenting to *unpleasurable* sex – acting in spite of displeasure – threatens that means of self-assertion."²⁸ Asexual people like Kenneth, in acquiescing to their sexual partners, may be allowing their free subjectivity to be overlooked. Second, by not being present in the moment with his partner, Kenneth may be losing self-possession of his body. While his subjectivity is watching Futurama, his body is "left behind" and made into a pure object for his partner. Third, if some

²⁵ Bellamy, *Asexual Perspectives*, 69.

²⁶ Albeit she raises them regarding women who consent to unwanted sex, not regarding asexual people.

²⁷ Robin West, "The Harms of Consensual Sex," in *The Philosophy of Sex: Contemporary Readings: Seventh Edition*, ed. Halwani et. al. (Lanham: Rowman and Littlefield, 2017), 373.

²⁸ West, "The Harms of Consensual Sex," 373.

asexual people are only having sex out of fear of losing their sexual partners, then they are injuring their sense of their own autonomy. A similar problem can be found in the woman in love, as discussed by Beauvoir. By valuing the affection one receives from one's partner above all else, one loses oneself to the relationship. Fourth, if one leads one's partner to believe that the unpleasurable sex was actually pleasurable for one, then one's sense of integrity may be injured. This fourth reason is unlikely to be the case with those who are openly asexual. However, there are cases where an asexual person's body will respond to stimulation and their partner may think that they are enjoying the sex, when in reality it is an instance of arousal non-concordance. Anon has had this experience; she writes about her boyfriend, "He assumes my physical arousal is me being turned on even though I feel nothing in regard to sexual desire."²⁹ This can cause a feeling of alienation from one's body-as-object in the look of one's partner.

There are two things that I want to suggest at this point. First, the stories of aces reveal that we need an understanding of consent that can allow for multiple levels. Let us consider Emily Nagoski's model of consent, which includes enthusiastic, willing, unwilling, and coerced consent:

Enthusiastic consent:

When I *want* you

When I don't fear the consequences of saying yes OR saying no

When saying no means missing out on something I want

Willing consent:

When I care about you though I don't desire you (right now)

When I'm pretty sure saying yes will have an okay result and I think maybe that I'd regret saying no

When I believe that desire may begin after I say yes

Unwilling consent:

When I fear the consequences of saying no more than I fear the consequences of saying yes

When I feel not just an absence of desire but an absence of *desire for desire*

²⁹ Bellamy, *Asexual Perspectives*, 242.

When I hope that by saying yes, you will stop bothering me, or think that if I say no you'll only keep on trying to persuade me

Coerced consent:

When you threaten me with harmful consequences if I say no

When I feel I'll be hurt if I say yes, but I'll be hurt more if I say no

When saying yes means experiencing something I actively dread³⁰

Obviously unwilling and coerced consent are only "consent" insofar as nobody spoke the word "no." Many have emphasized the need for enthusiastic consent in moral sexual relations, or have at least emphasized it as an ideal. It is understandable that one would do so, especially when one wants to combat rape culture and advance the cause of "Me Too." However, this emphasis does not consider the lived experience of aces. While some sex-favorable aces may be able to give enthusiastic consent, many aces will only be able to give willing consent at best. Zoe's experiences seem to be examples of unwilling consent, or even coerced consent. It is unclear whether Anon's or Kenneth's experiences are examples of unwilling or willing consent. If it is the case that they are only consenting to sex because they are afraid of losing their partners, I would say they are consenting unwillingly.

Is there any instance of an ace having sex that is at least willingly consented? And can willing consent be enough for moral sex? To answer these questions, let us now consider Cassidy's story:

I'm married to a very sexual, bisexual, gender queer, man type person. (That's how he describes himself.) It works because we are completely honest with each other. My coming out as asexual actually helped because he thought that I just didn't want to have sex with him but now he understands that I don't want to have sex with anyone. We do have sex fairly regularly (once a week-ish) but it's kind of like I know he does things for me that he doesn't enjoy (i.e. [sic] watching bad TV, clothes shopping), because I like it and he wants to spend time with me and so I have sex with him because he likes it and I want to spend time with him – but I get to pick the music. If he asks if we can have sex and I don't want to I say "no" and he respects that. . . As far as fair goes...life isn't fair. This is what I mean when I said sex is put up on this pedestal. Ok, so there's one thing that we don't both like. Big deal. He doesn't like drawing. I don't like Magic The Gathering (a trading card game). He doesn't like musicals. I don't like first person shooters. Big deal. There are a million and one things that we do both like and we love each other and we

³⁰ Chen, *Ace*, 146.

have an amazing life with great friends, a beautiful daughter, dogs, and more love than we know what to do with. So I don't want sex. Big deal.³¹

There are several important differences between Cassidy's story and Kenneth's story. (For simplicity, let us stick to just these two.) First, this does strike me as an instance of willing consent.

Secondly, let us now return to the issue of desire. Cassidy's story shows us that sex is one activity in the context of a relationship. The relationship Cassidy has with her husband also provides an instrumental meaning to sex for her. She does it because she wants to spend time with her husband. West's concerns over consensual but unwanted sex do not apply to such a situation. She lists examples of problem cases such as a woman consenting to unwanted sex to stay in the good graces of a man on whom she is financially dependent, or to avoid her partner falling into a foul mood she does not wish to tolerate. In these examples, the woman is enduring something she finds more tolerable than something else. It is a lose-lose situation for her. But for Cassidy, she has sex with her husband because, while she may not enjoy the sex itself, she enjoys the time spent with her husband. I do not see her as losing her self-assertiveness, her self-possession, or her sense of autonomy. Regarding the possibility of her being alienated from her body or being disrespected, her husband respects her sexual orientation and her free subjectivity. I would guess that he sees sex with Cassidy as a gift from her and he repays her by spending time with her on activities that he does not enjoy but she does. When we step back from the sex act and look at the whole relationship, we see that each treats the other with respect and each desires the other. The desire may not be *sexual* desire, but each loves the other. Both sex and their relationship are things that they do *with* each other. If anything, aces reveal the most intimate way to have moral sex because they do not desire their partners' flesh, *but their partners*. This is not something that is exclusive to aces. Asexuality merely makes it easier to see what many of us, allos and aces alike, truly hope to achieve through the means of sex: intimacy with our partners.

The Value of Sex

There is another aspect of Beauvoir's existential ethics that is valuable for thinking about asexuality. In the existentialist view, there are no ready-made values. All values exist only because consciousness has made them "spring up in the world."³² Because of this, it is a mistake to think

³¹ Bellamy, *Asexual Perspectives*, 59-60.

³² Beauvoir, *The Ethics of Ambiguity*, 14.

of any value as an absolute value. This would be the attitude of the serious person, one who attempts to flee one's own freedom by committing all of one's actions to the service of the chosen absolute value. The fact that it is chosen, and the serious person attempts to obscure this choice from oneself, shows that the serious person is living in bad faith.³³ I raise this aspect of Beauvoir's view because sex is often given as a ready-made, absolute value in our society. We can call this attitude towards sex *compulsory sexuality*.³⁴ The term borrows from the poet Adrienne Rich's term, compulsory heterosexuality,³⁵ the view that heterosexuality is not the natural default that many assume it is, but rather it is societally enforced as the only option.

It is assumed that asexuality cannot exist, or if it does, then it is the result of some pathological disorder and must be corrected for one to flourish. It is thought that a desire for partnered sex is natural and human, so there must be some problematic origin for asexuality. Sometimes it is assumed that the origin is some sort of trauma. If a survivor of sexual assault comes out as ace, it is automatically assumed that they are ace because of the trauma. And it is subsequently assumed that their asexuality is a problem that can be cured. Sometimes it is thought that an ace person is just repressed by social expectations; the expectations may come from a religious upbringing. This was a suspected explanation when Hunter did everything right – avoided temptation and waited to have sex with his girlfriend until they were married – and sex was still disappointing to him. Chen writes his story:

Inexperience was the obvious culprit, but that explanation became less and less legitimate as the years went by. Age became the next scapegoat as Hunter wondered whether waiting until twenty-five had caused him to miss some kind of physiological trigger for enjoying sex. . . maybe his religious upbringing more generally was at fault. Maybe the fact that no one [in his Christian community] talked about sex had made him repressed, “almost like self-conversion therapy, but away from heteronormative sex.”³⁶

When his Christian friends did not share his struggles, it was only more confusing for Hunter. “He couldn't relate when coworkers joked about being ‘thirsty’ and wanting to hook up, but he didn't mind hearing these stories either, so repression seemed unlikely.”³⁷ Several other explanations are offered for the existence of asexuality. Sometimes hormones are blamed. Sometimes it is believed

³³ Beauvoir, *The Ethics of Ambiguity*, 50-1.

³⁴ Chen, *Ace*, 34.

³⁵ Adrienne Rich, “Compulsory Heterosexuality and Lesbian Existence,” *Signs* 5, no. 4 (Summer 1980): 631-60, <https://www.jstor.org/stable/3173834>.

³⁶ Chen, *Ace*, 42.

³⁷ Chen, *Ace*, 42.

that it is a reaction among marginalized groups to having their sexuality controlled by the privileged.³⁸ (I take this explanation to be worth considering, though I found it highly doubtful that a person who is using the ace identity is simply repressed. In any case, we should not assume that it *must* be the case.) I do not wish to go through every example and attempt to counter them all with the existence of a “gold-star ace” – an ace person who is free of any possible explanation that could be given.³⁹ Such a task would be a fool’s errand, and that should not matter. To assume that asexuality is a problem is to accept compulsory sexuality. If it were considered normal not to want sex, nobody would care what the origin of asexuality is, just as nobody – exceptions from insightful folks such as Adrienne Rich notwithstanding – cares what the origin of heterosexuality is. Any attempt to explain away asexuality is fundamentally bad faith. It treats human subjectivity as an object with the immutable property of sexual. But subjectivity is free to choose its own values, including whether to value sex. And often when people like Hunter discover the term “asexuality” they begin to find self-acceptance. They are perfectly happy with a life that does not put sex on a pedestal.

The realization and acceptance that sex does not need to be a part of a flourishing human life is, of course, good for aces. But it is also good for allos. Built into compulsory sexuality is several assumptions about how a relationship should progress. Scripts are provided and to some extent enforced. Holding hands leads to kissing, and one thing leads to another, all culminating in intercourse. Alongside these physical markers there are social institutional markers. A relationship is supposed to lead to moving into together, which leads to marriage, which leads to children. Aces are certainly not the only ones who would like to resist this rigidity. Consider James’ story:

The scripted nature of sex and relationships became clear to James . . . once he started dating an ace woman. For the first time in his life, James realized that he didn’t know whether he liked kissing. In previous relationships, he kissed without thinking, mostly to signal interest and keep the relationship moving forward. Romantic relationships involved kissing; that was a rule. . . Kissing was so mandatory that it no longer even registered as mandatory. James never thought to question whether kissing brought him any pleasure.⁴⁰

James’ story reveals the importance that diversity and open-mindedness has to authenticity. The pervasiveness of social norms can have a profound effect on what possibilities can be real

³⁸ See chapter 5, “Whitewashed” in Chen (2020).

³⁹ Chen, *Ace*, 97-8.

⁴⁰ Chen, *Ace*, 153.

possibilities for us. Considering the perspectives of those who are different, just as James did, can help one discover what one truly values.

Often what we really desire is intimacy and love. These feelings can be achieved in many ways besides sex. It could be achieved through hand holding, cuddling, partnered yoga, massages, etc. It is worth mentioning how many are concerned about sex being a relation where one uses another's body, but we are not so hypervigilant regarding these other physical activities.⁴¹ A good explanation for this is the assumption that sex is an absolute value, one which must be handled delicately. For many, aces and allos alike, these other examples of physical contact are much more intimate than sex. But with that said, intimacy and love don't even have to be achieved through physical contact. They can be achieved through hiking together, or sharing that obscure TV show with only one season that one's partner obsesses over. And even when an allo partner prefers the means of sex, why should effort on the part of the ace partner matter in a negative way? Some allo partners might think that sex with their ace partners is automatically pity sex. It is understandable that one might feel insecure about such a thing. But consider Cassidy's husband's attitude. He is described as "very sexual," but he understands and accepts that Cassidy is ace without his pride being hurt. As Chen puts it, "The things people do from choice are meaningful and the effort that they take is a sign of a great love, even if they're not pushed by an uncontrolled, intense physical passion. Few things are more romantic than someone trying hard because they want to make you happy."⁴² In the light of this, I think we can now say that Kenneth's partner was still under the influence of compulsory sexuality. (Granted, I want to be careful as I say this, since we only know what Kenneth has shared.) There is a thought based in anxiety and insecurity that if the sex in a relationship is mediocre, then there must be something wrong with the relationship. Why think this? If the sex is mediocre, but the people in the relationship are happy and enjoy all the other things they would want in a relationship, then the only way they could think they should separate is if they thought sex was an absolute value. This is yet another important lesson that can be learned from asexuality, as mediocre sex is certainly not something only ace-allo couples struggle with.

⁴¹ Elizabeth Brake, "Is 'Loving More' Better? The Values of Polyamory," in *The Philosophy of Sex: Contemporary Readings: Seventh Edition* ed. Halwani et. al. (Lanham: Rowman and Littlefield, 2017), 208.

⁴² Chen, *Ace*, 164.

Conclusion

The lived experience of aces can reveal truths about sex that may otherwise be difficult to recognize. Those philosophers of sex who are especially concerned about reciprocity in sexual relations are often, understandably, focused on respect being reciprocated between sexual partners. Asexuality is immediately interesting to think about in such discussions because what was assumed to be a given in sexual relations between partners, desire, is the more difficult thing for an ace to reciprocate. At first glance moral sex is not possible for aces because they cannot reciprocate sexual desire. But this is a mistake that is grounded in compulsory sexuality. An ace can have moral sex with their partner by desiring their partner *as their partner*. One can only think *sexual* desire should be prized so highly if one believed sex were an absolute value. Asexuality helps us refocus and realize that sex, for many of us, is merely a means to intimacy. So many of us hyper focus on sex as *the* means to intimacy. But it is only one of many. This realization is not only good for aces. It is also good for any allos who have ever felt anxious or insecure about a relationship they were otherwise happy with, simply because the sex was not amazing.

Society has a way of telling us that there are certain, more or less specific, ways of living “correctly.” Because we are social beings, it is often difficult for each of us to sort through what it seems everyone tells us we ought to value, and discover what it is we authentically value. Beauvoir’s existentialist ethics, with its focus on moral freedom, provides us with a way to do this better. We can learn from those with different lived experiences, those who have dared to share their truth. When it seems like everyone thinks sex is the greatest, most intimate experience one can have, we can all learn a lot from those who would rather share a piece of cake.

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ONE IS NOT BORN, AND SHOULD NOT BECOME, A WOMAN OR A MAN¹

Introduction

In the Spring of 2020, right before the COVID-19 lockdowns, I attended what I will vaguely describe as a four-day long kink event. I believe it necessary for clarity that I point out kink is not necessarily sexual. For those readers who are unfamiliar with the kink world, I assure you it was not just a large orgy. Believe it or not, it was much more innocent than that; more like a social event for those with a similar interest. However, the attendees were, I would venture to say, more open-minded than the average person. One consequence of this gathering of people with socially taboo interests was the way gender norms were treated. They were largely, if not all together, ignored. There was one individual who especially sticks out in my memory. They² were a bearded individual who wore a pink and black dress. This individual made no effort to make their masculine voice sound softer or higher-pitched as they lead a group in singing shanties. The only gender norm that was followed by all attendees was respect for preferred pronouns. The attendees were given the option to attach stickers to their lanyards, which they were required to wear at all times at the event, that indicated their preferred pronouns. Of course, even this norm is a non-traditional one. It was, however, necessary, as the shanty-singing individual I described was far from the only one to shed the gendered social expectations we all find ourselves under on a regular basis. It was impossible to tell what someone's pronouns were without being told by them in some way. The attendees experienced a freedom to be their most authentic selves that filled the air with euphoria. I share this anecdote to motivate the thesis of this essay: That we have a moral obligation to eliminate arbitrary gender norms.

To begin with, I will give a cursory overview of literature among Sally Haslanger, Katherine Jenkins, and Tomas Bogardus. Haslanger and Jenkins have made attempts at defining what gender is i.e. what it means to be a woman or a man (or nonbinary for Jenkins' piece) using ameliorative inquiry. Ameliorative inquiry does not seek to merely explicate or clarify the concepts we use in everyday life. It asks questions like, "What *should* our concepts be?", "What work do

¹ A play on the famous quote from Simone de Beauvoir, "One is not born, but rather becomes, woman." Simone de Beauvoir, *The Second Sex* (New York: Vintage Books, 2010), 283.

² I am using "they" as a singular gender-neutral pronoun here, and will do so throughout this essay.

we want our concepts to do?”, or “What *purpose* do we have for using this concept?” Feminists, specifically, wish to have a concept of “woman” that will help advance social justice goals. Jenkins seeks to use ameliorative inquiry to define gender in a way that makes feminism trans inclusive. Bogardus has pointed out a logical flaw in their attempts and has criticized the ameliorative project. I believe that Bogardus’ insight helps reveal that gender has always been a flawed concept. However, this is different from Bogardus’ ultimate conclusion. He suggests that either feminists find a way to be trans inclusive without ameliorative inquiry, or feminists will have to be trans exclusionists. What I suggest is a version of gender eliminativism. I will be using existentialism, especially Simone de Beauvoir’s existentialist ethics, to defend this view; to show why I believe gender is a flawed concept; and to argue that the enforcement of gender norms is inherently immoral.

Haslanger: Gender is about Oppression and Privilege

Haslanger wants purposely to change the concept of gender from the traditional one – that “gender” and “sex” are synonymous i.e. that gender is just a matter of penis or vagina.³ And she wants to create this new concept with an eye towards feminist goals of combatting (gender-based)⁴ oppression. This may lead one to worry that Haslanger, and ameliorative inquiry in general, is changing the subject; but because the everyday concept of “woman” is not used in a clear, well-defined way, Haslanger believes there is room for some revision. Consider how there are many who would say that sex and gender are synonymous, but would also identify *Barbie* dolls as “girls’ toys” even though biology has no influence – or at least there is no reliable empirical evidence of an influence⁵ – on what toys children prefer. That is, sometimes “woman” is used just to refer to adult human females, and sometimes it is used with cultural content included.⁶ Thus, so long as Haslanger maintains (what she believes is) the “central functions” of the everyday concept of gender, functions that would help “organize or explain a core set of phenomena that the ordinary

³ Of course, many things besides external genitalia could be included in a definition of sex, such as gametes, hormones, and chromosomes. We may even include secondary characteristics such as facial hair, breasts, broadness of shoulders, facial features, and hip width.

⁴ “Gender-based” is in parentheses because she also has a similar concept of race. Sally Haslanger, “Gender and Race: (What) Are They? (What) Do We Want Them to Be?” in *Resisting Reality: Social Construction and Social Critique*, (New York: Oxford University Press, 2012), 235-8.

⁵ For a survey of research on neuroscience and gender, see Cordelia Fine’s *Delusions of Gender*.

⁶ For an analysis on this point, see Mari Mikkola, “Gender Concepts and Intuitions,” *Canadian Journal of Philosophy* 39, no. 4 (December 2009): 563, <https://www.jstor.org/stable/27822065>.

terms are used to identify or describe,”⁷ then she believes she will have a properly revisionary view of gender, rather than one that changes the subject. We will return to this possible objection that ameliorative inquiry changes the subject later in this essay. But for now, let us continue with Haslanger’s project.

The central function of gender that Haslanger uses is the system of gender-based oppression. As she puts it:

- S functions as a woman* in context C iff
- (i) S is observed or imagined in C to have certain bodily features presumed to be evidence of a female’s biological role in reproduction;
 - (ii) that S has these features marks S within the background ideology of C as someone who ought to occupy certain kinds of social position that are in fact subordinate (and so motivates and justifies S’s occupying such a position); and
 - (iii) the fact that S satisfies (i) and (ii) plays a role in S’s systematic subordination in C, that is, *along some dimension*, S’s social position in C is oppressive, and S’s satisfying (i) and (ii) plays a role in that dimension of subordination.⁸

For simplicity’s sake, at the risk of losing something important in Haslanger’s account, I will henceforth describe Haslanger’s view as claiming one is a woman if and only if one is perceived as having a female anatomy, and that perceived female anatomy is taken as a reason for subordinating her.

Haslanger anticipated that some would take issue with her proposed view on grounds that her definition of women may exclude some who we ordinarily take to be women. One possible example that might be used is the Queen of England, who is immensely privileged and, thus, may not fit into Haslanger’s view.⁹ Haslanger is not bothered by this sort of objection because she is focused on – and claims, I think rightly, that feminism should be focused on – the oppressed, not the privileged. Let us grant this.¹⁰ Katherine Jenkins still finds an inclusion problem with Haslanger’s view regarding trans folks. It is to that criticism, and Jenkins’ subsequent view, that I now turn.

⁷ Haslanger, “Gender and Race,” 225.

⁸ Haslanger, “Gender and Race,” 235.

⁹ This example of the Queen of England comes from Mikkola, “Gender Concepts and Intuitions,” 565.

¹⁰ Though there may be some interesting ways one might explain away the Queen-of-England example. One might refer to the authority of the King over the Queen, if there is a King, for example. Let us simply grant that there may be some *prima facie* woman who is not oppressed (on sex-marked grounds) and, thus, does not count as a woman under Haslanger’s view.

Jenkins: Twin-Gender Concepts

Jenkins points out that Haslanger's view cannot include many trans folks. Since Haslanger's proposed definition requires that others perceive one as having a certain anatomy, only those trans folks who are passing – whether by others merely assuming one has the required anatomy or others knowing that one has had sex reassignment surgery – will be the gender that they identify with. Trans women who are in the closet and have not transitioned would not count as women; trans women whose identities are not respected would not count as women; even those trans women whose identities are respected but are still perceived as having a male anatomy would not count as women. This last example seems especially troubling since any gender-based oppression such people would experience would presumably be identical, or at least close to identical, as that which cis women experience.¹¹ Furthermore, as Jenkins writes, “Marginalizing trans women is importantly different from marginalizing non-oppressed (prima facie) cis women. This is partly because trans women are a severely oppressed group, and much of that oppression is closely tied to denials of the legitimacy of their genders.”¹² The need to be trans inclusive is also evident from the invaluable contributions trans women have made to feminism. Finally, aside from these obviously feminist concerns, we have a (more generally) moral concern that stems from respect for the agency of those who identify with any particular gender. Jenkins continues, “It follows from this that there is a particularly strong imperative to respect trans women's gender identifications.”¹³ I agree that we should take the self-identifications of trans folks seriously, and this will be important for my purposes in this essay.

Despite these criticisms, Jenkins believes that ameliorative inquiry can still be useful for creating a definition of gender that is inclusive of trans women. She also believes that Haslanger's account does much to capture the systemic oppression that women face. It is true that when one is recognized or marked as being a woman, a system of norms and expectations are enforced on one. Several examples can be given, such as “one shall have shaved legs,” “one is skilled at intuiting the emotions of others,” “one is unlikely to be interested in computer science,” and so on. (Of course these norms are dependent on the cultural context.) The issue is that Haslanger's account does not capture the whole story. So, Jenkins proposes that we have two senses of gender. The

¹¹ Katharine Jenkins, “Amelioration and Inclusion: Gender Identity and the Concept of *Woman*,” *Ethics* 39, no. 4 (January 2016): 399-401, <https://www.jstor.org/stable/26540844>.

¹² *Ibid.*, 401

¹³ *Ibid.*

first sense is Haslanger's view, which Jenkins calls 'gender as class.' This sense provides the historical and systematic gender binary.

The second sense is 'gender as identity.' In this sense, one is a woman if one takes the norms of femininity to be relevant to oneself, or as Jenkins puts it,

S has a female gender identity iff S's internal 'map' is formed to guide someone classed as a woman through the social or material realities that are, in that context, characteristic of women as a class.¹⁴

This sense is meant to be understood in such a way that one does not need to abide by all the norms of femininity to be a woman. One only needs to think of feminine norms as being about one and others like one. So, if one who identifies as an (American) woman chooses not to shave her legs, that does not disqualify her from being a woman. She need only recognize that it is typically expected that women, like her, have shaven legs. This leaves room for the many varied ways one may express one's gender. It is also important to note that 'gender as class' is what provides the set of norms that one may or may not identify with. This is important for leaving out idiosyncratic understandings of gender. Jenkins gives the example of one who thinks that to be a woman is to always wear green socks.¹⁵

I think it is also worth mentioning that while 'gender as class' is objective and binary, 'gender as identity' is much more flexible in how it relates to the norms provided by 'gender as class.' For example, in a footnote Jenkins writes,

A nonbinary identity might be characterized thus: "S has a nonbinary gender identity iff S's internal 'map' is neither formed so as to guide someone marked as a woman through the social or material realities that are, in that context, characteristic of women as a class nor formed to guide someone classed as a man through the social or material realities that are, in that context, characteristic of men as a class."¹⁶

At first glance, Jenkins' view has many virtues. It captures both a subjective, lived experience part of gender, as well as an objective, societally enforced part. It leaves room for the different ways people may – to borrow a term from Judith Butler – perform gender. It also leaves room for alternative gender identities, while also accounting for the struggles that folks with these identities have within a society that largely only recognizes the gender binary. Jenkins provides an

¹⁴ Ibid, 410.

¹⁵ Ibid, 412.

¹⁶ Ibid, 411.

excellent example of how practically useful this view is when she discusses a women's march against violence against women that she helped organize. The organizers wanted the march to be "women only due to the symbolic value of conspicuously violating the social norm that a woman ought to be accompanied by a man when walking after dark – a norm that substantially limits women's freedom and is often invoked in the context of victim blaming."¹⁷ But it was not enough to include merely cis women. Trans women ought to have been included as well. These two groups could be captured by the 'gender as identity' sense of gender alone. But it was also not right to limit the march to only these groups. Nonbinary folks who had been assigned female at birth and trans men also had a claim to the march since they may be regularly misgendered as women and, thus, made into targets for violence. "Neither concept of gender by itself could have expressed the sense in which we wanted the march to be 'women-only,' nor would any single broader concept do the job," writes Jenkins; "we had to appeal to a disjunctive description."¹⁸ All this to say, Jenkins' two senses of gender are doing a lot of good work. However, Bogardus believes there is an internal problem with Jenkins' view. It is to this problem that I now turn.

Gender Identity's Circularity

The literature that I have discussed up to this point has ultimately been trying to answer the question "What is a woman?"¹⁹ As Katherine Jenkins would put it, a woman is one who takes the norms of femininity to be relevant to oneself. Given that much of our social world genders norms that do not have any necessary connection to biological sex – e.g. clothing, mannerisms, beauty standards, hobbies, occupations, etc. – there is some intuitive plausibility to this answer i.e. there is something intuitive about the idea of connecting gender to norms. However, Bogardus asks the question, "What are norms of femininity?" The intuitive answer to this question is, "Norms that are relevant to women." But now we have used "women" to define "women." To make things more explicit, Bogardus writes out this proposed definition in this way:

Someone is a woman if and only if she takes (a sufficient number of) norms about women to be relevant to herself, i.e. to be about herself.²⁰

¹⁷ Ibid, 419.

¹⁸ Ibid, 420.

¹⁹ And similar questions such as "What is a man?" and "What is it to be nonbinary?" etc.

²⁰ Tomas Bogardus, "Some Internal Problems with Revisionary Gender Concepts," *Philosophia* 48 (2020): 62, <https://doi.org/10.1007/s11406-019-00107-2>.

Thus, we are caught in circular reasoning.

At this point we may remember that Jenkins used ‘gender as class’ as the anchor for ‘gender as identity.’ That is, while ‘gender as identity’ regarding women is about taking norms of femininity to be relevant to oneself, ‘gender as class’ provided the set of norms that one may internalize. But recall that ‘gender as class’ is essentially Haslanger’s view and Jenkins began with criticizing Haslanger’s view on account of it excluding trans folks. ‘Gender as class’ takes norms of femininity to be about those who are perceived as having a female biology. Thus, Jenkins’ view does not have, contrary to what we initially believed, the virtue of being trans inclusive.

Bogardus also considers another proposed solution to this internal problem for Jenkins’ view. The proposed solution suggests that instead of referring to the norms as feminine, we instead just list the norms that are deemed relevant to women.²¹ By not labeling the list with any gendered terminology, we avoid falling into circular reasoning. The problem with this proposed solution arises once somebody asks the question, “Why this set of norms as opposed to some other set of norms?” Once again, the intuitive answer to this question is, “Because these norms are relevant to women.” Once again, we find ourselves in circular reasoning.

Bogardus continues with a general critique of ameliorative inquiry. As mentioned above, Haslanger believed that her conception of gender was not changing the subject because she included what she took to be a crucial part, that is the core phenomena, of the traditional conception of gender. That crucial part was a system of sex-based oppression. However, Bogardus takes the traditional conception of gender to just be biological sex.²² Indeed, Haslanger would agree with this: “For outside a rather narrow segment of the academic world, the term ‘gender’ has come to function as the polite way to talk about the sexes.”²³ Given this, Bogardus gives a rather damning thought experiment:

To take just one example, imagine that gender utopia in the future, where there is no more subordination on sex-marked grounds, even though there are still males and females. All the “core phenomena” that the traditional concept of womanhood identifies and describes are still present: there are still adult human biological females. Yet, according to Haslanger’s revisionary definition of “woman,” there are no women, since there are no people subordinated on sex-marked grounds. And so the “core phenomena” of sex-marked subordination that Haslanger’s definition attempts to “organize and explain” are absent, in this situation. This shows that the

²¹ Ibid, 65.

²² Ibid, 55-56.

²³ Haslanger, “Gender and Race,” 221.

“core phenomenon” associated with Haslanger’s proposed concept are distinct from the “core phenomena” associated with the traditional concept.²⁴

Ultimately, Bogardus finds that ameliorative inquiry is incoherent because it, on the one hand, claims to explain our existing gender concepts, but on the other hand, knowingly revises gender for the sake of feminist goals such as combating gender-based oppression or being inclusive of trans folks.

Things are beginning to look dire. As Bogardus puts it, “There is urgency here, since, unless it can do without Ameliorative Inquiry, the project of trans-inclusive feminism is incoherent.”²⁵ That is, either we be trans exclusive feminists, or we find a new way to be trans inclusive feminists. Now, Bogardus continues in a footnote:

*Does the project of trans-inclusive feminism require Ameliorative Inquiry? Well, that depends on whether the project of trans-inclusive feminism requires that “woman” (or “female”) apply in an unqualified way to trans women and “man” (or “male”) apply in an unqualified way to trans men. Given that this usage intentionally departs from the traditional definitions of those terms, and requires conceptual engineering motivated by normative inputs, the project of trans-inclusive feminism would require Ameliorative Inquiry. It would therefore be incoherent.*²⁶

So, we seem to be forced into trans exclusive feminism. I for one cannot stomach this conclusion, and I will remind the reader of my above discussion of the imperative to be trans inclusive at the beginning of section three. However, I agree that ameliorative inquiry is untenable. My solution to all this is to show that Bogardus is wrong about trans inclusive feminists needing ameliorative inquiry. There is another option in gender eliminativism.²⁷

Gender Is Immoral

Let me remind the reader of my thesis: We have a moral obligation to eliminate arbitrary gender norms. Before I continue, I must explain how I understand gender. It is simply the arbitrary connection between two sets of norms (in a given cultural context) and the two typically

²⁴ Bogardus, “Some Internal Problems,” 71.

²⁵ Ibid, 74.

²⁶ Ibid.

²⁷ It may be that the reader is wondering how gender eliminativism, which presumably would call on all of us, including trans folks, to renounce our gender identities, could be trans inclusive. It seems to have a similar conclusion as the traditional view of gender, albeit with different reasoning. I will address this concern in section VI.

recognized sexes.²⁸ Now given the extensive literature on gender, there is a lot that can be said, and has been said, about this arbitrary connection and the sets of gender norms. In other words, it is understandable if some of my readers think this is too simple, or perhaps too vague, of a view. We might ask, why did one set of social norms get arbitrarily connected to the female sex? We might ask why this set of social norms and not some different set? We might wonder if the two sets of social norms are coherent or if we can find inconsistencies within each. We might wonder if there is anything about the two sets of social norms that is consistent throughout all of time and all societies, other than that one is meant for females and the other for males; and we might think, with Haslanger, that the only thing that can even come close to producing a “yes” answer is that one set subordinates females while the other set privileges males.²⁹ All of these and more are excellent and fascinating questions, but I do not intend to answer any of them, and I do not believe that I need to answer them. The fact that one set is arbitrarily connected to a specific sex while the other set is arbitrarily connected to the other is enough of a moral problem in my view.

Indeed, I take one of Bogardus’ mistakes to be that he underestimates just how much the traditional conception of gender is about social norms. Granted, if you were to ask the average person what a woman is, they would likely say that a woman is just an adult human female (or something to that effect). But few people truly and effectively believe this. As mentioned above, many of the same folks who make this claim would also say that *Barbie* dolls are girls’ toys. Indeed, some people, upon being asked “What is a woman?” may immediately add some cultural things to their answers, depending on how they interpret the question; that is, they may interpret it as “What is a *real* woman?” or “What *should* a woman be like?” While Bogardus underestimated the culturally normative aspects of gender, Jenkins’ ‘gender as identity’ could not be pulled out of the ground that is sex; once an attempt was made, ‘gender as identity’ was left free floating in circularity. Thus, gender has two necessary conditions: (1) biological sex and (2) norms enforced on each (typically recognized) sex.³⁰

²⁸ When I say “typically recognized” here, I have in mind Anne Fausto-Sterling’s idea of recognizing five different sexes, given the existence of intersex bodies. Anne Fausto Sterling, “The Five Sexes: Why Male and Female Are Not Enough,” *The Sciences* (March/April 1993): 20-24.

²⁹ It is worth noting that other definitions of “woman” have been proposed. See Nancy J. Chodorow, “Gender as a Personal and Cultural Construction,” *Signs* 20, no. 3 (Spring 1995): 516-44 and Catharine MacKinnon, *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press, 1989).

³⁰ With that said, it is worth mentioning that sex is also a socially enforced construct. Given the existence of intersex bodies, the rigid sex binary is not reflected in reality. There is, rather, a spectrum of body types, several of which “mix” what we call “female” and “male” hormones, gametes, external genitalia, chromosomes, and other features. The categories of “male” and “female” are enforced whenever “gender-normalizing” surgeries are performed on

Let me also explain my use of “arbitrary” in my thesis. I am using the sense of arbitrary that means there is no good reason for the thing that is arbitrary. The vast majority of gender norms have no connection, or at least no reliable empirical evidence for a connection, to biological sex, beyond the fact that they are socially enforced on sex-based grounds. Some of these norms are easy enough to identify, such as the norm that blue is for male babies while pink is for female babies; it used to be vice versa.³¹ Others may be harder to identify due to subtle (or not so subtle) environmental influences and stereotype-threats creating what seem to be unprovoked interests or lack thereof. Though some statistics may show things like women pursuing higher corporate jobs or PhDs in mathematics less frequently than men, research has shown that, rather than women just ‘naturally’ being less interested in these positions or fields, these statistics are likely affected by women not feeling like they belong³² or underestimating their ability due to internalized stereotypes.³³ That is, biological sex does not produce the socially expected norms of men being more ambitious in their careers or better at math than women.

With that said, however, there are a few norms that have a reasonable connection to certain anatomical features. For example, there is the norm that one should not kick pregnant people in the stomach. Granted, there is also a norm that one should not kick anyone in the stomach (exceptions for things like martial arts competitions notwithstanding), but the norm is especially strong regarding pregnant folks, *and for good reason*. Insofar as there are good reasons for some norms being about folks with particular anatomies, my argument is not about those norms.

Now, there can be a bit of a spectrum of arbitrariness. Let us now consider the example of a norm that says women should give birth and raise children by a certain age. (The reader may pick whatever age or age range they find fitting.) Let us call this norm GBRC. GBRC has *some* grounding in biology. It is the case that at a certain point in life, one’s ovaries will cease to release eggs and one will no longer be able to get pregnant. However, GBRC is also influenced by cultural expectations, such as the assumption that every woman wants to have kids; it also assumes a high value in having biological kids, as opposed to adopting. Even for those folks who want to get (and can get) pregnant at some point in their lives may not be on as short of a clock as the norm may

infant intersex bodies, or trans bodies are ridiculed. We may question the categories we use to refer to different anatomies, but my thesis can still be about the social norms we attach to different anatomies.

³¹ Cydney Grannan, "Has Pink Always Been a “Girly” Color?" *Encyclopedia Britannica*, accessed April 3, 2022, <https://www.britannica.com/story/has-pink-always-been-a-girly-color>.

³² Fine, *Delusions of Gender*, 27-39.

³³ Fine, *Delusions of Gender*, 40-53.

suggest. Medical advancements, including the freezing of eggs and surrogacy, has prolonged a female human's ability to have biological kids.³⁴ Thus, my thesis would address the parts of GBRC that can be identified as completely arbitrary, such as the assumption that every human female will want to have, or at least should have, (biological) kids. It would also challenge strict timelines, such as the one Kacey Musgraves references when she sings the line, "If you ain't got two kids by 21, you're probably gonna die alone, at least that's what tradition told you."³⁵

I must also clarify what I mean when I say that gender norms are enforced. I am sure that those readers who are also philosophers of gender and other social philosophers will already know what I mean, but allow me to make things explicit. I do not simply mean that it is wrong for governments to enforce gender roles, though that is included in my view. Besides legal enforcement, my view is about social enforcement, including, but not limited to, the use of shame, praise, teasing, recognition, acknowledgement, guilt, inclusion etc. Many examples could be given, but I will use one from Bonnie Mann's book *Sovereign Masculinity*. She writes:

My own daughter Dee Dee demanded to have her hair cut short at age four, *very* short. For her it was just about the hair, which is to say she did not understand how her decision would be received by her world. . . But in the ensuing weeks I watched her initial thrill at the new lightness, at the touch of wind on scalp, turn to gray-faced determination to get through each day at preschool. The daily taunts and arguments, in which she fought for her identity, were punctuated by violence. She was surrounded by older girls outside the bathroom door one afternoon, faces contorted in anger; having pushed her out of the girls bathroom they insisted she use the boy's bathroom instead. She was finally rescued by her older, long-haired sister, who shoved her way into the circle to stand at Dee Dee's side, to provide a sort of gender testimony: "She's my sister! She's a girl!" . . . it was only a few weeks before the experience of provoking panic and the accompanying violence among other children, whose perceptual capacities had not yet developed the kind of deftness and subtlety that would have allowed them to recognize her as a girl with really short hair, exhausted her resolve, and she announced her decision to grow her hair long and never cut it "so that I will be a girl again." To be a girl, she discovered requires an *agreement*. You must show that you are one, and show it in ways that others will be able and willing to perceive.³⁶

The last few lines of this quote are a good transition to my argument. Let us now turn to it.

³⁴ This alludes to another point: some norms may start out as reasonable but become arbitrary over time. Thank you to Alex Vrabely for this point.

³⁵ Kacey Musgraves, "Merry Go Round," 2013, Track 2 on *Same Trailer Different Park*, Mercury Nashville, compact disc.

³⁶ Bonnie Mann, *Sovereign Masculinity: Gender Lessons from the War on Terror* (New York: Oxford University Press, 2014), 76-7.

My basic claim is this: Arbitrary gender norms inhibit our freedom. When I say “freedom,” I am using an existentialist framework. Sartre’s analysis of consciousness takes it to be a nothingness. What this means is that consciousness, subjectivity, is opposed to inanimate objects in that an object is exactly what it is and nothing more. An object cannot strive to be anything it is not already. As Sartre puts it, things like tables, rocks, and pens are pure being; they are ‘in-itself.’ But consciousness is defined by what it is not. Consciousness can look at what is and say that there is something missing, that there is a lack, and that things ought to be different.³⁷ In other words, consciousness has the ability to negate being, and it is this ability that, as Beauvoir puts it, “makes values spring up in the world.”³⁸ And because consciousness is a negating nothingness, consciousness is free; it is ‘for-itself.’ It is not limited to what it is, because it is nothingness.³⁹

Now having this freedom can be daunting and many people attempt to flee their freedom in bad faith. For one thing, it can be difficult to decide for oneself what one should do with one’s life. For another, a radically free choice is entirely grounded in the one from which it originates; thus, the responsibility for that choice is also entirely grounded in one. In *The Ethics of Ambiguity*, Beauvoir discusses the different ways that one may attempt to live in bad faith and flee this ambiguous and free existence. For my purposes in this essay, I will be focusing on the attitude of the serious person, who attempts to abdicate her freedom in the service of some ready-made value. Understand that this is an attitude of bad faith because there are no ready-made values i.e. values that are mind-independent. Without consciousness, there would be no values at all.⁴⁰

It is in my view that gender roles and all their accompanying arbitrary gender norms have provided us with a profoundly pervasive set of (supposedly) ready-made values. When one identifies with the gender binary, one internalizes a set of norms that makes one feel beholden. Granted, as mentioned above, there are many ways one can fulfill the roles of ‘man’ and ‘woman,’ but these different ways are still largely recognizable and can be categorized as either a ‘masculine’ or ‘feminine’ gender presentation. And whether people self-regulate, or, like Mann’s daughter Dee Dee, are policed by others, people will often forgo exploring possible new interests in the name of gender.

³⁷ Jean-Paul Sartre, *Being and Nothingness* (New York: Washington Square Press, 1992), 134-5.

³⁸ Simone de Beauvoir, *The Ethics of Ambiguity* (New York: Philosophical Library, 1948), 14.

³⁹ Sartre, *Being and Nothingness*, 102.

⁴⁰ It has been suggested to me that one may be a moral realist while still agreeing with my point that gender norms are not mind-independent. I am amenable to this and I thank Troy Seagraves for it. I only wish to say that I find part of what is interesting about my view is the use of the existentialist framework.

I will give two examples. The first comes from an empirical study. Master, Meltzoff, and Cheryan used surveys to study children's self-reported beliefs in gender-based interests in computer science and engineering. In one study the children were in grades three to seven. In another study they were in grades one to twelve. The two studies:

reveal that these stereotypes are evident among young children (as early as age six, first grade), across multiple ages from childhood through adolescence, and across intersections of racial/ethnic identity and gender. Moreover, gender -interest stereotypes favoring boys predict girls' lower interest in pursuing computer science and engineering classes across multiple intersections of gender and racial/ethnic identity.⁴¹

How many of us have declined to pursue, or never even considered pursuing, some possibilities simply because gendered stereotypes made us feel like they were not for us? Given the pervasiveness of gender, I would wager that many have, to put it vaguely.

The second example is an anecdote from my own life. I am a masculine presenting person who has recently begun to wear nail polish. It is something I have had an interest in for several years because I like color. I decided to make a resolution for 2021 to become courageous enough to wear nail polish. The fact that I had to make a resolution about something so harmless is evidence enough. But there is more! Recently, after having completed the resolution, I was in a Chipotle line when the gentleman putting my bowl together complimented my yellow nails and said that he wished he had the courage to wear nail polish. This is a simple matter of self-expression being limited because one is telling oneself, "Well, I'm a guy, so that isn't for me."

Many more examples could be given. The ultimate point is the same: The enforcement of gender norms, both from within and from without, is limiting our possibilities and keeping us from living authentically. I gave above an explanation of freedom from Sartre. Beauvoir distinguishes between that freedom, what we may call ontological freedom, and moral freedom. Moral freedom has two conditions. The first is that one must value one's own freedom, not flee from it. The second is that one must also value the freedom of others, because one's possibilities in life are conditioned by this human-made world that one shares with others; thus, one's freedom is interdependent with the freedom of others. It is these two conditions that I believe leads Beauvoir to write, "Every time transcendence lapses into immanence, there is degradation of existence into 'in-itself,' of freedom

⁴¹ Allison Master, Andrew N. Meltzoff, and Sapna Cheryan, "Gender Stereotypes about Interests Start Early and Cause Gender Disparities in Computer Science and Engineering," *PNAS Proceedings of the National Academy of Sciences of the United States of America* 118, no. 48 (2021), <https://doi.org/10.1073/pnas.2100030118>.

into facticity; *this fall is a moral fault if the subject consents to it; if this fall is inflicted on the subject, it takes the form of frustration and oppression*; in both cases it is an absolute evil.”⁴² The enforcement of gender norms is often guilty of both.

What is interesting about this analysis is that it shows how gender is problematic beyond the typical discussions of systematic oppression. These discussions are, of course, important. But this analysis shows that gender is not redeemable. Even if it were possible to remove all of the systematically oppressive elements of gender – e.g. the gender pay gap, double standards in sex, gendered virtues such as feminine care and masculine courage, etc. – by continuing to have rigid boxes, we are still taking seriously a set of ready-made norms.

The internet has allowed people who did not identify with the gender binary to converse with each other easily, and this has led to the development of several new gender terms. There are those who identify as demigender⁴³, genderfluid⁴⁴, agender⁴⁵, etc. I believe existentialism provides us with a rationale for why this has occurred. Human reality cannot be contained within a well-defined concept. People are freely and authentically expressing themselves; they are shedding the traditional expectations of gender.

Now that I have established the immorality of arbitrary gender norms, we are left with the question, “What does this mean for what we should do?” Broadly speaking, we should do what we can to challenge these norms. We should, as individuals, not let gender norms stop us from doing what interests us. The more often we do not let what is between our legs determine what we do or what we wear, the better. When, to use a fairly recent example, Harry Styles dons a dress for a photo shoot in *Vogue* magazine⁴⁶, we should recognize this as a morally good and praiseworthy act. This claim might seem strange to some, but given the courage that is often needed to go against these gender norms, and given that courage is a virtue, I stand by the claim.

Now, there is one last important thing that I must address before discussing possible objections to my view. It should be acknowledged that it will be easier for some to transgress gender norms than it is for others.⁴⁷ This is evident in a few different ways, more than I can discuss

⁴² Beauvoir, *Second Sex*, 16; emphasis added.

⁴³ Mostly, but not completely, identifying with one of the binary genders e.g. demi-man or demi-woman.

⁴⁴ Sometimes identifying as a man, sometimes as a woman.

⁴⁵ Identifying as being without gender identity.

⁴⁶ Hamish Bowles, Photography by Tyler Mitchell, “Playtime with Harry Styles,” *Vogue*, November 13, 2020, <https://www.vogue.com/article/harry-styles-cover-december-2020>.

⁴⁷ Thank you to Samantha Seybold for helping me clarify this point.

in this writing. One way is that many of the norms facing women are occupational norms. In 2021 there were a record number of women CEOs running fortune 500 companies. That record number was a paltry 41.⁴⁸ Women are still underrepresented in many stem fields,⁴⁹ and when they have so few role models to look up to, and face so many gender stereotypes, we can see why the task of changing that would be more difficult than it is for a man to wear nail polish. Men, on the other hand, face what has been coined by Christine L. Williams as the glass escalator. Men in traditionally “feminine” industries find themselves quickly promoted up the ranks.⁵⁰ Another way we can see the disparity is in how trans folks face discrimination that can lead to homelessness⁵¹ or violence.⁵² These difficulties should be acknowledged in relation to my call for challenging gender norms.

Objections and Replies

One objection I anticipate is that one might think my reasoning goes too far. On this very same reasoning, could we not think that most social norms should be eliminated? There is something arbitrary about shaking hands as opposed to bowing when greeting others. There is something arbitrary about wearing formal wear to a job interview rather than sweatpants and a tank top. Are these social norms limiting our free and authentic expression and, thus, should be eliminated?

My response to this slippery-slope type of objection is that many social norms, such as cultural greeting customs, are the foundations for how we interact with each other, which we need to exercise our moral freedom. One is interdependent with others in creating this meaning-filled,

⁴⁸ Emma Hinchliffe, “The Female CEOs on this Year’s Fortune 500 Just Broke Three All-Time Records,” *Fortune*, June 2, 2021, <https://fortune.com/2021/06/02/female-ceos-fortune-500-2021-women-ceo-list-roz-brewer-walgreens-karen-lynch-cvs-thasunda-brown-duckett-tiaa/>.

⁴⁹ Anthony Martinez and Cheridan Christnacht, “Women Are Nearly Half of U.S. Workforce but Only 27% of STEM Workers,” *United States Census Bureau*, January 26, 2021, <https://www.census.gov/library/stories/2021/01/women-making-gains-in-stem-occupations-but-still-underrepresented.html>.

⁵⁰ Christine L. Williams, “The Glass Escalator: Hidden Advantages for Men in the ‘Female’ Professions,” *Social Problems* 39, no. 3 (August 1992), 253-67, <https://www.jstor.org/stable/3096961>.

⁵¹ “Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tell Us,” *National Alliance to End Homelessness*, July 24, 2020, <https://endhomelessness.org/resource/transgender-homeless-adults-unsheltered-homelessness-what-the-data-tell-us/>.

⁵² “Transgender People Over Four Times More Likely than Cisgender People to Be Victims of Violent Crime,” *UCLA School of Law Williams Institute*, March 23, 2021, <https://williamsinstitute.law.ucla.edu/press/ncvs-transpress-release/>.

human-made world, in which we each pursue our own projects. So social norms of conduct are needed. It is not arbitrary that we have ways of greeting others. What is arbitrary is the particular way that we greet others. I take this to be sufficient for distinguishing this example from gender norms.

Regarding examples like the one where one wears sweatpants to a job interview, I would say that one's clothing is a medium of communication. An interviewee would want to communicate some level of professionalism to an interviewer. (Though this is a general sort of response that really only eliminates things like sweatpants and tank tops in job interviews. I would not be opposed to us reconsidering some of the details of these social norms. Furthermore, insofar as some of these norms are gendered, my thesis is very much related.) To put it in more general terms, there are significantly less arbitrary reasons for many social norms than there are for gender norms. Why think that the nursery should be blue just because one's baby has a penis? Thus, this slippery slope is of the fallacious kind.

I will say, however, that I do not think the slipper-slope objection is as strong as one might initially think. Though I do think there are significant differences between many social norms and gender norms, I also think that we ought to be more aware that the way we do things in our culture is not the way it has to be. It might be worthwhile to ask, regarding the example about job interview attire, why we do not value comfortability a little more and professionalism a little less.

It might be said that gender norms do provide some important social purpose: indicating to potential partners what one's sex is. The issue with this point is that sex has for so long been arbitrarily connected with gendered norms, which is precisely what I have set out to attack. That is, if we allow ourselves to be concerned with this point, then we will continue to live in a world where trans folks are marginalized. As it stands, some trans folks are accused of "lying" about who they are because their gender presentation leads others to believe they had a different set of genitalia than they really do. This very same obsession with gender presentation "matching" sex has led some to ask trans folks very intrusive questions such as "If I saw you naked, what would I see?" This concern also implies a rather heteronormative viewpoint. This may be somewhat speculative, but given that more of the younger generations are not identifying as strictly straight or gay, I believe that as our understanding of gender identity relaxes and our acceptance of queer sexualities grow, the need to clearly advertise in a socially acceptable way what each of us has between our legs will weaken. This, too, would be a good development, not just for the sake of

trans folks (trans being understood in a broad sense here to include nonbinary folks), but also for intersex folks. Indeed, this objection overlooks the fact that sex is also socially enforced, which has led to, among, other things, “gender-normalizing” surgeries on infant intersex bodies, an injustice that the intersex community has been fighting against.⁵³ Truly this objection is simply running into Butler’s thesis in *Gender Trouble*: that the enforcement of gender and the enforcement of heteronormativity are linked.⁵⁴

The last objection that I will consider comes from a concern for trans folks. One may worry that accounts of gender eliminativism fail to consider the fact that it is easier for a cis woman, for example, to cease identifying as a woman than it is for a trans woman. The former was born into the identity and had it enforced on her. The latter had to fight to claim it.⁵⁵ While the gender traditionalist wants to say that trans women are mistaken about their own identities, the gender eliminativist wants to say that none of us should identify as women or men. This nuance may not be recognized if both are essentially telling trans women, for example, “Stop saying you’re a woman.” Furthermore, a trans woman identifying as a woman is precisely what it means for her to live authentically. So, the spirit of my argument conflicts with the conclusion.

I take this objection very seriously. I have two ways of responding to it. The first is a long-term gender eliminativist view. I think it is important for me to offer this view because I do think it follows from my argument in the abstract, but I do not hold it tightly for reasons I will explain shortly. This strong view is that as we eliminate more and more arbitrary social gender norms, the very reasons for why trans folks are marginalized will also be eliminated. Trans folks are marginalized because their identities are not respected, and their identities are not respected because others still take so seriously the ready-made connection between social gender norms and biological sex. It is this very connection that I criticize.

I do not hold this view tightly because it is a bit speculative, and it also does not help trans folks today. We have had pervasive gender norms for so long that we cannot say for sure what it would be like to live without them. And even if my utopia of the future is possible, it will be a long time before we reach it. Perhaps my utopia can serve as an ideal to aim at, but what do we do to be supportive of trans folks today?

⁵³ Cheryl Chase, “Hermaphrodites with Attitude: Mapping the Emergence of Intersex Political Activism,” *A Journal of Lesbian and Gay Studies* 4, no. 2 (1998): 189-211, <https://doi.org/10.1215/10642684-4-2-189>.

⁵⁴ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

⁵⁵ Jenkins has this concern. Jenkins, “Amelioration and Inclusion,” 417-418.

So, I turn to my short-term view. I believe that what we should do today is respect trans folks' identities without question. This approach is not opposed to my view because, given that gender is just the arbitrary connection between social gender and biological sex, trans folks already do a lot to challenge gender norms. Moreover, for trans women (and men), identifying as women (and men) is precisely what it means for them to live authentically. Indeed, given that we are social beings and that each of us learns who one is in the context of this social world, the language and labels that are used can be helpful for communicating who one is and for learning what it means for one to be authentic. Truly my thesis is only opposed to making these labels into absolute values. As more people challenge more gender norms, I believe that the need for these labels will fade. Instead, people can simply decide whether they like computer science or nail polish without the gender categories creating feelings of not belonging or fear of persecution. In the short-term, we can learn from trans folks that certain anatomical features need not determine who we are.

At this point, Bogardians might criticize this move given the semantic issues discussed above. However, given my argument and the existentialist framework that I use, gender has always been a flawed concept. It has attempted to contain human reality in a well-defined concept, which simply cannot be done. That is, instead of gender concepts picking out anything true, they have been denying the truth of human freedom. Thus, what we sacrifice for the sake of the moral considerations that I have raised here is merely some semantic consistency. If we are to take seriously the claim that moral considerations take priority over all other considerations, then we should allow ourselves and others to do what living authentically means for us. Semantic consistency be damned.

Conclusion

This essay began with a discussion on ameliorative approaches to defining gender. Through Bogardus' critique of these approaches, it was found that gender could not be coherently divorced from sex. Now, Bogardus takes gender and sex to be synonymous. This is what makes him committed to saying that trans folks are mistaken about their identities. He may be able to say that one should be able, for example, to wear what one wants; he just believes that a male in a dress is still a male and, thus, still a man. But he overlooked and underestimated the cultural elements of gender. The two sets of social norms we identify as "feminine" and "masculine" and the two sets of anatomical features we identify as "male" and "female" are socially enforced together. (Indeed,

they reinforce each other.) What I have tried to show is that the enforcement of gender has made us all mistaken about what is up to our own free choices. We are not limited to the rigid rules of “femininity” and “masculinity.” (Nor are human bodies limited to “male” and “female.” This essay focused on the enforcement of gender norms that have to do with self-expression, such as wearing nail polish or pursuing a PhD in mathematics. But it is also worth saying that the enforcement of the sex binary – which includes, but is not limited to, “gender-normalizing” surgeries on infant intersex bodies – should also end.) The solution, then, is to end the enforcement of these rigid categories, and this solution is not opposed to accepting trans folks’ gender identities. In fact, trans folks teach us that we are not limited by gender categories.

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