

# APA Newsletters

NEWSLETTER ON PHILOSOPHY AND LESBIAN, GAY,  
BISEXUAL, and TRANSGENDER ISSUES

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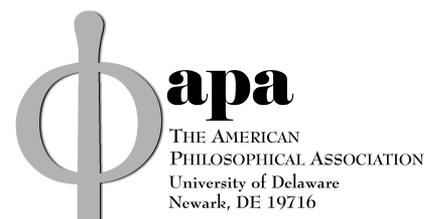
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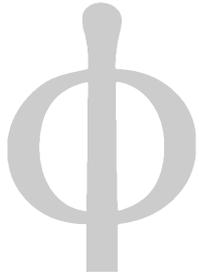
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## NEWS AND NEW IN PRINT





# Philosophy and Lesbian, Gay, Bisexual, and Transgender Issues

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William S. Wilkerson, Editor

Spring 2011

Volume 10, Number 2

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## COMMITTEE MEMBERSHIP

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Talia Bettcher, Chair (2012), Lanei Rodemeyer (2010), Shannon Winnubst (2010), Loren L. Cannon (2011), Kimberly J. Leighton (2011), Margaret Denike (2012), Lori Watson (2012)

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## HISTORY AND CHARGE TO THE COMMITTEE

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Just to remind people about the goals of the LGBT Committee, here's a reminder of its history and current charge:

The APA Committee on the Status of Lesbian, Gay, Bisexual and Transgender People in the Profession "was proposed in 1996, and approved by the Board at its Meeting in 1997, to take effect immediately. The charge was approved by mail ballot and appeared in the May 1997 issue of the *Proceedings*. The first *Newsletter* for the LGBT Committee was published in the Spring 1999 issue of the *APA Newsletters*. The Committee is charged with assessing and reporting on the status of lesbian, gay, bisexual, and transgender (LGBT) people in the Profession. Its main responsibilities are to identify unfair or discriminatory practices affecting LGBT philosophers in their professional work and to apprise the Board and members of the Association of ways in which such practices may be rectified; to inform LGBT philosophers concerning means of overcoming discrimination that they may encounter in the Profession; and to make reports and recommendations to the Board concerning ways in which full and meaningful equality of opportunity can be provided to all individuals who seek to study, teach or conduct research in philosophy. The Committee is also concerned with teaching and research. It seeks to facilitate an understanding of and investigation into issues of sexuality, diversity in affectional preference or orientation, sexual identity, and the range of positions represented in theories about LGBT people." (Source: [apaonline.org](http://apaonline.org))

Because the Committee pre-dates online publication of the *Newsletter*, I wanted to remind everyone of the first Committee members, so that this information is available at least somewhere online. The Board Meeting Minutes from 1997 record these folks as the first Committee members: Claudia Card, Chair; Cheshire Calhoun, David Hull, Timothy F. Murphy, Laurie Shrage, Jacob Hale, and Edward Stein.

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## FROM THE NEW EDITOR

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Greetings. I am William Wilkerson, and I have taken on the editing duties for this *Newsletter*. Let me first thank the outgoing editor, Timothy Murphy, for years of service, hard work, and some very fine newsletters. He began the work on this particular edition as well, and so he really deserves a co-editor credit.

A little information about myself, before I discuss my vision for the *Newsletter*. I am Professor of Philosophy at the University of Alabama in Huntsville. I work mostly in 20th Century Continental Philosophy and Philosophy of Gender, with a little dabbling in Philosophy of Mind and Political Philosophy. I've published some essays on the subject of Gay/Lesbian identity, and have a nicely underselling book on the topic, *Ambiguity and Sexuality*. I've been active in the SLGP off and on, and have probably met many of you at one of those sessions. Hard as it is for me to believe, I have been out for over twenty years, and just recently worked with all three University of Alabama campuses to get domestic partner benefits for our university.

As editor, I think this *Newsletter* should fulfill three main functions: (1) it should provide information about current events relevant to GLBTQ philosophers. Such events include news about discrimination or anti-discrimination battles on college campuses, attempts to change university or APA policies regarding GLBTQ faculty and students, and important conferences or encounters in the field. Jen McWeeny's fine piece in this edition fulfills this function perfectly: it not only details the striking events at John Carroll University, it provides important and insightful theoretical reflection on these events. (2) The *Newsletter* should provide an informal forum for sharing ideas in the field of GLBTQ philosophy. The *Newsletter* format has the advantage of not requiring peer review for publication, and thereby offering a space where people can share ideas in development. The other featured pieces all provide good examples of this. All contributors will share email addresses, so any interested reader can offer feedback. I also hope to have some newsletters that function as forums on single topics. (3) The *Newsletter* will provide information about the latest publication and conference presentations, to keep interested people abreast of the latest developments in our subfield.

**Next *Newsletter* Forum Topic: Homophobia.** I would like to devote the next issue to discussions of homophobia: What is it? What is the best way to think of it? How do we combat it? How does it intersect and interact with racism and sexism? How is it related to trans-phobia? Essays on practical confrontations with homophobia would also be welcome: What ways of combating it have worked in your experience? As this is an informal setting, it would be excellent if people would be willing to share ideas in development, unusual approaches to these questions, anything that would spark a good debate or

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some new thinking on a topic of importance to us all. Please contact me at wilkerw@uah.edu if you have any relevant work related to this topic.

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## CHAIR'S CORNER

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### Talia Mae Bettcher

California State University, Los Angeles

I've enjoyed serving my second year as chair of the APA Committee on the Status of Lesbian, Gay, Bisexual, and Transgender People in the Profession.

Last Fall, I had the opportunity to speak openly with the APA Board of Officers at their annual meeting about our dismay over their decision to only weakly enforce the newly revised non-discrimination statement. The LGBT Committee has since then approved an official statement to the Board, subsequently approved by the Committee on Inclusiveness. I will continue to express our concern, and I hope that the Board will reconsider its decision at the next annual meeting.

Last year, we co-sponsored three sessions with the Society for Lesbian and Gay Philosophy (SLGP). The session at the Eastern Division meeting ("Sexual-Orientation Discrimination and Moral Compromise") included Avi Cramer, Andrew Koppelman, Alastair Norcross, and Thomas Williams. The session was chaired by John Corvino. At the Central and Pacific meetings, the sessions were open. Some of the speakers included Dennis R. Cooley, Carol Viola Ann Quinn, Richard Nunan, Raja Halwani, and Annika Thiem.

The APA LGBT Committee held sessions this year at both the Central and the Pacific Division meetings. At the Central, we co-sponsored a symposium on transsexuality and personal identity (presenters included myself, Miqqi Alicia Gilbert, Christine Overall, and Loren Canon commented). At the Pacific, we sponsored a panel entitled "Regenerating Queer: The Ethical Challenges of Recent Bio-politics." Panelists included Margaret Denike, Kimberly Leighton, and Chris Cuomo. Suggestions and proposals for future APA session topics, participants, and themes are welcome. Please send them to me at tbettch@calstatela.edu.

I would like to take this opportunity to thank our outgoing members, Lanei Rodemeyer and Shannon Winnubst, for their dedicated service to the Committee. I would also like to welcome our newest members, Kim Q. Hall (Appalachian State) and Anna Carastathis (Cal State LA). I would especially like to thank our previous *Newsletter* editor, Timothy Murphy, for all of his hard work and his single-handedly revitalizing the *Newsletter on Philosophy and Lesbian, Gay, Bisexual, and Transgender Issues*.

I also want to warmly welcome our new editor, William Wilkerson. I am excited to work with Bill and about some of the new directions for the *Newsletter*.

I hope that you enjoy the current issue of the *Newsletter* and I wish everyone the best for the remainder of this academic year.

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## ARTICLES

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### *Without a Net: Starting Points for Trans Stories*

#### Talia Mae Bettcher

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There is a familiar view of transsexuality which speaks of women trapped inside male bodies and men trapped inside female bodies. We can call this the "wrong body" account. In this view, transsexuality is construed as a misalignment between gender identity and sexed body. At its most extreme, the idea is that one's *real* sex—given by internal identity—is somehow grounded somatically. It's on the basis of this identity that one affirms that one has always *really* belonged to a particular sex and therefore has a claim to surgical procedures that bring one's body into alignment. One of the obvious problems with this account is that it seems to naturalize sex/gender differences in a troubling way. Christine Overall remarks, for example: "On this theory, gender is reified, at least for some individuals. As a member of the social group 'women,' I find this idea frightening."<sup>1</sup> As a (trans) woman, I find this idea frightening, too.

To be sure, as I started my transition in the early nineties, *that* classic story was certainly available to draw on. But a new and exciting story was also emerging. Sandy Stone's "The *Empire* Strikes Back: A Posttranssexual Manifesto" had inaugurated trans studies.<sup>2</sup> And Kate Bornstein's *Gender Outlaw*<sup>3</sup> and Leslie Feinberg's *Stone Butch Blues*<sup>4</sup> were exploding like transformative cultural bombshells. These works articulated a "beyond the binary" account: Since trans people don't fit neatly into the two categories, dominant efforts are made to force trans people into this system (thereby eliminating any middle ground). The medical apparatus is but one way in which society makes us "disappear." The forces of oppression aim at our invisibility, and the strategy of resistance is to come out and make ourselves visible.<sup>5</sup>

As I tried to make sense of myself during these difficult years, I searched for a story that worked for me—a story which justified my claims to womanhood and which illuminated my confusing life-experiences. I felt intuitively suspicious of the "wrong body" account. And the move away from pathologizing accounts, the inherently liberatory aspects of the new theory, and the room for multiple ways of being resonated deeply with me. However, I still remained dissatisfied with the new account. This positioning of trans folk "problematically" with regard to "the gender binary" bothered me. For most of my life I'd felt "problematically positioned with respect to the binary." This was a feeling of painful monstrosity. What made me feel human was life as a woman. Why should I be forced to live as a monster? Unhappy with both of these stories, I simply found friendship and love in the political trans subcultures of Los Angeles. There we had developed alternative gender practices—ways of being that felt more safe and sane. I found that the different accounts didn't matter so much—or at least they didn't matter in the way that I might have first supposed.

As a philosopher, however, I've become increasingly interested in telling a story that satisfies me. And I've been interested in criticizing the "beyond the binary" account in earnest. In doing so, I'm hoping to clarify, for myself at any rate, the desiderata of a more satisfying account of trans experience.

And in this essay, I want to make a few preliminary moves in that direction.

I'll begin by considering a form of transphobia that I call "the basic denial of authenticity." A central feature of it is "identity enforcement," where trans women are identified as "really men" and trans men are identified as "really women" (regardless of how we ourselves self-identify). Often this kind of identity enforcement (particularly through pronoun use) occurs repeatedly and runs against the trans person's own frequent requests to be treated otherwise. It can appear in mundane interactions between a trans person and a store clerk (e.g., repeated and deliberate references to a trans woman as "sir") to cases in which a trans person is "exposed" as "really a man/woman, disguised as a woman/man" and subjected to extreme forms of violence and murder. Notably, this form of transphobia isn't well-accommodated by the newer, "beyond the binary" account. In that model, this transphobia is seen as an effort to take those who are "beyond the binary" and somehow force them into it or else eliminate them altogether. But the kind of identity enforcement I'm describing doesn't involve any confusion on the part of the "identity enforcer." There's no *question* about how to situate the trans person. Rather, the trans person is, without hesitation, viewed as belonging to the binary (really a woman or really a man).<sup>6</sup>

Now consider the self-identifying claim "I am a trans woman." Frequently, in dominant cultural contexts, the expression "trans woman" is understood to mean "a man who lives as a woman." And it's misleading to say such an understanding is merely an individual's false interpretation, since many (media, organizations, governments) understand the expression that way. Yet, when I use that expression within trans-friendlier subcultures, it doesn't mean that. So it's fair to say identity enforcement doesn't merely concern whether an expression of a gender category applies to a person but also what such an expression even means.

The enforcer thinks (in the case of the trans woman) that the category "man" applies while the category "woman" doesn't. So the enforcer thinks if "trans woman" is truthfully said, it can't possibly mean that the person is a woman (and isn't actually a man). Instead, it must mean the person is merely *pretending* to be a woman. "Trans" would flag something involving pretense and would perhaps have the force of "fake" (as in "fake woman").

There are two ways one might respond to this. One is to argue that the enforcer is mistaken and that the category "woman" does (while the category "man" doesn't) apply. In this strategy, "transgender" would possibly indicate a transitional status. It would qualify the term "woman" (taken in the standard meaning) as a particular kind (one who had been assigned male at birth, perhaps, who became a woman later). The disagreement concerning the meaning of "transgender" ("fake" versus "transitional") would then hinge on the correct applicability of the term "woman." One could make that case by taking "woman" as a family-resemblance concept. That is, one could deny that there is a well-specified set of features which constitute necessary and sufficient conditions for category membership. Instead, one could argue, some members of the category have some features in common, other members have others in common, and there are generally overlapping features of similarity and difference. One could argue the boundaries of the category "woman" are blurry: There can be difficult cases where the features come into conflict.

With this notion in hand, one could show that at least some trans women meet enough of the conditions required for application of the category "woman." For example, one might point to gender identity, hormone levels, surgically

altered genitalia, and so forth to defend a claim to womanhood. The enforcer, by contrast, might point to karyotype and "birth genitalia" in order to defend a verdict of manhood. In such a conflict, the disagreement over meaning would turn out to be fairly slight. At bottom, what would be at stake are which criteria to weigh *more* in applying the category "woman." At bottom, it might be an undecidable question. Yet, in a best case scenario there could be some kind of practical agreement on how best to draw lines.<sup>7</sup>

However, we can understand this disagreement differently if we understand identity enforcement in terms of a contrast between dominant or mainstream culture and trans subcultural formations: There exist different gendered practices in different cultural contexts. This includes the practice of gender attribution. So a trans person can count as "really a man" according to dominant cultural practices, while counting as a woman in trans-friendlier subcultures.<sup>8</sup> Accordingly, the taken for granted assumption that the dominant cultural gender practices are the only valid ones can be recognized as a kind of cultural arrogance.<sup>9</sup>

In this view, there's not *one* concept at stake: "Woman" doesn't mean the same thing to the enforcer and to the trans person. The conflict is deepened because this isn't a shared concept, so there's no possibility of agreeing how to draw the line. Consider the word "animal." It's ambiguous between a broad and a narrow sense. In the broad sense, it includes human beings; in the narrow sense it applies to mere "beasts." In this case, it's clear we're dealing with two different concepts and, in general, I would argue there are different concepts if what isn't a paradigmatic case in one is a paradigmatic case in the other or if what is a difficult case in one isn't a difficult case in the other. Certainly we have different concepts if the extensions are significantly different. Yet these two concepts are also hardly unrelated: Most criteria for category membership are the same (with the exception of the exclusionary feature "non-human"). Still, they're different concepts. Consequently, the question whether a human is an animal doesn't hinge on where to draw the line but rather on what concept is in play.

It's a fact that in some trans community contexts, gender concepts (such as "woman") are broadened. This is accomplished, first, by taking "trans woman" as a basic expression, rather than one that is a qualification of the dominant notion of "woman." This means it applies unproblematically to *all* self-identified trans women. For example, even if a trans woman failed to have any surgical or hormonal interventions to her body (while "living as a woman"), she could still count as a paradigm instance of "trans woman." Outside of trans-friendly subcultures, such an individual, of course, would probably not be counted as a woman at all. At the very best, she might be taken as a hard case. But since "trans woman" is taken as a primitive expression (rather one that qualifies "woman" taken in a dominant sense) it can apply to her unproblematically.

The second thing that happens is the dominant concept of woman is now understood as the concept of a *non-trans* woman rather than as woman *simpliciter*. "Woman" then applies to both trans and non-trans women alike. We thereby end up with an extension different from the one including only non-trans women (plus some trans women who have enough features to be argued into the category). We end up with a notion of "woman" where a trans woman counts as a paradigmatic (rather than a borderline) case. That means we have two different, interrelated concepts of woman, one in dominant culture, another in trans-friendly contexts.

This change is not an empty trick. It tracks a difference in cultural practices of gender (in particular, the negotiation of intimacy) and the relation of these practices to the interpretation

of the body and self-presentation. For example, whether one is viewed as a “gender rebel” (in violation of gender norms) depends upon interpretation. If one is viewed as a man, wearing a skirt, for example, will be read as a form of “gender bending.” By contrast, if one is viewed as a woman, it might be viewed as normative behavior. Thus, one of the social consequences of the shift in the meaning of the word “woman” is a change in the way that gender norms are applied. Again, bodies may be subject to different privacy boundaries. For example, what is dominantly read as a man’s chest that is therefore not subject to a nudity taboo, might in subcultural instances be read as a woman’s chest or at least a chest that is subject to such a boundary. This matters in terms of how and why gender violation is recognized as a violation. So the generation of an expanded category isn’t trivial. It connects to alternative social practices. In light of this, I will speak of a “multiple meaning” account.

The two different answers to the enforcer’s identity invalidation reveal something important about the starting point in trans politics and studies. I’m reminded of the question (among some non-trans feminists) whether transgender women do or do not count as women. In such a reading, trans women are viewed as “difficult cases” with respect to the category “woman” (whereas most non-trans women aren’t). In such a reading, the inclusion of trans women within the category is something in need of defense (unlike the taken for granted inclusion of non-trans women). Notably, this asymmetry, which places the womanhood of trans women in jeopardy, arises only on the condition a dominant understanding of “woman” is assumed. When a resistant understanding of “woman” is assumed, no question arises, since trans women are exemplars of womanhood. While it may sometimes be a useful strategy to assume a dominant understanding of “woman” in order to defend the inclusion of trans women (as difficult cases), an unquestioned assumption of dominant meaning makes for a bad starting-point in trans politics and theory. It puts us trans folk in the position of ignoring the resistant gender meanings produced in our trans cultures and trying instead to find a home in the dominant gender meanings that marginalize us from the start.

Consider an analogy. When I teach a lower-division course in the philosophy of gender, I spend time examining arguments which purport to show the immorality of homosexuality. I try to show the students why these arguments are unsound. I do this because I think it’s an important strategy to debunk the (generally bad) arguments which harm LGBT folk. However, in a graduate seminar in LGBT studies, I wouldn’t dream of taking these arguments *seriously*. I wouldn’t even engage in the question “Is homosexuality immoral?” because to do so would be to play into a heterosexist cultural asymmetry which places homosexuality in moral jeopardy while leaving the moral status of heterosexuality unquestioned. More generally, it would seem a very questionable and unhealthy LGBT political starting point to accept as valid the asymmetry which places homosexuality in moral jeopardy from the outset.

Similarly, it’s a questionable trans political starting point to accept as valid a dominant understanding of gender categories which situates trans folk as “difficult cases” in the best case scenario. To be sure, it may be a useful strategy to take up a dominant understanding in particular situations. But I worry about any liberatory theory designed to illuminate trans oppression/resistance which unreflectively accepts a dominant understanding of categories.

In the “wrong body” model, for example, one can count as a woman (in the dominant sense) to some degree and with qualification (at best) so long as (A) one is recognized by an appropriate authority as possessing the right gender identity

and (B) one undergoes a transformative process to conform to the dominant concept of woman as much as possible. A dominant understanding of the category is presupposed and an asymmetry is tacitly accepted whereby trans membership in the category requires justification (where non-trans membership does not).

Versions of the “beyond the binary” account likewise fall prey to this problem. Consider the claim that trans people are problematically positioned with regard to the binary categories “man” and “woman.” The account presupposes a dominant understanding of these categories where trans folk fit only marginally or where we are difficult cases not easily categorized as either. Here, a trans person could be—at most—legitimized as a (marginal) woman through some kind of process of arguing that she met enough of the dominant criteria of membership. Similarly, a trans person could be legitimized as “in-between” through a process of showing where the person conforms and where the person fails to conform to the dominant categories. In both cases the dominant understanding of the categories is presupposed and the position of trans people vis-à-vis those categories is justified by pointing to criteria of membership (unlike non-trans folk who are accepted as paradigmatic of the dominant categories and thereof in no need of justification). In short, the “beyond the binary” account gives up far too much ground.

Now at this point, I should really come clean about something. As I have framed it, a different (expanded) notion of womanhood can be found in trans subcultures. And I have spoken as if there is only this one understanding. But this is actually quite wrong. It’s hard to be trans and avoid thinking a little bit about what a woman is, what a man is, what gender is, and the like. It’s hard to avoid telling a story. So trans subculture is generally replete with multiple and sometimes conflicting stories and theories. Moreover, outside the dominant cultural arena, gender terms (“trans,” “transgender,” “transsexual,” “woman,” etc.) simply won’t stay put. For example, “transgender” is often used as an umbrella term to include all other categories (e.g., transsexuals, cross-dressers, drag queens, drag kings, some butch lesbians). However, the term is also used to *contrast* with “transsexual.” For example, “transgender” might be used to apply to individuals who live full-time in a gender role different from the one assigned at birth but without surgical intervention (as opposed to transsexuals who do avail themselves of surgical intervention). Such meaning variability also concerns terms such as “woman” and expressions such as “trans woman.” Instead of understanding “trans woman” as a subcategory of an expanded category of womanhood, trans women may be conceptualized as “in-between” with respect to the traditional categories where they don’t count as women *simpliciter* (i.e., as non-trans women) who *are* seen as part of the binary. There’s just no guarantee how a trans person is going to understand the term “woman” when they self-identify (or do not self-identify) with that term.

Such variability shouldn’t be mistaken for an “anything goes” free-for-all. In such contexts, the use of these gender terms is subject to some constraint. Moreover, while there’s variability in meaning, there’s also a fairly common linguistic practice. As I’ve argued elsewhere, claims about self-identity in (some) trans subcultures have the form of first person present-tense avowals of mental attitudes (e.g., “I am angry at you”).<sup>10</sup> This means the shift in meaning involves far more than an expansion of category, but rather a change in use, reflected in the grammar of first/third person assertions. In this case, it’s no longer merely a question whether the category is truthfully predicated of the object in question. Instead, there is an avowal which is the prerogative of the first person

alone. And while there are cases of defeasibility, first person avowals of gender are presumptively taken as authoritative. Fundamental to this practice is the idea that gender categories don't merely apply (or fail to apply) on the basis of objective criteria. Rather, they're adopted for personal and political reasons. For example, the category "trans woman" might be dis/avowed because the category doesn't speak to "who they are," because it doesn't fit (i.e., feel right). Alternatively, it may be taken up or disavowed on political grounds alone. Insofar as such considerations are fundamental to the very practice of gender attribution in these contexts, it's easy to see why this is such a shift from the dominant practice of gender attribution which operates independently of such considerations. The shift makes room for the "multiplicity of meaning" by allowing first person authority over both gender avowal and the very meaning of the avowal.

The point I've been defending in this essay is that accounts which take for granted singular, fixed meanings are not well equipped to provide a liberatory theory. Not only do such accounts fail to square with the simple empirical fact that central terms are used in trans contexts in multiple and contested ways, they undermine trans self-identifications by foreclosing the possibility of this multiplicity. These stories do so, in part, because they aim to justify categorical positioning vis-à-vis a dominant understanding. This, I have argued, is to tacitly accept a marginalizing asymmetry between trans and non-trans folk from the beginning. To provide a satisfying account of trans phenomena, it seems to me, gender marginalization cannot be tacitly accepted as a starting point. The demand for justification and the demand for illumination are not the same. We need new accounts, I believe—ones that don't begin with a *justification* for trans self-identity claims, but which follow subcultural practice in taking the presumptive legitimacy of such claims for granted. But this requires *recognizing* the multiplicity of resistant meanings rather than *acquiescing* to the dominant culture's erasure of them. In my view, it's the only way to yield illuminating accounts of trans phenomena that don't themselves proceed from transphobic starting points.

#### Endnotes

1. Christine Overall. "Sex/gender Transitions and Life-changing Aspirations." In *You've Changed: Sex Reassignment and Personal Identity*, ed. Laurie Shrage (Oxford: Oxford University Press, 2009), 14.
2. Sandy Stone. "The Empire Strikes Back: A Posttranssexual Manifesto." In *Body Guards: The Cultural Politics of Gender Ambiguity*, eds. Julia Epstein and Kristina Straub (New York: Routledge, 1991).
3. Kate Bornstein. *Gender Outlaw: On Men, Women, and the Rest of Us* (New York: Routledge, 1994).
4. Leslie Feinberg. *Stone Butch Blues: A Novel* (Los Angeles: Alyson Books, 1993).
5. This is an exceptionally simplified account which glosses over significant differences among thinkers such as Bornstein, Feinberg, and Stone. However, it captures a general idea which is frequently assumed in discussions of trans issues. It is adequate for my purposes.
6. See Talia Mae Bettcher, "Appearance, Reality, and Gender Deception: Reflections on Transphobic Violence and the Politics of Pretence," in *Violence, Victims, and Justifications*, ed. Felix Ó. Murchadha (Peter Lang Press, 2006).
7. For this style of approach, see C. Jacob Hale, "Are Lesbians Women?" *Hypatia* 11 (1996): 94-121. See also Jennifer McKittrick, "Gender Identity Disorder," in *Establishing Medical Reality: Essays in the Metaphysics and Epistemology of Biomedical Science*, eds. Harold Kincaid and McKittrick (Dordrecht: Springer, 2007), 144-5 and Cressida Heyes, *Line Drawings: Defining Women through Feminist Practice* (Cornell: Cornell University Press, 2000), 83-96.

8. I am largely indebted to C. Jacob Hale for this type of view. For his related account, see "Leather Dyke Boys and Their Daddies: How to Have Sex Without Men and Women," *Social Text* 52/53 (1997): 223-36.
9. This account may assume that the trans person is connected to or participates in trans subculture.
10. See Talia Mae Bettcher, "Trans Identities and First-Person Authority," in *You've Changed: Sex Reassignment and Personal Identity*, ed. Laurie Shrage (Oxford: Oxford University Press, 2009).

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## ***The Reversibility of Teacher and Student: Teaching/Learning Intersectionality and Activism amidst the LGBTQ Protest***

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Every spring semester I teach an upper-level undergraduate course called "Philosophy of Love and Sex: Ethics, Intimate Violence, and Activism," which fulfills the diversity requirement in John Carroll University's core curriculum among other requirements. I first developed the course as a direct response to a series of four sexual assaults that had been reported on the University's campus during the fall semester of 2004.<sup>1</sup> As these tragic events unfolded, students and faculty members expressed concerns that the University's institutional structure was not as supportive of the assault survivors as it could have been and that this structure was not informed by recent and widely respected scholarship on the causes and prevention of sexual violence, especially scholarship from the most obvious sources such as feminist theory, critical race theory, and queer theory.<sup>2</sup> For example, in a campus-wide letter announcing that "several" incidents of sexual assault had occurred, administrators primarily focused on the suspicion that "date-rape" drugs were being used and on the task of raising awareness about the possibility of assault so that potential victims could "protect themselves and others."<sup>3</sup> In a follow-up memo to this letter, women were given specific recommendations such as "choose the buddy system," "pour your own drink," and "choose to communicate your desires clearly," with the parenthetical caveat that "the survivor of sexual assault is not to blame."<sup>4</sup> As a professor who had taught in a Women's and Gender Studies department before arriving at John Carroll University in September of 2004, I was troubled that the structure of my new University seemed to be affirming "rape culture"<sup>5</sup> through an embrace of traditional gender roles and suggestions that rape victims should adjust their own behavior to help minimize incidences of rape.<sup>6</sup>

This kind of institutional response to sexual assault exposes a philosophical tension present within two aspects of the University's Catholic, Jesuit identity: doctrinal Catholic attitudes toward gender and sexuality, on the one hand, and the mission of cultivating, respecting, and offering institutional protections to *all* kinds of diverse or marginalized populations, on the other. A comment by Dana M. Dombrowski, one of the student activists who helped organize the community response to the 2004 reports, makes this tension especially clear: "[T]here is never an excuse for rape...The issue at hand has been disguised as a warning for women—be very aware; someone could be using the 'date-rape' drug. However...it is primarily a crisis concerning the attitude that males hold in regard to female sexuality...In order to progressively conceive of the 'greater good,' begin by cultivating a new attitude amid our male colleagues."<sup>7</sup>

I recognized that my graduate training in Women's and Gender Studies and feminist philosophy granted me important skills that could prove useful in helping to change the campus culture and prevent intimate violence in our community. I therefore applied for a course development grant from the University's Program in Applied Ethics and set about crafting an educational space where students could not only consider what constitutes healthy sexual relationships and violent ones, but could also gain a sense of self-empowerment in regard to their own intimate histories and futures. I received the grant and first offered "Philosophy of Love and Sex: Ethics, Intimate Violence, and Activism" in the spring of 2007. The high demand for the course coupled with positive student feedback about the need for such a course on John Carroll's campus led to my offering multiple sections in 2008, 2010, and 2011.<sup>8</sup> To balance the difficult and intense nature of the course topic, I devote considerable amounts of class time to the theory and practice of activism and require that all enrolled students design and execute a collaborative "activism project" that makes a difference in our community, both in terms of preventing violence and opening our campus culture to all kinds of diversity.

Although teaching frequently involves moments of pedagogical reversibility where the "teacher" learns from her students, I experienced this reversibility in a most profound way the third time that I taught this course in the spring of 2010. Just three weeks into the semester, a group of John Carroll students staged a campus protest at a well-attended men's basketball game to ask that the University change its non-discrimination policies to include sexual orientation. "The LGBTQ protest" not only gave me considerable insight into the theory and practice of activism and showed me new ways to participate in the teacher-student relationship, but also provided the John Carroll community as a whole with opportunities to think more deeply about its core values of rigorous scholarship, diversity, and social justice for all.<sup>9</sup> In what follows, I raise and answer some scholarly questions that emerge from the events of John Carroll's LGBTQ<sup>10</sup> protest, especially in regard to the intersectionality of sexism and homophobia, the directionality of social change, and the pedagogical potentials of activism.

## I. The Events

In October of 2008, the faculty of John Carroll University made a formal recommendation to the University President and Board of Directors that the University's non-discrimination policies be amended to include sexual orientation alongside "race, age, color, sex, religion, ethnic or national origin, disability, [and] Vietnam veteran status or special disabled veteran status."<sup>11</sup> The motion to make this recommendation carried by wide measure in both the Faculty Council and the General Faculty meetings and was subsequently sent out as a written ballot to the whole faculty. The resolution passed with considerable support: ninety-five faculty members voted in favor of the resolution, eight voted against it, and seven abstained. Shortly after the vote was taken, Faculty Council officers presented the faculty's formal recommendation to the University President, Father Robert L. Niehoff.

The faculty resolution to recommend inclusion of sexual orientation in the University's non-discrimination policies is a concise document that cites three primary reasons in support of its aims.<sup>12</sup> First, the document references relevant aspects of the University's mission, including its commitment to creating "an inclusive community where differing points of view and experiences are valued" and its "appreciation that our personal and collective choices can build a more just world."<sup>13</sup> Not protecting lesbian, gay, bisexual, and queer individuals under the University's standing non-discrimination policy undermines the inclusive community and experiential diversity that the

University's Jesuit mission seeks to cultivate. Second, the resolution affirms that the faculty of John Carroll University believes that individuals should not be discriminated against in the workplace on the basis of sexual orientation. Third, it mentions a study conducted by a John Carroll student that showed that 79 percent of the twenty-nine Jesuit colleges and universities in the United States do include sexual orientation in their non-discrimination policies.<sup>14</sup>

This faculty resolution occurred at the same time that diversity was becoming a central issue at many levels of the University. The discussion at faculty meetings made clear that many faculty members were concerned about the overall campus climate for LGBTQ individuals and persons from other traditionally marginalized groups, such as women and people of color. Concurrently, the Faculty of Color Association (FOCA) and the Women's Faculty Caucus began to take a more prominent role in consulting with the University's administration on issues of diversity. In 2008, Faculty Council developed and implemented a standing committee to deal solely with matters of "gender and diversity," of which I was a member. Several faculty members were also members of President Niehoff's newly formed "Institutional Task Force on Diversity," which was convened for the purpose of making recommendations about how the University can "best coordinate [our] commitment to diversity, inclusion, and multiculturalism."<sup>15</sup> Among the many recommendations included in the Task Force's final report of October 2009 was amending the University's non-discrimination policy to include sexual orientation.

Although individual faculty members had been expressing concerns in regard to the campus climate for members of marginalized groups for years, the movement for a more inclusive campus gained considerable momentum in the five years leading up to the protest for several reasons, not the least of which is the community activism surrounding the sexual assaults of 2004. In addition, President Niehoff began to issue statements about the importance of diversity in conjunction with his 2005 inauguration.<sup>16</sup> A large portion of his inauguration speech discussed a "racial incident" that had just occurred on campus where a student had shouted racial slurs at and threatened violence toward an African-American custodian who was walking outside of the student's dormitory. President Niehoff apologized to the victim of this attack, Nelson Robinson, and inspired the University community with his call that "We must be the change we want to see in the world."<sup>17</sup> In light of these statements, faculty began to notice places where diversity was simultaneously encouraged by the administration and essentially unsupported within the foundational structures of the institution. This tension between word and deed was heightened by the absence of academic programs in Women's Studies, Ethnic Studies, and related fields; the absence of a Women's Center, LGBTQ Center, or Diversity Center; and the lack of protection and recognition for LGBTQ individuals in University policies and practices. It seemed to many that faculty members were being asked to welcome and foster diversity without being given the resources and institutional backing to do so.

On February 2, 2010—more than one year after John Carroll University's faculty had submitted its recommendation that the University's non-discrimination policies be changed—President Niehoff issued a letter to all faculty, staff, administrators, and students stating that he could not approve the faculty's resolution and that he would not expand the University's non-discrimination policy.<sup>18</sup> In his communication, President Niehoff quoted the *Catechism of the Catholic Church* as saying that GLBT individuals must be "accepted with respect, compassion, and sensitivity" and that "every sign of unjust discrimination in their

regard should be avoided.”<sup>19</sup> Rather than expand the University’s “legally mandated” non-discrimination policy to include sexual orientation, President Niehoff suggested that the University community instead adopt a “Community Standards Statement,” which would detail the University’s favorable attitude toward GLBT individuals. In other words, President Niehoff believed that a “Community Standards Statement” would essentially perform the same work as amending the University’s non-discrimination policy. The President circulated a draft of this statement to the entire campus community with his February 2, 2010, letter and asked faculty, in particular, to “promulgate” the statement so that it could be adopted by semester’s end.<sup>20</sup>

The text of President Niehoff’s “Community Standards Statement Draft” addresses three primary topics: 1) the Catholic Church’s stance against discrimination of “more vulnerable and marginalized members” of the community, 2) the Catholic Church’s moral teaching on sexual activity, and 3) the reasons why amending the University’s non-discrimination policy is an “unwise and inappropriate” action. In regard to this last topic, the statement cites as its rationale the imprecise legal definition of the terms involved, the difficulty of codifying societal attitudes, and the concern that “John Carroll University must always and will always avoid any attempts by external civil judicial bodies to determine how it may or may not conduct itself according to its special religious identity.”<sup>21</sup>

While faculty members discussed how best to respond to President Niehoff’s decision and whether to pursue official channels (as we had with our initial resolution) or to enact a more powerful challenge to the decision, several John Carroll University students took action immediately. The setting they chose for their protest was a “Jesuit Spotlight” basketball game where a prestigious faith-based student service award—the St. Edmund Campion Award—would be given at half-time. Due to the ceremony and theme, it was rumored that many of the University’s high-ranking administrators, members of the Board of Directors, and Jesuits would be in attendance. On the night of February 3, 2010, a courageous group of John Carroll University students and alumni holding rainbow flags and posters marched onto the University’s basketball court at half-time following the award ceremony. They sat down in the middle of the court and sang until they were physically escorted out one-by-one by campus security. This first stage of the LGBTQ protest lasted less than nine minutes in total, but its impact on John Carroll University’s community will resound for decades to come.

On that February night, there were many more students involved in the protest than those who sat and sang on the court. Several students were positioned in the audience with flyers that they handed out as the protesters took to the court explaining the reasons behind the demonstration. Still other students were prepared to offer support after the protest was over, not knowing what the punishment would be for the demonstrators and what kinds of logistical assistance they would need.

The protesters and their allies came from a variety of social locations and demographics and so theirs was a coalitional politics that used diversity as a resource, rather than an impediment, to activism. Many of the activists are practicing Catholics and many others identify as heterosexual. A number of the activists were leaders in student of color organizations on campus, such as the African-American Student Alliance and the Latin American Student Alliance, and others were residents of the Living Simply environmental justice community. When I asked the activists if these intersectional coalitions were intentional organizing strategies, they responded that students from all of these marginalized groups were already friends with each other. The formation of such personal and political coalitions between members of seemingly distinct oppressed

groups prior to and during the LGBTQ protest reflect a felt awareness of the ways that sexism, homophobia, and racism are often interwoven in the fabric of John Carroll’s institutional culture.

News of the protest spread quickly thanks to the many advances of our technological age. One individual filmed the entire protest, which is now readily available on YouTube and had garnered 26,000 views by the time that this article was written, 10,000 of which occurred during the first week following the protest.<sup>22</sup> The *Cleveland Plain Dealer* wrote an article on the protest, a segment about the protest aired on the local news, links to the protest were being posted on LGBTQ listservs across the country, and Perez Hilton posted the news on his celebrity gossip website.<sup>23</sup> President Niehoff flew back from a funeral he was attending in Jamaica on short notice to address the situation and held an emergency meeting with the campus community on the morning of Sunday, February 7, 2010. At that meeting, students expressed well-crafted arguments about the need for the inclusion and recognition of LGBTQ individuals in the University’s policies and practices. Students also made it clear to all present at that meeting that they would not stop demanding justice until the University changed its non-discrimination policies.<sup>24</sup>

In the weeks that followed, the students formed an unofficial student organization called “The Concerned Collective,” which, among many other activities, staged a round-the-clock rolling hunger fast in the Student Center Atrium and organized its members to remain standing at the 10:00 p.m. mass each Sunday until the policies were changed. Such actions led to the students being allowed to speak at the March 10, 2010, meeting of the University’s Board of Directors and present their case. During this time, the student activists weathered much hostility from other students in person and online, including the formation of a Facebook group designed to counter the work of the LGBTQ activists and allies called “Bringing Back JCU.” Many of the students also received formal warnings from administrators that stated that the formal conduct process would be initiated if their protests interfered with classes, activities, and the overall functioning of the University.

Despite these hardships, The Concerned Collective prevailed. The Board of Directors ultimately supported the students’ views and the University’s non-discrimination policy was subsequently changed in September of 2010. Discrimination against LGBTQ members of the University community was now officially prohibited.

## II. The Intersectionality of Sexism and Homophobia

One of the greatest benefits of teaching courses on diversity and oppression at a Catholic Jesuit institution is that the students are by and large already committed to the aims of social justice and to the belief that they are in part responsible for ensuring equity and justice in their communities. For example, during the 2009-2010 academic year John Carroll students performed 38,788 hours of community service, which is significant considering that total University enrollment including graduate students is roughly 3,700. The majority of my students take seriously the task that Jesuit priest Pedro Arrupe has termed becoming “men and women for others” and this attitude can provide a ready entry into the perspectives of oppressed/resistant individuals and marginalized groups.<sup>25</sup>

Although cultivating social justice is an essential part of the University’s mission and curriculum, there are multiple ways to interpret this core value, some of which are more desirable than others. Specifically, I believe that it makes a world of difference both in the overall campus climate and the impact of social justice initiatives whether the University’s mission is informed

by an “additive” analysis of oppression or an “intersectional” analysis.

The concept of “intersectionality” represents what is probably the most significant advance in feminist theory in the last three decades. Kimberlé Williams Crenshaw was one of the first theorists to use the term in her account of rape and domestic violence, specifically as these abuses pertain to women of color, whose experiences have been repeatedly marginalized by those views that see racism and sexism as distinct oppressions.<sup>26</sup> Whereas an intersectional approach to oppression makes visible the unique kinds of discrimination that a person located at the crossroads of two or more oppressions experiences, an additive analysis tends to see each oppression as separate from the others. For example, according to the additive view, a student who is a black woman is potentially subject to at least *two* kinds of oppression due to her identity: sexism and racism. On this analysis, it is theoretically possible to eliminate sexism on campus, but still have racism, and vice versa. It is also theoretically possible for a person to be sexist, but not be racist, and to be racist, but not be sexist. Alternatively, an intersectional analysis suggests that the characters of racism and sexism change in fundamental ways when they crisscross in the lives of women of color. Intersectional theory maintains that not only is a black woman likely to experience sexism differently than a white woman, but racism and sexism are intertwined oppressions. In other words, the eradication of one oppression necessarily depends on the eradication of the other.

Given the above descriptions, it is logically consistent for a person who holds an additive analysis of oppression to believe in the social justice mission of the University in some areas and at the same time believe that since John Carroll is a Catholic university it need not include sexual orientation in its non-discrimination policies. Such a person could also believe that not including sexual orientation in the University’s non-discrimination policies in no way affects the University’s stance on racism, ageism, sexism, religious discrimination, ableism, and those “other” oppressions listed in its non-discrimination policies. However, a person who operates according to an intersectional analysis of oppression could not logically hold all of these beliefs at the same time. Indeed, this person would find the social justice orientation of the University mission and the drive to fight against certain “model” oppressions like racism and sexism thoroughly incompatible with the exclusion of sexual orientation from the University’s non-discrimination policies. After all, there are LGBTQ individuals who are women, people of color, veterans, people of diverse faiths, and people of different abilities. I believe that it is precisely this discord between an intersectional understanding of oppression and the University’s practices that helped to fuel the LGBTQ protest, as I will explain below.

Many theorists locate the intersections of sexism and homophobia in the common tools of domination that propel them, such as economic exploitation, threats of violence, and normalizing disciplinary techniques like stereotyping, blaming, isolating, and assimilating.<sup>27</sup> Although I agree that seemingly distinct oppressions often share a reliance on such techniques, I ultimately think that such an analysis allows for too much contingency in regard to the connections between oppressions. Just because two oppressions work according to the same technologies of domination does not mean that having the beliefs or attitudes necessary for one entails having the beliefs and attitudes necessary for the other or that one is an integral component of the other. I think that the circumstances of the LGBTQ protest make the mutual entailment of sexism and homophobia especially discernible and therefore provide us with important tools to extend our ideas of intersectionality.

As Michel Foucault indicates in the first volume of his *The History of Sexuality*, Catholic teaching and practice often codifies in explicit ways the relationships among productive power, social norms, and sex that are operative but less perceptible in wider society.<sup>28</sup> I believe that the Catholic context of the LGBTQ protest gave heightened visibility to the way that normative power was/is functioning to control the University population and that this is partly why so many individuals on both sides of the debate had such strong reactions to the issue. In what was for the protesters and their allies the most incendiary paragraph of President Niehoff’s “Community Standards Statement Draft,” he writes,

Not only does the University call upon each and every one of its members to respect and honor all other members as brothers and sisters in one Lord God, it also draws to the attention of all its members the traditional Catholic moral teaching that properly locates sexual activity within the relationship of a man and a woman united for life through marriage as husband and wife. Our religious identity therefore impels us to recognize the norm of chastity for everyone, whether homosexual or heterosexual, just as that same identity likewise impels us to recognize the norm of universal love and respect.<sup>29</sup>

Reading this passage, we cannot help but notice the affirmation of traditional gender roles throughout. In the same document that states that “transgender students, faculty, staff, and administrators are welcome members of the University community, as the children of God they are,” President Niehoff calls upon the campus community to respect its members *as brothers and sisters*. The proclamation thus disappears transgender individuals at the same time that it speaks for their inclusion. Moreover, the gender roles that this passage affirms are explicitly heteronormative, for a woman is identified with her ability to become a “wife”—one who desires to be united to a man for life through the sacrament of marriage. This narrow interpretation of gender roles not only excludes lesbian, gay, bisexual, and transgender individuals from having a gender role (Is a lesbian a woman or a man according to this view?) and therefore from participating in “proper sexual activity,” but also excludes any individual who is even a little bit “queer,” in the literal sense of the term as “straying from the norm” as is the case with unmarried individuals, asexuals, or tomboys.

If, along with thinkers such as Monique Wittig and Judith Butler, we take seriously the idea that a person’s language, concepts, and structures of thinking help to constitute her reality, her behaviors, and her planes of possibility—and as an educational institution we must for dismissing such an idea undermines our reasons for being—then we are compelled to strive to think, speak, and model liberatory words and concepts in all of our activities.<sup>30</sup> We are obliged not only to be cognizant of the literal meanings of what we say, but also of the *performative* meanings of our speech and of the discriminatory categories of thought with which our speech tallies. Although the “Community Standards Statement Draft” was explicitly intended as a document of inclusion, it also performed exclusion as a result of its conceptual structure, which embraces and naturalizes traditional gender roles and the primacy of heterosexual unions that are sanctioned by church and state.

The performative hierarchies and exclusions present in the language of the first sentence of the above passage are further entrenched by its second sentence, which enacts a curious deconstruction of its predecessor. According to the first sentence, the proper location of sexual activity is within heterosexual marriage and yet, by way of the second sentence,

we are told that there is a “norm” of chastity for everyone. Unless President Niehoff is equating chastity with heterosexual marriage, there are at least two “community standards” operative in the passage: one for heterosexual married individuals and one for everyone else. If this interpretation is correct, then the tone of the passage is potentially captured by the famous Orwellian phrase “All animals are equal, but some are more equal than others.”<sup>31</sup> Even if chastity is expected in marriage outside of “procreative” activities, that chastity and its transgressions are not surveyed and disciplined in the same way as they are in regard to non-heteronormative members of the community. A case in point is “the distinctions between sexual orientation and sexual conduct essential to Catholic teaching” that President Niehoff cited as a justification for not amending the University’s policies.<sup>32</sup> A charitable reading of this idea is that homosexual orientations are welcomed and accepted, but actually practicing homosexual sex is not. The change in the non-discrimination policies that the faculty had requested mentions nothing about “sexual conduct” and rightfully so, for it would be absurd (not to mention illegal and likely immoral) to examine a faculty member’s actual sexual practices to see whether that individual should be protected under the University’s policies. However, President Niehoff’s mention of sexual conduct indicates that LGBTQ individuals occupy a different moral category than heterosexual individuals in regard to the “norm” of chastity. From a purely logical perspective, the mention of sexual conduct in this context would make sense only if it were fueled by a belief that either a) LGBTQ individuals are less likely to comply with the “norm” of chastity than heterosexual individuals and that therefore protecting them in University policies would be equivalent to sanctioning violations of Catholic teaching or b) when LGBTQ individuals violate the “norm” of chastity for everyone it is of much greater concern than when heterosexual individuals do so and that therefore it is more important for institutional structures to regulate the activities of those individuals through its official sanctions and exclusions. In the absence of this conceptual structure that entails the differential treatment of those with heterosexual and non-heterosexual orientations, we would be hard-pressed to find a reason why sexual conduct would be relevant to a discussion about changing the University’s non-discrimination policies.

The use of the word “norm” in the passage speaks to this point, for “norm” is certainly not being used in a descriptive sense to say that it is “normal” for people (and college students, in particular) to either be chaste or confine sex within heterosexual marriage. Rather, the word is used here to indicate that chastity is a “norm” in the Foucauldian sense of the term: a standard of behavior by which people measure themselves and others and toward which the community and the institution aspires.<sup>33</sup> My concern is that when the “norm” of chastity is spoken in conjunction with the pronouncement that “the proper location of sexual activity” is heterosexual marriage, the norm will most likely become operational in the community only as a means to police and discipline the behavior of those individuals who cannot be seen as part of a vision of heterosexual marriage. Read thus, the language of the “Community Standards Statement Draft” sends a mixed message about who is included in all of the protections of the community at best, and performatively sanctions discriminatory behavior against non-heteronormative community members at worst.

We can see from this brief analysis of the ideas animating President Niehoff’s “Community Standards Statement Draft” that sexism and homophobia are related, not simply because they both work according to norms backed by institutional power, but because the conceptual structure required by one

entails the conceptual structure of the other. This is the power of an intersectional analysis and its importance in resisting multiple, intertwined oppressions. Inherent in President Niehoff’s proclamation that the “proper location” of sexual activity is between husband and wife is not only an affirmation of the primacy of heterosexuality, but also a vision of the “proper woman” and the “proper man.” The concepts of “woman” and “man” that are proliferated in heteronormative culture always already involve a heterosexual orientation, not to mention images of race, age, and ability. Indeed, in the academic world of the twenty-first century, the assumed attribute of hetero-desire is perhaps the most efficient way to demarcate stereotypical categories of “woman” and “man.” Not only does a homophobic orientation necessarily entail believing, however consciously or implicitly, in some version of hard and fast gender roles, but it also entails the belief that these “hard and fast” differential social groups warrant differential treatment and regulation.

According to this interpretation, it is easy to see why an institution that would address sexual assault on campus by suggesting restrictions on women’s behavior would also choose to exclude sexual orientation from its non-discrimination policies. These are not separate issues, but symptoms of the same underlying conceptual structure. If one believes that women are essentially different kinds of beings than men, especially in regard to men’s purportedly uncontrollable desire to transgress “the norm of chastity for everyone,” then it would make sense that one would also believe that regulating women’s behavior is the most efficient way to prevent sexual assault on campus. Bound up with this kind of institutional response to sexual violence and its embrace of normative and naturalized gender categories is also the assumption that sexual violence is always *heterosexual* violence, thus disappearing students who are survivors of same-sex violence or family violence, or who are harassed and threatened due to their sexual orientation. In like manner, responding to concerns that LGBTQ members are excluded from the community by offering “community standards” that affirm (that is, offer special protection to) the social locations of “husband” and “wife” and their college-aged precursors, encourages the disproportionate surveillance of the sexual conduct, however broadly defined, of LGBTQ individuals and “un-wifely” women over that of others. In both cases, the intentions to protect women and LGBTQ individuals and include them centrally in the activities and visions of the University are co-opted by a singular conceptual structure that performs the differential treatment and regulation of these groups. I suspect that the same phenomenon of dissonance between institutional proclamations of racial inclusion, on the one hand, and conceptual/institutional structures and practices, on the other, helped lay the groundwork and create the opening for “the racial incident” on campus that targeted African-American custodian Nelson Robinson.

### III. The Directionality of Social Change

In addition to the problem of how best to understand the nature of oppression, the LGBTQ protest encourages us to attend to the directionality of change within institutions, activist collectives, and selves. Where does the impetus for change begin? At whose direction is change fueled, halted, and proliferated? And, how does change flow through the selves and structures of a community?

At first glance, it seems that the events of the LGBTQ protest speak to the effectiveness of bottom-up movement, wherein the University’s policies were amended not at the direction of the president, vice presidents, and deans, but as a result of the will of the campus community itself. Although I wholeheartedly believe that the student activists were the ones who made the policy

changes happen and made the campus climate subsequently more welcoming of LGBTQ individuals, I do not believe that these facts absolve administrators and faculty members of their responsibilities to build inclusiveness into the very structure of the institution, whether or not they have the approval of their constituency. In other words, the idea that lasting change is best accomplished from the ground up should never be used by officials as an excuse to avoid making potentially unpopular decisions. What the student activists knew prior to the protest just from being students at John Carroll—many of whom had been leaders in a variety of social justice and service projects since they arrived as well as high achievers in academics—is that they could not change the campus culture by themselves. These students believed that having high-ranking and visible members of the campus community model the courage that it takes to stand up for LGBTQ persons in the policies that they condone was an essential step towards tilting the campus climate in favor of inclusiveness rather than homophobia. I agree that teachers and administrators cannot force their students to think in certain ways, nor should they. However, I think that education at its best, and philosophical education in particular, should show students possibilities for thinking and being differently than the status quo, especially when justice, rationality, and humaneness demand it. Necessary institutional and cultural changes such as fully acknowledging and including LGBTQ persons centrally in the campus community should therefore be supported by the very fabric of an institution and by its teachers and leaders. As a faculty member at John Carroll University, I am thus deeply embarrassed that the responsibility for teaching the campus community this lesson and showing the members of our community how we could be persons for others fell on the shoulders of these students, but I will be forever grateful to them for doing so.

From the perspective of the student activists, the question of the proper direction of change surfaced in the forms of traditional activist dilemmas: whether to use reformist or radical strategies to meet their goals and whether to have leaders or a collective without hierarchy. The students held no illusions that changing the University's non-discrimination policies would in itself fix all of the problems with the exclusion, marginalization, and intolerance of underrepresented groups in the campus culture. As a result, their organizing involved many debates about whether to ask for additional structural changes alongside their demand that the policies be amended. In the end, The Concerned Collective settled on fighting only for the policy change because such an amendment would serve a symbolic function in addition to providing actual legal protection for LGTBQ persons. A subgroup of students who would present arguments in favor of amending the University's policies to the Board of Directors was formed; their calls for the Board of Directors to act in accord with the University's Catholic Jesuit mission represent reformist activist tactics at their best. As these students were preparing their arguments, other students were demonstrating, fasting, and raising awareness at what they came to call "Camp Hope"—a well-trafficked area in the Atrium of the Student Center that they made sure was occupied by student activists twenty-four hours a day, despite warnings from administrators that they could not bring additional furniture to sit on and that they had to vacate the area from 3:00 a.m.-5:30 a.m. for cleaning. The Concerned Collective had additional radical strategies organized and ready to be implemented should the Board of Directors decide against amending the University's policies. This combination of reformist and radical tactics, that is, tactics that work within the current institutional structure and those that work to restructure the institution, was highly effective in achieving the Concerned Collective's goals and did so in a very short time.<sup>34</sup>

#### **IV. The Pedagogical Potentials of Activism**

The student protesters and The Concerned Collective not only exposed the John Carroll community to several "teaching moments," but also taught us vital lessons about the meaning of the University's mission, the theory and practice of activism, and the importance of responding to injustice reflectively and courageously. In addition to recognizing what these students have done for our University community, I would also like to offer a few pedagogical remarks about what participating in activism can do for the students themselves, especially if that activism is integrated with the University's curriculum. First, offering opportunities for activism in one's courses and supporting community activism outside of the University's official program of study encourages students to take responsibility for their own learning by identifying what issues are important to them and designing and executing methods for addressing those issues. Activist experiences therefore foster creativity in students and provide them with opportunities to be engaged participants in their own learning. Second, activist projects invite students to have first-hand experiences organizing, communicating, and cultivating relationships with other people, many of whom may have different ways of looking at the world. Such practical, experiential learning helps to prepare students for work in a variety of different careers and for life in general. Finally, activist experiences frequently empower students to trust their own abilities more than they ever have before and inspire them to follow their greatest hopes and dreams. I suspect that the impact of their actions on John Carroll's policies and community will result in students who are less likely to doubt their ability to make a difference and less likely to question the importance of their contributions to the world. What the LGBTQ protest taught its participants is an invaluable lesson: that they can make a difference if they work together and refuse to give up.

In December of 2009—approximately two months prior to the protest—more than one LGBTQ student told faculty members that they had experienced harassment and threats by other students in their dormitories in regard to their sexual orientation. Just as with the sexual assault incidents of 2004, there was concern that the institutional structure was not as supportive as it could be of victims of homophobic harassment and violence. A group of concerned faculty members organized and decided that one way that the faculty could effect positive changes in the campus climate was to develop and team-teach an "Introduction to Queer Studies" course, which would provide students with a scholarly space where LGBTQ voices and perspectives could be acknowledged and engaged. This course is currently being taught by a team of ten faculty members and is maximally enrolled with twenty-five students. It is my hope that by sharing this essay with students in the "Introduction to Queer Studies" course and in my "Philosophy of Love and Sex: Ethics, Intimate Violence, and Activism" classes that I can contribute to and help to maintain the fruitful dialogues sparked by the LGBTQ protest.

Although many members of John Carroll's community believe that including sexual orientation in the University's non-discrimination policies is the right thing to do, it is important that we strive to articulate *why* it is the right thing to do as a community. It is also important that we continue to discuss justifications for the protesters' actions, even if the policy has since been amended. This essay offers one community member's interpretation of why it is right for John Carroll University to include sexual orientation in its non-discrimination policies and why the activist strategies employed by The Concerned Collective were largely successful. Both of my explanations hinge on an intersectional understanding of oppression whereby the conceptual structures necessary to

maintain one oppression such as homophobia is entailed by those necessary to sustain other oppressions such as sexism and racism. If an intersectional analysis of oppression is on track, then it is no wonder that the everyday experiences of students who belong to seemingly disparate marginalized groups on campus—LGBTQ students, feminists, women, people of color, and their allies—intertwined in such a way during the LGBTQ protest so as to form the basis for a radical, powerful, and lasting coalition. Only through having these conversations as a community and integrating theory and practice, thought and performance, scholarship and policy will we be able to envision and enact the kind of inclusive campus toward which the activism of The Concerned Collective points us. And, only by encouraging the continuous reversibility of teacher and student will we be able to engage these conversations to their fullest potential and to reach ours, both as individuals and as an educational community.

**Postscript:** As of the time of this publication, John Carroll University has two different anti-discrimination policies, and the issue of which is the authoritative one is still being resolved. It remains unclear, therefore, whether student demands have been fully met.

#### Acknowledgments

I would first and foremost like to thank the courageous students and alumni who organized and participated in the LGBTQ protest for igniting dialogue and change in our community. Conversations with the students in my spring 2010 Philosophy of Love and Sex course and students in the first Queer Studies course taught at John Carroll during the spring of 2011 also helped me to formulate many of the ideas in this essay. In addition, I am sincerely grateful to those students and faculty members who participated in discussions with me about this paper at various stages in its evolution: Alix Audi, Chris Axelrod, Sephora Fadiga, Peter Hayden, Kevin Henderson, Kristen Kolenz, Barrie Landrock, Courtney Miller, Anastasia Mitchell, Marissa Patsey, Dr. Mindy Peden, Natalie Terry, Andy Trares, and Bridie Wyrock. Andy Trares, in particular, clarified many of the details of the events for me. Finally, students Brian Bayer and Nick Wojtasik helped me to find the articles on the sexual assaults of 2004 from the *Carroll News* archives.

#### Endnotes

1. For relevant news stories on these events see Barb Galbincea, "JCU Investigates Assault Reports: Women Haven't Filed Complaints or Charges," *Cleveland Plain Dealer*, December 4, 2004; Jesse Tinsley, "JCU Students Plan Demonstration Over Sexual Assaults," *Cleveland Plain Dealer*, December 7, 2004; Greg Hoener, "Four Sexual Assaults Reported," *Carroll News*, December 9, 2004; Regina Brett, "Assault Allegations Change John Carroll Image," *Cleveland Plain Dealer*, December 10, 2004; "John Carroll Informs Students of Three Sexual Assaults," WKYC.com, December 2, 2004, [http://www.wkyc.com/news/news\\_article.aspx?storyid=27136](http://www.wkyc.com/news/news_article.aspx?storyid=27136); "JCU Students Come Together to Stop Sexual Assaults," WKYC.com, December 7, 2004, [http://www.wkyc.com/news/news\\_article.aspx?storyid=27344](http://www.wkyc.com/news/news_article.aspx?storyid=27344); Lisa Schwan, "Sexual Assault Suspect Expelled," *Carroll News*, January 27, 2005; and "John Carroll University, OH: Rape/Sexual Assault," Campus Incident Reports, *Campus Watch* 12, no. 1 (2006): 6.
2. For example, one news article reports that "some [students] suggested that victims should be allowed to report attacks to someone who wouldn't intimidate them." "JCU Students Come Together to Stop Sexual Assaults," WKYC.com, December 7, 2004. [http://www.wkyc.com/news/news\\_article.aspx?storyid=27344](http://www.wkyc.com/news/news_article.aspx?storyid=27344). Another quotes student Nathan Szabo as saying, "Something needs to be changed and it can't be solved by an e-mail and a simple meeting." Jesse Tinsley, "JCU Students Plan Demonstration Over Sexual Assaults," *Cleveland Plain Dealer*, December 7, 2004.
3. Patrick Rombalski, Vice President of Student Affairs and Dr. Sherri Crahen, Dean of Students, E-mail message to all John Carroll University students, faculty, staff, and administrators, December 1, 2004.

4. Dr. John Harshbarger, "What Can the John Carroll Community Do to Prevent Sexual Assault?" Memo to all students, faculty, staff, and administrators, December 2004.
5. For scholarly discussions of the concept "rape culture," see the anthology *Transforming a Rape Culture*, eds. Emilie Buchwald, Pamela R. Fletcher, and Martha Roth (Minneapolis, MN: Milkweed, 1993).
6. As a result of the community response to the events of fall semester 2004, John Carroll's institutional support structures for survivors of intimate violence have improved considerably in the past seven years. For example, in 2008 Student Affairs won a competitive grant from the United States Department of Justice Program to Reduce Domestic Violence, Dating Violence, Sexual Assault and Stalking. This grant has helped Student Affairs create and staff a Violence Prevention and Action Center, which runs a 24-hour violence hotline and organizes a variety of educational activities for students.
7. Dana M. Dombroski, "JCU Students Take a Stand against Sexual Violence," Cleveland Indy Media Center, December 6, 2004. <http://cleveland.indymedia.org/news/2004/12/13851.php>.
8. The course was not offered in the spring of 2009 because I was on leave with a George E. Grauel Faculty Research Fellowship.
9. See John Carroll University's "Vision, Mission, Core Values and Strategic Initiatives Statement," *John Carroll University Undergraduate Bulletin, 2009-2011*, p. 7. The statement is also available at <http://www.jcu.edu/undergraduatebulletin/mission.htm>.
10. LGBTQ is commonly used to stand for "lesbian, gay, bisexual, transgender and/or transsexual, and queer and/or questioning."
11. This version of the Non-Discrimination/Equal Employment Opportunity Policy is located in John Carroll University's *Faculty Handbook*, p. 18 and in the *Undergraduate Bulletin 2009-2011*, p. 2. The new policy has been available on line since September 2010 at [http://www.jcu.edu/fas/docs/hrpolicies/EO\\_Policy.pdf](http://www.jcu.edu/fas/docs/hrpolicies/EO_Policy.pdf).
12. John Carroll University Faculty Council, "Resolution for Non-Discrimination of Persons Based on Sexual Orientation in the Workplace," October 8, 2008.
13. John Carroll University's "Vision, Mission, Core Values and Strategic Initiatives Statement."
14. Jeremy Bryan Coats, "Study of Non-Discrimination Policies: Jesuit and NOCHE Four-year Colleges and Universities," June 28, 2008 (unpublished). At the time, Coats was a graduate student and research assistant in the English Department who was asked to compile this information for the Institutional Task Force on Diversity. This study subsequently became a subject of controversy as the events that I detail below began to unfold because the study mentions Xavier University in the list of Jesuit universities that include sexual orientation in their non-discrimination policies. However, whereas Xavier University does address sexual orientation in its *Student Handbook 2010-2011* (p. 6), it does not include sexual orientation in its Equal Employment Opportunity Policy. Thus, the question as to whether this confusion was made in the case of any of the other Jesuit schools was raised by John Carroll's President and administrators.
15. Institutional Task Force on Diversity, Final Report, October 2009, 1.
16. The full text of President Niehoff's October 11, 2005 inauguration speech can be found here: [http://www.jcu.edu/president/inauguration\\_address.htm](http://www.jcu.edu/president/inauguration_address.htm).
17. *Ibid.*
18. Robert L. Niehoff, Letter to Dr. Paul Shick, chair of the Faculty Council, January 27, 2010, and Letter to John Carroll University students, faculty, staff, and administrators, February 2, 2010.

19. Robert L. Niehoff, Community Standards Statement Draft, an enclosure of his February, 2, 2010, Letter to the University community.
20. Robert L. Niehoff, Letter to Faculty Council Chairman, Paul Shick, January 27, 2010.
21. Robert L. Niehoff, Community Standards Statement Draft, February, 2, 2010.
22. "John Carroll University GLBT Protest" at <http://www.youtube.com/watch?v=Nc3ergeeZok>.
23. Janet Oboken, "Discord Grows at JCU over Anti-Bias Policy that Excludes Gays," *Cleveland Plain Dealer*, February 6, 2010; Perez Hilton, February 8, 2010, <http://perezhilton.com/>. See also Emily Gaffney, "Mixed Feelings about LGBT Methods," *Carroll News*, February 18, 2010, and Karen Farkas and Mark Gillispie, "Students Got JCU to Change the Institution's Bias Policy," *Cleveland Plain Dealer*, January 24, 2011.
24. Senior Andy Trares is quoted saying as much in Oboken's article.
25. Pedro Arrupe's address to the "Tenth International Congress of Jesuit Alumni of Europe," Valencia, Spain, July 31, 1973. Note that this famous Jesuit phrase affirms a binary gender system.
26. Kimberlé Williams Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum* (1989): 139-167 and "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1241-1299.
27. See, for example, Suzanne Pharr, *Homophobia: A Weapon of Sexism* (Berkeley, California: Chardon Press, 1997), 53 and Carol J. Adams, *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory* (New York: Continuum, 1990), especially Chapter Two.
28. Michel Foucault, *The History of Sexuality, Vol. 1*, trans. Robert Hurley (New York: Vintage Books, 1978). See especially Foucault's discussion of the sacrament of confession, 18-20. For an account of the differences between productive power and restrictive power, see Foucault's analysis of lepers and plague victims in *Abnormal: Lectures at the Collège de France 1974-1975* (New York: Picador, 2003), 31-54. I am grateful to Dr. Dianna Taylor for pointing me to this last reference by teaching about it in John Carroll's first Queer Studies course, which was offered in the spring of 2011.
29. Robert L. Niehoff, Community Standards Statement Draft, February, 2, 2010.
30. See Monique Wittig's essay "The Straight Mind" in *The Straight Mind and Other Essays* (Boston: Beacon Press, 1992), 21-32 and Judith Butler's *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).
31. George Orwell, *Animal Farm* (New York: Plume, 2003).
32. Robert L. Niehoff, Community Standards Statement Draft, February, 2, 2010.
33. See, for example, Foucault's discussion in *Abnormal: Lectures at the Collège de France 1974-1975* (New York: Picador, 2003), 162-63. Again, I am grateful to Dr. Dianna Taylor for pointing me in the direction of this reference in her January 20, 2010, lecture to the team-taught Queer Studies course.
34. For an account of how a similar mixture of tactics functioned successfully in the anti-rape movement, see Maria Bevaqua, "Anti-rape Coalitions: Radical, Liberal, Black, and White Feminists Challenging Boundaries," *Forging Radical Alliances across Difference: Coalition Politics for the New Millennium*, eds. Jill M. Bystydzienski and Steven P. Schacht (Lanham, Maryland: Rowman & Littlefield, 2001), 163-176.

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## ***A Critique of the Impeded-Function Objection to Gay Sex***

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The current debate in the United States over legal recognition of same-sex marriages—marriages which the Vatican has forthrightly condemned as unnatural—has revived once again the question whether gay sex is immoral because it goes "against nature."<sup>1</sup> "Nature," "natural," and "unnatural" are notoriously vague and ambiguous terms. I want to focus on one objection to gay sex that depends on the idea of unnaturalness—the "impeded-function" objection, as I will call it—that has long been important to traditional Catholic sexual morality but that has been influential even outside of Catholic tradition. I will argue that this objection fails to provide any good reason to think gay sex is immoral. Some of the points I make will be familiar, but I hope to add some new twists to the discussion with the aid of contemporary biologists and, especially, my own students. In the course of what follows, I do not, of course, mean to imply that same-sex relationships are merely sexual, and in speaking of "gay" sex, I mean lesbian sex as well as sex between males.

The objection to gay sex that it impedes the functions of nature may be formulated as follows:

1. The natural purpose or biological function of the sex organs is procreation.
2. It is unnatural and so morally wrong to frustrate the natural purposes or biological functions of our body parts.
3. Gay sex is inherently non-procreative.
4. Therefore, gay sex is unnatural and wrong.

The first premise presupposes that procreation is the only natural purpose or biological function of sexual organs. The second is a principle implicit in much natural-law thinking. The point of the argument, of course, is to condemn gay sex—like other inherently non-procreative sexual acts including heterosexual sodomy, bestiality, and masturbation—because it is "intrinsically unfit for generation."<sup>2</sup>

On this account, merely using a body part in ways that go beyond its natural purpose need not be unnatural or immoral. Otherwise wearing eyeglasses and earrings would be ruled out, given that the nose was not designed to support the eyeglass frame and the ears were not designed to bear earrings. What is supposed to be problematic is *impeding* the function of the body part: that is, preventing the function from being carried out or at least reducing its effectiveness. Contemporary critics of the impeded-function argument—and of the natural-law theory itself—too often rely on purported counterexamples that blur or ignore this key distinction between going beyond a function and impeding it.

Note, too, that the impeded-function argument does not require that every sexual act be performed with a procreative intention; nor do contemporary natural-law theorists inside and outside the Vatican.<sup>3</sup> Although morally permissible sexual acts must be capable of leading to procreation, and must not be intended to be non-procreative, procreation need not ever enter the minds of those engaging in the sexual act. This is supposed to allow for the moral acceptability of consensual vaginal intercourse between infertile partners in a heterosexual marriage.<sup>4</sup>

Let's put aside for the moment doubts about the correctness of the presumption that the genitals have only one natural purpose, and examine instead the crucial second premise in the argument: the principle that it is unnatural and so immoral for a person to frustrate the natural purpose of any of his or her body parts. Is this natural-law principle plausible as a moral principle? In offering examples of actions or choices that are morally permissible despite their function-impeding unnaturalness, critics have understandably chosen to give special attention to body parts other than the sex organs. Burton M. Leiser explains the natural-law principle under consideration in terms of contrariety to or inconsistency with the natural functions of body parts. But he slides without warning into talk of using body parts for purposes for which they were not biologically designed, as when he defends the use of some organs to serve functions that aren't "a part of the original design."<sup>5</sup> Partly because Leiser runs together the distinct issues of impeding a natural function and going beyond it, he fails to provide non-sexual counterexamples to the principle: wiggling one's ears, using one's eyes to make a living as a model or actor, and removing staples with one's teeth.<sup>6</sup> Ears are for hearing and—via the inner ear—for balancing; but evidently one can still hear and keep one's balance even if one is amusing friends with impressive displays of ear wiggling. Eyes are for seeing, of course, a function entirely compatible with modeling and acting. Teeth are presumably for biting and chewing; clearly, taking out staples with one's teeth requires biting. Leiser's examples are toothless.

James Rachels does no better. Like Leiser he conflates function-impeding uses of body parts with uses that go beyond natural functions, and for this reason, his own counterexamples fail. Flirting or signaling with one's eyes need not frustrate their visual function, and even snapping one's fingers to music need not frustrate their "grasping and poking" functions.<sup>7</sup> Along the same lines, John J. McNeill errs by overlooking the distinction between general and specific uses of body parts. He says: "We do not find it 'contrary to nature' that human beings have taken the hands that evolution which biological evolution provided as grasping instruments and employed them in the ideal creative pursuits of wielding a brush or a pen."<sup>8</sup> But the obvious reply is that painting and writing exercise rather than impede the grasping function of the hands.

Over the years that I have taught natural-law theory and its application to gay sex in introductory ethics courses, my own students have shown much more cleverness than the professional philosophers in devising counter-examples that pose a serious challenge to the natural-law principle in the impeded-function argument.<sup>9</sup> Here is a sampling of their counterexamples:

1. Keeping one's eyes closed or wearing a blindfold.
2. Wearing a nose plug or earplugs.
3. Holding one's breath.
4. Using antiperspirant.
5. Taking antihistamines to inhibit white blood cells from releasing histamines in the presence of allergens.
6. Taking an anesthetic to inhibit the sensation of pain.
7. Bottle-feeding rather than breastfeeding.
8. Shaving one's head or face.
9. Drawing or painting by means of an implement gripped between one's toes (as in the case of disabled Irish artist Christy Brown, depicted in the 1989 film "My Left Foot").

On their face, all of these cases involve the frustration of biological functions of body parts. But are they effective as

counterexamples? Various strategies of rebuttal are available to Natural Law theorists.

One initially plausible rebuttal is that most of the examples involve only *temporary* frustration of the relevant functions; the natural-law principle could be modified to permit that kind of frustration—as against permanent frustration of the purpose, as happens in a vasectomy or tubal ligation, for example. But to cede this possibility would weaken the argument a great deal. Individual acts of gay sex only involve temporary frustration of the procreative function of the sex organs; the argument would rule out only an exclusively gay sex life.<sup>10</sup> And of course impeded-function objections to heterosexual sodomy and masturbation would likewise be weakened substantially since they do not either undercut the possible use of sex organs for reproduction, a weakening of the argument that would likely be unacceptable to traditionalist Catholics.

Another reasonable-looking rebuttal is that some of the examples involve body parts that arguably have *multiple* natural functions; thus the natural-law principle could again be modified to allow for the frustration of one such function as long as another is left unimpeded. This strategy is required by common sense; for example, the mouth is clearly designed for talking as well as eating, yet talking is hardly unnatural (much less immoral) when it impedes the eating function, and neither does the converse hold true.<sup>11</sup> The multiple-function strategy is also implicit in my own earlier discussion of Leiser's example of using teeth to remove staples, and it may handle the earplug case. But once again, the price to be paid for adopting this strategy may be unacceptably high in its ramifications for other practices that natural-law theorists have long opposed. For the sex organs may well have natural purposes—such as *bonding*—that are fulfillable by gay sex. Indeed, much recent ethological research on the sexual behavior of higher mammals suggests that sex has this non-procreative purpose.<sup>12</sup> And if that's true, heterosexual sodomy is back in the picture again (as is masturbation—so often observed in nonhuman animals—if the additional purposes include pleasure and stress relief).

However useful these replies are, neither strategy is able to handle the head-shaving case. Presumably the functions of head hair are warmth and protection; if I were to keep my skull permanently bald, as many athletes and entertainers do, then the performance of both these functions would always be impeded. But I can, of course, protect and warm my skull in other ways; and this suggests a third strategy of rebuttal (perhaps best used in conjunction with the first two): that it is permissible to impede a body part from fulfilling its natural purpose as long as the purpose can be fulfilled in other ways. But, once again, if we accept this line of argument, we undermine the impeded-function objection to gay sex (as well as to heterosexual sodomy, and masturbation). Let's not forget either that individuals can and often do engage in procreation without having heterosexual vaginal intercourse.

One last concern about the impeded-function argument: it overlooks the possibility that natural functions of body parts can come into conflict with one another. Antihistamines block the (natural) histamine-releasing activity of white blood cells, but promote the (also natural) breathing and smelling functions of the nose.<sup>13</sup> And for many gays, engaging in heterosexual sex might actually impede the bonding function of the sex organs; the sex organs would be used in a way that not only did not contribute to a stable, heterosexual romantic relationship but which also stands in the way of a stable, same-sex romantic relationships. The natural-law principle that it is wrong to frustrate the natural purpose of a body part gives us no guidance about what to do in such cases of conflict.

I conclude that the objection to gay sex that it impedes natural body functions does not withstand critical scrutiny. Indeed, arguments that homosexuality is unnatural seem distinctly unpromising in general. Whether religious objections to gay sex fare any better is a matter that is beyond the scope of this paper. My own hunch is that the time will come when same-sex relationships will be as free from criticism by moral philosophers as interracial relationships already are.<sup>14</sup> I hope I will live to see that day.

#### Acknowledgments

This paper is based on a longer essay called “A Critique of Two Unnaturalness Objections to Gay Sex.” I am grateful for helpful comments on it from Mary Ann Francis, Jeffrey P. Hause, Gregory Sadler, and Erik J. Wielenberg. But my largest debt of gratitude is to my gay friends and relatives, who by their example have taught me so much about the morality of same-sex relationships.

#### Endnotes

1. “Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons” (2003) condemns legal recognition of same-sex relationships, asserting that such relationships “go against the natural moral law” (1.4). [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents](http://www.vatican.va/roman_curia/congregations/cfaith/documents).
2. G.E.M. Anscombe, “Contraception and Chastity,” in *Ethics and Population*, ed. Michael Bayles (Schenkman, 1976), 139. The 1994 *Catechism of the Catholic Church*, No. 2357 describes homosexual acts as contrary to natural law at least partly because they “close the sexual act to the gift of life” (U.S. Catholic Conference/Liguori, p. 566). In “Persona Humana,” the 1975 Vatican “Declaration on Certain Questions Concerning Sexual Ethics,” Sections V, VIII-IX puts the point more obliquely: such acts are contrary to “the objective moral order” because they “lack an essential and indispensable finality” involving both mutual self-giving and procreation. See also the 1986 “Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons” and the 2003 “Considerations.”
3. For the Vatican’s abandonment of the procreative-intention requirement, see Pope Pius XI, “Casti Connubi” (1930), No. 59 and Pope Pius XII, “Address to Midwives” (1951); the latter authorized the use of “natural” family planning.
4. Anscombe stressed that not every particular sexual act needs to be capable of leading to procreation, but that it should be “the reproductive type of act” (“Contraception and Chastity,” 136), “the kind of act by which life is transmitted” (“Contraception and Chastity,” 146, emphasis added). For criticism of this seemingly *ad hoc* maneuver, see the comments on Anscombe’s essay by Bernard Williams and Michael Tanner in *Ethics and Population*, 156-160; Andrew Sullivan, “Unnatural Law: We’re All Sodomists Now,” *New Republic Online* 3/24/03 ([www.tnr.com](http://www.tnr.com)); and Brent Pickett, “Homosexuality,” *Stanford Encyclopedia of Philosophy* (plato.stanford.edu, 2002 entry), Section 2.
5. *Liberty, Justice and Morals: Contemporary Value Conflicts*, 3rd ed. (New York: Prentice-Hall, 1986), reprinted in *The Right Thing to Do: Basic Readings in Moral Philosophy*, 3rd ed., ed. James Rachels (New York: McGraw-Hill, 2003), 148-151. For a similar conflation by a liberal Catholic critic of the Vatican position on birth control, see Garry Wills, *Papal Sin: Structures of Deceit* (New York: Doubleday, 2001), 91. Also guilty is Mike W. Martin, *Everyday Ethics: An Introduction to Applied Ethics* (Florence, KY: Thomson Wadsworth, 2007), 245.
6. Leiser, 150-151.
7. For the conflation, see “A Short Introduction to Moral Philosophy,” in Rachels, *The Right Thing to Do*, 7. For the misreading and examples, see *The Elements of Moral Philosophy*, 4th edition (New York: McGraw-Hill, 2003), 45, 56.
8. McNeill, 105.

9. I am indebted to the many Ethics students at the University of Southern Indiana and Edinboro University of Pennsylvania who have contributed so much to class discussions of the natural-law theory and its application to gay sex during the last fourteen years.
10. Stephen Buckle makes the same point in “Natural Law,” in *A Companion to Ethics*, ed. Peter Singer (Cambridge, MA: Blackwell, 1994), 172.
11. McNeill (p. 105) makes much the same point.
12. The multiple-function point is stressed by Richard D. Mohr, “Gay Basics: Some Questions, Facts, and Values,” in *Elements of Moral Philosophy*, pp. 136-137 (to whom I also owe the mouth example); Leiser, 149-150; and Martin, 244. For a helpful journalistic summary of the relevant ethological research, see Dinitia Smith, “Love That Dare Not Squeak Its Name,” *New York Times*, Feb. 7, 2004. Niles Eldridge argues that the function of sex in primates is social bonding and social stability (*Why We Do It: Rethinking Sex and the Selfish Gene* (W.W. Norton, 2004) and so does Joan Roughgarden, *Evolution’s Rainbow: Diversity, Gender, and Sexuality in Nature and People* (University of California Press, 2004). St. Paul, the Patristics, Thomas Aquinas, and even contemporary Thomists such as John Finnis and Robert P. George are apparently oblivious to the fact that homosexual and heterosexual sodomy can be expressions of mutual romantic love. The same attitude finds expression in the Vatican doctrine that the unitive and procreative meanings or aspects of the “conjugal act” are inseparable. See “Humanae Vitae,” 120; the 1975 Vatican Declaration; the 1986 “Persona Humana” (which goes so far as to characterize homosexual inclinations as “essentially self-indulgent”); and the 2003 “Considerations” (which describes “homosexual unions” as “totally lacking in the conjugal dimension”). And it is no doubt reflected in the stereotype of homosexuals as “selfish hedonists”—to use the language of former Republican presidential and senatorial candidate Alan Keyes (quoted in Dan Savage, “The Gay Child Left Behind,” *New York Times*, Feb. 17, 2005). All this is little better than crass prejudice, especially when presented as a priori moral psychology.
13. I owe this point to Glen Ferguson.
14. Interracial relationships were long condemned as unnatural (as well as contrary to God’s will)—even in the legal system; see, for example, *Scott v. Georgia* (Georgia Supreme Court, 1869). For a thorough discussion of the history of anti-miscegenation laws in the U.S., with some attention to their relevance to the same-sex marriage controversy, see Randall Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (Vintage Books, 2004).

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## Queering the Just War Tradition?

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Queer theory has come a long way since its heydays in the early 1990s. The emergence of a queer academic tradition rapidly changed the scope and breadth of gay and lesbian studies and greatly impacted feminist scholarship of every stripe. Throughout the past two decades, third-wave feminism has struggled to maintain discursive hegemony and theoretical legitimacy in the wake of immediate and frequently radical queer analyses and critiques. The objective of “queering” the university has been largely achieved, with relatively few disciplines nowadays left untouched or unaffected by queer perspectives. Despite the broad reach of queer tentacles, the tradition has been highly selective in the range of topics it analyzes under its infamous deconstructive lens, thereby

leaving a variety of disciplines resolutely “unqueered,” as the parlance goes. A key example of this selectivity may be found in queer theory’s uniform silence on moral issues arising in the context of wars. It is indeed puzzling that the rich and extensive queer tradition has managed to sidestep social and political discourses on the morality of war, particularly the tradition known as just war theory. It is anomalous that queer critiques of the just war tradition have not been forthcoming; conversely, neither have just war theorists bothered to explore the range of possibilities offered by queer perspectives, despite the many points of intersection between these highly influential traditions. I outline here some of the central ideas behind just war tradition and queer theory and discuss the rather awkward relationship between the two traditions. I do this to offer a response to this central question: “Is just war theory queerable?”

Throughout the past century, the move toward framing the problem of war, and more specifically the conduct of war, along moral foundations became increasingly paramount. Even so, the bulk of what came to be known as the contemporary just war tradition in the West was merely a collection of ideas or tendencies that sought to integrate ethical analyses in matters of war-waging and war-fighting (sometimes described by their Latin equivalents, *jus ad bellum* and *jus in bello*). The general direction was to introduce ethical responses to moral conundrums arising in times of war. The notion of just war (or “*bellum justum*”) is not a product of one or two contemporary thinkers or even a century’s worth of thinking on war; rather, it reflects a sustained tradition traceable to the first millennium work of St. Augustine, with origins in other various religious and secular traditions as well, dating much earlier in non-Western sources, such as the work of Confucius and Mo Tzu.<sup>1</sup>

The tradition was more or less fragmented and forgotten until the latter half of the twentieth century. Two key events in the history of modern warfare reinvigorated just war theory in America: WWII and the Vietnam War. As with other types of theories—philosophical, scientific, artistic, medical, queer, or otherwise—current events invite reassessment of dominant positions or widely shared convictions. The horrors of both WWII and the Vietnam War introduced new questions about war, as well as fostered widespread interest in moral deliberation regarding the conduct of war, largely brought on by a multitude of unconscionable war crimes that took place throughout both wars.<sup>2</sup> One key element of just war theory began to change in the final decades of the twentieth century. Broadly construed, it is the idea that a state considering war must have “very good reasons” for initiating it, that is, a *just cause* for doing so. Self-defense is usually accepted as the definitive just cause but there is little consensus elsewhere as to what counts as a just cause. Over the decades, just cause was extended to the defense of allied states as well as to humanitarian interventions. More recent interpretations of just cause have gone so far as to include preventive attacks (as opposed to preemptive attacks) in the formula.<sup>3</sup> A preemptive attack or preemptive use of force is one which responds to an imminent threat of harm, an impending aggression measured in terms of hours or days. It is more certain, urgent, immediate, and actual. A preventive use of force, however, is one that responds to a distant threat of harm, gauged in terms of years or decades, it is not immediate, urgent, certain, or actual, but speculative and dubious. It is much like punishing someone for a crime they have not yet committed, but are expected to commit in the distant future. Preventive war moves time forward by focusing on the potential occurrence of any future harms and drawing attention to the risk of inaction for those future occurrences. The difference between the two is often marked by the temporal nature of the threat, and its degree. Preemptive war doctrine is not theoretically and morally problematic in the

ways that preventive doctrine is; preventive war involves the use of force to an expected or imagined, anticipatory outcome far off in the distant future, rather than an actual or presently occurring one, which preemptive war seeks to confront. This is partly what makes preventive war much more problematic. In the absence of indisputable evidence, its likelihood for misuse is magnified.

Despite its shortcomings, proponents insist that just war theory has “triumphed” over any other theoretical perspective or moral foundation on war. For Michael Walzer and company, even in the twenty-first century, “the triumph of just war theory is clear enough,”<sup>4</sup> such that it makes little sense to seek other alternatives like pacifism (in whichever form it may come about, and there are a variety of forms), classic political realism or its guise as “compassionate” realpolitik of the neoconservative movement in the past decade, or heaven forbid, a queer perspective on war.

Despite its entrenched status, global conflicts in the first decade of the twenty-first century have more forcefully challenged and undermined key concepts within the just war tradition. The eminent contemporary American philosopher Joseph Margolis maintains that “‘just war’ [theory] is now effectively moribund...in speaking of a war against terrorism, it no longer makes sense to say that a modern state can actually conduct a war along just war lines.”<sup>5</sup> Like Margolis, many thinkers have astutely pointed out that the so-called “war on terror” brought to light one of the major defects of the tradition; namely, a state-centered concept such as just war theory is unable to account for the vexing complexities of wars involving non-state actors.

Despite a plethora of well-intentioned reformulations, an increasing number of thinkers have questioned the continued relevance of the tradition in virtue of contemporary global conflicts, particularly the ongoing Iraq War. In the journal *Philosophy*, an editorial by Anthony O’Hear lambasted philosophers for not having anything original or significant to say about the arduous moral problem posed by the Iraq War. O’Hear bemoaned the fruitless rehearsals of antiquated just war dogma, especially as it arose in the context of the present war debate, in his words:

We had the interesting spectacle of figures for whom scholastic views on usury or sexuality or divine retribution would be little more than medieval barbarism earnestly discussing the minutiae of the conditions for *jus ad bellum* and *jus in bello*. ...More to the point philosophically is the question as to whether a doctrine developed in the context of wars fought with medieval weapons and by comparatively small professional armies can have straightforward application in the context of modern weaponry, modern terrorism, and the democratic assumption of a whole people being at war.<sup>6</sup>

O’Hear brings up important points here. Disappointment in the philosophical profession’s continued uncritical reliance on just war theory has been echoed for some time, especially as widespread dissatisfaction and disinterest in its ineffectual methodology continues to grow. As O’Hear astutely points out, while avid adherents would be outraged by contemporary invocations of medieval sexual ethics, they see no problem defending medieval theories of war. The analogy with medieval sexuality is important because it helps to expose other antiquated absurdities no longer widely accepted in our time. We no longer resort to using medieval torture devices to punish outlaws, nonconformists, heretics, and sexual “deviants.” Neither do we reside in an age of monarchical governments

whereby the sovereign is ordained with political power by God; at least that's not the dominant, shared consensus among liberal democratic societies in the West.<sup>7</sup>

The central issues that inaugurated the queer academic movement were initially concerned with the nature of gender and sexuality (and, to some extent, performativity), especially in feminist discourse and gay and lesbian studies more broadly. Queer theorists responded to the creation of static notions of gay and lesbian identities by eradicating these exclusionary cookie-cutter distinctions.<sup>8</sup> This queer tendency was initially met with perplexity, hesitation, or outright rejection; for it challenged, or better still, annihilated fixed, essentialist ascriptions that generations of theorists took for granted. The notion of a gay or lesbian identity seems to have been influential in the early days of GLBT ("Gay Lesbian Bisexual Transgendered") movements but was left behind as non-essential over time. To be sure, identity formation played a dominant role in thinking of oneself as gay or lesbian; that is, same-sex sexual behavior, on this account, is not merely *what one does*, but *what one is*. The idea of sexuality as identity shares common ground with non-dominant groups in their struggle for equality and social justice. According to this view, same-sex relations must ultimately be politicized in order to gain social acceptance or legal equality (assuming all gays and lesbians support public endeavors such as gay marriage, which, of course, many do not). Globally and historically speaking, this is not how same-sex sexual relations have been thought of or understood. In moving beyond the GLBT model, we find that communities of same-sex practice are nonetheless possible and fruitful, in the absence of identities—perhaps there really is no convincing reason to cling on to identities at all. These questions have ramifications for personal identity theory in general and not merely personal sexual identity; there are some traditions or schools of thought that reject the notion of *identity* altogether. For example, Buddhism maintains that there is no fixed, unchanging, persistent self that exists through time (the view is sometimes referred to as *anatman*); thus, any association with a persistent fixed self that exists through time is entirely contrary to Buddhist teachings. The influence of this view has also surfaced in mainstream Western philosophy, particularly in Hume's theory of personal identity, sometimes called the "bundle theory." If these ideas have any merit, they ought to at least invite us to rethink our obsession with identity, sexual or otherwise. The predominantly *Western* (but now global) preoccupation with sexual identity is rather new, and whether or not this is the best approach to go about seeking equality and social justice remains a hotly debated topic.

A major drawback to traditional queer theory lies in its hasty eradication of sexual identities. It may very well be the case that over the decades, queer theory has become bastardized in its attempt to become an all-inclusive idiom, and in its expansiveness it can seem trivial or nonsensical. Some commentators have rightfully questioned whether a complete overhaul of queer theory may be warranted. For example, Richard Rambuss recently inquired, "we are now in the position of asking of queer studies: 'What's next?'"<sup>9</sup> That is, if it becomes necessary to repudiate queer theory altogether (at least in the umbrella-form) what then might it be replaced it with? One of the main reasons that the identity model was abandoned in the first place was due to its glaring omission of "intersectionalities," such as race, class, age, culture, religion, and nationality, which undoubtedly cut across and separate different groups of sexual minorities. This is one way in which the identity model partakes in boundary-blurring of its own, just as the queer category was once faulted for doing. A workable solution to the quandary may be found in an effort to preserve the assimilationist politics and community of the identity model without the restrictiveness

of identity-talk, while at once avoiding the trivialization and boundless excesses of queerness. The rigid preoccupation with sexual identity is problematic and queer theory's tendency toward its complete annihilation, also suspect. It seems that part of the solution to the quandary lies somewhere in between the absolutist approach we find in the identity model, and its counter-instantiation reiterated by proponents of queer theory. Applying sweeping generalizations or categories about human sexuality is very risky business. Human sexuality seems to be that sort of thing, partly fluid and partly fixed, an ambiguous matter, as diverse as human nature itself.

Unlike the just war tradition, queer theory lacks the extensive historic background, moral urgency, and hectoring prose routinely encountered in the work of just war theorists (though queer theory suffers from stylistic defects of its own). By contrast, queer theory is short-lived and lacks the provocative force and heated moral deliberations that have come to dominate pervasive war discourse. In the spirit of the convention, philosophers, just war theorists, and critics *du jour* are often "at war" with one another, fighting with words so as to win intellectual jousts in an endless debate on moral issues in the context of war, as Duane Cady has eloquently put the matter: "the philosopher is a warrior fighting for truth, defending honor and principle, exchanging linguistic blows in a struggle to defeat rivals and win arguments."<sup>10</sup>

It is worth asking why prolific discourses in queer theory and the just war tradition have never converged. Both queer theory and just war theory are purportedly concerned with human rights, global justice, achieving or securing social equality, and utilizing rights-based legal frameworks. The two traditions share methodological and topical commonalities, and in recent years both traditions have suffered similar setbacks largely brought on by related contemporary international affairs. Significant changes in new modes of war invite us to reconsider our reliance on outmoded just war precepts, just as global processes directly impact our understanding of queer theorizing and its limits for a broader international framework. Moreover, the growing transnational turn in queer theory has conveniently overlooked subtle links between contemporary international warfare and harms they bring about to global citizens and sexual minorities, revealing ineffective queer approaches for dealing with new war violence and non-mainstream sexual practice that defies both identity and pluralism.

Queer theory has not completely ignored theoretical issues in armed conflict, or neglected proffering radical critiques of militarism. For the most part, the tradition has been largely focused on more immediate domestic issues of the times. The noted queer theorist Jasbir Puar points out that high profile GLBT organizations such as the National Gay and Lesbian Task Force and the Human Rights Commission have been too preoccupied with hot button issues like gay marriage and queers in the military to fully take note of the "politics of race, empire, and globalization,"<sup>11</sup> especially as these effects occur in times of armed conflict. The queer tradition has occasionally offered input on war-related controversies, such as the 2004 Abu Ghraib fiasco, which was met with hardly more than mundane condemnations of homophobia in the U.S. armed forces.<sup>12</sup> Still, queer theorists ought to be able to deliver much more than rehearsed and reflexive criticism. Can they play a greater role in theorizing the problem of war so as to thwart or curtail war violence increasingly directed against GLBT peoples? At the very least queer theory ought to address queer war issues in addition to the larger question concerning the status quo of contemporary warfare within international society.

There has been much debate and confusion as to what exactly qualifies as a queer issue worthy of serious time and

attention. During the march to war with Iraq in the winter of 2003, GLBT groups squared off with one another on the hot topic of America's impending invasion. Hastings Wyman cautioned, "while the pro-peace stands of gay groups could strengthen the current antiwar movement, this positioning may associate the gay movement with an unpopular cause, one unrelated to gay issues per se."<sup>13</sup> Like Wyman, those who believed that GLBT activism should solely focus on GLBT issues such as gay marriage went on to chastise opponents who identified queer issues with institutionalized war violence or who offered a broader perspective on GLBT oppression; and they chastised in particular those who drew connections to global injustices and powerful systems of exploitation, homophobia, and military domination. As the noted queer activist Mubarak Dahir pointed out: "the most obvious element of hypocrisy is that the forces that are supposedly emancipating our downtrodden GLBT brethren are themselves hyper-homophobic. How can anyone seriously argue that the United States military is an instrument for GLBT liberation?"<sup>14</sup> The more or less predictable queer turn toward antiwar activism is not too surprising, though, and in and of itself does not constitute a theoretical, much less uniform, queer response to the problem of war.

While no one ought to expect consensus on complex global issues, it might seem a rather simple matter determining exactly which issues are queer ones and which are not. But not so fast. In decades past, feminist scholarship was often not taken seriously because it was perceived as a series of complaints about "women's issues." Just as feminism is no longer viewed as a matriarchal smorgasbord of "women's issues," the queer tradition too, must not be understood as a series of myopic gripes peddled by "queers" preoccupied with their own limited worries about oppression and marginalization. Overcoming intertwined matrices of discrimination, sexism, racism, social injustice, economic peonage, and heteronormative domination requires going beyond gender inequality or sexual oppression simply understood. As Cathy Cohen long ago recognized, "one of the great failings of queer theory and especially queer politics has been their inability to incorporate into analysis of the world and strategies for political mobilization the roles that race, class, and gender play in defining people's differing relations to dominant and normalizing power."<sup>15</sup>

We should not assume that queer pursuits should be limited to immediate concerns of gender, sexuality, identity politics, heteronormativity, and gay marriage, because genuine liberation demands confronting multifaceted systems of domination that war perpetuates; as well as far reaching global inequalities and injustices, much greater than homophobia, heterosexism, and homophobia understood as bounded issues alone. At the very least, work toward liberation requires overcoming what Jasbir Puar astutely describes as "homonationalism," that is, a series of homonormative ideologies grounded in nationalist concerns or mainstream patriotism that advance xenophobic sensationalism and the oppression of global queers. Nationalist heteronormative ideologies (or "heteronationalism") are now effectively replaced by a "homonationalism" that adversely impacts transnational queer politics, often resulting in conceptual homogenization of global queers, creation of racialized or *Orientalist* sexualities, rise in queer neoconservatism and queer Islamophobia, and working to secure the steady expansion of global capitalism. According to Puar, American homonationalism is not a product of a post 9/11 world, but an increasing queer trend around since the 1990s.<sup>16</sup> Homonationalism works against sexual orientation as a marker of commonality and shared values. The heteronationalists among us are not likely to have much in common with their straight counterparts across the globe.

I would like to think that the extensive and lucrative queer tradition ought to be able to provide us with more

concrete assessments of war in contemporary societies, with a particular emphasis on GLBT harms incurred or injustices suffered. Regrettably, queer critiques have all too often been hijacked by commonplace antiwar or pro-war slogans, offering no sustainable queer account of the ways in which new or postmodern war violence increasingly targets sexual minorities, a phenomenon that has increasingly become more pervasive and heinous than in older wars of the modern period. The ongoing Iraq War is a paradigmatic case of a postmodern or contemporary war, emphasizing the decentralized effects of new war violence, especially upon GLBT populations. Accordingly, what is the proper queer response to moral conundrums arising as a result of armed conflict? Is there a critical or theoretical framework in which a "queer war theory" might be developed and applied?

As a complex global activity, war is not the type of subject that should be slighted by queer theorists, especially since contemporary conflicts reflect profound political imbalances and unjust hierarchies that are themselves artifacts of imperial domination. At the very least, warfare typically impacts and targets historically disadvantaged or oppressed populations, including indigenous peoples, women, religious minorities, GLBT peoples, and the global poor. While feminists long ago recognized the ways in which war violence disproportionately harms women, queer theorists have yet to catch up with rudimentary feminist discoveries, in reaching a similar conclusion about the devastating impact of war violence on local and international GLBT communities. Indeed, what might be described as "feminist just war theory" came to fruition in the wake of the so-called "war on terror" and ongoing Iraq War.<sup>17</sup> The main objective here seemed to be an attempt to reformulate traditional just war doctrine while striving to undermine inherent gender bias in the tradition's valorization of male heroism.<sup>18</sup> Feminist interpretations of "just war" commonly reject gendered constructions of objective norms found in classic formulations of *ad bellum* and *in bello*. For example, replacing the "discrimination" condition (the requisite to ensure noncombatant immunity) of *in bello* with "empathetic war-fighting," is an attempt to place more emphasis on care and responsibility *in bello*. Another key modification is the attempt to bring *jus ad bellum* into more "dialogical" focus, one that emphasizes common cause and global security while encouraging stronger restraint in war-waging.<sup>19</sup> Though intriguing, much of this amounts to nonessential developments, as it does nothing to resolve the more serious defects in the just war tradition itself, nor provide us with *desiderata* for constructing a "queer war theory."

Queer theory ought to be able to offer more than pervasive antiwar critiques or commonplace feminist interpretations of war as a chivalric, hypermasculine enterprise. It is incontestable that warfare disproportionately harms women and other vulnerable populations. The so-called "war on terror" and the ongoing Iraq War highlight the gendered, sexualized, and racialized ways in which spurious and perilous moral dichotomies are manufactured so as to render the "Other" less human, worthy of exploitation, domination, and indiscriminate slaughter. Judith Butler's book, *Frames of War*, reiterates exactly these points. Butler's book is not so much about war per se, or an effort at developing a queer war theory, but another trite account of the ways in which media rhetoric and war journalism dehumanize the *Other* (Arab, Muslim, Iraqi, Sikh, et al.) and renders her loss of life, in no uncertain terms, valueless, expendable, and "less grievable." Like much new work in this area, Butler frames most of her analysis in the context of the ongoing Iraq War (and, as might be expected, makes extensive use of the events at Abu Ghraib).<sup>20</sup>

Queer theory seems like it would have the analytic tools to take on a momentous subject like war. Queer perspectives have been used in novel ways so as to advance the range of intellectual pursuits and, in many cases, enlivened arcane philosophical inquiries. The recent onslaught of “queer phenomenology” is a case in point.<sup>21</sup> But why should we expect a queer account of war, especially one that draws upon preexisting foundations of justice or morality? Richard Rambuss acknowledged that “queer theory has been very good for thinking about some things, less good (so far) for thinking about others.”<sup>22</sup> One of the things it has not been good about is advancing a queer account of war, especially one that makes compelling use of just war precepts. Though just war theory itself may be as dead as stone, it nonetheless offers valuable moral insight on the problem of war. What is characteristically described as new or postmodern warfare is the effect of irreversible processes of globalization, multifaceted spheres of economic exploitation, steady encroachment of global capitalism, and systemic organized violence that falls well outside of modern war conventions.<sup>23</sup> Must queer theory be able to account for these complex global realities? Queer discourses have never met just war theory simply because there may be no value to that kind of shotgun wedding. The just war tradition is largely played out and inadequate for understanding the complexities of new war violence. Whether queer theory itself has met the same fate is anyone’s guess, especially since the transnational turn in queer theory has thus far been plagued by multiple controversies and fierce international opposition, largely due to its inability to recognize that uniform queer responses are insufficient and frequently counterproductive in international contexts. To revisit my original question, it suffices to say, some things are best left unqueered.

#### Endnotes

1. For the most part, I leave aside the distinction between secular and religious perspectives, as well as Western and non-Western approaches. The tradition’s roots are plentiful, present in theology (in the Christian tradition with St. Augustine and St. Aquinas), as well as Roman and Greek philosophy. Non-Western sources of just war theory are also common, especially in China and India (in classic works like *Bhagavad Gita* and *Mahabharata*), as well as various Islamic traditions in the work of Avicenna and Al-Ghazali.
2. Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004), 6-10.
3. The move to include preventive attacks in just cause sometimes sets itself apart from “just cause” in conventional or classic just war theory, which does not permit preventive attacks or preventive wars. The difference between the conventional brand and this version of just cause may be distinguished as “Regular Just War Theory” from “Irregular Just War Theory.” This is how the just war theorist Nicolas Fotion puts the matter. See Nicholas Fotion, *War and Ethics: A New Just War Theory* (London: Continuum, 2007), 110-154.
4. Walzer, *Arguing About War*, 11.
5. Joseph Margolis, “Terrorism and the New Forms of War,” in *The Philosophical Challenge of September 11*, eds. Joseph Margolis, Tom Rockmore, and Armen T. Marsoobian (Malden: Blackwell Publishing, 2005), 195.
6. Anthony O’Hear, “Editorial: The Just War,” *Philosophy* 78 (2003): 317-318.
7. Andrew Fiala, *The Just War Myth: The Moral Illusions of War* (Lanham: Rowman & Littlefield, 2008), 32.
8. See, for example, the somewhat dated account given in Annamarie Jagose, *Queer Theory: An Introduction* (New York: New York University Press, 1997).
9. Richard Rambuss, “After Male Sex,” *South Atlantic Quarterly* 106.3 (2007): 578.

10. Duane Cady, *From Warism to Pacifism: A Moral Continuum* (Philadelphia: Temple University Press, 1989), 6.
11. Jasbir Puar, “Queer Times, Queer Assemblages,” *Social Text* 23 (2005): 123.
12. A typical example is Liz Philipose, “The Politics of Pain and the Uses of Torture,” *Signs: Journal of Women in Culture and Society* 32.4 (2007): 1047-1071. Of course, the photos from Abu Ghraib spearheaded a wide variety of inquiries, analyses, and criticism in fields well outside queer theory and feminist discourse.
13. Hastings Wyman, “Highlighting the Q in Iraq,” *Letters From Camp Rehoboth*, October 18, 2002. [http://www.camprehoboth.com/issue10\\_18\\_02/capitalletters.htm](http://www.camprehoboth.com/issue10_18_02/capitalletters.htm).
14. Mubarak Dahir, “Stop Using Gay ‘Liberation’ as a War Guise,” *Windy City Times*, April 23, 2003. <http://www.windycitymediagroup.com/gay/lesbian/news/ARTICLE.php?AID=3100>.
15. Cathy Cohen, “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?” *GLQ* 3 (1997): 457.
16. Regrettably, I am unable to fully enunciate the intricacies of her argument in this brief mention. For her complete account, see Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2007).
17. The most coherent and sustained account of feminist just war theory (especially as it is applied to the Iraq War) is Laura Sjoberg, *Gender, Justice, and the Wars in Iraq: A Feminist Reformulation of Just War Theory* (Lanham: Lexington Books, 2006).
18. Sjoberg, *Gender, Justice, and the Wars in Iraq*, 8-13.
19. Sjoberg, *Gender, Justice, and the Wars in Iraq*, 14.
20. Judith Butler, *Frames of War: When is Life Grievable?* (New York: Verso, 2009).
21. The most comprehensive account I am aware of is Sarah Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (Durham: Duke University Press, 2006).
22. Rambuss, “After Male Sex,” 584.
23. Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford: Stanford University Press, 2001), 2-12.

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## NEWS AND NEW IN PRINT

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*Editor’s note:* This section was originally to appear in the Fall 2010 *Newsletter*, and so is a bit dated. If you have new publications or important news to share with GLBTQ philosophical community, please forward that information to the editor.

*Newsletter* contributor **Bassam Romaya** has finished his Ph.D. at Temple University, writing a dissertation called “Philosophizing War: Arguments in the War on Iraq,” which is not directly related to GLBT issues, but does make connections now and then. He has accepted a visiting post for the year at Gettysburg College. In Spring 2011, he offered a course in the philosophy department there called “Gender and Identity.” He says this interdisciplinary course was feminist theory, personal identity theory, and GLBT studies rolled into one, fun-to-teach course. Bassam also has published “The Straight Sex Experiment” in *College Sex: Philosophy for Everyone*, eds. Michael Bruce and Robert Stewart (Wiley-Blackwell, 2010). In that chapter, he describes, first, the background in which heterosexual students cross sexual boundaries and engage in kissing, mutual masturbation, and oral sex. He notes that current gay and lesbian students sometimes do the same, but stray from their sexual identities. He notes that these practices help to confirm their sexual identities while at the same time confirming the diversity of sexual experience.

**Loren Cannon, “Trans-marriage and the Unacceptability of Same-sex Marriage Restrictions,” *Social Philosophy Today* 25 (2009)**

This essay, “Trans-marriage and the Unacceptability of Same-sex Marriage Restrictions,” was first presented at the 25th International Social Philosophy Conference, held in July 2008, and was published in *Social Philosophy Today* (25), a book series of the North American Society for Social Philosophy. I believe that many very persuasive and insightful essays have been written against the acceptability of same-sex marriage restriction, and it is my hope that this essay can be added to the compounding evidence that same-sex marriage restrictions are unjustified. The emphasis of this essay is on the experience of transgender (trans) individuals and their life partners, and how they are affected by same-sex marriage restrictions. By focusing on the experience of trans persons in the context of civil marriage, it becomes clear that marriage restrictions rely on the assumptions that men and women comprise two disjoint and exhaustive sets and that one’s [unambiguously] determined sex makes one fit or unfit for marriage to [a certain] other. By focusing on trans marriage it becomes obvious that these two assumptions are faulty, thus illegitimizing the laws against same-sex marriage. My analysis pulls from two cases, one involving what was thought to be a case of ambiguous racial category in apartheid South Africa and a second that was thought to involve an ambiguity of sexual category in the state of Texas. In each case, the categories in question were constructed based on false assumptions. Pulling from the work of legal theorist Lon L. Fuller, I argue that legal restrictions based on such faulty categorizations are unacceptable, both legally and morally.

On a more personal note, my investigations into trans marriage and the conversations I have had with trans individuals who are, or would like to be married, only reestablish just how vulnerable trans persons are with respect to local, state, and national regulations and court systems. Some trans persons (thinking here particularly of those of us who choose to undergo gender transition) spend an incredible amount of time and money to change legal documents so to be able to enjoy some of the social benefits that are regularly and unquestionably granted to cisgender (non transgender) persons. Individuals of some locales are unable to change certain documents regardless of their transition completion or medical interventions. With

regards to marriage, some trans individuals who are married worry that their marriage may be legally revoked if their status becomes known under certain circumstances. Sure, while my essay focuses on assumptions of legal categories, the injustice and consequent harm of the current U.S. marriage restrictions, for trans and cisgender individuals alike, is undeniably grave.

**William S. Wilkerson, “Is It a Choice? Sexual Orientation as Interpretation,” *Journal of Social Philosophy* 2009 (40): 97-116.**

Bill Wilkerson notes that sexual orientation is often thought to be determined, not chosen, while sexual identities are thought to be chosen in response to the determined sexual orientation. He argues that along with sexual identity, “sexual orientation” must involve a form of choice because desires can only be interpreted in light of available sexual roles, and such interpretation necessarily involves choice and construal. This understanding of sexual orientation poses a challenge to the presumed dichotomy between those personal aspects that are given and those that are chosen. It also suggests new possibilities for thinking about the development of personality traits, such as sexuality, more generally.

**Martha Nussbaum, *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (New York: Oxford University Press, 2010).**

In this book, Nussbaum looks at how the rhetoric of disgust is used for political and legal ends. She specifically rejects projective meanings of disgust as a sound basis for the law, namely, those meanings that are largely imaginary or even contrary to fact. Since many conceptions of homosexuality are projections, they too are bound to be riddled with contradiction and untenable points of view. Thus armed, she takes a tour of certain issues important to lesbian, gay, and bisexual people today, and finds key conceptual defects in a variety of laws and legal reasoning that bear on anti-discrimination statutes, marriage, and sexual behavior. By her own admission, she thinks that mass media representations do more good for gay and lesbian people than scholarly works like this, since they permit people to enter into the lives of people different from themselves. A 2008 talk that develops these same themes is online at: <http://www.law.uchicago.edu/node/1519>.