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“To be or not to be?”

- an essay about the debate that emerged from the opposition of Rebecca Tuvel's article and it's examination regarding the concept of humanity.

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Course code: *MRS31*

Term: *Autumn 2017*

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Abstract/Abstrakt

In April 2017, Rebecca Tuvel, an author of the feminist philosophical journal, *Hypatia*, had been criticized for an article she had written and had been published by the same academic journal. The article included a comparison of Rachel Dolezal, a white woman who identified as black, with that of Caitlyn Jenner, a trans woman. This in turn resulted in massive criticism of the author through various social media, in which the claim was that the author, through this article, had incited a form of "epistemic violence". Other scholars agreed with the criticism and tried to urge the academic journal to withdraw the article. This essay will focus on the arguments that have emerged in this debate, in order to understand the reason behind the polarizing acknowledgment of these identity markers. The focus of the essay will not revolve around the examination of Dolezal or Jenner's claims to self-justification, but will instead be examining the reason as to why some have chosen to oppose Tuvel's article and how strong their arguments might be. The essay will use a text analysis which will be supported by previous research as well as theories by Sally Haslanger, Ronald Dworkin and Will Kymlicka.

I april 2017, blev Rebecca Tuvel, en av författarna till den feministiska filosofiskriften *Hypatia*, kritiserad för en artikel som hon hade skrivit och som hade publicerats av den akademiska tidskriften. Artikeln som Tuvel skrev, innefattade ett jämförande av Rachel Dolezal, en vit kvinna som identifierade sig som svart, med det av Caitlyn Jenner, en trans kvinna. Detta i sin tur ledde till att författaren fick kritik på diverse sociala medier för att, genom sin artikel, ha uppmanat till "epistemiskt våld". Andra forskare valde i samband till denna häftiga kritik att uppmana tidskriften att dra tillbaka artikeln. Denna uppsats kommer att fokusera på argumentationen som fördes inom denna debatt, för att granska polariteten kring acceptansen av dessa identitetsmarkörer. Fokuset i uppsatsen kommer inte att vara att se om varken Dolezal eller Jenner har rätt i sina hävdanden, utan att granska varför vissa har valt att gå emot Tuvels artikel och hur pass mycket tyngd deras argumentation har. Uppsatsen kommer att använda en textanalys som stöds av tidigare forskning och teorier från Sally Haslanger, Ronald Dworkin och Will Kymlicka.

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1.) Introduction

1.1 Background

In June 2015, many were shocked to hear the controversy that had surrounded Rachel Dolezal, a (at that time) spokesperson and president of the National Association for the Advancement of Colored People (NAACP) in Spokane, Washington, as well as an American civil rights activist and Africana studies instructor. The controversy in detail, was that Dolezal was a biologically white woman, who had been posing as a black woman for several years.¹ Dolezal's true identity was revealed by her biological parents, who claimed that Dolezal was born a white girl, but had been leading a lie in that she was passing herself and her heritage, similarly, as that of a biological African American woman.² The news regarding Dolezal's identity were not received overwhelmingly well, as many accused her of culture appropriation fraud and various forms of discrimination and mocking towards black people.³ The story of Rachel Dolezal would get even more "heated", as only two months later that very same year, former Olympic gold medal-winning decathlete, Bruce Jenner, would be (re-)introduced to the world as Caitlyn Jenner.⁴

Jenner's public transitioning was hailed as an inspiring action for many LGBTQ-individuals who were struggling with their identities, but also as a great and progressive stance for equality in general. However, not all seemed to agree with this notion.⁵ There were some who felt like this was an extreme act against the ideas that simple biology

¹ Herbst, Diane, "Inside Story: How Rachel Dolezal's Cover as a Black Woman Was Blown", People, 20/07 - 2015, <http://people.com/celebrity/how-rachel-dolezals-cover-as-a-black-woman-was-blown/>, Hämtad: 21/12 - 2017.

² Mosendz, Polly, "FAMILY ACCUSES NAACP LEADER RACHEL DOLEZAL OF FALSELY PORTRAYING HERSELF AS BLACK", Newsweek, 12/06 - 2015, <http://www.newsweek.com/family-accuses-naacp-leader-rachel-dolezal-falsely-portraying-herself-black-342511>, Hämtad: 21/12 - 2017.

³ McLaughlin, Kelly, "Race faker Rachel Dolezal sparks fury as she claims to be 'transracial' during BBC interview", The Daily Mail, 28/03 - 2017, <http://www.dailymail.co.uk/news/article-4356456/Rachel-Dolezal-sparks-fury-claims-s-transracial.html>, Hämtad: 21/12-2017.

⁴ Bissinger, Buzz, "Caitlyn Jenner: The Full Story", Vanity Fair, 07/2015, <https://www.vanityfair.com/hollywood/2015/06/caitlyn-jenner-bruce-cover-annie-leibovitz>, Hämtad: 22/12-2017.

⁵ Prestigiacomo, Amanda, "Sports Illustrated To Feature Man Who Believes He's A Woman On Cover...Nude.", The Daily Wire, 05/05-2016, <https://www.dailywire.com/news/5488/sports-illustrated-feature-man-who-believes-hes-amanda-prestigiacomo>, Hämtad: 22/07-2017.

had presented.⁶ Their mindset was that a biological male could not be proclaimed as a female in any sense because that went against the nature of biology and therefore, in their own view, logic. Others, many of whom shared these kinds of ideas, went so far as to proclaim that the celebration of Jenner's transitioning was unjust. Mainly because if a biologically born man could be celebrated for opening up and identifying to the world as their true self, namely a woman, then by all means that very same notion should be applied to a biologically born white woman who identifies as black?⁷ This in turn led to the writing and publication of an article that dealt with this very same topic.

During april 2017, the feminist philosophical journal, *Hypatia*, was facing scrutiny by readers as well as other academics for the publication of a very polarizing article - "*In Defense of Transracialism*".⁸ The article in question was written by professor in philosophy, Rebecca Tuvel, and Tuvel herself had now become the subject of major online-shaming. Tuvel was accused of being "racist" and "transphobic" among a few things.⁹ The article was also heavily criticized and was being referred to as having caused a form of "epistemic violence". The main reason for the polarization that the article caused, could mainly be seen through the various responses that Tuvel received after its publication. A letter was written in condemnation against the article, where it stated, among a few things, that Tuvel's article was degrading and discriminating, not only trans-people, but black people as well, by claiming that being black is something that a (white) person can just claim.¹⁰ The letter was addressed to *Hypatia's* Editor, Sally Scholz. It included various complaints that dealt with a number of different elements within Tuvel's article. It mentioned the usage of vocabulary that Tuvel used in the article and how offensive it might have come across.¹¹ The writers of the letter point out that Tuvel had been using words such "transgenderism", a word that, according to

⁶ Shapiro, Ben, "Sorry, Ladies. Apparently, Caitlyn Jenner Proves Men Are Even Superior At Being Women.", The Daily Wire, 26/10-2015, <https://www.dailywire.com/news/697/sorry-ladies-apparently-caitlyn-jenner-proves-men-ben-shapiro>, Hämtad: 23/12-2017.

⁷ Shapiro, Ben, "Yes, Rachel Dolezal is Black", The Creators, 17/06-2015, <https://www.creators.com/read/ben-shapiro/06/15/yes-rachel-dolezal-is-black>, Hämtad: 23/12-2017.

⁸ Tuvel, Rebecca, "In Defense of Transracialism", in *Hypatia: A Journal of Feminist Philosophy*, 2017, vol. 32, nr. 2.

⁹ Brubaker, Roger, "The Uproar Over 'Transracialism'", The New York Times, 18/05-2017, <https://www.nytimes.com/2017/05/18/opinion/the-uproar-over-transracialism.html>, Hämtad: 23/12-2017.

¹⁰ McKenzie, Lindsay, Harris, Adam, Zamudio-Suaréz, Fernanda, "A Journal Article Provoked a Schism in Philosophy. Now the Rifts Are Deepening.", The Chronicle of Higher Education, 06/05-2017, <https://www.chronicle.com/article/A-Journal-Article-Provoked-a/240021>, Hämtad: 21/12-2017.

¹¹ McKenzie, Lindsay, Harris, Adam, Zamudio-Suaréz, Fernanda, "A Journal Article Provoked a Schism in Philosophy. Now the Rifts Are Deepening.", 06/05-2017.

the letter, has not been recognized or accepted by any formal or relevant conventions. They mention that the article also contains “deadnaming” of a trans woman, a term that refers to mentioning a trans person by their former birth name.¹² The letter goes on to say that the author has failed in their attempt at presenting Dolezal’s case as a plausible situation by comparing her transition to that of a religious conversion, in this case, the conversion to Judaism from Christianity. The writers proceed by mentioning Tuvel’s inadequacy at being able to engage with the work of scholars who have either had direct and personal experience with these issues or have researched them excessively. Such scholars are, in accordance to the letter, primarily those who have faced oppression of gender and race; women of colour.¹³

These forms of complaints were also supported through social media, by, for example, Nora Berenstain, an assistant professor of philosophy at the University of Tennessee at Knoxville.¹⁴ Berenstain’s objection is similar to the previously mentioned criticism in the letter and speaks of the lack of respect towards trans-people and black women. Her main objection lies with Tuvel’s referencing of Jenner by her former name as well as her past, which Berenstain felt was demeaning. Berenstain claimed that this creates a notion that trans individuals, in this case a former male who has transitioned into a female, could at some point in their life, return to male privilege, which also promotes a transmisogynistic ideology, that trans women would have had a form of male privilege in their life, according to Berenstain.¹⁵ The letter ends by urging *Hypatia* to retract the article and to remedy the previously mentioned criticisms in their future articles. The writers of the letter also specified that they felt the need for *Hypatia* to issue a joint statement that would not only function as an apology to all those that have been affected by the article, but as a statement on how the journal plans to improve certain elements. Such elements include, for example, *Hypatia*’s review process.¹⁶

While many saw the article as nothing but a degrading and dangerous piece against trans-people and black people, others felt the very opposite. Amongst them was Kelly Oliver,

¹² "Open letter to Hypatia", Google Docs, 29/04 - 2017, https://docs.google.com/forms/d/1efp9C0MHch_6Kfgtlm0PZ76nirWtcEsqWHcvgidl2mU/viewform?ts=59066d20&edit_requested=true, Hämtad: 20/12-2017.

¹³ "Open letter to Hypatia", 29/04 - 2017.

¹⁴ McKenzie, Lindsay, Harris, Adam, Zamudio-Suaréz, Fernanda, "A Journal Article Provoked a Schism in Philosophy. Now the Rifts Are Deepening.", 06/05-2017.

¹⁵ McKenzie, Lindsay, Harris, Adam, Zamudio-Suaréz, Fernanda, "A Journal Article Provoked a Schism in Philosophy. Now the Rifts Are Deepening.", 06/05-2017.

¹⁶ "Open letter to Hypatia", 29/04 - 2017.

W. Alton Jones Professor of Philosophy at Vanderbilt University.¹⁷ Oliver expressed her view on social media, namely Facebook, and spoke mostly about the online abuse that was written to Tuvel. Oliver proposed that the criticism that was directed towards Tuvel, be made through constructive arguments rather than simple insults.¹⁸ Her comments received a fair share of backlash, where many felt that they were irrelevant and harmful in this debate. Oliver herself had also chaired Tuvel's dissertation committee in 2014, which might have explained her need to defend Tuvel in the personal matter that she did - through social media interaction such as a Facebook post. Or it also could have been because Oliver would have had to take some form of responsibility, as it was her decision, amongst a few others in the review board, to allow the article to be published. Oliver has also mentioned the joined apology that many people, with various associations to *Hypatia*, have made. In accordance with Oliver, the apology came after the criticism where many might have felt scared or worried that they too might be subjected to the same treatment that Tuvel and Oliver received had they not spoken up. Others were either shut down or afraid to speak up. Oliver's comments regarding this matter, also explain the tense relationship that co-workers had developed with Tuvel after the publication of the article and indeed the letter. She explains that many scholars were pressuring, or even at times, threatening Tuvel, that her chances of receiving tenure would be quite slim and that her career would be tarnished and result in termination if the article had not been retracted.¹⁹ Tuvel managed to also receive support from the journal's editor and chief, Sally Scholz, to whom the letter was also addressed to. Scholz's idea was that an article that had been accepted, by editors of the journal, for publication, should not later on be repudiated, unless the repudiation of the article involves glaring issues that concern plagiarism or falsification of data.²⁰ None of whom are a concerning issue regarding Tuvel's article.

Most of the academic community also chose to come out in support of Tuvel, particularly on two popular philosophy blogs, Brian Leiter's *Leiter Reports* and Justin

¹⁷ Oliver, Kelly, "If this is feminism...", The Philosophical Salon, 08/05-2017, <http://thephilosophicalsalon.com/if-this-is-feminism-its-been-hijacked-by-the-thought-police/>, Hämtad: 22/12-2017.

¹⁸ Oliver, Kelly, "If this is feminism...", 08/05-2017.

¹⁹ Oliver, Kelly, "If this is feminism...", 08/05-2017.

²⁰ McKenzie, Lindsay, Harris, Adam, Zamudio-Suaréz, Fernanda, "A Journal Article Provoked a Schism in Philosophy. Now the Rifts Are Deepening.", 06/05-2017.

Weinberg's *Daily Nous*.²¹ Leiter's take on the matter was that he felt that this was an extraordinary issue that had taken place and was worrisome, as such an issue had no former precedent.²² There were also some that felt that Tuvel ought to sue for defamation.²³ According to Suzanna Danuta Walters, editor-in-chief of the feminist journal *Signs*, this whole issue seemed like an insult towards Tuvel from the associate editors part whilst also serving as an underminement of peer reviewing as a whole.²⁴ The support that Tuvel received from so many, prompted her also to issue a statement, in which she described why she chose to write an article in this manner;

I wrote this piece from a place of support for those with non-normative identities, and frustration about the ways individuals who inhabit them are so often excoriated, body-shamed, and silenced. When the case of Rachel Dolezal surfaced, I perceived a transphobic logic that lay at the heart of the constant attacks against her. My article is an effort to extend our thinking alongside transgender theories to other non-normative possibilities.²⁵

1.2 Research Problem, purpose and research question

Tuvel's article raises questions not only about self-identification/justification, but of the right to refute an academic essay that has been reviewed by and defended against one's fellow peers. It is an article that proposes a controversial viewpoint regarding sensitive issues, and as such, has been responded to by several academics who have expressed their opposing point of view in a collective letter. The main purpose of this essay is to examine the distinction of acknowledgment regarding these two separate identity markers that Tuvel has been writing about. In order to do so, this essay will have to review the arguments and solutions/demands that have been set forth in the opposing letter. Each argument, solution

²¹ Weinberg, Justin, "Transracialism Sparks Controversy (Updated with response from author)", *Daily Nous*, 01/05-2017, <http://dailynous.com/2017/05/01/philosophers-article-transracialism-sparks-controversy/>, Hämtad: 21/12-2017.

²² Leiter, Brian, "The defamation of Rebecca Tuvel by the Board of Associate Editors of *Hypatia* and the authors of the Open Letter", *Leiter Reports: A philosophy blog*, 01/05-2017, <http://leiterreports.typepad.com/blog/2017/05/the-defamation-of-rebecca-tuvel-by-the-board-of-associate-editors-of-hypatia-and-the-open-letter.html>, Hämtad: 21/12-2017.

²³ Bermúdez, José Luis, "Defining 'Harm' in the Tuvel Affair", *Inside Higher Ed*, 05/05-2017, <https://www.insidehighered.com/views/2017/05/05/real-damage-done-flare-over-philosophers-journal-article-essay>, Hämtad: 26/12-2017.

²⁴ Walters, Suzanna Danuta, "Academe's Poisonous Call-Out Culture", 05/05-2017, <https://www.chronicle.com/article/Academe-s-Poisonous-Call-Out/240016>, Hämtad: 26/12-2017.

²⁵ Weinberg, Justin, "Transracialism Sparks Controversy (Updated with response from author)", 01/05-2017.

and/or demand, will be analyzed in order to later be discussed. Therefore, the research question that this essay will work of on, is the following: *What would the reason be for these two distinct identity markers to be acknowledged in such a polarizing matter?*

1.3 Materials and delimitations

1.3.1. Primary- and secondary material

The primary material in this essay will consist of the letter that was written to criticise and oppose the article of Rebecca Tuvel.²⁶ The secondary material will be the article by Tuvel herself and a Facebook post by Nora Berenstain.²⁷²⁸ In order to be able to answer the research question of this essay, the main focus will not be given to Tuvel's article or Berenstain's post, but will instead be focused on the letter. The reason for the letter being used as the primary material, and not Berenstain's post, for example, is because the letter has been signed by over a hundred individuals who all appear to have a background in academia and by having signed the letter, show that they agree with its line of reasoning. Berenstain's post is an example of an individual thought regarding this issue. The letter represents the argumentation of a "bigger" opposition against Tuvel and is therefore better suited as to being examined. Berenstain's arguments also do not differ that much from the argumentation that is presented in the letter and will therefore be referenced from in this essay when needed, as will Tuvel's article.

1.3.2. Delimitations

As this essay is limited to a certain amount of pages (ca. 30-40), the main point of this essay will have to be the examination regarding the polarization of acknowledgments with these two specific identity markers that Jenner and Dolezal represent. Because of this, Tuvel's article and the right for its publication, will not be the main subject, but will be touched upon in later chapters. It is also important to note that while Tuvel's article will not be the one that is primarily being examined, it is still being referenced through the examination of the contents of the letter. The reason for this is that the letter has picked out the main issues regarding Tuvel's argumentation. As such, these arguments that have been

²⁶ "Open letter to Hypatia", 29/04 - 2017.

²⁷ Tuvel, Rebecca, "In Defense of Transracialism", 2017.

²⁸ Weinberg, Justin, "Transracialism Sparks Controversy (Updated with response from author)", 01/05-2017.

brought up in the letter, will be sufficient for this essay to be able to provide an answer to the research question. There is therefore no need to analyze Tuvel's article, as the main concerns regarding her article have been presented in the letter.

1.3.3. *Former research*

The former research that this essay will be using will consist of various themes within gender, race, postcolonialism, feminism and many others. These are the following books and articles that will be used to be able to answer the research question.

The first source of information for this essay, is an article by Sally Haslanger - "*Gender and race; (What) Are they? (What) Do we want them to be?*".²⁹ As the Ford Professor of Philosophy in the Department of Linguistics and Philosophy at the Massachusetts Institute of Technology (MIT), Haslanger's work is vital when understanding the basic concepts regarding gender and race. The previously mentioned article refers to the amount of social construction of gender and race. It goes on to examine the misguided ways of trying to define gender or race and in doing, create a false commonality and marginalization within certain groups of people. This article will be useful when examining the criticism that is brought up in the letter, as it will provide a thorough insight regarding aspects that deal with gender and race. Haslanger's article, alongside Ronald Dworkin and Will Kymlicka's work will also serve as a form of theoretical framework in the analysis of this essay. This will be further exemplified in following chapters.

The second point of former research that will be included, is an article from Niamh Reilly, "*Cosmopolitan Feminism and Human Rights*", and happens to be published by the very same academic journal that published Tuvel's article - *Hypatia*.³⁰ Reilly brings an insight as to how cosmopolitan feminism can act as an emancipatory political practice in an age controlled by globalizism. The article presents a critical correlation with international human rights law, as well as a global feminist consciousness that opposes a patriarchal and racist power dynamic. It also manages to provide a viewpoint that the utilization of a global forum should act as sites of cosmopolitan solidarity and citizen action. Its meaning into this essay has to do with the fact that an article that has spoken about themes such as racist and

²⁹ Haslanger, Sally, "*Gender and race; What are they? What do we want them to be?*", Blackwell Publishers. Inc., 2000.

³⁰ Reilly, Niamh "*Cosmopolitan Feminism and Human Rights*", *Hypatia: A Journal of Feminist Philosophy*, 2007, vol. 22, nr. 4.

sexist oppression has been accused of acting out racist and sexist oppression. Its correlation to this essay will be to see if the accusations toward Tuvel are correct or not.

Another source of information will include an article by Heidi Safia Mirza - "*Decolonizing Higher Education: Black Feminism and the Intersectionality of Race and Gender*".³¹ Safia Mirza is a British academic and Professor of Race, Faith and Culture at Goldsmiths, University of London. Her work has pioneering results in various subjects, such as, race, gender and multiculturalism, to name a few. The chosen article for this essay is written through the viewpoint of black feminist theory and its main point of examination lies with the professional experiences of postcolonial diasporic black and ethnicized female academics. This article explores the aspect of how gender and race combined can shape everyday experiences for black girls and women. The article comes to a conclusion that the understanding of the importance of black women and girl's desire for education is the heart of a black feminist viewpoint when it comes to resistance and refutation in an otherwise white patriarchal society. The reason as to why this article can be useful in this essay, is because it provides an insight of how white dominance shapes the way for black people in the world. The main criticism with Dolezal, for many, has been that her transition is an act of white dominance and appropriation. Although the article's main point of examination lies within academia itself, it can still be referenced when discussing white dominance or appropriation within other fields or aspects.

When writing essays that involve human rights, there is one book that is imperative to use to be able to understand the necessity for safeguarding and fighting for our human rights. The book in question is *Human rights: concept and context*, by Brian Orend, a professor of philosophy at the University of Waterloo.³² The book is written with the intent of introducing the reader to the very foundation and concept of what human rights are by providing insightful examples that we come across in everyday life. Such an example is a metaphor that Orend uses where he compares human rights to the right of a plane ticket. It is a valuable book when trying to understand human rights and how complicated they really are. This is specifically evident in the debate that this essay will cover, as by acknowledging one's human rights in the debate, one is automatically contradicting the other.

³¹ Mirza, Heidi Safia, "*CHAPTER 14: Postcolonial Subjects, Black Feminism, and the Intersectionality of Race and Gender in Higher Education*", Counterpoints, 2009, Vol. 369, Postcolonial Challenges in Education.

³² Orend, Brian, "*Human rights: concept and context*", Broadview Press, Peterborough Ont., 2002.

The complexity of human rights is also evident by yet another book that will serve useful to this essay. That book is *The Philosophy of Human Rights* and is written by Professor in Political Theory and International Relations at the University of St Andrews, Patrick Hayden.³³ The book itself explores the very definition of human rights as well as their importance in everyday life by presenting an extensive collection of writings that all, in some form or another, deal with the topic of human rights. This book is able to provide an exceptionally comprehensive introduction to the yet unfamiliar reader as well as a new insight to the reader who has been accustomed to the subject since before. It presents notions and arguments on the development of theories of human rights, from both a Western and non-Western viewpoint. It is therefore an insightful and extremely useful piece of literature when trying to figure out why a particular person's rights have been to some extent criticized.

To exemplify the importance of the protection of rights and the ways that they are repudiated in some ways, in this essay, another article will be used in order to achieve this. The article is called, "*What is a 'Right to Have Rights'? Three Images of the Politics of Human Rights*", and is written by associate professor, James D. Ingram.³⁴ His research can at often times be derived from theories that were written by such philosophers as Jean-Jacques Rousseau and Immanuel Kant and Karl Marx. The article that this essay will use, is one that, by examining the idea of a "right to have rights", by Hannah Arendt, seeks to elucidate the difficulties that can affect human rights. It details of three ways that human rights are interpreted. The first and perhaps the most "conventional" interpretation pertains that rights can be implemented by the use of power, for instance through a dictatorship where human rights only apply to some and not to all. The second notion, understands rights in terms of laws and institutions, a notion that works more in a democracy than the first proposed notion. The third aspect, which is developed by Ingram himself through an original interpretation of Arendt's work, is one that functions solely based on the "activity" of the rights-holders themselves and the claims that they make on human rights as a whole.

This in turn would mean that individuals might propose what constitutes a crime against human rights instead of various institutions. Ingram suggests that all of these notions are all extremely vital in understanding and protecting human rights, although the last one is

³³ Hayden, Patrick, "*The Philosophy of Human Rights*", Paragon House, St. Paul, 2001.

³⁴ Ingram, James D. "*What is a 'Right to Have Rights'? Three Images of the Politics of Human Rights*", American Political Science Review, 2008, vol. 102.

the only that gives individuals a complete say in how their rights are being used and/or protected. As rights claimers, Ingram suggests that the real power ought to lie with each one of us, as it is only we who can understand how our rights are being protected or violated against and should therefore have full autonomy. Ingram does however pertain that this is a difficult thing to achieve but that we ought to strive towards it nonetheless.

2.) Theory

2.1. Kymlicka's theory

Kymlicka's theory relates to pointing out that group-differentiated rights (rights specific to specific groups) are a valid extension of basic values and rules and are necessary in some situations, such as the changing of a country's constitution to promote a minority's fundamental rights. Or in this case, as an effective method to examine whether or not Tuvel's claims regarding support for individuals with non-formative identities can be justified or not. Kymlicka's theory indicates that true gender equality requires different treatments for different groups.³⁵

Kymlicka specifies this in his theory regarding three such group-differentiated rights for national minorities: *autonomy rights* such as political autonomy or territorial jurisdiction, *anti-oppression policy* which includes, among other things, legal "exceptions" and *special representation rights* used to "smooth" out the historical exclusion that members of a culturally disadvantaged groups may experience.³⁶ Kymlicka's theory is designed to protect individuals' independence in minority groups while ensuring their ability to participate in society as a whole.³⁷ The premise for Kymlicka's theory in this essay revolves around the arguments made against Dolezal's claim for self-identification and to see if they are justified or simply a hate speech against her.

2.2. Dworkin's theory

³⁵ Kymlicka, Will, "*The Good, the Bad, and the Intolerable: Minority Group Rights*", 1996, i Hayden, Patrick, "*The Philosophy of Human Rights*", Paragon House, St. Paul, 2001, s. 445.

³⁶ Kymlicka, Will, "*The Good, the Bad, and the Intolerable: Minority Group Rights*", 1996, i Hayden, 2001, s. 449.

³⁷ Kymlicka, Will, "*The Good, the Bad, and the Intolerable: Minority Group Rights*", 1996, i Hayden, 2001, s. 450.

To further examine the arguments that have been made in this discussion, this essay will also rely on Dworkin's theory. The theory of law that Dworkin has presented, basically constitutes rights permitting rights holders to act in a certain way, even if certain social goals might have been achieved by acting in a different manner. Dworkin's belief is that rights are trumps that exceed a number of different issues.³⁸³⁹ He claims that the only time when it should be acceptable to oppose a right would be in a life-threatening situation where one can save someone's life.

He writes that "rights are best understood as trumps of political decisions that set a goal for society as a whole." In general, Dworkin considers that consideration of rights claims must be prioritized over all other alternative considerations when formulating a public order.⁴⁰ Thus, a minority's holding of rights against discriminatory treatment should be able to defy all considerations about the possible benefits that a majority could derive from the discrimination of the minority group. Likewise, a person's right to an adequate meal should be able to triumph over other people's wishes to eat large and luxurious meals, or more than they need to live a good life, although it could give them a lot of fun.⁴¹ Dworkin sees rights as the ultimate form of trump in any situation, and that they represent, according to him, the basic ideal of equality on which the modern doctrine of human rights ought to be based on. Treating rights as a trumps means ensuring that all individuals are treated equally and similarly in respect to the doctrine of basic human rights.

2.3. Haslanger's theory

Although Dworkin and Kymlicka's theories correlate with gender and/or race in way or another, they are not as specific in these themes as Haslanger's work is. The article that was mentioned in the previous chapter (*"Gender and race; (What) Are they? (What) Do we want them to be?"*) provides an insight into the complexity of interaction between human rights and gender or race. Haslanger thoroughly examines the distinction and for that matter, similarities between race and gender.⁴² Her article is imperative when trying to understand the polarizations regarding these two identity markers. The reason for this is that Haslanger

³⁸ Orend, Brian, *"Human rights: concept and context"*, 2002, s. 20.

³⁹ Orend, Brian, *"Human rights: concept and context"*, 2002, s. 33.

⁴⁰ Orend, Brian, *"Human rights: concept and context"*, 2002, s. 20.

⁴¹ Orend, Brian, *"Human rights: concept and context"*, 2002, s. 20.

⁴² Haslanger, Sally, *"Gender and race; What are they? What do we want them to be?"*, 2000, s. 31-32.

offers the reader a “broader” insight into how gender and race might appear, by asking not what race and gender might be, but instead; what purpose might they serve, if any purpose at all?⁴³

Both Dworkin and Kymlicka try to show a society where one promotes the "vulnerable" first and fights for these sorts of individuals to have the “benefits” that they are denied to. Certainly this may seem unfair, but it is like comparing an individual who can walk with their legs to someone who has to use means like a wheelchair or crutches to walk. There is a way to create a balance for achieving gender or race equality that may not always seem to be fair to everyone. If for instance, one does acknowledge Dolezal’s transition as a similar journey to happiness as one has done with Jenner’s transition, then one might risk offending a number of people who feel as though Dolezal’s claims are discriminatory and racist. How should one go about such an issue, when seeing it through the mindset of theorists such as Dworkin? However, by examining the letter through the mindset of theorists such as Haslanger, one is presented with such concepts as to what identity markers might actually represent or what their sole function or purpose, if they have one, might truly be. Haslanger provides a theory that explores the very definition of, not only race and gender, but of humanity as well. It raises vital questions that concern how we deal with these two specific identity markers and how they shape our lives.

3.) Method

3.1. Text analysis

This essay will use a text analysis that is based through a human rights perspective. The form of text analysis that will be used is a qualitative text analysis, as the content of the letter is not in any way quantitative. The advantages of a qualitative text analysis deal with the fact that one is able to illustrate the structure of a text by examining key components that, essentially, make up the foundation of the text.⁴⁴ Such factors are, for instance, the identification of latent messages within the text and/or the intentions that the author might have wanted to emphasize. As a text analysis is connected with the practice of hermeneutics,

⁴³ Haslanger, Sally, “Gender and race; What are they? What do we want them to be?”, 2000, s. 32-34.

⁴⁴ Esaiasson, Peter, “Metodpraktikan: konsten att studera samhälle, individ och marknad”, Stockholm: Norstedts juridik, 2012, s. 211.

its main interest deals primarily with the interpretation of an examination's conclusion on the contents of a text.⁴⁵ This method is quintessential when wanting to “bring forward” the main contents, whether they be latent or not, of the text through the examination of all of its fundamental parts (the presented intentions of the author, former research, its conclusion and various other aspects). Its importance lies also with the fact, that a text analysis might deal with aspects or notions that are being taken for granted. Such a notion might involve Dolezal's transition as being considered as bad and offensive by some. A text analysis questions such notions and tries to understand as to why such an assumption has been made and/or if it is a correct one to make. The material that will be examined will also be analyzed against Kymlicka, Dworkin and Haslanger's theories, as well as previous research to be able to answer the research question. There are three books that this essay will be using in order to answer the question in regards with the text analysis. These are; *Att skriva en bra uppsats* by Lotte Rienecker and Peter Stray Jørgensen, *Textens mening och makt : metodbok i samhällsvetenskaplig text- och diskursanalys* by Göran Bergström and Kristina Boréus and *Metodpraktikan – konsten att studera samhälle, individ och marknad*, by Peter Esaiasson.⁴⁶

4.) Analysis

To be able to answer the research question that has been asked in this essay, arguments that have been made within the letter will have to be examined and evaluated based on their sustainability. This chapter will focus on examining the primary material of this essay, namely the letter that was written in opposition against Tuvel, by analyzing its arguments through a quantitative text analysis. The letter consists of four criticisms and also of four solutions or demands to these criticisms. This chapter will begin by analyzing the arguments with the help of previous research and then move on to examining the solutions/demands. The result of the performed analysis will then be presented in the following chapter; “*Results*” and a possible answer to the research question will also be given in order to be discussed in the chapter and sub-chapters that follow. The letter that

⁴⁵ Esaiasson, Peter, “*Metodpraktikan: konsten att studera samhälle, individ och marknad*”, 2012, s. 226.

⁴⁶ Jørgensen, Peter Stray, Rienecker, Lotte, “*Att skriva en bra uppsats*”, 3 upplagan. Stockholm: Liber, 2014.; Bergström, Göran, Boréus, Kristina, “*Textens mening och makt*”. 3 upplagan. Lund: Studentlitteratur, 2012; Esaiasson, Peter, “*Metodpraktikan: konsten att studera samhälle, individ och marknad*”, 2012.

opposed Tuvel's article and demanded its retraction, consisted, as previously mentioned, of four arguments against the content of the article and four demands or solutions that the writers had deemed to be a plausible way of reprimanding the harm that had been done through the publication of the article. The four arguments that were brought up in the letter, primarily deal with issues that concern the language that is used in the article, a failed usage and comparison of credible theories and authors, the wrongful comparison of a transition of self identity to that of a religious practice. And lastly, how an article of this magnitude should be handled correctly (the practices of reviewing articles and who can write about these topics).⁴⁷

The solutions/demands deal with similar aspects as the previously mentioned arguments do. These appeals to a form of ramification of the harm that the article has caused, involve the following aspects; that *Hypatia* issue an apology concerning the publication of the article and the uncritical response after a strong uproar against it occurred. That editorial norms and procedures ought to be opened to scrutiny when moving forward so that such an issue is not repeated. To engage in an open discussion with specialized scholars and people who are directly affected with these issues as to be able to determine as to what might be acceptable to publish. And finally, to avoid the practice of deadnaming, primarily by developing alternative means of referencing trans individuals.

4.1. The arguments

4.1.1. The vocabulary & the act of 'deadnaming'

The first argument that will be analyzed, concerns the language in Tuvel's article. It is written in the letter that Tuvel's vocabulary is of high concern, as it uses such words as 'transgenderism' which also, directly or indirectly, leads to the deadnaming of trans people.⁴⁸ This has also been noted by Berenstain in her Facebook post.⁴⁹ The letter points out that Tuvel has used terms that might be harmful and lead to being misconstrued by the reader. This chapter will focus on the terms that Tuvel has been using and their significance in this debate. The arguments regarding the act of 'deadnaming' and the other terms that the letter

⁴⁷ "Open letter to Hypatia", 29/04 - 2017.

⁴⁸ Tuvel, Rebecca, "In Defense of Transracialism", 2017, s. 264.

⁴⁹ Weinberg, Justin, "Transracialism Sparks Controversy (Updated with response from author)", 01/05-2017.

has presented as harmful, are presented in two separate chapters in the letter itself. However, this essay will merge them together as they correlate heavily with one another.

The usage of terms such as ‘transgenderism’ convey an outdated and quite anti-trans feeling. Terms such as this one seem to be a better description of an ideology or movement, rather than a person’s state of being. As such, it would seem quite offensive and inappropriate for an academic researcher to use these terms in their article when writing about such complex issues. This term is however not the only one that needs to be rectified, as the author uses the ‘transracialism’ as well. Transracialism does not only convey a similar sense of an ideological movement like transgenderism does, but its use in the article might also jeopardize its historical correlation to interracial adoption. The term itself has mostly been used when describing parents who have adopted a child of a different race.⁵⁰ One might therefore even argue that the term is being “appropriated” or co-opted in way to be able to justify the self-identification of people such as Rachel Dolezal.⁵¹ This is an interesting aspect, as it can be applied not only to people who identify with a different race, but with those who identify with a different gender than the one that they were born with.

As mentioned in the introduction of this essay, there are those who are adamant that transgender people are sick and/or that simply should not exist, as their existence does correlate with what might be perceived as “natural” to some. Their biggest argumentation, therefore, is one that deals with biology. By claiming that one cannot alter themselves in any way because it would therefore be a contradiction to biology, transgender people and anyone else who does not identify similar to these “critics”, is by default wrong to claim that their identity is correct. If one would however, comparing a transition of identity to that of an adoption, then this argument starts to lose sustainability. Its premise lies within the fact that if something does not correlate with the basic premises of biology, then it cannot be accepted. However, the notion of adoption is something that does not in a full sense comply with biology, as it pertains that an individual can claim that a complete stranger is eligible to be their parent. These are some of the aspects that cannot be chosen at birth; who one is born to,

⁵⁰ Kai- Hwa Wang, Frances, “*Adoptees to Rachel Dolezal: You're Not Transracial*”, NBC News, 17/06-2015, <https://www.nbcnews.com/news/asian-america/adoptees-rachel-dolezal-youre-not-transracial-n377121>, Hämtad: 04/01/2018.

⁵¹ Wm. Moyer, Justin, “*Rachel Dolezal draws ire of transracial adoptees*”, The Washington Post, 17/06-2015, https://www.washingtonpost.com/news/morning-mix/wp/2015/06/17/rachel-dolezal-draws-ire-of-transracial-adoptees/?utm_term=.0c6d81e82f39, Hämtad: 04/01-2018.

one's gender and the color of one's skin. Adoption and transition within one's identity is the closest one might get to actually choosing a desired outcome for one's life.

It seems highly doubtful that Tuvel's intention might have been to draw attention to this way of reasoning regarding these issues. Her intent might just have been to use a word that "easily" summarizes the emotions that an individual, who wants to transition from one race to another, might be feeling. However, when dealing with such complex and unprecedented issues, one ought to be aware of the words that are presented in one's article. The terms 'transgenderism' or 'transracialism' might be interpreted in different ways, some of which might be hurtful to a lot of individuals. This is a hard thing to be able to work with as a scholar, because a lot of terms have not yet been explored and/or therefore confirmed as correct when used in an article. The terms that have previously been discussed have not (as also stated in the letter) been acknowledged by any forms of conventions or relevant subfields. What is also imperative to note, is that these terms do not serve the article in any way. The article could still prove its point and present its arguments by not including such divisive terms. This essay is not arguing that simply by not being directly the most harmful words that exist, should they be used in an article. The argument that is being made however, is that these are, as of yet, still indecisive terms. If used, then the reason for the usage of them, ought to be a highly compelling one. For Tuvel, they serve no use. Her point could still be made without them and the sustainability of her argumentation would not have been reduced.

This in turn leads to the act of 'deadnaming' in Tuvel's article. The term of 'deadnaming' is something that was also a vocal point in Berenstains post on Facebook, as she claimed that it was inciting violence.⁵² What the term essentially means is that an author, for instance, is wrongfully referring a trans person by their previous name, usually their birth name.⁵³ Something which does occur in Tuvel's article. Deadnaming a trans person is something that might be wrong in some cases and also harmful to that individual who might be struggling with their identity.⁵⁴ However, the issue becomes a bit more complex when needing to refer to someone's past. How would one go about when writing about an individual who would most likely want their past to remain hidden, especially when one has

⁵² Weinberg, Justin, "*Transracialism Sparks Controversy (Updated with response from author)*", 01/05-2017.

⁵³ Reitz, Nikki, "*The Representation of Trans Women in Film and Television*", *Cinesthesia*: Vol. 7 : Iss. 1 , Article 2, 2017, s. 3.

⁵⁴ Reitz, Nikki, "*The Representation of Trans Women in Film and Television*", 2017, s. 3.

to write about events that have unfolded in the past and led to that person being who they are today? One way might be to avoid mentioning their previous name at all and simply refer to them by the name that they have chosen for themselves after their transition. When mentioning certain words or phrases that might cause harm to certain people, and if it is apparent that they are not needed in one's article, then it might be best not to include such terms in the text. The practice of deadnaming is such an example. However, how does one go about when writing about a former athlete who herself has been referring to her birth name?

Jenner has not proclaimed that this is an issue for her. On the contrary, she has remarked that her past remains of great significance to her and to many around her, as well as that her accomplishments as Bruce Jenner, (famed olympic medalist, father and so much more) are a vital part of her life.⁵⁵ To deadname and the harm that it may cause is something that every author in academia ought to be aware of when writing a text. It can be upsetting, harmful, dangerous, triggering and an invasion on parts that someone might want to be hidden, such as a person who has yet to come out for instance. So how ought an author such as Tuvel do? Does one ignore this harmful practice because one individual does not seem to be bothered by it and risk upsetting all the people who might be? Regarding such questions, it is imperative to note that Jenner does not speak on behalf of all whom are trans. Her actions and feelings are her own and if she feels that deadnaming is not an issue, specifically for her, than that is her right. When writing explicitly about Jenner, one ought to point out that Jenner does not have a problem with her birth name being referenced to, but that one should be careful when writing about someone else who also is trans but wishes for their past to remain "buried". Not everyone feels the same way as Jenner does regarding this complex issue. The practice of deadnaming is one that is, in a way, individually perceived, in that one person may not have a problem with it, but another one might. It is not similar to, for example, to saying a harmful word, such as the N-word.⁵⁶ If a black person does not have a specific problem with someone else using this word, then that serves of little concern, as this is a word that a great significance to black people as a whole. To deadname is an individual act,

⁵⁵ Brockes, Emma, "*Caitlyn Jenner on transitioning: 'It was hard giving old Bruce up. He still lives inside me'*", The Guardian, 08/05-2017, <https://www.theguardian.com/tv-and-radio/2017/may/08/caitlyn-jenner-bruce-transitioning-kardashians-reality-tv-star>, Hämtad: 05/01-2017.

⁵⁶ Blay, Zeba, "Why Explaining 'The N-Word' To Non-Black People Is So Damn Exhausting", Huffington Post, 09/05-2017, https://www.huffingtonpost.com/entry/why-explaining-the-n-word-to-non-black-people-is-so-damn-exhausting_us_5910cb2de4b0d5d9049eef86, Hämtad: 05/01-2017.

one cannot deadname a whole community in a similar manner that one can offend an entire people by using one word.

4.1.2. *Failed citation of authors*

The second argument that the letter presents deals with the notion that Tuvel has failed when citing author and philosopher, Charles Mills. The letter does not go into detail when describing this concern but simply makes an argument that Tuvel has cited a Caribbean professor from Jamaica (that has researched and lectured on topics such as race, gender and oppositional political theory, which centres on class) as her main advocate or defender for racial identification. This, however, does not appear to be true. Tuvel has indeed mentioned Charles Mills, but her citation of the famed philosopher is not that he is an avid defender for those who are dealing with their racial identity. Her argumentation when citing Mills appears to deal with the fact that she is trying to convey that Mills is talking about the sociological aspect that one might deal with when questioning one's racial identity.⁵⁷

Tuvel is referencing that one must take into account the traits of a race that are developed culturally. For instance, dreadlocks or dreads for short, have become a significant topic in this debate.⁵⁸ If a white person were to wear them, would that be considered culturally offensive? Maybe, maybe not, it depends on who one might ask. Nobody can really claim ownership of the wearance of dreads, so it is a hard question to answer. It becomes increasingly more difficult to answer when factoring in the aspect of adoption. If a child is born white but is adopted by black parents that want their child to wear dreads, are they guilty of exposing that child to cultural appropriation or are they simply trying to expose their child to a culture that they have grown up with? This does not mean that the child is by default black, simply by wearing dreads. But it does mean that the child ought to participate (if they want to) in traditions or garments from a certain culture, for instance, that its parents are a part of. It is also imperative to note that this form of argumentation is not stipulating that dreads are a "typical" aspect of black culture or that all black people feel this way. It is

⁵⁷ Tuvel, Rebecca, "*In Defense of Transracialism*", 2017, s. 267.

⁵⁸ Grinberg, Emanuella, "*Dear white people with dreadlocks: Some things to consider*", CNN, 01/04-2016, <http://edition.cnn.com/2016/03/31/living/white-dreadlocks-cultural-appropriation-feat/index.html>, Hämtad:05/01-2018.

merely an example of claims made by some who feel that as a white person who is wearing dreads, one is automatically engaging in cultural appropriation.⁵⁹

The problematics with this argumentation is that this is not sufficient when claiming to be of a certain race other than the one that one is assigned to at birth. It is however interesting that a child that is born of a certain skin color, can be adopted by a couple of another color and live out their entire life in the cultures and traditions that are usually affiliated with that specific skin color. And yet never fully be able to claim that racial identity as their own because their skin color does not correlate with the color of their parents.⁶⁰ The notion of race having a great social meaning is something that can also be found in Haslanger's article. Haslanger approaches this claim by mentioning the differences within race and how a place of origin might have great significance as to how one might regard two complete strangers that might share a common physical trait such as skin color. For instance, Haslanger presents the differentiation between being 'Brazilian black' and 'American black' and individuals can be "linked" by the same skin color and yet be part of different cultures and traditions that are "related" to that skin color, depending on where one is geographically. She pertains that social aspects play a great significance as to how one's race might be perceived alongside aspects such as physical traits.

By comparing this debate to the viewpoint of Haslanger, one is dealt with various questions regarding the acknowledgment of persons such as Dolezal, solely on the merit of claiming a belonging to a certain race, simply on premise of the social factor.⁶¹ Dolezal cannot claim for example that she was born biologically black as that has been discredited. However, if the perception of a specific race is to a degree, constructed by the social aspect. Is it thereby possible for Dolezal to claim affiliation or acceptance to being black by having taken part of certain social aspects that might define that race or is she simply acting in an offensive manner by making that claim? As Haslanger explain regarding race and gender, they are difficult issues to discuss, perhaps because a transition within gender deals with similar aspects and notions as one within race. Someone who is transgender is not

⁵⁹ Chibelushi, Wedaeli, "I wasn't surprised by the US dreadlocks row. It's another example of cultural appropriation and white entitlement", The Independent, 02/04-2016, <http://www.independent.co.uk/voices/i-wasnt-surprised-by-the-us-dreadlocks-row-white-people-never-think-the-y-are-guilty-of-cultural-a6964906.html>, Hämtad: 04/01-2018.

⁶⁰ Sha, La, "What White Parents Should Know About Adopting Black Children", Huffington Post, 12/01-2016, https://www.huffingtonpost.com/la-sha/what-white-parents-adopting-black-children_b_8951402.html, Hämtad: 05/01-2018.

⁶¹ Haslanger, Sally, "Gender and race; What are they? What do we want them to be?", 2000, s. 43-45.

biologically born to the desired gender. But if Haslanger is correct, in that both gender and race are to a certain degree based on social aspects as well as physical traits, could Dolezal's transition not be compared to the transition of someone like Caitlyn Jenner? This question will be examined further in following chapters and sub chapters, as there are other aspects within the chapters that need to be clarified further in order for this question to be answered.

4.1.3. *Comparison to Judaism*

Another point that is being made in the letter, is that Tuvel has not succeeded when comparing a transition within gender or in this case race, to that of a transition or conversion from one religion to another. Tuvel has chosen specifically to make a comparison to Judaism, as the religion dictates that one is born into it by default if their mother has a Jewish heritage, but can convert through years of study. A conversion can also be hindered, as Tuvel mentions, if the rabbi might suspect that one is not suitable to take on a studying of the teachings of the Torah. This is Tuvel's sole mention of Judaism in the article;

Generally, we treat people wrongly when we block them from assuming the personal identity they wish to assume. For instance, if someone identifies so strongly with the Jewish community that she wishes to become a Jew, it is wrong to block her from taking conversion classes to do so. This example reveals there are at least two components to a successful identity transformation: (1) how a person self-identifies, and (2) whether a given society is willing to recognize an individual's felt sense of identity by granting her membership in the desired group. For instance, if the rabbi thinks you are not seriously committed to Judaism, she can block you from attempted conversion. Still, the possibility of rejection reveals that, barring strong overriding considerations, transition to a different identity category is often accepted in our society.⁶²

Tuvel's referencing of a religious conversion seems to indicate the fact that like a conversion to a desired religion, one might want to make a conversion or transition to a desired gender or race. A religious conversion, at often times, implies that one is wishing to make changes in one's life that will hopefully have a satisfying outcome. To bring up the conversion to Judaism does not appear to be something that Tuvel has mischaracterized, as

⁶² Tuvel, Rebecca, "*In Defense of Transracialism*", 2017, s. 264

the letter presents it. It is an example that details the commitment that one might have to take, in order to achieve a the desired fulfillment that one is seeking. Judaism is one of few religions that expects one to fully commit themselves to the teachings of the Torah, in order to be able to live a good life and prove that one will try and apply these teachings each and every day of their life.⁶³ A conversion to Judaism is more of a testimony of one's loyalty to God by studying the Torah, to be able to prove that even though one does not belong to the religion by birth, one is prepared to show their willingness to make that happen. According to Tuvel, this same thing can be applied to a person that is transitioning. Whether that person feels that they belong to the wrong gender or the wrong race, the premise is the same; they all want a different outcome than the one that they were presented with at birth.

The reason for comparing it to Judaism and not Christianity for instance, is because, as previously mentioned, the conversion to Judaism is one that is not often permitted if seen to be a false wanting. It is something that a person must want (and indeed prove by studying), a thing that they essentially need in order to lead a healthy life. It is evident that a conversion within religion is not the same to the turmoil that one might get when wanting to transition in order to get a better self-identification. But in this case, it serves as a metaphor in order to understand the urging and hard need to transition from one thing into something else in order to achieve happiness. Tuvel is using this metaphor to answer the question; if this is justifiable for a transgender person, then why can the same not be said about someone like Dolezal? This aspect is one that can primarily be drawn to the argumentation that can be found in Kymlicka's theory as well the reasoning that was set forth by James D. Ingram.⁶⁴

By converting to Judaism, one is considered a part of Jewish culture and gets to share that with other jews. It is an inclusion into a community. If Dolezal is considered to actually be black, she would be included into another form of community, albeit a small one, but one that might share her experience nonetheless. Kymlicka suggests that by belonging to a minority, one is attributed certain rights that would enable oneself to function in society. For instance, simply by claiming that she feels like belonging to a different race than the one assigned to her at birth, Dolezal could be considered to belong to a minority. Now, as Dolezal does belong to a minority, how ought one go about the manner? Because unlike a conversion

⁶³ Heilman, Uriel, "So You Want to Convert to Judaism? It's Not That Easy", Haaretz, 06/10-2014, <https://www.haaretz.com/jewish/features/1.619493>, Hämtad: 05/01-2018.

⁶⁴ Ingram, James D. "What is a 'Right to Have Rights'? Three Images of the Politics of Human Rights", 2008, s 413.

to Judaism, a transition within race is something that has the potential to upset and offend people. Should Dolezal's transition be considered a transition within race and if so, are her rights as part of a minority more important than the people who she might risk upsetting? If one is to look at this debate from the viewpoint of Kymlicka, then perhaps Dolezal should be permitted certain anti-oppression policies that aid her in her desire to be accepted as transitioned black person?⁶⁵ If one were to compare this line of reasoning to the work of Ingram, then Dolezal ought to be permitted to have the final decision regarding her rights, as she ought to have full autonomy with her rights as a rights holder.⁶⁶ But should the same be pertained to the likes of her opposition? Is it not fair that by Ingram's reasoning, they have as much right to have a full autonomy of their rights and could therefore be eligible to claim that this is an act of discrimination? The answer, undoubtedly, does not become any less complex when compared with the theories set forth by Dworkin, as they share the intricacy of Ingram's rationale. Dworkin's theory suggests that both parties in this debate are correct, simply because they are both rights holders.⁶⁷ Dolezal has the right of self-expression and identification, and her opposition has the right to pass judgement. If one truly wishes to derive an answer in this debate, then one would have to choose a side in this debate. Because both parties in this debate are by Dworkin and Ingram's reasoning, quintessentially right simply by having rights.⁶⁸

4.2. *The solutions/demands*

As mentioned in the previous subchapter, the letter also presented its solutions or demands as to how this problem could be rectified. The following subchapters will analyze these in a similar manner to the analysis of the arguments in order to then be presented in the chapter that deals with the result of the analysis and to later on be discussed further upon in the following chapter and sub-chapters.

⁶⁵ Kymlicka, Will, *"The Good, the Bad, and the Intolerable: Minority Group Rights"*, 1996, i Hayden, 2001, s. 449, 450.

⁶⁶ Ingram, James D. *"What is a 'Right to Have Rights'? Three Images of the Politics of Human Rights"*, 2008, s. 405, 413.

⁶⁷ Orend, Brian, *"Human rights: concept and context"*, 2002, s. 20.

⁶⁸ Orend, Brian, *"Human rights: concept and context"*, 2002, s. 20.; Ingram, James D. *"What is a 'Right to Have Rights'? Three Images of the Politics of Human Rights"*, 2008, s. 405, 413.

4.2.1. *Apologizing*

The letter's way of "fixing" this issue is by first and foremost, having *Hypatia*, issue an apology for the uncritical way that the journal has acted during the period of time regarding the article's publication. The journal would also have to take responsibility for their lack of judgement that led to the publication of the article. *Hypatia* did apologize and issued a statement were they condemned the actions that were taken in order for this article to be published, as well as for the article itself. They specified that this is not something that *Hypatia* stands behind and/or supports. It goes without saying that Tuvel's article was not an egregious piece intent on harming or discriminating against trans people or black people. Tuvel does not appear to have wanted anybody to get hurt or feel sad when reading the publication, instead the main intent appears to have been to simply answer the question that she posed in the article; why somebody was being treated (differently) than someone else?

An academic journal has protocols and specific review practices that it might follow, to specifically ensure that nothing extremely harmful is published, only that which may contribute in a positive way to academia as a whole. However, it does also seem unlikely that an article with a heavy amount of egregious content would have made it past the review team in the first place. To therefore consider a journal that specializes in issues such as gender and race, and their need to distance themselves from one of their writers, simply because a big number of people felt that they should, seems like an odd thing to do. Especially when Tuvel's article can also be correlated to the viewpoint of Haslanger in her article, a well respected researcher in her own right, whose work has explored such issues numerous times. Haslanger's main point of exploration was to examine the definitions of race and gender. Similarly to that of Tuvel. The difference appears to have been with Tuvel's vocabulary and what issues concerning gender and race that she had decided to cover. Haslanger's article was an exploration and identification of these identity markers. Whilst Tuvel was seeking to understand why a transition amongst one of them could be acknowledged in such polarizing way to the other.

One might also make a reference to the article by Heidi Safia Mirza.⁶⁹ Her exploration lies within figuring out how black women in academia were and are being treated. She discusses the experiences that one of the first black women to study law at university,

⁶⁹ Mirza, Heidi Safia, "CHAPTER 14: Postcolonial Subjects, Black Feminism, and the Intersectionality of Race and Gender in Higher Education", 2009.

Cornelia Sorabji, recalls having during her first years.⁷⁰ Safia Mirza pinpoints that Sorabji was being treated differently and that the different treatment was not always done with a negative intent, but that it was still negative nonetheless. For instance, Sorabji would be given already borrowed books that the other male students had borrowed or be escorted to class, so as to feel “safe”, presumably.⁷¹ As said, these acts might have been done with a positive intention in mind, but they showed Sorabji that she was still a woman among men, and that it reminded her constantly that she would not be treated equally to the male students because of her gender and/or presumably colour. Sorabji’s experience shows a form of post-colonialism that can be seen in the debate regarding Tuvel’s article. As presented in Safia Mirza’s article, Sorabji was chaperoned everywhere and it was done with a good intention, but had a demining and offensive undertone.⁷² Whether one sides with Tuvel or with her opposition, one cannot deny that an apology for Tuvel’s work ought surely to come from people who feel that they have been directly affected by her argumentation? Otherwise, it might become a form of “chaperoning” of an entire community, an offensive notion with a good intention.

4.2.2. Open to scrutiny

The letter goes on to mention that *Hypatia* ought to open its editorial norms and procedures to further scrutiny, presumably as their readers might be able to provide valid insight into the content that the journal is publishing. This subchapter sort of goes in par with the previous one, because it deals with the dangerous fact of reader dictating what might be considered “safe” to publish and what might not. For instance, Tuvel’s article had received an unordinary amount of backlash from readers of the journal. The article itself was presented as a dangerous and harmful piece. To protest against it and hopefully remove it, signatures were gathered. However, as when examining the arguments in the previous subchapters, the readers seemed to have either misread the article or intentionally presented some aspects as more harmful than they actually were. For instance, the argument regarding deadnaming, was not presented in completely truthful manner. The readers seemed to have decided that they

⁷⁰ Mirza, Heidi Safia, “CHAPTER 14: Postcolonial Subjects, Black Feminism, and the Intersectionality of Race and Gender in Higher Education”, 2009, s. 2.

⁷¹ Mirza, Heidi Safia, “CHAPTER 14: Postcolonial Subjects, Black Feminism, and the Intersectionality of Race and Gender in Higher Education”, 2009, s. 2-4.

⁷² Mirza, Heidi Safia, “CHAPTER 14: Postcolonial Subjects, Black Feminism, and the Intersectionality of Race and Gender in Higher Education”, 2009, 2-4.

were in some way Jenner's voice in this manner and spoke on behalf of her and everybody else in the trans community.

The reason that this is so vital is that the letter has over several hundreds of signatories. If, lets say, some have intentionally presented the article in the untruthful way that they have, than it would only be logical that there are some that have not read the contents of the article to its fullest but simply relied on what was reported in the letter. To therefore open up *Hypatia's* editorial norms and procedures to scrutiny might be a dangerous thing to do. As most would be very vocal on the issues that they would argue should be altered and others would simply go along with that notion, perhaps not even have been informed of what they are referring to. A journal should take into account arguments that readers make, because it might be vital as to what readers are interested in and what they do not wish to read about in the future. That being said, a journal should also be so strong as to be able to make important decisions without having to back down to their readers that have deemed the content to be to "unsafe". This is an academic journal after all, and one that must be prepared to understand that the grand debates that are explored through academic texts will touch upon issues that might seem dangerous and harmful, because they deal with uncertain topics, such as the one that Tuvel wrote.

4.2.3. Figure out who one is working with

The previous solution involved such notions as, *Hypatia* being influenced by its readers to the extent where they might approve of what kind of content was being published and/or not published. This could eventually, with high probability, lead to the journal having to be controlled by readers to the point of harming the academic debate by them deciding on not publishing articles and texts that they do not agree with. *Hypatia* would therefore not be able to function on its own but would have to rely on the approval of its readers and academia might lose a valuable and reliable publication that deals with interesting as well as vital issues. This solution deals with similar aspects as the previous one, as it refers to the premise of authors having to "double-check" their work after it's been reviewed by the journal's editorial team. This will be done by consulting with people who either have a personal connection or have a form of academic background within the topic that the author would like to write about. For instance, Tuvel would have had to discuss her article and its content

with someone who has dealt with the touched upon issues and someone who is specialized within the topics that are dealt with in the article.

The reason as to why this solution in some way mirrors the previous one, is because it requires the journal's authors to basically have "training wheels" on all the time. As an author of an academic journal, it is one's duty to first and foremost consult about a topic or issue that one would like to write about. One needs to gather as much information about the topic as possible in order to present a well structured and respected article that will provide an insightful viewpoint to the specified subject that one is writing about. But is also imperative to note that as an author, one cannot, at all times, be monitored and supported. Tuvel, for example, is a senior lecturer of philosophy at Rhodes College in Memphis. She has undoubtedly written various texts before writing this one and is surely well versed on the notion of writing an academic paper and the effort that it requires. To then also have cross reference her work, not only with someone of expertise in the subject, but also someone with personal experience, seems a bit excessive and unnecessary.

Not only does it present new challenges and obstacles for the author, (by having to make sure that their work is appealing to not just the review team but more people as well, who might just disprove of the text and all that hard work might be for nothing) but it also undermines the value, need and expertise for and of the review team. Before every publication, an author has to defend their work. If they fail, then the work is not published and the author might have to rework their article. If they do defend their article properly and prove that it is deservent of publication, then it is naturally published. This was evidently the case regarding Tuvel and her article. To then have to perform this practice of having to defend one's article two times and risk having it fail the second time, might be tough. It is not of great certainty that one might defend their article correctly the second time. Tuvel would probably not been able to, as evidenced by the demands of the letter itself.

This paragraph can also be linked to the article, "*Cosmopolitan Feminism and Human Rights*", written by Niamh Reilly.⁷³ In her article, Reilly pertains the notion that a cosmopolitan feminism regarding human rights might have its pros as well as it cons.⁷⁴ *Cosmopolitanism* subscribes to a notion of collectively striving and accepting an ideology

⁷³ Reilly, Niamh "*Cosmopolitan Feminism and Human Rights*", 2007.

⁷⁴ Reilly, Niamh "*Cosmopolitan Feminism and Human Rights*", 2007, s. 180-181.

that “binds” all humans into a community of shared morality.⁷⁵ The solution in this paragraph, that the letter is presenting, would almost have to be based on a cosmopolitan concept of writing texts. In that there would have to be a form of consensus as to which texts are favorable to write and do not deal with sensitive issues. To be able to connect that to human rights can be a pragmatic and morally favorable thing. However, one’s understanding of acknowledging of human rights can differ from to that of someone else. Tuvel chose to present Dolezal’s rights as morally correct thing to uphold and acknowledge, by trying to accept her as black, similarly to that of accepting Jenner as a woman. However, some felt as if this was an act of discrimination towards their own rights, and that they held the moral high ground. If one is to find a common ground on how an essay is to be written, based on the mindset of various people (such as the people who either have a personal connection or have researched the themes, as the letter states), depending on the theme of one’s text, than one would almost have to apply a cosmopolitan viewpoint on academia as a whole. As a community within academia, there would have to be rules as to which topics and viewpoints are allowed and which are not, again, based on the mindset of the people that one is consulting when writing one’s text. There would also have to be a form acknowledgment as to whose rights are the ones that are morally “secure”. As stated through the comparison with Dworkin, one would have to side with one rights- holder, while discouraging the other, and that is not a favorable situation.

4.2.4. *How to avoid the practice of ‘deadnaming’*

This essay has referred to the practice of deadnaming and the harm that it might pose. It is something that is imperative to mention and also to remember when discussing topics that might in any way touch upon it. The letter goes on to say that one should find practices of naming trans people without using their former name. It ought to be agreeable that if one can in any way unburden someone else's life in any way, then one ought to do that. To ask anybody to call someone by their desired name is not much of an effort. So it is hard to discuss this demand that the letter has presented because it is correct in that deadnaming is wrong and should be avoided, but the solution is not as complicated as the letter would argue that it might be.

⁷⁵ Anthony Appiah, Kwame, "Cosmopolitan Patriots", *Critical Inquiry*, 1997, s. 617–39.

One would not need to find inordinate ways or protocols to go about when writing about trans people who do not wish to be dead named. Simply refer to them by the name that they have chosen. If an individual is content with their past being referenced to, then one should not deny them that right and it would then be acceptable to include their birth name. Some people feel that their past is something that they still cherish and want to reference from time to time, while others want nothing else than to move forward with their lives. Both scenarios are acceptable and good as everyone has their own story to tell. To therefore suggest that their needs to be protocols in place is a hard thing to act upon as every case is individually. Jenner did not mind if her past was referenced while someone else might. It would be better to acknowledge that deadnaming is a serious issue and that many may frown upon it, but that when specifically talking about Jenner, it is not something that is harming especially her as she embraces it herself. This way one might recognize an important issue without sending the wrong idea of deadnaming really is and why it is regarded as being so harmful. This is also of great importance when reading such post as the one that Berenstain posted. As mentioned earlier in previous subchapters, Berenstain claims that this is an act of violence. Not only does this portrait a wrongful image of what kind of violence trans people might be subjected to each and every day, but it might undermine their arguments against real violence as nothing more than “mass hysteria”. That in itself could cause more harm and might lead to more violence than Tuvel’s article ever could.

5.) Results

The letter is meticulous to point out errors with the article and present ideas on how to solve them. However, these paragraphs in the letter are short versed and do not provide much information regarding the flaws in the article or in some cases, how one ought to go about when fixing them. For example, the last category within the solutions paragraph, that deals with the avoidance of deadnaming, suggests that the journal ought to develop the best possible practices to be able to achieve this. It does not specify as to how this will be achieved or present the reader with a plausible suggestion as to what such a practice might resemble. And as stated in the previous subchapter, it is not a plausible notion because it undermines a whole number of aspects, including the expertise of the review team. Another example might be found during the arguments- section, where it is described that Tuvel

mischaracterizes the comparison between a religious conversion and a self-identifying transition. This is shown, in previous chapters of this essay, to be an exaggeration and one that is not correct. Tuvel's idea draws an interesting and vital comparison between these two transitions and/or conversions and is one that is coherent and reasonable in order to understand the complexity of this issue that Tuvel is trying to examine. It is a metaphor that functions, in Tuvel's article, to draw attention that as desired as a conversion in religion might be (something that might help one to live a much more desired life) so can a transition within one's self-identity be. It does not seem that Tuvel is trying to argue that everyone's transition should or could resemble a religious conversion, because they are after all two different things, but in this case, it functions as a well-thought-out metaphor and a good way of trying to understand Dolezal's reasoning regarding her transition. There are also some aspects that the letter does point out that have great deal of sustainability and that Tuvel is "guilty" of having done and ought to rectify. Such a notion is Tuvel's vocabulary. Tuvel mentions terms such as "transracialism" and applies them the wrong meaning in her text, which might confuse readers who are unfamiliar with such terms, as it provides a wrong example of what transracialism really means.

So, having analyzed the arguments and solutions/demands in the letter, can the research question in this essay be answered? The answer is both yes and no. The reason for this is that it is with personal belief that these issues require further examination and understanding. As stated in earlier chapters, these issues are unprecedented, in that they deal with aspects that might be triggering and objective to a lot of individuals. They are hard to examine, because one is always uncovering new aspects and details that might be of significance. And as this essay is limited to a certain amount of pages, it is hard to present a conclusive answer to such a question. However, one is still able to present possible answers to this question, based of the examination of the chosen material.

This essay posed a question that involved the polarizing acknowledgment of two distinct identity markers. Based on the arguments provided in the letter (and from Nora Berenstain), the distinction in acknowledging these two identity markers has a lot to do with what they represent, more than what they specifically are. The way that the letter and the arguments from Berenstain are presented shows a form of "alarming" feeling in what the article and Dolezal represent and that it needs to be rectified as fast as possible. However, one might argue that such questions are vital to be presented as they drive the exploration of the

concept of humanity further on, no matter how sensitive they might appear. Tuvel's article for instance, dared to do that - venture into dangerous territory, in that it tried to cover topics and issues that may be sensitive. It raised questions that deserve to be researched further, many of whom were further exemplified in this essay. However, it would have been more fascinating to see the collective mindset of the signatories of the letter combine their expertise in the subject and provide some new and insightful content. The whole premise of academia as a whole, is that it is one giant debate. Articles and texts serves as argumentation and the more irrefutable the article is, the better the sustainability for one's argumentation. Arguments can nonetheless, be perceived as "dangerous" or unprecedented. The argumentation concerning Dolezal from Tuvel, has resulted in a worry of what this might result in. What Dolezal, and then later on Tuvel, have done, is that they have in a manner of speaking, "opened the floodgates" and expanded the concept of humanity.

That in itself might seem like an eerie notion because it means that we as a human race are still not done in this quest of understanding concerning the term "humanity", but it also leaves the term open for interpretation. Which might appear to be an intimidating thought when considered how egregious the interpretation of humanity has been throughout history and how in the modern era some might use this interpretation to harm others. For instance, in a video by controversial YouTuber - "*Angry Foreigner*", the idea of having a festival designated for girls/women only, was heavily criticised. The YouTuber in question stated that this would allow people who are opposing anyone who is trans, to be able to claim that they themselves are trans and that the operators of the festival could not turn them down because it would be transphobic.⁷⁶ Such logic was also propagated by controversial and conservative political commentator, Ben Shapiro. His thought was to compare the notion of believing that one is of a different age than one actually is to that of being transgender and that it would correlate in absurdity.⁷⁷

The staunch opposition that the article received seems to be based on two premises; a historical one and a futuristic one. The historical aspect deals with the fact that Tuvel's article compared a transition in gender to that of a transition within race and that the latter has a

⁷⁶ "Angry Foreigner", 05/08-2017, "*WOMENS ONLY music festival to PREVENT RAPE*", (video), vid; 05:42, <https://www.youtube.com/watch?v=TLxCSBI7VKw>, Hämtad: 06/01-2018.

⁷⁷ Berrein, Hank, "*WATCH: Ben Shapiro Debunks Transgenderism And Pro-Abortion Arguments*", The Daily Wire, 09/02-2017, <https://www.dailywire.com/news/13354/ben-shapiro-debunks-transgenderism-and-pro-hank-berrien#>, Hämtad: 06/01-2018.

correlation with historical racism. If the historical aspect was non-existent than one might argue that a racial transition would not be looked upon as perhaps another form of white domination or conquest of black culture or heritage. The future aspect deals with an assumption that by seeing a racial transition as being the same to that of a gender transition, one might do more harm than good for future generations to come, as presented previously in this chapter. Both of these aspects will be discussed further in the following and final chapter and subchapters.

6.) Discussion

As stated in the preceding chapters and subchapters, the opposition against this article appears to stem from a combination of fear, anger and panic over what this article and Dolezal, herself, represent and can represent. This essay has presented two ideas as to why this might be, and they will be discussed in the subchapters that follow.

6.1 *The historical aspect*

This aspect, as mentioned earlier, involves the notion that racial transition cannot be accepted the same as transition in gender, because of its racist history.⁷⁸ To transition within gender does not involve any undertones of racism as it has been used in that manner throughout history. A racial transition would have to involve the change of one's skin to feel as though one truly is of another race. This would mean that a white person would have put on a so called "blackface", a form of racial discrimination and stereotypical mockery of what an actual black person looks like.⁷⁹ It is therefore natural to question if the transition that Dolezal has undertaken is one that can be taken seriously with understanding and compassion or if it is just another form racial discrimination. This is a tough and for that matter vital discussion, that is certainly not going to be finalized in this essay, but one that must be undertaken nonetheless.

⁷⁸ McFadden, Syreeta, "Rachel Dolezal's definition of 'transracial' isn't just wrong, it's destructive", 16/06-2015, <https://www.theguardian.com/commentisfree/2015/jun/16/transracial-definition-destructive-rachel-dolezal-spokane-naacp>, Hämtad: 06/01-2018.

⁷⁹ Craven, Julia, "Here's A Reminder Not To Wear Blackface This Halloween (Or Ever)", Huffington Post, 30/10-2015, https://www.huffingtonpost.com/entry/dont-wear-blackface-halloween_us_5633b4dde4b06317991244ac?0h1k0bgklo2inewmi, Hämtad: 06/01-2018.

If there are more people like Dolezal who feel like they are of another color, then this issue is vital to be addressed, not only for them but for many others to come. Dolezal does not appear to have been mocking anyone or using this transition to be able to gain certain benefits. On the contrary, her work has been shown to be positively received and simply by keeping this a secret for such a long time and trying to hide her past, might showcase that Dolezal really desired to be black. This issue is also imperative to be discussed further as it, like previously mentioned, touches upon other subjects, one of whom would be transracial adoption. Can a white child who has been raised by black parents claim certain aspects from black culture or is it considered cultural appropriation? If so, is there a time when it will not be so? Will there be a time when a white person can have a racial transition, without being accused of wearing blackface? By that way of thinking, why is Dolezal's transition not one to be accepted, as it is not one that is derived out of mockery but out of desire to be of an admired and respected skin color? These are important and fascinating questions that deserve and need to be discussed. Haslanger has also, in various forms, touched upon such issues in her article. She talks about the notion of what it means to be of certain color or gender.⁸⁰ Can Dolezal simply be acknowledged as black if she in some form, darkens her skin, or is this the sole definition of what being black really means? Or are there other aspects that define a black person or white person? Haslanger pertains that by the "presentation" of one's own traits into society, one is automatically defining the means of a term such as race or gender.⁸¹ These are, in accordance to Haslanger, fluctuating terms that constantly evolve. One could for instance not judge all black people on the merits of Barack Obama, for instance, nor all white people on the merits of Donald Trump, for example.

6.2. *The fear of the unknown*

Now, as mentioned earlier, the historical aspect plays a big part in the fact that the letter was written in the first place. But there is another aspect that may also have had a huge impact as to why Tuvel's article received such heavy criticism. This aspect presents the notion that what Tuvel's article and Dolezal represent, has a huge significance and should be hindered to evolve any further as the consequences might be dire. Dolezal and the contents of Tuvel's article are a testimony of the fact the term "humanity" is not even close to being fully

⁸⁰ Haslanger, Sally, "Gender and race; What are they? What do we want them to be?", 2000, s. 45-46.

⁸¹ Haslanger, Sally, "Gender and race; What are they? What do we want them to be?", 2000, s. 45-46.

understood and that it also opens up the term itself for interpretation. The positive thing about this is that any form of limitations are thereby gone and the term can be explored further to be able to as inclusive as possible. The negative thing is that this may be used in a harmful way and may result in a mockery of the real pain that many people who are struggling with their identity may feel. The arguments that Ben Shapiro or the “*Angry Foreigner*” have presented are an example of such a horrendous behavior. It is therefore understandable that the writers of the letter and others like Nora Berenstain, have come in defense of the trans community as Dolezal has a huge chance of belittling the hard journey of acceptance that they have had to take over the decades. It does however raise a number of questions, and is the main reason as to why this essay presents the notion the arguments that have been made by the opposition against Tuvel, ought to have been exemplified and “fleshed out” a bit better.

In this essay, there were theories that were presented from Sally Haslanger, Ronald Dworkin and from Will Kymlicka. Two of these theorists, Dworkin and Kymlicka, propose that rights are irrefutable in one way or another. Which is positive thing, but a complex one nonetheless, as it raises the question of whose rights one must protect - Dolezal’s or the people who might suffer from the article and Dolezal’s transition? Both are valid and must be protected, but this debate forces one to take sides. If Dolezal’s feelings of transition are as genuine as Jenner’s, for example, than one must have to see if the historical aspect should still matter or if one must protect the rights of a woman who is in an emotional turmoil because she was born into a different race. If one argues this debate through the theories of Kymlicka, then it is imperative that Dolezal’s rights are protected and valued in a similar, if not relatively the same, manner that one regards the rights of a person such as Caitlyn Jenner. This argument would be seen through the protection of minority rights, and Dolezal fits that description relatively well.

If one, however, would argue this case through the mindset of Dworkin, then the argument becomes a bit trickier. Dworkin’s concept of rights is that their importance and weight trump everything else.⁸² There is nothing that can be regarded as more pressing than a persons rights and the only time that it would be acceptable to contradict or deny anyone their basic rights, is in a life-threatening situation. But this also leads back to the presumed reason as to why the letter was penned in the first place. If rights are ultimate trumps that are valid as an excuse or privilege for most situations, can cases such as this one be used as an example

⁸² Orend, Brian, “*Human rights: concept and context*”, 2002, s. 20.

for individuals to carry out notorious deeds in the name of a transition within one's self-identity? If Dolezal is recognized as black woman, then does a form of line exist as to what a person can claim to be? For instance, a transgender woman in her late 40s claimed to feel like a little girl at the age of six. Stefonknee Wolschtt had been adopted by a couple who already had a daughter but felt as to Wolschtt could be a suitable new family member.⁸³ Wolschtt had previously been married to a woman with whom she had raised a family with. She claimed that her wife was unsupportive of her when she came out as trans, and even went so far as to demand that she stops being trans or leaves the family. Wolschtt proclaimed that to "stop being trans" is like stopping to be one's true self. She later went on to explain that her new adoptive family is extremely supporting of her and that it works as a form of "play therapy" where she avoids suicidal tendencies and her adoptive sister gets a new sibling to play with.⁸⁴

As stated before, these are difficult subjects to deal with, because how can someone advocate that one form of happiness is dubious whilst another is real? It is a hard discussion to take on, but one that is vital. If a woman or man in their late 40s are claiming to be six-year old child, one might, especially as a parent, get a bit worried as to who might be interacting with their children. Which is a tough decision because this may very well evolve to be used as a perverted method by predators (like stated in the video by the "*Angry Foreigner*" - there are those who use others emotional pain as a way to carry out their own bad acts), but as Wolschtt stated, this works as a form of play therapy, so how ought one to act?

6.3. *Final thoughts*

This essay wanted to answer the question of why some identity markers are acknowledged and accepted differently in regards to other forms of identity markers. The answer lies more with what each identity marker represents. For example, if one were to want to transition from male to female or vice versa, then that could, by most people, be accepted and acknowledged as a positive concept. The reason for this is that a transition within gender does not involve a risk of hurting or discriminating anybody else. It is a transition that only a

⁸³ Ng, Kate, "*Transgender father Stefonknee Wolschtt leaves family in Toronto to start new life as six-year-old girl*", The Independent, 12/12-2015, <http://www.independent.co.uk/news/world/americas/stefonknee-wolschtt-transgender-father-leaves-family-in-toronto-to-start-new-life-as-a-six-year-old-a6769051.html>, Hämtad: 06/01-2018.

⁸⁴ Ng, Kate, "*Transgender father Stefonknee Wolschtt leaves family in Toronto to start new life as six-year-old girl*", 12/12-2015.

person who is in an emotional turmoil and who has from birth, felt as though they are trapped in wrong body, has any matter of saying in. Nobody else, as it is not their journey to partake. Transitions involving gender also have multiple documented cases of persons having taken their own lives because they could not deal with the emotional pain anymore or for the agonizing and bullying that they might have received. Similar suicidal cases involving other transitions, such as age and race, have not been shown to exist or at least not in such high numbers.⁸⁵ A transition within age, for instance, is not a valid transition as age is not in any matter or form, constructed socially. To claim to want to alter one's age or claim that one is of specific age than one actually is, is nothing something that can be acknowledged legitimately or accepted on any terms. To transition within gender or even race, one has the ability to perform procedures that would help one in their transition. A change within age would require this discussion to be moved into a science-fictional context.

Having compared this discussion with the likes of theorists such as Dworkin and Kymlicka, one must also note the imperative line of reasoning that Haslanger brings to this debate. Her exploration of the meaning behind race and gender, is found to be results of a number of various aspects. Haslanger's pertains that one's race or gender is a combination of physical traits as well as social ones. Haslanger's viewpoint appears to be that, to understand gender or race, one must avoid the practice that is commonality and/or normativity.⁸⁶ This is an interesting notion because Haslanger applies a mindset where there are factors that link people of certain identity markers together, but that they must not be the ultimate tool for understanding identity markers, such as race or gender. The most vital tool in such an understanding happens to be individuality, according to Haslanger. One cannot for instance claim that one person ought to be treated the same as someone else on the sole premise that they might share certain physical or social traits within their identity markers. Every person's story or case is an individual one.

So when asking why is it that a transition in race is regarded to be so shocking, since it shares so many similarities with a gender transition, one would have to ascertain to Haslanger's research. One cannot view these two cases as the same because they are not.

⁸⁵ Weale, Sally, "Almost half of trans pupils in UK have attempted suicide, survey finds", The Guardian, 27/06-2017, <https://www.theguardian.com/education/2017/jun/27/half-of-trans-pupils-in-the-uk-tried-to-take-their-own-lives-survey-finds>, Hämtad: 06/01-2018.

⁸⁶ Haslanger, Sally, "Gender and race; What are they? What do we want them to be?", 2000, s. 45-46.

They do share many similarities, but they are however two distinct transitions. A transition within race does share many of the same characteristics of a gender transition (such as altering one's appearance or adopting certain cultural or social aspects), but is regarded as being as "irrational" a notion as claiming to transition in age. And has also managed to receive a bigger backlash than an age transition. The reason for this has to do with the fact that transitioning in gender has, as mentioned previously, has nothing to do with anyone else than oneself. While transitioning in race (and even in age, for that matter, as an adult claiming to be a child and wanting to therefore play with children, might send the wrong message) does. To transition in race involves that one might risk of claiming cultures and traditions, aspects that are not be claimed from races that were invaded, enslaved and colonialized centuries ago. To transition from being black to being white, does not offer such a huge impact other than it might be construed as seeming less prideful of one's skin color. But transitioning from being white to being black, might present a sense of post-colonisation. An effective way to look at it is if one examines a transition to see if it can work both ways. If it does work than it ought to be acceptable. If it does not work, then one might have to revise the premise of the transition. For instance, if a man decides to transition into a woman and if a woman chooses to transition into a man, they might both be regarded as acceptable as they do not risk offending anyone in any way. The transition could then be regarded as acceptable as a whole. It has been shown, in this essay, that the same cannot be said regarding a transition within race (or age for that manner).

To argue in such a manner is to protect the viewpoint of the opposition against Dolezal and for that matter, Tuvel. To argue that this way of thinking is wrong and harmful against people who are in turmoil and wish for acceptance, is to protect the viewpoint of people such as Dolezal or those who feel the same as her. This debate, like most debates, forces one to take a side. One is compelled to advocate for the side that can in some form of way, be argued by through basic human rights theories. But even when comparing them with the mindset of Dworkin, one is forced to choose whose rights to protect. Scholars such as Kymlicka or Ingram, also provide little of an assistance in deciding who is to be protected in this debate. They both present theories that showcase that all persons have the ultimate say as to how their rights ought to be governed. Haslanger is perhaps the only one that presents a different viewpoint in this discussion, which might provide oneself with a different perspective on Dolezal as well as Tuvel's intentions regarding this case. However, even her

theories might leave one indecisive. Haslanger presents ideas that question the notions that have been brought up on identity markers such as race or gender. Her work ascertains that they are a combination of physical traits as well as social constructs, which is why they are constantly evolving. By comparing this case to that of Haslanger's theories, one might argue that Dolezal ought to be acknowledged, if not the same, than similarly to that of someone who is transgender. If that does happen, then one would have to factor in the historical aspect. According to Haslanger, race and gender are to some extent, fluid, and by that definition, is the historical aspect "crippling" them from evolving or is it a good "countermeasure" as to hinder offensive and harmful acts from being committed (according to some), such as a white person claiming to be black?

7.) References

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