

What Is Sexual Orientation?

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1. Introduction

Ordinary discourse is filled with discussions about “sexual orientation”. Everyone seems to have opinions about it – whether it should be a legally protected class, whether it is apt for moral judgment, and whether Lady Gaga is right that, whatever our sexual orientations, we were “born this way”.¹

This discourse suggests a common understanding of what “sexual orientation” is. But even a cursory search turns up vastly differing, conflicting, and sometimes ethically troubling characterizations of sexual orientation. Consider the following, taken from (respectively) a professional scientific association, an LGBTQ advocacy organization, a neuroscientist, and a philosopher:

1. Sexual orientation refers to an enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes.²
2. ‘Sexual orientation’ is the preferred term used when referring to an individual’s physical and/or emotional attraction to the same and/or opposite gender.³
3. Sexual orientation ... is the trait that predisposes us to experience sexual attraction to people of the same sex as ourselves (homosexual, gay, or lesbian), to persons of the other sex (heterosexual or straight), or to both sexes (bisexual).⁴
4. A person’s sexual orientation is based on his or her sexual desires and fantasies and the sexual behaviors he or she is disposed to engage in under ideal conditions.⁵

1. Lady Gaga (2011). “Born This Way”. *Born This Way*. Abbey Road Studios.

2. The American Psychological Association (2008).

3. Human Rights Campaign (2014).

4. LeVay (2011), 1.

5. Stein (1999), 45.

To name just a few of the worries that might be raised for these characterizations: (1)–(3) assume binary categories of sex or gender (*i. e.*, male/female or men/women)⁶; (2) and (3) disagree on whether sexual orientation concerns gender-attraction (attraction to individuals with certain genders) or sex-attraction (attraction to individuals with certain sexes); and (4) appeals to the opaque notion of “ideal conditions” for acting on one’s sexual desires (more on this later).

Characterizations like these — assuming they are attempts to elucidate a shared, pre-existing concept of sexual orientation — reveal that we have an extremely poor grasp of this concept. And even if the characterizations are stipulative, we have good reason to resist adopting many of them. Inadequate understandings of sexual orientation can reinforce heteronormative assumptions (*i. e.*, assumptions that heterosexuality should be privileged within society) by maintaining a majority/minority divide between heterosexuality and other sexual orientations that historically has been normatively loaded and policed. They also can reinforce cisnormative assumptions (*i. e.*, assumptions that all persons are cisgender — that is, that all persons’ genders are the ones assigned to them at birth on the basis of their anatomy) by failing to provide recognition or clarity within the sexual-orientation taxonomy for persons who are not cisgender or who are attracted to persons who are not cisgender.^{7, 8}

6. I here understand sex as a classification solely on the basis of human bodies’ physical characteristics and gender as a classification (at least in part) on the basis of social situatedness. For more on this distinction, see section 3. Also, I acknowledge that gender-identity (the gender one self-attributes) and gender-expression (the external characteristics and behaviors that are socially interpreted as communicating that one belongs to a certain gender category) can come apart. In this paper, talk of gender-attraction is most easily understood as attraction to certain gender expressions, but I leave open that persons’ gender identities can also play a role in gender-attraction.
7. Often this cisnormative assumption is paired with the views that gender is biologically determined by one’s anatomy, and that gender is essentially a biological rather than social category.
8. Throughout this paper, I will use ‘their’ as a gender-neutral singular pronoun. Some people may take grammatical issue with this. If you are one of those

The conceptual jumble surrounding sexual orientation suggests that the topic is overripe for analytical philosophical exploration.⁹ While the delay in such exploration may be due to metaphysicians’ historical focus on discovering and articulating metaphysically necessary truths about reality, recent feminist critiques have brought topics related to contingent social realities into the subfield’s focus. Philosophers such as Charlotte Witt and Sally Haslanger have begun, for example, rich and growing literatures on metaphysical questions concerning gender and race. But sexual orientation has yet to receive due in-depth metaphysical exploration.

This paper lays the groundwork for one such in-depth exploration and, in so doing, encourages further analytic philosophical discussion of sexual orientation. Its target is twofold: (i) the everyday concept of sexual orientation, and (ii) the corresponding concepts associated with the taxonomy of sexual orientation (*e. g.*, gay, straight). These concepts are highly interwoven, since the concept of sexual orientation constrains the taxonomy. (For example, a concept of sexual orientation that centrally concerns a relation between a subject’s own sex [or gender] and the sex [or gender] of the persons they are attracted to will imply a taxonomy containing correspondingly relational concepts.) My project sets out to engineer a revised concept of sexual orientation that implies a new taxonomical schema of sexual orientation. Both the revised concept and the new taxonomical schema are intended to *elucidate* and *improve* our everyday concepts in light of particular theoretical and socio-political purposes. And, importantly, this project is limited in scope: the proposed concept and taxonomy of sexual orientation are not meant to apply across all cultural contexts. Instead, my project constructs a concept that is both responsive to and critical

people, I encourage you with all good will to incorporate a gender-neutral singular pronoun of your own choosing into ordinary English discourse.

9. While sexual orientation has received little attention in the analytical tradition, the continental tradition has a rich history of thinking about sexual orientation — see Foucault (1980) and Halperin (1990) and (2002), among others.

of our everyday thinking in contemporary Western society about sexual orientation.

On my proposed account of sexual orientation, which I call “Bidimensional Dispositionalism”, sexual orientation is based upon a person’s sexual behavioral dispositions under the ordinary manifesting conditions for these dispositions (*i. e.*, the conditions corresponding to applications of the term ‘sexual orientation’ and related terms), and having a particular sexual orientation is based upon what sex[es] and gender[s] of persons one is (or is not) disposed to sexually engage with under these conditions. Importantly, these particular categories of sexual orientation do *not* reference one’s own sex or gender.¹⁰

In what follows, I assume non-eliminativism about sex and gender. I use the terms ‘male’ and ‘female’ to refer to sex categories, though I do not assume that these terms exhaust or refer to discrete sex categories. Similarly, I use the terms ‘man’ and ‘woman’ to refer to gender categories, though I do not assume that these terms exhaust or refer to discrete gender categories.

2. Methodology and Framework

This section clarifies my project’s methodology and framework. I first discuss the project’s methodology, and then turn to the purposes guiding my analysis of the concept of sexual orientation. Finally, I distinguish between the central target of my analysis — the everyday concept of sexual orientation — and three distinct but closely related concepts.

Methodology: The Engineering Project

In her work on gender, Haslanger points out the importance of distinguishing between three projects that ask a question of the form, What is x ? One project is conceptual: it asks only about the content of our ordinary concept of x . Another is naturalistic: it asks which natural kind

10. Acknowledging that some people wholly lack dispositions to sexually engage with other persons on the basis of sex- or gender-attractions will include asexuality with regard to sex and gender among the class of sexual orientations.

(if any) our ordinary concept of x tracks. The last project, and the one that best categorizes the methodology of this paper, is what I will call the “engineering project”: it asks about the purposes of our concept of x , and (if necessary) improves or replaces the existing concept to better realize the purposes we want this concept to fulfill.^{11,12} This project takes seriously that, as Alexis Burgess and David Plunkett put it, “our conceptual repertoire determines not only what we can think and say but also, as a result, what we can do and who we can be”.¹³ Given this important feature of our conceptual repertoire, we can think of the engineering project as one that sets out to elucidate and possibly revise or replace our everyday concepts in light of the impact we would like them to have.

Importantly, the engineering project is not *required* to replace or even to revise an existing concept — what is important is that the final concept serves the proposed purposes. In some cases, these purposes may be best served by preserving (*e. g.*) the ordinary usage, connotation, or extension of the everyday concept in question. To quote Haslanger:

[I]f we allow that everyday vocabularies serve both cognitive and practical purposes, purposes that might also be served by our theorizing, then a theory offering an improved understanding of our (legitimate) purposes and/or improved conceptual resources for the tasks at hand might reasonably represent itself as providing a (possibly revisionary) account of the everyday concepts. ... The responsibility is ours to define [these concepts] for our

11. Haslanger (2000), 32–33. Haslanger calls this the “analytic project”. In order to distinguish it from “conceptual analysis”, though, which is more akin to the “conceptual project”, I will refer to it throughout as the “engineering project”.

12. Though I do not want to take a strong stance on the nature of concepts, I am loosely understanding concepts here as ways of representing the world. I mean this, though, in a deflationary sense that remains neutral on the issue of whether concepts can carry non-descriptive, expressive content.

13. Burgess & Plunkett (2013), 1091.

purposes. In doing so we will want to be responsive to some aspects of ordinary usage (and to aspects of both the connotation and extension of the terms).¹⁴

In this way, engineering projects may range in the descriptiveness and prescriptiveness of their conceptual construction. Given the purposes that projects assign to their target concepts, they might prescribe no revision to an everyday concept, or prescribe revisions that (among other things) preserve features of the everyday concept. These latter projects are descriptive insofar as they elucidate and maintain certain features of the everyday concept, but prescriptive insofar as they propose revisions to the everyday concept in light of certain purposes.

Haslanger acknowledges that, because of this flexibility, an engineering project will confront issues regarding how conceptually conservative it intends to be — *i. e.*, whether it intends to retain, revise, or eliminate the everyday concept. My project is somewhat conservative in one sense but not another. While — for reasons I will soon explain — it attempts to preserve the general extension of our everyday concept of sexual orientation, it does not attempt to preserve many of the connotations associated with the term ‘sexual orientation’ or the concepts associated with our current taxonomy of sexual orientation. Given this, my project will clarify and minimally revise our everyday concept of sexual orientation, but also eliminate and replace the everyday concepts associated with the taxonomy of sexual orientation.

Some might take my proposed concept of sexual orientation to constitute a new, distinct concept replacing the former concept, rather than revising it. I can see both sides of this issue. Insofar as my account attempts to be responsive to our ordinary usage of the concept of sexual orientation while revising the concept’s content, it may be thought merely revisionary. But insofar as this revised content implies a new taxonomy of sexual orientation and significantly changes the connotations of the term ‘sexual orientation’, it may be thought to entirely

14. Haslanger (2000), 33.

replace our former concept. This tension is fine; I’m not sure anything important hangs on whether my project is described as providing a revised or replacement concept of sexual orientation. Either description can point to what *does* matter — that as an engineering project, my project consists of two parts:

- (I) Elucidating purposes ideally served by our concept of sexual orientation, and
- (II) Re-engineering our concept of sexual orientation (and the corresponding taxonomy of sexual orientation) in light of the purposes described in (I).¹⁵

Having now described the methodology of my project, I will turn to describing purposes that (I argue) are ideally served by our concept of sexual orientation and clarifying my central target concept. I will then spend the remainder of the paper reconstructing this concept and its corresponding taxonomic schema in a way that fulfills these purposes.

Framework I: Purposes

I propose that the following purposes are ideally served by our concept of sexual orientation:

- (i) Clarifies the criteria for ascribing sexual orientation, as well as how these criteria translate into a taxonomic schema of sexual orientation;
- (ii) Is consistent with relevant social-scientific research — in particular, research concerning sex and gender;

15. These parts could be conceptually divided into two projects, one of which looks for suitable concepts in light of assigned purposes, and the other of which engineers revised (or new) concepts that meet these purposes (should suitable ones not be found elsewhere). For simplicity, I am including both projects under the heading of the ‘engineering project’.

- (iii) Reduces or eliminates the presumption that cisheterosexuality¹⁶ is the normatively standard sexual orientation and all queer sexual orientations are normatively deviant;¹⁷ and
- (iv) Is conducive for establishing legal and social protections for persons who have queer sexual orientations.

These purposes are not merely stipulative; someone could disagree with me concerning whether these purposes should guide our concept of sexual orientation. I take each of them, though, to be rooted in everyday political and social realities.

My reasons for adopting (i)–(ii) are both theoretical and practical. As I've shown, sexual orientation is understood in a variety of conflicting ways — there is disagreement about how to articulate the criteria for ascribing sexual orientation (*e.g.*, in terms of gender- or sex-attraction), as well as corresponding disagreement about the taxonomy of sexual orientation. There also are regular confusions between sex and gender, which suggests that these understandings are not informed by recent research concerning the distinction between sex and gender. This alone immediately reveals a need for an elucidation of the concept and taxonomy of sexual orientation, and possibly a revision ensuring their consistency with relevant research on sex and gender.

More practically, clarifying the criteria for ascribing sexual orientation (and how they translate into a taxonomic schema of sexual orientation) is a key ingredient in developing a concept that serves the social and political purposes stated in (iii)–(iv). Confusions between

16. As will become clear in the subsequent section, because I understand sexual orientation as concerning both sex and gender, I reject the idea that heterosexuality picks out a specific sexual orientation. I believe that talk about “heterosexuality” in ordinary discourse is usually talking about “cisheterosexuality” — that is, the attraction of a cisgender woman to a cisgender man or vice versa.

17. I use the term ‘queer’ here to mean something like “not cisheterosexual”. For reasons that hopefully become clear, I intentionally avoid terms such as ‘same-sex’, ‘homosexual’, etc.

sex and gender — especially with regard to sexual orientation — regularly create difficulties for queer, gender-nonconforming, and intersex persons, as well as their partners. How should gender-nonconforming, transgender, or intersex persons (or their partners) describe their sexual orientations? How can or should non-discrimination laws address these sexual orientations? The current categories of sexual orientation offer little to no flexibility or clarity for these individuals. For these reasons, the current categories reinforce cisnormativity as well as heteronormativity. That is, because the current categories place queer orientations in a vast minority and have no place at all for many transgender or intersex individuals (or persons attracted to these individuals), they perpetuate prejudices that sexual orientations and gender identities that do not meet standard binaries of homosexual/heterosexual and cisgender man/cisgender woman are somehow deviant, dysfunctional, or even nonexistent.¹⁸ Ideally, our concept of sexual orientation would get rid of or at least diminish these harms by achieving purposes (iii)–(iv) above, and do so (at least in part) by employing the tools articulated in purposes (i)–(ii).

In addition to guiding my project, purposes (iii)–(iv) also impose certain constraints. In particular, they constrain the project to construct a concept of sexual orientation that is feasible for public uptake. Only such a concept can move us toward achieving these social and political purposes. So, rather than rebuilding the concept of sexual orientation from scratch, I restrict myself to engineering a concept that clarifies and improves upon the *pre-existing* structure of our everyday concept and — on the basis of this clarification and improvement — rebuilds and expands the sexual-orientation taxonomy.

To put this slightly differently: I am not out to develop a theoretically ideal or purely stipulative concept and then argue that the term ‘sexual orientation’ should be attached to my concept rather than the

18. Consider, for example, the well-recognized phenomenon known as “bisexual erasure” (a tendency to explain away or simply deny evidence that persons are attracted to both men and women, or, on alternative accounts, females and males). (See, *e.g.*, Greensmith [2010].) See also Stein’s (1999) critiques of the binary operationalization of sexual orientation in scientific studies.

everyday concept. Instead, I am constraining my conceptual engineering so that it is responsive to our ordinary usage by generally preserving the extension of our everyday concept of sexual orientation.¹⁹ I will say more about this soon, but in particular, this means that I limit my concept to one that primarily concerns sex-attraction and gender-attraction. I have no qualms if someone wants to describe this restricted project as building a ladder that we climb in order to eventually kick away and move on to a different concept of sexual orientation. It is a ladder that I think we must climb. And — I would suggest — this pragmatic approach to a conceptual project is well suited for any project that hopes to balance theoretical aims with a political and social agenda.²⁰

Framework II: Target Concept

Given my project's constrained scope, it is important to get a sense of the everyday concept's extension. To this end, I will now argue that we should distinguish the everyday concept of sexual orientation from three other, closely related concepts.

The first is *sexual identity*, which I understand to refer to an individual's self-identification with regard to sexual orientation. Because sexual identity concerns sexual orientation in this way, the concept of sexual identity is sensitive to the concept of sexual orientation. But we also acknowledge that someone can be self-deceived or in denial about their sexual orientation (or even lack the concepts necessary for self-identification), while still being truly said to have the sexual

19. I say "generally" because it is unclear to me whether our everyday concept of sexual orientation extends to certain non-cisheteronormative pairings and simply fails to place them within its taxonomy, or whether it fails to extend to these pairings. My project secures this extension. It is also worth noting that this constraint is not an unusual move in metaphysics — *e.g.*, Haslanger (2000) and Sider (2011) also constrain their conceptual engineering to a particular phenomenon in light of certain proposed purposes. It is also a move that is explicitly discussed in recent literature on conceptual ethics, such as Plunkett (2015) and Burgess & Plunkett (2013).

20. Thanks to an anonymous referee for pressing me to clarify this point.

orientation that they fail to recognize. Given this, I will not address sexual identity in what follows.

The second is *romantic or emotional attraction*. Some characterizations of sexual orientation — for example, that of the American Psychological Association — understand sexual orientation in terms of "emotional, romantic, and/or sexual attractions".²¹ I grant that romantic and emotional attractions are often reliable evidence of sexual orientation, and can be themselves the target of discrimination. But it seems that our concept of sexual orientation is distinct from the concepts of romantic and emotional attraction in that it primarily concerns sexual behavior. This is why, for example, I think we correctly call "asexual" persons who are disposed to never engage in sexual behaviors, even though they may experience a range of romantic and emotional attractions. The fact that asexuality is considered (even by asexual persons) to be a single category within the taxonomy of sexual orientation, despite asexuals reporting a wide range of romantic and emotional attractions, suggests that these latter attractions are captured by concepts other than concepts of sexual orientation.²² (There is even a distinct taxonomy for these romantic and emotional attractions, *e.g.*, 'biromantic', 'panromantic'.)

Conversely, we can imagine that someone — or even every person — who has sexual attractions that lead us to ascribe a sexual orientation to them could completely lack romantic or emotional attractions. In short, it is not difficult to think of examples in which persons with seemingly the same sexual orientation have vastly differing romantic or emotional attractions, as well as examples in which sexual orientation is unaccompanied by romantic or emotional attractions.

Given cases like these, I assume in what follows that, while romantic and emotional attractions might fall under a concept of sexuality broadly construed, the concepts associated with these attractions are distinct from the concept of sexual orientation. For this reason, my

21. American Psychological Association (2008).

22. See Emens (2014).

project is not directly concerned with emotional or romantic attraction. That is, my analysis is not concerned with emotional or romantic attractions that have no effect upon one's dispositions toward sexual behavior, and only indirectly concerned with those that have an effect. Should, for example, someone's romantic attractions significantly influence these dispositions, their romantic attractions will be part of what forms their sexual orientation under my account insofar as they have this influence. Any concern with attraction in what follows will focus upon sexual (and I mean *sexual!*) attraction regardless of whether other forms of attraction accompany it. To this end, talk of attraction in what follows generally can be understood as shorthand for dispositions to engage in sexual behaviors.²³

The third concept to distinguish from sexual orientation is what I call *sexual druthers*, which refers to specific preferences of sexual partners within potential partners according to one's sexual orientation. This is often referred to as someone's "type."²⁴ Height, hair color, body structure, and voice quality are all examples of traits about which people may have sexual druthers. In order to generally preserve the extension of our everyday concept of sexual orientation, I do not include sexual druthers in my account of sexual orientation, and instead focus upon preferences of sexual partners with regard to sex and gender categories.

23. Michael Rea raises the interesting question of what this distinction (between emotional/romantic attraction and sexual orientation) implies for someone who lacks dispositions to engage in sexual behaviors (perhaps, *e.g.*, due to chronic deficiency of sex hormones), but who has higher-order desire for sexual intimacy. Does having only this higher-order desire preclude such a person from having a sexual orientation? I would answer "No" — not so long as we consider asexuality a sexual orientation. Asexuality is generally understood as the lack of sexual attraction, or lack of first-order desire to have sexual contact with someone else. (See, *e.g.*, The Asexual Visibility & Education Network (2012).) Asexuals can and often do experience romantic or emotional attractions, though. And they might have higher-order desire to experience first-order sexual desire or sexual intimacy. A person in the situation that Rea describes seems, for these reasons, to be best categorized as asexual.

24. Of course, a single person may have multiple "types".

Admittedly, the cultural distinction we make between sexual orientation and sexual druthers seems somewhat arbitrary. It is not clear why attraction to certain sexes or genders is considered relevant to one's sexual orientation, but not attraction to a certain hair color, race, or economic status. But sex and gender are, for better or worse, particularly salient social categories with respect to sexual orientation. As a result, we find ourselves in the position of classifying persons' sexual orientations on the basis of their sex- and gender-attractions, and not on the basis of other sexual attractions. And this makes persons with particular sex- and gender-attractions more vulnerable to discrimination than persons with attractions to persons with a certain hair color or economic status.

Again, I am not generally preserving the everyday concept's extension for its own sake, but in order to fulfill certain purposes. And the purposes that I've proposed are, I think, best served by maintaining the distinction between sexual druthers and sexual orientation (understood in terms of attraction to persons with certain sexes or genders). No one is interested in creating nondiscrimination laws to protect people attracted to blondes or baritones. We are, though, interested in creating legal and social protections for queer, transgender, gender-nonconforming, and intersex persons. And, as mentioned before, I am here assuming that an account of sexual orientation should be aimed at better realizing these political and social purposes. So, given the pragmatic interests guiding the boundaries of "sexual orientation", I think that I can best fulfill purposes (iii)–(iv) by retaining these boundaries and separating sexual orientation from sexual druthers. For this reason, I will hold fixed that sexual orientation primarily concerns sex- and gender-attractions, and not other sexual attractions.

That said, one might worry that even once we take on board the distinction between sexual orientation and sexual druthers, it remains vague because many of the traits that are objects of druthers also (at least in part) construct gender. In other words, the worry goes, if sexual orientation concerns attraction to persons of a certain gender, and gender is a social construction that concerns (*e.g.*) performativity

(behaviors, dress, etc.) or social status, then the distinction between sexual orientation and sexual druthers is vague. I agree with this point, but still insist that there are cases where sexual orientation and sexual druthers come apart — that is, cases where someone is attracted to a particular feature that lacks gendered connotations.²⁵

In fact, it may be that some persons lack any gender- or sex-attractions, and are *solely* sexually attracted to persons with non-gendered features such as wealth or red hair. That is, there may be persons whose sexual attractions are based only on what I've termed sexual druthers.²⁶ This, of course, puts pressure on the distinction between sexual orientation and sexual druthers — why don't we think that being (*e.g.*) solely attracted to redheads is a sexual orientation?²⁷ And if it is not, what sexual orientation do such persons have, since they are not asexual (*i.e.*, having no sexual attractions to anyone), but

25. Whether or not certain druthers have gendered connotations should be assessed from a subjective perspective. It could be, for example, that someone has a druther (or, if you prefer, fetish) for a particular shoe color because *for that person* this shoe color is associated with aspects of sexual engagement that express their sexual orientation. While such druthers might appear to others to have no gendered connotations, they have these connotations for the persons who have them. For this reason, I think that an account of sexual orientation should concern such gender-laden druthers, albeit indirectly, as expressions of persons' underlying sexual orientations.

26. Thanks to David Black for bringing this possibility to my attention.

27. A more common example of a similar phenomenon is pedophilia, or exclusive attraction to pre-pubescent children regardless of their sex or gender. Is pedophilia a sexual orientation? Those inclined to think that it is *not* a sexual orientation might think that it is instead a sexual disorder, which (unlike sexual orientation) is something that should be subject to psychiatric and medical treatment. Those inclined to think that it *is* a sexual orientation, though, can maintain that sexual orientation concerns sex- and gender-attractions. On a plausible view of sex-categories, these categories are based on continuous and fluid groupings of primary and secondary sex characteristics. Because these characteristics undergo significant change during puberty, it is arguable that humans shift sex-categories during puberty. These possibilities are surely not exhaustive, and I acknowledge that this is a difficult (as well as a morally and emotionally loaded) case. Undeniably, there are a host of similar difficult cases that beg for further discussion. Length limitations and the freshness of this topic to philosophical debate constrain me from providing more than an extremely general discussion of sexual orientation in this paper.

experience no sex- or gender-attractions? These questions press on our ordinary concept, and its embedded assumption that there is a clear line between sexual druthers and sexual orientation. Happily, I take no such position. Borderline cases like these make it clear that our social categories have fuzzy edges and do not cut at deep joints. But we would be mistaken to expect that they would.

For my purposes, what is important is that — though the separating line can be fuzzy — the majority of cases show that there clearly *is* a distinction between sexual orientation and sexual druthers. I leave it to future papers to further discuss borderline cases, and whether these cases ought to affect the extension of our concept of sexual orientation; the following will aim toward a general account of sexual orientation that preserves the central bases of sexual orientation as it is ordinarily understood — namely, sex- and gender-attraction. For this reason, I will assume that — just as sexual orientation concerns romantic and emotional attractions *only insofar* as they affect sexual attraction — sexual orientation concerns sexual druthers *only insofar* as features that are the object of druthers go into constructions of gender (or insofar as primary or secondary sex characteristics that are objects of sexual druthers affect sexual behavioral dispositions).

3. Bidimensional Dispositionalism

In what follows, I propose a concept of sexual orientation that is designed to satisfy purposes (i)–(iv). However, I first address two issues that constrain and shape my concept of sexual orientation: the distinctions between sex and gender and between behaviorism and dispositionalism. I then state my proposal and discuss its implications, as well as additional philosophical questions pointing to further expansion on my proposal.²⁸

28. Specifically, I will address the application of discrete vs. continuous categories of sex or gender and essentialism vs. constructionism to accounts of sexual orientation.

*Preliminary Issues**Sex and Gender*

As mentioned, previous characterizations of sexual orientation typically and without argument equate and assume binary categories of sex and gender. They often also analyze sexual orientation in terms of either sex-attraction to the exclusion of gender-attraction, or vice versa. These assumptions lead to understandings of sexual orientation according to which sexual orientation is unidimensional — tracking either sex- or gender-attraction, but never both independently of each other — and limited to a small number of discrete sub-categories.

The position that there is no distinction between sex and gender might be understood in two ways: as the claim that sex (taken as anatomical) wholly determines gender, or that gender (taken as socio-political or psychological) wholly determines sex. The former — call it the “cisnormative view” — is much more prevalent than the latter — call it the “unification view” — which has a small presence within feminist theory and other academic literature.²⁹ In this paper, I am primarily concerned with rejecting the cisnormative view. While I find the unification view provocative, I also think it incorrect. Much of the motivation for the view, it seems, comes from the conviction that we should not posit sex/gender along a nature/culture binary, because this binary has historically provided justification for women’s oppression, or because — as Linda Alcoff rightly identifies — “in an important sense, everything is natural”.³⁰ But (as Alcoff also points out) it is confused to

29. See, *e.g.*, Butler (1990), Wittig (1992), or Halpern (2002). Butler and Wittig (both feminist theorists) argue that sex classifications follow labor- and politically-driven gender classifications. Wittig, for example, writes, “No biological, psychological, or economic fate determines the figure that the human female presents in society: it is civilization as a whole that produces this creature.” (For dissenting discussion of these views, see Alcoff [2005].) In contrast, Halpern (a psychologist) emphasizes sex differences in cognitive capacities, meaning that one who understands gender as a primarily psychological feature might argue based on Halpern’s research that sex differences follow gender identity.

30. Alcoff (2005).

think that understanding sex as an anatomical category entails understanding it as purely “natural” or culture-independent. Our sex categories seem to (in some way) track anatomical features associated with reproductive functions, but these very anatomical categories of reproductive roles could be (at least partially) the result of cultural practice. As I see it, one can maintain that both sex and gender categories are (at least partially) culturally constructed while distinguishing between them on the grounds that they are constructed upon different physical and social features and aimed at fulfilling different purposes. Given this, I see little to be gained by adopting the unification view.

Of course much more can be said, but for the sake of brevity I will now turn to the cisnormative view. A pathway to challenging this view was famously laid by Simone de Beauvoir, who marked sex as a biological category and gender as a category concerning the social position (*e.g.*, exploitation and oppression) experienced by those exemplifying femininity.³¹ While the details of de Beauvoir’s ideas have been challenged in contemporary discussions, her sex/gender distinction is the standard view in psychology, sociology, and queer and women’s studies, as well as in feminist philosophy.³²

Given this, it would be fairly uncontroversial for me to simply assume this distinction moving forward in my account of sexual orientation. It is worth saying explicitly, though, that not only is the distinction theoretically useful, dividing what seem to be distinct phenomena, but it is also politically and socially advantageous. For one, it provides a helpful framework through which to understand the gender identity

31. Sveinsdóttir (2011), 48. As de Beauvoir famously said, “One is not born, but rather becomes, a woman.” I will adopt Haslanger’s view that ‘sex’ refers to a classification on the basis of anatomy (*e.g.*, primary sex characteristics), though this is compatible with these classifications having vague boundaries, or boundaries heavily influenced by socio-political interests. I am also sympathetic with Haslanger’s view that gender is not merely a social construct, but is defined in terms of social relations (Haslanger [2012], 39).

32. For an overview of recent philosophical approaches to sex and gender, as well as the interaction between philosophical approaches and other (*e.g.*, psychological, political) approaches to sex and gender, see Mikkola (2012) and Haslanger (2012).

or anatomical transition of (*e.g.*) gender-nonconforming, androgynous, and transgender individuals. That is, because it separates sex as an anatomical category from gender as a category of social situatedness, it creates the possibility for understanding how the two can be combined in a variety of ways. It also creates an avenue for addressing the ways in which gender categories can be altered to combat patriarchal social structures. If, for example, gender is defined in terms of social situatedness such that (as Haslanger argues) to be a woman is (in part) to be in a position of systematic social oppression, then acknowledging this clarifies the changes that should and can be made to our gender categories if we are to establish gender equality.³³

For all of (but certainly not only) these reasons, I hold that the following constraint on an account of sexual orientation will move us closer to achieving what were earlier established as the purposes ideally served by a concept of sexual orientation:

- (a) The account must be compatible with the distinction between sex and gender.

If the cisnormative assumption and unification view of sex and gender are dismissed — and I think they should be — then the unidimensional view of sexual orientation also should be. The distinction between sex and gender allows for various combinations of sex and gender across individuals, making it clear that an account of sexual orientation should be sensitive to the fact that individuals may be sexually attracted to persons with various sex/gender combinations.³⁴

33. See, *e.g.*, Haslanger (2000).

34. I take it to be a fairly uncontroversial assumption that we *can* (though an individual need not) experience sexual attraction to purely anatomical features as well as gendered features. (I acknowledge that the boundary between these features is slippery.) Given this, we can already begin to see how sexual orientation is significantly dependent upon both biological traits and particular social contexts. For example, if we hold that one's sexual orientation concerns (at least in part) gender-attraction, and that gender is merely a social construct, this sexual orientation will be dependent on placement in a context that has gender-constructs.

For example, someone may be attracted only to transgender men who have not had genital or top surgery, or only to cisgender men and women. And given that we recognize that conferral of sexual orientation tracks both gender- and sex-attraction, we also should recognize that it tracks various combinations of these attractions. For this reason, I place a further constraint on my account of sexual orientation:

- (b) The account must permit individuals' sexual orientations to be based on both gender-attraction and sex-attraction.

Someone perfectly happy with (a) may still resist (b), and argue that sex-attraction (or gender-attraction) should be taken as a mere sexual druther, allowing sexual orientation to remain unidimensional. Consider, for example, someone who is attracted to women and not men, but is only attracted to cisgender women. Why think that this latter attraction is anything more than a sexual druther? That is, why should we think that someone attracted only to cisgender women has a different *sexual orientation* than someone attracted to both transgender and cisgender women? This line of argument might suggest that, while we preserve the extension of our ordinary sexual-orientation concept, we should make the relevant criterion for ascribing sexual orientation only gender-attraction (or only sex-attraction), and also categorize sexual orientations along only one of these dimensions.

There are a number of considerations against thinking of sex-attractions (or gender-attractions) as mere sexual druthers. The two most weighty (and related) considerations are: (i) the frequency with which people experience sexual attraction not only to individuals with particular gendered features, but also to individuals with particular primary and secondary sex characteristics, and (ii) the need to recognize the community of persons who are exclusively (or strongly) attracted to transgender individuals, or who are themselves transgender and seeking persons with these attractions.

The first consideration is fairly straightforward: it is simply the observation that, in addition to attraction to particular genders, persons can also be exclusively interested in partners with particular sex characteristics. It is not unusual, for example, for persons to become uninterested in pursuing a relationship with someone upon discovering that they are transgender or intersex.

At first, one might be tempted to chalk up all scenarios like this to transphobia or other prejudices, and not these persons' sexual orientations. However, there also are numerous cases within the growing "trans-oriented" community of persons who experience strong or exclusive sexual attraction to transgender persons.³⁵ These persons report feeling misplaced among the current categories of sexual orientation, identifying neither as straight nor as gay. Some, for example, consider themselves a "different kind of gay" — indicating that the current taxonomy of sexual orientation simply fails to capture their sexual orientation, since they experience strong or exclusive attraction specifically to persons who are not cisgender. This failure is also reflected within academic literature, where a variety of terms have been suggested for these individuals (*e.g.*, 'MSTW' ['men sexually interested in transwomen'], 'gynemimetophilia'/'andromimetophilia').³⁶

While — unsurprisingly — none of these terms have caught on, the community of trans-oriented persons (and the research concerning this community) suggests that individuals can have exclusive sexual preference for transgender persons that is not caused by social prejudice. Similarly, one would expect, individuals can have unprejudiced exclusive preference for cisgender persons. Recognition of these possibilities is not only important for trans-oriented persons; it is also important for transgender persons who may experience rejection by both "straight" and "gay" potential partners, and who are seeking someone who is (though perhaps are not exclusively) trans-oriented. It is also

35. See www.transoriented.com or the most recent work of British journalist and transgender rights activist Paris Lees on the question, 'Is trans-oriented an emerging sexual orientation?'

36. See, *e.g.*, Weinberg & Williams (2010); Money & Lamacz (1984).

important for ensuring legal and social protections for persons with these attractions, insofar as we can reasonably expect that (*e.g.*) many partners of transgender persons will encounter discrimination that they would not if partnered with cisgender persons. Without concepts that capture these attractions as part of individuals' sexual orientations, it becomes difficult if not impossible to guarantee the protections that such individuals deserve. For all of these reasons, I maintain (ii), and disagree with the position that either sex- or gender-attraction should be classified as mere sexual druthers.

Of course, adopting (a) and (b) does not resolve the issue of whether sex or gender (and therefore sexual orientation) should be understood in terms of discrete or continuous categories. I revisit this issue in discussing my account's implications. But it is worth noting here that this neutrality is, I think, appropriate for a general account of sexual orientation. Understanding sexual orientation categories as discrete or continuous should piggyback on, and not decide, whether we understand sex and gender categories as discrete or continuous. And the debate over this issue has not reached a clear consensus.

For similar reasons, my project does not take a precise stance on which features are the basis of sex and gender categories. As seen from my discussion so far, I do assume that sex and gender are real (*i.e.*, non-eliminativism), that sex and gender are distinct, and that sex categories are related to anatomical features while gender categories are related to relational and social features. (Of course, there may be overlap in the features that provide the basis for sex and gender ascriptions — what's important is that they are not identical.) More specific theories of sex and gender can be filled into the forthcoming schematic understanding of sexual orientation (and its taxonomy). I purposively build this flexibility into my account in order to construct a concept of sexual orientation (and of its taxonomy) that can be structurally preserved even when the number or understanding of recognized sex and gender categories undergoes shift.³⁷

37. Thanks to an anonymous referee for pressing me to clarify this feature of my project.

Conditions (a) and (b) are also intended to be neutral with regard to whether we can in the future adopt *further* dimensions of sexual orientation, and subsequently expand our concept of sexual orientation. As discussed previously, my current project is limited to these two dimensions because it aims to construct a readily accessible but politically and socially beneficial concept of sexual orientation.

Behaviorism and Dispositionalism

The previous subsection argued that we should take sexual orientation to involve both sex- and gender-attraction. But it is not clear how to assess these attractions in order to determine someone's sexual orientation. The task of clarifying the criteria for ascribing sexual orientation and how these criteria translate into a taxonomic schema of sexual orientation, then, is not complete.

The following part of my project continues this task. It is primarily descriptive in nature, though it will also contain a prescriptive element. It is centrally aimed at further elucidating criteria for ascribing sexual orientation as well as articulating (in light of social and political motivations) criteria for placing individuals within a taxonomy of sexual orientation.

The following discussion will compare two main approaches to this task: *behaviorism* and *ideal dispositionalism*. Both of these approaches, I will argue, fail to provide an acceptable analysis of sexual orientation because both insist on overly rigid conditions for ascribing sexual orientation — behaviorism insists on rigid actual conditions, and ideal dispositionalism insists on rigid ideal conditions. I conclude by demonstrating how a different form of dispositionalism — call it *ordinary dispositionalism* — captures an intuitive balance between actual and ideal conditions for ascribing sexual orientation.

Behaviorism

One way of understanding sexual orientation is as nothing over and above (*i.e.*, as reducible to) one's *observable behaviors* — that is, as something solely concerning behavior and not at all concerning

psychological states, except perhaps states that can be in turn reduced to behavior. We can understand this view — behaviorism — as the following claim:

A person's sexual orientation is determined solely by their observable sexual behavior.³⁸

In other words, under a behaviorist account, an individual's sexual orientation is decided simply by looking at their sexual behaviors, and seeing what sex[es] and gender[s] of persons they sexual engage with. For example, if they only sexually engage with cisgender men, their sexual orientation is ascribed accordingly.

An immediate difficulty for behaviorism is determining what behaviors and span of time are relevant to someone's sexual orientation. Even setting this aside, though, three more egregious problems remain.³⁹ First, behaviorism doesn't allow that individuals can behaviorally repress their sexual orientations. Consider, for example, the case of Episcopal Bishop Gene Robinson, a cisgender man who, after privately identifying himself as gay during seminary, was married and faithful to a cisgender woman for fifteen years.⁴⁰ Cases like these are extremely common within the LGBTQ community — under extreme social pressure to conform to cisheteronormativity, many individuals enter so-called "straight" relationships and so behaviorally (if not also psychologically) repress their sexual desires. Additionally, homeless LGBTQ persons are often forced into prostitution, thereby sexually engaging with individuals of sexes and genders that these persons do not necessarily find sexually desirable.⁴¹

38. Alternatively, Edward Stein describes this as the view that "a person's sexual orientation is indexed to his or her sexual behavior" (Stein [1999], 42).

39. For further discussion of the merits and demerits of behaviorism, see Stein (1999).

40. Robinson (2012).

41. Ray (2006).

But, by behaviorist lights, it is correct to categorize these individuals' sexual orientations according to their coerced behaviors, rather than according to their (freely or forcibly) behaviorally repressed desires. It seems obvious to me that this is a bad result. Because sexual behavior can be — and, for LGBTQ persons, frequently is — coerced by societal pressures, we must understand sexual orientation as something “deeper” than observable behavior. Even if influenced by social pressures, sexual orientation cannot be explicitly forced upon someone by these pressures.⁴² To deny this is to do an injustice to a large number of LGBTQ persons, especially in countries where queer sexual behavior can result in prison or even death.

Two other, related problems for behaviorism regard its implications for voluntary celibates and persons who are not sexually active, as well as sexually active persons in situations lacking a variety of potential sexual partners (*e.g.*, prisons). Behaviorism wrongly dictates that persons in the first situation either lack sexual orientations or ought to be classified as asexual, and that the sexual orientations of persons in the second situation should be determined with no regard to the extremity of their circumstances. These too are bad results, and ones that blatantly conflict with the general extension of our everyday concept of sexual orientation.

Ideal Dispositionalism

A plausible account of sexual orientation should account for situationally specific sexual behaviors. Behaviorism fails to do this. And yet behaviorism admittedly captures something important about sexual orientation: our concept of sexual orientation tracks (with qualifications) sexual behavior, and not self- or other-identification, emotions, or *purely* psychological states. But insisting that it concerns only *actual* behavior is, as we have seen, riddled with problems. For this reason, I propose that analyses of sexual orientation should move toward dispositional accounts — that is, accounts that define sexual orientation

42. See, for example, the near-universal recognition of the total failure of so-called “reparative therapy”.

in terms of individuals' *dispositions* to engage in sexual behaviors with a certain class of persons (rather than their actual sexual behaviors), and that concern psychological states only insofar as they influence individuals' behavioral dispositions.

After assuming this shift to talk of dispositions, though, significant and difficult questions remain. A standard account of dispositions tells us that:

Something x has the disposition to exhibit manifestation m in response to being situated in stimulating circumstance c iff, if x were to be situated in c , it would exhibit m .⁴³

That is, for example, a match is disposed to light (*i. e.*, is flammable) in response to being in a certain circumstance if and only if, were the match in that circumstance, it would light. Applying this to sexual orientation, we can let x range across the domain of human persons, and let m be engagement in sexual behavior (broadly construed) with persons of a certain sex and gender. But determining what c should be is a much more complicated task. And without specifying c , dispositionalism gives us:

A person's sexual orientation is determined solely by what sex[es] and gender[s] of persons S is disposed to sexually engage under certain stimulating circumstances.

This claim is enough to get us to the position that there is *some* particular scrutability basis of sexual orientation — namely, relevant sexual behavioral dispositions. Without specifying the conditions under which these relevant dispositions manifest, though, we have not made much headway beyond behaviorism. To assign *actual* conditions to c would make the view indistinguishable from behaviorism — if the manifesting conditions are actual conditions, then the relevant

43. Choi (2008), 796. For simplicity, I have removed the variable ranging across times.

dispositions should be those dispositions manifested in actual conditions — that is, actual behaviors. And this is precisely what we want to avoid. To capture the general extension of our everyday concept, we will need a different theory of what circumstances manifest these dispositions — one less narrow than “actual conditions”, and more informative than, say, “all the physical facts”.

In Edward Stein’s *The Mismeasure of Desire*, he proposes that the dispositions relevant to determining sexual orientation manifest “under ideal conditions”.⁴⁴ He goes on to say, “Conditions are ideal if there are no forces to prevent or discourage a person from acting on his or her [sexual] desires, that is, when there is sexual freedom and a variety of appealing sexual partners available.”⁴⁵ According to Stein, then, we can understand sexual orientation in terms of the sexual behaviors someone would engage in if nothing — *nothing at all* — were stopping them. While it is not clear that Stein is attempting to capture the general extension of our ordinary concept of sexual orientation, his proposal suggests that one way to fill out the dispositional schema above is as follows:

A person’s sexual orientation is determined solely by what sex[es] and gender[s] of persons S is disposed to sexually engage under *ideal conditions*.

In other words, Stein suggests that sexual orientation is determined by how someone would sexually behave if we held fixed their sexual desires and ensured that *nothing* is stopping them from acting on those desires. We can then consider whether Stein’s suggestion can be used to capture the extension of our *ordinary* concept of sexual orientation by specifying that the relevant features of these sexual behaviors are the sex[es] and gender[s] of the persons that they involve.

44. Stein (1999), 45. My emphasis.

45. Stein (1999), 45.

While I think that this type of proposal rightly pushes against behaviorism’s rigid focus on *actual* conditions, I also think that the extreme shift to “ideal” conditions would create two different problems.

First, this view legitimizes a worrisome cross-cultural projection of our concept of sexual orientation. The ideal conditions for (*e.g.*) ancient Greeks to realize their sexual desires might vastly differ from the ideal conditions for (*e.g.*) a contemporary European or North American.⁴⁶ If, for example, political power dynamics were significantly built into their sexual desires, then the ideal conditions for ancient Greeks acting on sexual desires might be unlike the conditions we think of as ideal for acting on our sexual desires — perhaps they would include a specific political scenario. Likewise for any culture in which sexual desires largely concern (*e.g.*) social status, wealth, or particular survival skills, not to mention ones where the recognized sexes or genders differ from those built into our concept of sexual desire.⁴⁷ And yet the “ideal conditions” view suggests that our concept of sexual orientation can be aptly applied within all of these widely ranging “ideal conditions”. In other words, the view implies that we can ascribe sexual orientation (*as we understand it*) to all human beings across cultures by holding fixed their sexual desires and projecting them into corresponding “ideal conditions”, regardless of how foreign these conditions are to the conditions that correspond to contemporary concepts of sexual desire. But given how tightly our concept of sexual desire is entwined in our concept of sexual orientation, I am doubtful that sexual orientation can be cross-culturally applied to this extent. For this reason, this approach would seem to

46. For example, Miriam Reumann’s (2005) *American Sexual Character* develops a compelling case for the existence of uniquely American sexual desires and patterns, shaped by uniquely American politics, social life, gender roles, and culture, as well as racial and economic divides. The main takeaway for the purpose of this paper is that it would be naïve — and, in fact, simply incorrect — to assume that sexual desire has a universal and cross-culturally consistent character.

47. Interestingly, Stein addresses this possibility later in his book amidst a discussion of essentialism and constructionism.

get the extension of our concept wrong, extending it beyond its appropriate reach.⁴⁸

Second, there are some empirical reasons to think that sexual desires cannot be “held fixed” independently of someone’s actual social context, and that these desires would not remain constant when projected into ideal circumstances. In particular, when surrounded by a vast variety of sexual partners and lacking any inhibitions, there is evidence suggesting one’s sexual desires – and so, one’s sexual behaviors – will undergo significant alteration from what they were under ordinary circumstances. In particular, social psychologists have discovered that sexual desires frequently increase or decrease (depending on other characteristics of the individual) in situations with high sexual opportunity. The corresponding principles, known as the “satisfaction principle” (high opportunity decreases desire) and the “adaptation principle” (high opportunity increases desire) are perfect examples of why we should doubt that individuals’ sexual desires would remain constant when they are placed in a situation with complete sexual freedom and availability.⁴⁹ But if these desires undergo significant shift, then we should expect that an “ideal conditions” account of sexual orientation will frequently dictate ascriptions of sexual orientation that conflict with our everyday understanding of sexual orientation. To put this in slightly stronger terms: there is some reason to think that it would significantly *change the subject* from what we were originally talking about when we were talking about sexual orientation.

48. One might respond on Stein’s behalf that our concept of sexual orientation (and other cultures’ related concepts) should be understood as socially-historically constrained, such that it may not be cross-culturally applied. While this is not clear from Stein’s text, and I would still have concerns about the view (see the following argument), I do think that this would improve the account. In my own proposal – and as we will soon see – I attempt to develop a way of ensuring this social-historical sensitivity by looking to ordinary language use as a guide to the relevant manifesting conditions.

49. See, for example, Gebauer, Baumeister, Sedikides, & Neberich (2014).

Ordinary Dispositionalism

The problems facing behaviorism and ideal dispositionalism may be avoided by appealing to conditions somewhere between “actual” and “ideal” conditions. One possibility – which I here tentatively adopt – incorporates an adaptation of Sungho Choi’s notion of “ordinary” manifestation conditions for a given disposition. Choi argues that it is possible to articulate manifesting conditions for dispositions that will not be subject to the standard counterexamples to analyses of dispositions (*e.g.*, “masked” or “finkish” dispositions),⁵⁰ but which also will not be vacuous (*e.g.*, “if it were struck, then, unless the match didn’t light, it would light”).⁵¹ He proposes that this challenge is met by examining the purpose behind our concept of a given disposition, which in turn reveals what manifesting conditions are conceptually connected to that disposition. To put this slightly differently: Choi suggests that whatever conditions those having the concept consider “ordinary” manifesting conditions for that disposition are the relevant manifesting conditions for that disposition.

In a slight divergence from Choi, I suggest instead that the relevant manifesting conditions for the dispositions determining sexual orientation are not the conditions that those who possess the concept *consider* “ordinary”, but the conditions under which people *in fact apply* the term ‘sexual orientation’ (and relevantly associated terms).⁵² Or, more

50. A “finkish” disposition is one whose stimulus conditions also remove the disposition – for example, a glass’s disposition to break is finkish if, every time it is struck, God hardens the glass so that it is no longer disposed to break. A “masked” disposition is one that is simply prevented from manifesting under the stimulus conditions – for example, a glass’s disposition to break is masked if it is bubble-wrapped when it is struck. See Choi & Fara (2014).

51. Choi (2008).

52. I remain neutral on the question of whether this sort of account should be applied widely across all types of dispositions. Perhaps some of the manifesting conditions for some dispositions can be given a purely physics-based explanation, for example. Here, I only commit to an account for determining the ordinary manifesting conditions for the dispositions relevant for determining sexual orientation. (Thanks to Michael Rauschenbach for raising this issue.)

simply, the relevant manifesting conditions just are the conditions under which ascriptions of sexual orientation typically take place.

Here I follow Haslanger, who makes a useful distinction between “operative” and “manifest” concepts: The operative concept of “cool”, for example, is “the concept that actually determines how we apply the term to cases, *i. e.*, (roughly) being such as to conform to the standards of the in-group”.⁵³ In contrast, the manifest concept of cool is “the concept that users of the term typically take themselves to be applying, *i. e.*, being intrinsically or objectively cool”.⁵⁴ By defining “ordinary” manifesting conditions in terms of the concept those applying the term take themselves to have, Choi restricts our search for these conditions to the conditions attached to manifest concepts. But these conditions may be nonexistent (*i. e.*, “intrinsic coolness”) or severely mistaken. Better, I think, is to identify the “ordinary” conditions as those corresponding to the everyday operative concept — that is, the conditions corresponding to applications of the relevant terms.

Consider, for example, a match’s disposition of flammability. Using this adaption of Choi, we look at the operative concept of “flammability” and find that the purpose of it is to determine whether a match will light when it is struck in normal temperatures, when dry, etc. These conditions, that is, determine how we apply the term ‘flammable’ to a match. Because of this, they are the relevant manifesting conditions *c* in the statement ‘A match is disposed to light in response to being situated in stimulating circumstance *c* iff, if the match were to be situated in *c*, it would light.’⁵⁵

53. Haslanger (1995), 102.

54. Haslanger (1995), 102.

55. One might worry that this account is circular — that it relies on the “ordinary manifesting conditions” that identify a disposition by appealing to the concept of that very disposition. Choi (2008) argues that this objection fails. As he points out, because the ordinary conditions for a disposition are understood as “extrinsic conditions that are ordinary to those who possess the dispositional concept”, those persons need no knowledge of a conceptual account of the disposition in question.

Central to this proposal is the idea that finding the ordinary manifesting conditions for a disposition means looking to the (often pragmatic) goals determining application of the term referring to that disposition. In the case of sexual orientation, then, the manifesting conditions for the behavioral dispositions relevant to determining sexual orientation must be understood within the framework of the purposes behind the everyday operative concept of sexual orientation — finding potential partners, establishing laws (be they protective or discriminatory), predicting behavior, enabling scientific research of sexual attraction, and so on.⁵⁶ These purposes determine the “ordinary” conditions under which the term is applied — that is, they are the conditions corresponding to the operative concept.

Importantly, using these conditions as the relevant manifesting conditions for a particular disposition does not mean forfeiting any revision to the everyday operative concept. It simply means that these conditions are built into the revised concept, guaranteeing that the everyday concept’s extension is generally preserved. These conditions only provide constraints on the eligible criteria for ascribing sexual orientation — they do not determine these criteria, much less determine the taxonomy resulting from them.

More needs to be said about what these ordinary conditions are — that is, what *are* the conditions corresponding to the everyday operative concept of sexual orientation? Or, in other words, what conditions lie behind our ascriptions of sexual orientation?

56. While these purposes at bottom will result in the same behaviors as the purposes behind the manifest concept of sexual orientation, they importantly differ in the interpretation of those behaviors. Whereas those applying the term ‘sexual orientation’ may take themselves to be (*e.g.*) identifying moral failing or categorizing psychological defects, this is simply using fictions as a mask for what Haslanger calls the “explicitly social content of the operative concept”. So too, those applying the term may take the manifesting conditions relevant to sexual orientation to be anything from “having certain genetics” to “being cursed by God”, but these cannot be the conditions we are concerned with. We are instead concerned with the conditions that *actually* determine application of the term ‘sexual orientation’, regardless of what someone thinks they are doing when applying it.

My primary goal in moving away from actual or ideal conditions, and toward the conditions corresponding to the everyday operative concept of sexual orientation, is to escape the rigidity of both behaviorism and ideal dispositionalism. I want to avoid a view that ascribes sexual orientation on the basis of only observable behaviors, or only behaviors within unattainable, potentially culturally distant ideal conditions. This is not to say that the operative concept is without substance. But I will not pretend to articulate necessary and sufficient conditions corresponding to the operative concept of sexual orientation — nor do I maintain that such conditions exist. The conditions corresponding to our ascriptions of sexual orientation admit, no doubt, of borderline and vague cases. My primary concern is to capture the core elements of these conditions in order to generally preserve the extension of our everyday concept of sexual orientation.

And I do think that a number of things can be said to elucidate the conditions under which we typically confer sexual orientation. In particular, I propose the following as conditions constraining our ascriptions of sexual orientation — that is, as conditions corresponding to the operative concept — reminding the reader to think of these as generalities that admit of exception and vagueness, rather than as strict rules of use.

- (I) The operative concept assumes attraction to persons of a certain sex or gender (at least partially) *because* they are that sex and/or gender.

For example: Say that Elijah has strong sexual preferences for persons with long hair, but has no preference between men or women as sexual partners. Elijah lives in a town where the only people with long hair happen to be women. As a result, it is true to say that Elijah is attracted only to women. But because he is not attracted to them *because* they are women, we would not say that Elijah has the sexual orientation

corresponding to exclusive attraction to women.⁵⁷ This sort of case illustrates that we expect an explanatory relation to hold between one's sexual orientation and the sex or gender of the persons they are attracted to.

- (II) The operative concept assumes attraction to certain persons while having a reasonable diversity of potential sexual partners.

This generalization is far from Stein's suggestion that sexual orientation is based on attractions with *no* restriction on sexual partners. But it captures why we do not consider behaviors in outlying circumstances where potential partners are extremely limited or homogenous (*e.g.*, prisons, boarding schools, deserted islands) as reliable indicators of one's sexual orientation.

- (III) The operative concept assumes that one is willing and able to sexually engage with other persons.

We refuse to ascribe sexual orientations to someone on the basis of their actual sexual behaviors if (*e.g.*) they are voluntarily celibate, subject to sexual contact without consent, or possess a prohibitive medical condition. These scenarios indicate that it is also important to the operative concept of sexual orientation that the behaviors relevant to ascribing sexual orientation are ones that are engaged in willingly and with the physical and psychological ability to engage or not engage in the behavior.⁵⁸ It might also explain why we judge

57. Or because Elijah *thinks* they are women. This would leave room for cases in which, *e.g.*, someone attracted to cisgender men is attracted to someone they take to be a cisgender man, but who is anatomically female.

58. Of course, some (and perhaps all) asexual persons will never be in a situation in which they are willing to engage in sexual behavior. In that case, we can determine that, because it is impossible for them to meet condition III, they do not have any sexual behavioral dispositions that would be manifested under the ordinary conditions — that is, they are asexual. This distinguishes asexuals from (*e.g.*) voluntary celibates.

abnormal sexual behavior that occurs under the influence of alcohol or narcotics (and therefore is nonconsensual) to be an unreliable indicator of sexual orientation.

Again, (I)–(III) are generalizations of the conditions that I think are built into the operative concept of sexual orientation, and they therefore will admit of occasional exceptions or borderline cases. They remain, though, useful guidelines explaining why we consider extreme circumstances poor guides to determining sexual orientation, and how we can reliably ascribe sexual orientation to persons without appealing to “ideal” conditions.

Someone may here object that, in appealing to the conditions underlying our operative concept of sexual orientation in order to construct a revised concept of sexual orientation, I appear to be doing mere conceptual analysis. To this, I would again emphasize that my project is necessarily in part descriptive because it aims to generally preserve the extension of our everyday operative concept of sexual orientation. But it is prescriptive insofar as I am out to precisify and revise this concept in order for it to more efficiently and ethically serve the purposes assigned to it. Noticeable revisions concern decisively including both sex- and gender-attraction as criteria for ascribing sexual orientation and — as we will now see — distancing the concept from concerning the relation between a subject’s own sex or gender and the sex or gender of the persons they are attracted to. These revisionary aims are importantly distinct from projects that intend to radically revise the conditions determining concept deployment.⁵⁹

Bidimensional Dispositionalism

Putting together the previous discussions of gender/sex and behaviorism/dispositionalism, we arrive at my positive proposal:

59. See Haslanger (1995), 114.

Bidimensional Dispositionalism [BD]: A person S’s sexual orientation is grounded⁶⁰ in S’s dispositions to engage in sexual behaviors under the ordinary condition[s] for these dispositions,⁶¹ and which sexual orientation S has is grounded in what sex[es] and gender[s] of persons S is disposed to sexually engage under these conditions.^{62, 63}

In other words, I propose that — whatever the categories we place within ‘sexual orientation’ — their ascription should be based on the sex[es] and gender[s] of the persons someone is disposed to

60. I use the term ‘grounded’ here in the loose sense of ‘dependent on’ or ‘explained by’. One may also be able to understand it in terms of ‘built on’, which (roughly) means ‘less fundamental than’ or ‘accounted for in terms of’. (See Bennett [forthcoming].)
61. I remain neutral on the debate over whether properties can have dispositional essences or if all dispositions reduce to categorical properties. For my purposes here, I don’t have a dog in that fight.
62. As Shamik Dasgupta pointed out, someone might be concerned that BD, as stated, does not ensure that the dispositions relevant to sexual orientation are particularly “deep” or “self-disclosing”. Sexual orientation, one might think, deserves protection *because* it is deep and, in this way, outside (or mostly outside) a person’s control. While I acknowledge this worry, I disagree with the idea that sexual orientation must be particularly “deep” to merit special protections. Whether or not sexual orientation has these features is orthogonal to its merit for protection. Even if every person shifted sexual orientation every week (and even if we could do so by choice), I would insist that sexual orientation deserves protections. However, one might worry that, even apart from questions of protections, sexual orientation is a “deep” and unchangeable (or nearly unchangeable) feature of who someone is. I want to remain neutral on this question, and so the formulation of BD allows but does not require someone’s sexual orientation to undergo frequent shifts.
63. By ‘sex[es] and gender[s] of persons...’ I do not mean to imply that there must be any particular persons of this sex and gender, or particular persons with whom S is disposed to sexually engage. That is, S could be disposed to engage with persons who are cisgender women even if there were no cisgender women, or even if there were no particular cisgender women with whom S is disposed to engage.

sexually engage with under ordinary conditions for ascribing sexual orientation.⁶⁴

This analysis recasts sexual orientation as pertaining to bidimensional attraction — that is, as pertaining to both sex- and gender-attraction. But, importantly, BD does not require that, in order to be ascribed a sexual orientation, someone must have a certain sex-attraction or gender-attraction. One could be neutral as to one or both, or be attracted to neither (*i. e.*, be asexual with regard to sex and gender). All of this would be revealed by their dispositions to engage (which could be dispositions to never engage) in sexual behavior with certain persons (at least partially) on the basis of their sex and gender.⁶⁵

By emphasizing only these dispositions, BD understands sexual orientation *solely in terms of the sex[es] and gender[s] of the persons one is disposed to sexually engage, without reference to the sex or gender of the person so disposed*. Under this framework, for example, a cisgender man and transgender woman disposed to sexually engage only with cisgender women have the same sexual orientation, and so too for a cisgender man and gender-nonconforming female disposed to engage only with men. In emphasizing this shift in our categories of sexual orientation, BD rejects the idea that sexual orientation can be classified in terms of a relation between persons of the “same” or “opposite” sex or gender.

This taxonomical shift is important to the fulfillment of purposes (iii)–(iv). Recall that these purposes stated that an analysis of sexual

64. While I will not address this issue here, we arguably should also acknowledge that these dispositions themselves come in a range of strengths, which would add another dimension to sexual orientation. (Thanks to Justin Christy for this suggestion.)

65. I expect that we are often attracted to certain persons because they have characteristics that are associated with particular genders, and not because of the totality of their gender expression. For my purposes, this sort of connection is sufficient to allow for the explanatory connection between gender and attraction, though it leaves many open questions regarding what (if anything) is essential to particular gender expressions, and more generally, how we should think about the constitution of gender expressions. I leave these questions to persons working in the metaphysics of gender.

orientation should “reduce or eliminate the presumption that cisheterosexuality is the normatively standard sexual orientation and all queer sexual orientations are normatively deviant”, and be “conducive for establishing legal and social protections for non-cisheterosexual persons”. The categorization shift proposed by BD moves us closer to accomplishing both of these tasks.

First, BD promotes the aims of purpose (iii) because BD *eliminates the distinction between cisheterosexuality and queer sexual orientations and provides a taxonomic schema capable of recognizing persons outside the gender or sex binary*. On the former point, on BD, there are no such sexual orientations as (*e. g.*) “homosexual” or “heterosexual”. And there is no distinction in the sexual orientations of (*e. g.*) a cisgender man and a transgender woman who both are exclusively attracted to women. The statistical divide between cisheterosexuality and queer sexual orientations simply disappears, because these categories disappear, and their members are reorganized into new categories. While this will not of itself eliminate discriminatory attitudes, it does change the concept of sexual orientation such that it does not simply fall out of the concept that cisheterosexuality is statistically standard and all else is deviant. It also removes the connotation that “sexual orientation” is what distinguishes (*e. g.*) the so-called “straight” and “queer” communities. I believe that this is a socially and politically beneficial result, encouraging dismantling the divide between these communities.

On the latter point, BD does not build in either discrete or binary gender or sex categories, and so has the flexibility to adopt a variety of sex and gender taxonomies. With this flexibility, it is capable of providing taxonomic recognition for persons outside of the sex or gender binaries (*e. g.*, genderqueer or intersex persons), as well as their sexual partners.

Second, BD achieves (or at least moves toward achieving) purpose (iv) by providing the conceptual tools for lawmakers to secure protections for sexual orientation under pre-existing protections against gender- and sex-discrimination. That is, because sexual orientation makes no reference to one’s *own* sex and gender on BD, any discrimination

against someone in response to their sexual orientation can be re-described as discrimination on the basis of their gender or sex.

This conceptual shift is, in fact, ripe for public uptake. Supreme Court Chief Justice John Roberts recently articulated a similar shift in thought during oral argument in *Henry v. Hodges*, a case concerning the legalization of same-sex marriage. Justice Roberts re-described the same-sex marriage question in terms of sex discrimination, and (perhaps rhetorically) asked why the issue could not be decided on the basis of pre-existing protections against sex discrimination:

I'm not sure it's necessary to get into sexual orientation to resolve this case.... I mean, if Sue loves Joe and Tom loves Joe, Sue can marry him and Tom can't. And the difference is based on their different sex. Why isn't that a straightforward question of sexual discrimination?⁶⁶

As Justice Roberts here notes, cases of sexual orientation discrimination can be easily re-described in terms of gender or sex discrimination by holding fixed that multiple individuals share the same sex- or gender-attractions, and yet some are discriminated against simply because they have a particular sex or gender in addition to those attractions. BD goes a step further by saying that the sex- and gender-attractions — again, understanding these attractions in terms of behavioral dispositions under ordinary conditions — are all that matter for sexual orientation. My own sex and gender, for example, do not matter for my sexual orientation. And so, if I am discriminated against for having the attractions constituting sexual orientation X and a man who has sexual orientation X is not discriminated against, I can recast this discrimination as gender discrimination and appeal to pre-existing laws prohibiting this discrimination as the basis for my legal protection.

66. Liptak (2015). This argument in favor of legalizing same-sex marriage on the basis of pre-existing laws against sex-discrimination also was the central argument of an *amicus curiae* brief filed by a number of legal scholars in *Henry v. Hodges*, Supreme Court Case No. 14-556.

One worry about BD is that it does not give us enough epistemic access to our own sexual orientations. How will we know our sexual orientation if it would require being placed under circumstances that we are not actually in? How could, say, a lifelong celibate priest *know* that they would take certain actions if they were under these “ordinary circumstances”? It might seem as though any compelling account of sexual orientation will make it possible for someone to know their own sexual orientation, and BD does not do this.⁶⁷

This objection, though, makes a substantive assumption: that the correct metaphysical analysis of sexual orientation must bend to a demand for epistemological transparency (or something close to transparency). And I see no reason to think this. In fact, we have good reason to deny it, given the many examples of repression and self-deception of sexual orientation under (*e.g.*) social, religious, or familial expectations.⁶⁸ And this does not mean that we have no idea what our sexual orientations are — in general, people seem to have a “good enough” idea of their sexual attractions and how they do or would act under certain circumstances that they also have a “good enough” idea of their sexual orientation to seek out specific (or no) sexual partners. Insofar, too, as we think that persons have some manner of epistemic privilege in self-assessments of desire, attraction, and so on — features that inform and direct their behavioral dispositions — we can maintain that persons also have some manner of epistemic privilege in self-ascriptions of sexual orientation.

Another worry for BD concerns the relation between sexual dispositions and sexual desires. Why, someone might ask, should we go to the trouble of analyzing sexual orientation in terms of dispositions and all their metaphysical baggage, when we can much more simply analyze it in terms of sexual desire, understood as an occurrent mental state?

67. Thanks to Peter Finocchiaro for raising this objection.

68. Indeed, the testimony of many queer persons suggests that discovery of one's own sexual orientation can be a long and difficult process.

The first and most important response is, I think, to emphasize that in order to achieve the pragmatic goals discussed earlier, it is important to avoid an account that wholly psychologizes sexual orientation. While I leave open that the behavioral dispositions for which persons need political and social protections have categorical psychological bases, these bases will not be the focus of a socio-politically oriented account of sexual orientation. For these purposes, someone with the psychological features of a “heterosexual” but queer behavioral dispositions can and should be protected from anti-queer prejudice. In other words, given the pragmatic goals of my account, the questions of whether or which psychological states ground the behavioral dispositions at issue are interesting questions for neuroscientists, but not ones that should guide a politically motivated account of sexual orientation.

Second, given the current main contending theories of desire, an account in terms of desire either amounts to a problematically restricted dispositional view or else creates new (and worse) problems. Suppose, for example, that one is partial to an action-based theory of desire, articulated in terms of dispositions. In this case, sexual desires just are the categorical basis of the kinds of behavioral dispositions that I have been talking about. At first, it might seem like this view would be co-extensive with my own, but preferable because it is articulated in familiar terms (desire) rather than in the technical language of dispositions. This thought would be mistaken. A sexual-desire view of sexual orientation would not be co-extensive with my own, because ordinary dispositionalism allows sexual behavioral dispositions to have a range of categorical psychological bases (or no categorical basis), and certainly does not restrict the relevant dispositions to ones grounded in the mental states that we would categorize as “sexual desire”. For example, if someone is attracted to women on the basis of, say, a constant curiosity about what it is like to have sex with women, but not because of desire-like attitudes typically considered sexual attraction, my account does not rule out that this person can be classified as sexually women-oriented. A view of sexual orientation restricted to sexual

desire (and the corresponding behavioral dispositions) would not be able to accommodate this case.

If instead one prefers, for example, a pleasure-based theory of desire, then the formulation will be too narrow to capture the concept of sexual orientation. Not everyone receives pleasure from sexual behavior. Still other theories of desire (*e.g.*, attention-based or holistic) are too broad to capture the concept.⁶⁹ And so on, I would argue, for the other main candidate theories of desire. Of course, one could simply appeal to a “common understanding” of desire, but I am skeptical that there is any such thing.

Third, one might worry that desires are too context-sensitive to capture the general (though perhaps not necessary) stability of sexual orientation. Earlier, I argued that we should not use Stein’s “ideal conditions” as the relevant manifesting conditions for sexual behavioral dispositions, because we have good reason to think that someone’s desires would be significantly altered in a scenario with wholly unrestricted access to a huge variety of sexual partners. Whatever these desires (and the corresponding behaviors) are, I argued, they are not reliable indicators of someone’s actual sexual orientation. But, similarly, I think there are cases where someone’s actual desires are not reliable indicators of their sexual orientation. For example, it is reasonable to expect that someone in a context lacking a reasonable variety of potential partners, such as a prison, may undergo shifts in sexual desire. And yet we would, I think, still deny that these shifted desires are reliable indicators of their sexual orientation, or that these shifts in desire constitute a shift in their sexual orientation. Perhaps, to avoid this result, one could insist that the desires relevant to sexual orientation are those that one *would* have in the ordinary conditions that I’ve described. But, in that case, we’ve only moved from behavioral to psychological dispositions; we haven’t gotten rid of dispositions, or pinpointed particular mental states determining sexual orientation.

69. For an overview of these (and other) theories of desire, see Schroeder (2014).

My respondent might be fine with accounting for sexual orientation in terms of dispositions to desire rather than dispositions to behavior, strange as it may seem. But framing sexual orientation in this way would not avoid yet another problem for any desire-based account: dispositions to desire would underdetermine sexual orientation because *desire* underdetermines sexual orientation. Consider someone who is behaviorally disposed to sexually engage with certain persons, but does not possess the emotional or cognitive features of sexual desire. (Again, we could imagine that they are motivated to sexually engage with persons on the basis of curiosity, free of desire.) That is, they don't (*e.g.*) feel sexual yearnings, spend time thinking about sexual behavior or receive particular pleasure from sexual behavior. Does this person have a sexual orientation? It seems to me that they do, suggesting that desires are not *necessary* for sexual orientation.

But are they sufficient? Consider too the unlikely but imaginable case of someone who feels desire for, say, cisgender men, but is disposed only to sexually engage with women. In this case, and particularly for the socio-politically motivations discussed above, I would argue that this person's sexual orientation is one of orientation toward women and not cisgender men. But I admit that intuitions about our concept's extension may get fuzzy with regard to both of these hypotheticals — I can only report my own. I suspect that one's response may come down to whether one tends to think about sexual orientation as something predominately action-oriented or predominately internal. But more importantly (given that this is an engineering project), I support the former view as better equipped to achieve the social and political purposes behind the concept of sexual orientation, and as not clearly in conflict with the general extension of our everyday concept.

Even with this advantage, BD is only the beginning of a full analytic account of sexual orientation. It remains neutral on a number of important and closely related philosophical questions. I turn now to these questions, which will highlight where further research can expand philosophical discussion of sexual orientation.

Discrete/Continuous Categories

BD requires that we acknowledge that sexual orientation is bidimensional, pertaining to both sex- and gender-attraction. Within this bidimensionality, though, we can and should ask whether our categories of sexual orientations will be discrete or continuous. The most common current categories of sexual orientation are uniformly discrete. In ordinary discourse, we typically hear two, or at best three, discrete categories: "heterosexual", "bisexual", and "homosexual". Expanding our concept of sexual orientation to include both sex and gender will increase the number of sexual orientation categories. But it will not of itself revise these categories such that they are no longer discrete, since it will not of itself revise our categories of sex and gender to no longer be discrete (much less binary).

Suppose someone accepts, for example, a sex binary (male and female) and a gender binary (men/women). In that case, under BD, they would have four categories for attraction qua sex and four for attraction qua gender, arriving at sixteen discrete categories of sexual orientation. Consider the following example of how one might retain discrete categories of sexual orientation under BD, where 'attraction' can be taken as a useful shorthand signaling dispositions to engage in sexual behavior:

Illustration 1: Discrete Categories

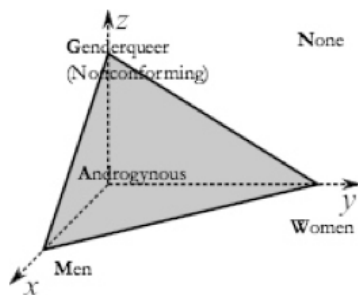
Sex-Attraction (Assumes two sexes — male/female)	Gender-Attraction (Assumes two genders — men/women)
A: Not attracted to either sex qua sex	1: Not attracted to either gender qua gender
B: Attracted to males	2: Attracted to men
C: Attracted to females	3: Attracted to women
D: Attracted to males and females	4: Attracted to men and women

Under a view such as this, a category within sexual orientation might be “C2”, which refers to someone who – under ordinary conditions – is disposed to engage in sexual behaviors only with transgender men who have not had genital surgery. One could also easily add ‘intersex’ to the left-hand column, ‘genderqueer’ to the right-hand column, and so on. The element I mean to emphasize in such a view is the insistence upon discrete categories for sex and gender, which leads to discrete categories of sexual orientation.

If instead (as I prefer) one understands gender (and perhaps sex) to refer to a continuous spectrum, then sexual orientation will also refer to a continuous spectrum. Of course, within ordinary discourse, we typically have heuristic markers along continuous spectrums for pragmatic purposes (e.g., ‘tall’ or ‘hot’).⁷⁰ But it is generally understood that these markers are merely heuristic, and do not refer to neatly closed categories. This could easily be applied within discourse about sexual orientations. The following illustrate a view under which sex categories are discrete but gender categories are continuous, resulting in continuous categories of sexual orientation:

Illustration 2: Continuous Categories

Gender-Attraction [Attraction may be represented at one, no, or multiple locations on the diagram]:



70. In other words, I prefer an account that rejects epistemicism about gender categories, just as most of us, I think, would reject epistemicism about ‘tall’ or ‘hot’.

Sex-Attraction (Assumes two sexes – male/female)
1: Not attracted to either sex qua sex
2: Attracted to males
3: Attracted to females
4: Attracted to males and females

Under this view, a category within sexual orientation might be “MA-1”, heuristically referring to someone who – under ordinary conditions – is disposed to engage in sexual behaviors with persons who present as (roughly) androgynous or masculine, regardless of their sex.

BD remains neutral on the issue of discrete vs. continuous categories of sexual orientation. But the questions surrounding the issue require much closer attention, and my hope is that further research on sex and gender will allow an expansion of BD that specifies sexual orientation as continuous. It would thereby become more equipped to recognize sexual diversity and fulfill the need for an account of sexual orientation that eliminates the idea that cisheterosexuality is the “standard” sexual orientation and all else is “deviant”.

Essentialism/Constructionism

As stated, BD is also neutral on the question of essentialism vs. constructionism about sexual orientation. Roughly, essentialism is the view that sexual orientation is something necessary or unifying about humans as a kind or as particular humans (thereby applying cross-culturally), whereas constructionism is the view that sexual orientation is socially constructed (thereby culturally specific), and may not (depending on the type of construction) in any sense “carve at the joints” of reality.⁷¹

71. See Haslanger (1995) for a wonderful look at how different levels and kinds of social constructions correspond to what we admit into our ontology.

One common form of essentialism is biological essentialism — often heard in the sentiment “Born This Way” — which claims that sexual orientation is a biologically determined feature of a person.⁷² While BD is compatible with this view, to hold both, one must hold to biological determination of gender-attraction. That is, if sexual orientation is to be genetically determined *and* pertain to gender-attraction, biological essentialism faces the difficult challenge of explaining how gender could be (at least partially) socially constructed, and yet gender-attraction be biologically determined.⁷³ For this reason, it seems that BD — though compatible with biological essentialism — is unlikely to be paired with it.

I do not have space here to discuss alternative forms of essentialism about sexual orientation, other than to say that I think it will be difficult to find a form of essentialism that agrees with contemporary theories of gender, which almost always incorporate some degree of constructionism.⁷⁴ For this reason, I tentatively lean toward a moderately constructionist view according to which our social context (which may be self-selected to some extent) directs the manifestation of and categories for the manifestation of biological tendencies toward certain sexual attractions. On this view, the concepts and interpretive

72. See, for example, LeVay’s (2011) analysis of sexual orientation as “*the trait that predisposes us to experience sexual attraction to people of the same sex as ourselves (homosexual, gay, or lesbian), to persons of the other sex (heterosexual or straight), or to both sexes (bisexual)*” (emphasis added). By identifying sexual orientation with the (according to him, biological) trait that predisposes us to have certain attractions, LeVay adopts a biological essentialism about sexual orientation.

73. Of course, one could also insist (against the prevalent view) that gender is biologically determined.

74. One interesting line of inquiry would be whether Charlotte Witt’s “unessentialist” account of gender, which combines both individual essentialism and social construction, could be applied to sexual orientation. On this view, certain properties of someone, such as their gender, can be essential to that person as a social individual, which Witt views as one of the three parts in the trinitarian ontology of “selves” (*i. e.*, human organism, person, social individual). If one is willing to adopt Witt’s ontology of “selves”, perhaps a case could be made for sexual orientation as an essential property of a social individual.

framework related to sexual orientation are socially constructed, but they refer to real properties (or traits, if you prefer) of individuals that are in part socially formed and in part biologically determined.⁷⁵

Moderate constructionism’s main benefit is allowing the possibility of cross-cultural behaviors and biological traits loosely translating onto a contemporary framework — namely, the framework of the “ordinary conditions for ascribing sexual orientation” — while maintaining that the contemporary understanding of sexual orientation should not be applied to cultures lacking the concept of sexual orientation *within that culture*. But I also worry that moderate constructionism gives too prominent of a place to biology, and underestimates the degree to which sexual orientation is socially constructed. In any case, I currently have only tentative opinions about these issues, and so I have chosen to here state BD as neutral on issues of essentialism and constructionism.⁷⁶

4. Conclusion and Implications

Although I’ve gone to lengths to clarify what issues I do not take a firm position on, I do not mean to leave the impression that BD is an uncontroversial thesis. To clarify this, I will briefly state its central implications.

First, to adopt BD is to reject our current taxonomy of sexual orientation. The assumptions that sexual orientation is always one-dimensional — concerning either sex-attraction or gender-attraction,

75. I predict that whether you consider this a realist or fictionalist account of sexual orientation will largely depend on whether you are a realist or fictionalist about certain social kinds. Within the distinction of idea- and object-construction, this view would incorporate elements of each. While sexual orientation classifications would be considered idea-constructions, the way that we are socially and politically impacted by these classifications (whether our self-identity aligns with our sexual orientation or not) incorporates a large dose of object-construction into our understanding of persons as sexually oriented beings. (For more on this issue, see Haslanger & Sveinsdóttir [2011].) I am partial to the idea that there is a balance between these constructions and biological influence in determining sexual orientation.

76. For an interesting perspective on the need for recognizing individuals’ agency in determining their sexual orientations, see Behrensen (2013).

but never a combination of the two — and that sexual orientation concerns the sex or gender of *both* potential partners are deeply embedded within the concepts associated with these categories. For this reason, the current concepts of “homosexual” and “heterosexual” do not pick out sexual orientations under BD. These terms inherently refer to a relation between the sexes (or genders) of sexual partners, whereas BD focuses exclusively on the sex and gender of the persons one is attracted to.

Second, BD implies — but does not necessitate — that we should reject biological essentialism about sexual orientation. This again comes on the heels of BD’s incorporation of both sex- and gender-attraction in its analysis of sexual orientation. Third, and also for this reason, BD implies that the categories of sexual orientation ought to be continuous, rather than discrete. Contemporary research suggests that the categories of gender (and perhaps sex) are continuous, and so any dispositions related to gender (including the ones at issue in BD) must be sensitive to this continuous scale. This has political and social implications, as it raises questions about how to understand sexual orientation as a protected class or legal decisions concerning sexual orientation, and it puts pressure on the idea that cisheterosexuality (or any sexual orientation) is normative or non-deviant.

Fourth, because BD appeals to the “ordinary conditions” for ascribing sexual orientation, it requires that we hesitate in ascribing any category of sexual orientation to an individual on the basis of their behavior without first carefully considering their social context. This hesitation is particularly required when considering persons under (*e.g.*) religious, situational, or familial pressures to partner with someone of a certain sex or gender, as well as any cross-cultural applications of our categories of sexual orientation.

Finally, I also hope to have shown that the issues surrounding sexual orientation need further philosophical analysis. A vast number of questions about essentialism, dispositions, choice, reduction, and social kinds and properties — not to mention the political and ethical

implications of our answers — remain unexplored. BD only begins to map this promising philosophical landscape.⁷⁷

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