OPINION

GUEST COLUMNIST

MAYA TRATT

We created Jane Doe

I distinctly remember a moment in my Directed Studies seminar last year when, while immersed in Simone de Beauvoir's "Second Sex," our professor asked us when we had bought our respective genders.

Every girl had a polished story ready to present the class, as if they'd been waiting for the question. The men in the room shifted uneasily in their chairs and presented answers that amounted to one large nothing burger, one juicy, deafeningly silent "I don't know."

The narrative of femininity that we're culturally familiar and comfortable with is a narrative of some light oppression — be it institutional or largely biological — along with the ability to overcome most of the discrimination with self affirming slogans and sheer force of will. I too was a participant in the mid-2010s feminist aesthetic. I wore my sparkly "girl power!" T-shirt to all of my chess matches from kindergarten through third grade.

But amidst all the messaging about female competency — necessary and self-affirming as it may be — we've neglected a conversation about real differences between the sexes. What is left that's uniquely female, or — I might add — uniquely male? Unclear, and so we prefer not to ruminate on it because gender essentialism is uncomfortable.

And so everything becomes a choice — a byline which characterizes most of the modern liberal left. Every interaction is governed by consensual contracts, and thus we avoid the trouble of moralizing.

And so it follows that we create and perpetuate the myth that as human beings we're simply billiard balls of autonomous decision making. We can interact with any number of human beings however we choose. There are no chains that bind us to any given identity beyond our consent to that identity. Every single obligation we have in our lives arises only from choice and consent — both of these standards are necessary and sufficient to govern human life.

Although of course they aren't.

What's uncomfortable about the Cornell 7 case is that it so clearly offends whatever internal moral sensibilities we have. We feel comfortable proclaiming, declaiming and protesting that what happened was wrong. And why was it wrong? Well … the only narrative we societally possess for action of this sort is that it wasn't consensual. Consent is a useful standard, and given the proliferation of sexual violence in the United States, it's necessary. But it is clear that the standard of consent isn't sufficient here, and this speaks to a larger lack of normative framing when it comes to sexual ethics.

Both Jane Doe and the men in this situation seem to have been inebriated to the point of no return, and Jane Doe — by her own admission — expressed varying levels of consent both during and after the interaction. The ability to choose seems flimsy and laughable in the face of one drunk woman in a frat house surrounded by seven drunk men treating her like a plaything, no matter how consensual it was. No one seemed to be really aware of what was transpiring.

Do we feel comfortable claiming that the only thing wrong with what happened at Cornell is that Jane Doe might have not have nodded in agreement? If there's one arena where pretending that men and women are interchangeable isn't just cutesy but dangerous, it's sex. The physical risks, from injury to pregnancy, fall unevenly, and so does the average difference in strength. A framework that treats both parties like contractors shaking hands on a business agreement is naive to the point of stupidity. And no amount of SHARE hotlines or sexual harassment workshops with appropriately agender names, where "Dylan comes home from school and sees Sam on the couch" can replace the subliminal messaging of a culture that has no sexual standard beyond consent. If we dare call out the inhumanity of the meat market, if we deign to criticize so-called consensual encounters that violate human dignity, we are encouraged to relax and enjoy the fruits of a sexual revolution.

I don't think a return to traditional sexual ethics is possible, but I do think it's incumbent upon us at Yale to think about the culture and messages we send around sex. Is the word yes all we want? Is it possible to create a culture of mutual respect surrounding sex if we refuse to entertain even the possibility of biological sexual difference entering the equation?

If consent isn't a sufficient standard — and possibly even a bad one — what's the next option? The philosopher in me turns to Hannah Arendt. She explains that ethical and political judgment require representative thinking — mentally putting oneself in the place of others. This process seeks the agreement, the wooing of consent of a community of peers in a shared public world rather than relying on an abstract, top-down moral law. Morality stems not from choice but from the radical capacity to understand the other as a human being and not as a potential sexual exploit.

I have to confess — I don't know when or where I bought my gender. Maybe it's when I stopped wearing only basketball shorts at age 11, started listening to Beyoncé at age 15, reluctantly began using curl cream far too late or at any mundane moment in between. But at any rate, the receipt seems to have fluttered away, and no one has informed me of the return policy.

MAYA TRATT *is a sophomore studying history and philosophy in Branford College. She can be reached at maya.tratt@yale.edu.*

GUEST COLUMNIST

JAMES GOODALE

Never settle with Trump.

Dear Reader,

You have asked about Yale's negotiation with the Department of Justice. I know no details on what has been alleged, so I offer no opinion on exactly what Yale should do. But I do have opinions on Trump and some of the other settlements I have read about.

I am 93 years old and graduated Yale in 1955. I had a long career with The New York Times, where I served as vice president and general counsel and led the defense in landmark cases, including New York Times v. Sullivan and the Pentagon papers case. I also taught at Yale Law School and founded a First Amendment practice at Debevoise & Plimpton in New York City.

The rule in a dispute with Donald Trump has long been simple: Never settle. This is the mantra adopted by virtually every lawyer in New York City, where Trump had his rise. It was the price of doing business with Trump. You had to pay legal fees since he always sued and you never lost.

Generally speaking, there wasn't much to his lawsuits. They were just a form of harassment. I can remember being involved in one when Time Magazine alleged he was not a billionaire. He sued because he said he was a billionaire. Time won but paid legal fees (thankfully, to my firm).

The greatest mistake university boards have been making is to settle the Trump DOJ suits, which they have been doing left and right — so to speak — except for Harvard. My impression is that all of the cases have a First Amendment defense but the boards of the universities either do not understand the First Amendment or lack the courage to fight the suits, which I believe are shams. Some of the greatest enemies of the First Amendment ever — I would suggest — are these boards, including here at Yale.

University boards are populated in large part by the monied elite who also serve on business boards where settling a lawsuit is common and arguably such settlements are good for the stream of commerce. They should not be allowed to import the ethics of the marketplace into academia.

Personally, I would never settle a First Amendment case. Let the courts decide who is right.

Adolph Ochs, the famous New York Times publisher, instructed his lawyers never to settle a libel suit. Let the court decide who is right or wrong, not lawyers invested in the defense of their clients.

Universities are scared of losing their research funding from the government. Harvard was able to obtain a judgment against the government that made it release the grant money it had frozen. Presumably other universities could have obtained the same results via the courts. It is true the government could counter by dribbling out the money that is due. But that would be a risk worth taking. It would not be financially deleterious.

Yale should fight the investigation in court and run out the clock. Trump is not going to be in office forever.

Sincerely,

James Goodale

JAMES GOODALE *graduated Yale College in 1955 and served as the vice president and general counsel of the New York Times.*

GUEST COLUMNIST

ABDEL ABDU

Those pesky students

I'm sure everyone has heard the news by now of Yale's happy little accident: President Maurie McInnis and Dean Pericles Lewis' overheard hot-mic conversation before an event where they provided updates to parents on University priorities. The reactions I have observed to their remarks have varied greatly in content. What was unexpected to me, however, was the number of people who were genuinely surprised by the way McInnis spoke so dismissively of students. I found that unexpected because, to many of Yale's students, staff, faculty and alumni, this dismissiveness is a critical piece of why McInnis was hired to lead Yale in this period of reckoning for higher education.

During the formal remarks at Saturday's event, McInnis quoted former Yale President Ezra Stiles, expressing her love for the phrase "an extensive and universal charity," which Stiles used as a descriptor for how he approached the changing curriculum of his time. McInnis makes the claim that this phrase is part of her vision for the University and that we all must meet perspectives that disagree with our own with openness and goodwill. Ironically, it was just before making these remarks that she described Siena Grouf '29, an Endowment Justice Collective and Democratize Yale organizer who approached her on Friday on Cross Campus to ask why the University was entering into settlement negotiations with the Trump administration, as "just one of those students who shows up pissed off." Rather than engaging with the possibility that Grouf had a valuable perspective that should be given charity, McInnis dismisses her question as that of an angry ambusher who is but one of many regular nuisances she must deal with as president.

Why does that not surprise me? Besides McInnis' insulation from the Yale community, her recent actions speak volumes as to where exactly her priorities lie.

Last month, McInnis traveled to Washington, D.C., to discuss the report from the Committee on Trust in Higher Education at the American Enterprise Institute, a center-right think tank with links to a variety of intellectuals and leaders in modern conservative movements. This is a textbook example of the image that McInnis and — by virtue of her role — the University want to present to the world: "extensive and universal charity." By speaking with conservatives, who are increasingly distrustful of elite universities, McInnis can point to efforts being made to address the side that is underrepresented on liberal-dominated university campuses. Yet when actual Yale affiliates demand progressive reforms, such as when students call for divestment from exploitative and extractive industries like military weapons, surveillance and fossil fuels, the University and particularly the trustees who make these decisions simply refuse to engage with those ideas as legitimate, in the same way that McInnis dismisses the anger of community members from Democratize Yale.

Going back further to her time as President of Stony Brook University, there are even more examples of McInnis repeatedly dismissing student demands while valuing the voices of those with power. During her tenure at Stony Brook, McInnis was praised for her reputation as an excellent fundraiser, with her securing a $500 million gift from the Simons Foundation in 2023. Yet, towards the end of her time at Stony Brook, McInnis entered into her first public clash with students and community members. Specifically, she came under fire for her decision to call on police to arrest students engaged in a peaceful sit-in, a decision that led to a motion in the Stony Brook University Senate to censure McInnis. Though she narrowly avoided the censure, with 55 votes against the motion and 51 votes for it, it was clear that there was a noticeable shift in how McInnis was perceived by members of the Stony Brook community.

It was in the wake of this shift in public opinion that Yale announced that McInnis would return to the University as its newest president, a decision that came with a wave of concern from students at Yale also engaged in pro-Palestine and anti-war protests. Many organizers expressed uncertainty about the way McInnis would handle their dissent against the University's investments in Israel and military weapons manufacturers. And although McInnis would claim to have received these concerns with great care and charity, it is clear that the ultimate charity done by the University is to its own endowment and to the retention of administrative power.

McInnis has weathered many storms as a professional administrator, and she was hired for a reason. For her unparalleled ability to speak the language of charity, fundraise and further concentrate wealth in the endowment while dismissing the concerns of the students whose education she is responsible for, she was hired to serve not primarily as president of Yale University but as head fundraiser for the Yale Corporation. So color me unsurprised at what the hot mic reveals.

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