Andrew Sullivan, Virtually Normal

CHAPTER THREE

The Conservatives

The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furze-bushes, were much worse men than my honorable friend; but they were more consistent than he.

—THOMAS BABINGTON MACAULAY, FROM A SPEECH IN FAVOR OF FULL POLITICAL EQUALITY FOR JEWS IN ENGLAND, 1833

The term "conservative," perhaps even more than the term "liberal," is in deep etymological crisis. It has come to be used to describe a disposition, a political party, a theological faction, Christian fundamentalism, and, most oxymoronically of all, a "movement." When educated people attempt to describe the disposition more sympathetically, they generally add an epithet or two: "moderate," "political," "cultural," or, usually with complete inappropriateness, "Burkean." So anyone who wants to use the term, as I do, has to be very precise about what he means.

I do not mean by "conservative" the kind of politics that I described in the first chapter. I do not mean to describe a disposition or an argument that is fundamentally opposed to a certain kind of moral behavior and believes it is the right and duty of the state to prevent or deter it in a forceful or clear fashion. By "conservative" I mean rather a variety of liberal: someone who essentially shares the premises of the liberal state, its guarantee of liberty, of pluralism, of freedom of speech and action, but who still believes politics is an arena in which it is necessary to affirm certain cultural, social, and moral values over others. There is a difference for conservatives between the invasion of people's private lives, or the unwarranted attempt by the state to shape social and moral life, and the legitimate attempt by politicians to encourage some forms of behavior over others, to provide incentives for one kind of social outcome over another. These conservatives want to strike a balance—and sometimes an extremely precarious one—between allowing individuals considerable freedom of moral action and protecting the fabric of society that makes such liberties possible in the first place.

It may also be helpful to distinguish what conservatives, in the sense I want to use, are *not,* and why. They are not prohibitionists, because they are affronted both by the moral certitude of prohibitionism and by the curtailment of liberties that prohibitionism might encourage. They find the notion of the state dictating the private activities of consenting adults an offense against a civilized society. They're not liberationists, because they do not hold that human nature is socially constructed or infinitely malleable; rather they support liberal democracy because it provides the sturdiest safeguard against the indelibly dark side of human nature. And they're not liberals, because they do not believe that society is merely a neutral ground between competing individuals, whose private moral and social choices have no relevance to the public sphere.

Their response to modern liberalism is not a concern with moral norms as such; it is a concern with *social* norms. Conservatives do not hold, with the prohibitionists, that certain behaviors are right and others wrong, and that this can be gleaned through analysis of either biblical Scripture or natural law. And they are not particularly eager to go around telling other grown-ups what they should and shouldn't do. They hold rather that political society can avoid those contentious issues of absolute right and wrong, and concern itself with those values that seem to preserve common goods we can all recognize: social stability, fair play, care for the young and the old, respect for the law, and so on.

So when it comes to the issue of homosexuality, they have a familiar and, on the face of it, reasonable position, one

which, although it's not heard from that often, holds sway in the center of many good intentions. It concedes, unlike much prohibitionism and liberationism, that some small minority of people are constitutively homosexual—they can't help it—and that they deserve a good deal of private respect. Most conservatives are well aware that many of the most distinguished members of society are homosexual; and that the existence of homosexuality seems to be a constant throughout all cultures and times. These conservatives are not alarmed to meet a homosexual at a dinner party (indeed, they may even find it fashionable to invite one or two) and regard some level of comfort with homosexuals as a mark of civilized conduct. Moreover, these conservatives find it abhorrent that homosexuals—especially homosexuals they know—might be subject to harassment, violence, ill treatment, discrimination, or illness, for no fault of their own. So they're mainly at ease with the relaxation of social sanctions against homosexuality that has occurred in most Western countries since the 1960s, although it's not something they're particularly eager to discuss. The sensibility that privately tolerates homosexuality is often also the sensibility that finds it uncomfortable to talk about.

Conservatives combine a private tolerance of homosexuals with public disapproval of homosexuality. While they do not want to see legal persecution of homosexuals, they see no problem with discouragement and disparagement of homosexual sexual behavior in the abstract or, more commonly, a carefully sustained hush on the matter altogether. In this sense, they are also tolerant of private homosexuals and

disapproving of public ones; they are the deftest enforcers of the code of discretion. They are liberals inasmuch as they respect and support a distinction between private and public life, and do not wish to see people's privacy invaded; but they are conservatives inasmuch as they wish to guide public life in a way that clearly demarcates homosexual behavior as shameful and to be avoided.

Because silence and discretion are key parts of this delicate political strategy, it is hard to find texts or authors who explicitly defend it. This is a shame, because it leaves one of the most civilized responses to the homosexual question remarkably inarticulate, and allows the rhetoric of the prohibitionists and liberationists to polarize the tone of the public debate. Nevertheless, there are a few brave souls honest enough and intelligent enough to stake out some claims. I'll deal with a couple of the most coherent and recent.

Take John Finnis, a professor at Oxford University who is a specialist in natural law. He not only has articulated an intelligible and subtle account of homosexuality along the lines of a less biologically based natural law theory ("the new natural law"); but he's also formulated a precise political argument to complement it. His view of the role of the state in enforcing public morals differs from that of the prohibitionists: "The standard modern position considers that the state's proper responsibility for upholding true worth (morality) is a responsibility *subsidiary* (auxiliary) to the *primary* responsibility of parents and non-political voluntary associations" (Finnis's italics). So in the troublesome homosexual issue, the role of the state is firm, but also limited:

> The concern of the standard modern position itself is not with inclinations but entirely with certain *decisions* to *express* or *manifest* deliberate promotion of, or readiness to engage in, homosexual *activity* or *conduct*, including promotion of forms of life (e.g. purportedly marital cohabitation) which both encourage such activity and present it as a valid or acceptable alternative to the committed heterosexual union which the state recognizes as marriage.

Why is the state to deter public approval of homosexual behavior while refusing to persecute private individuals on the basis of their orientation? Finnis's argument requires several steps. It's not, like the prohibitionists' case, because homosexual sex is unnatural, since it is not procreative or marital, and the state has an interest in prohibiting unnatural and immoral behavior. It's because homosexual sex cannot partake of the uniquely heterosexual union of procreation and emotional commitment that loving straight marital sex can partake in; and because its simulation of such an act is simply a delusion on the part of those involved. And because *this in itself is an assault on heterosexual union:*

> The deliberate genital coupling of persons of the same sex is repudiated [because] . . . it treats human sexual capacities in a way which is deeply hostile to the self-understanding of those members of the community who are willing to commit themselves to real marriage

> in the understanding that its sexual joys are not mere instruments to, or mere compensations for, the accomplishment of marriage's responsibilities, but rather enable the spouses to *actualize and experience* their intelligent commitment to share in those responsibilities, in that genuine self-giving.

In other words, the public acceptance of homosexuality actively offends the identity—or "self-understanding"—of married heterosexuals and so makes it harder for them to practice marriage as it should be practiced. It devalues the social meaning of sex and undermines the very basis of familial life:

> All who accept that homosexual acts can be a humanly appropriate use of sexual capacities must, if consistent, regard sexual capacities, organs and acts as instruments for gratifying the individual "selves" who have them. Such an acceptance is commonly and (in my opinion rightly) judged to be an active threat to the stability of existing and future marriages. . . .

So Finnis is a liberal inasmuch as he doesn't believe it's the state's duty to affect private behavior among consenting adults; but he's a conservative inasmuch as he doesn't believe that the public affirmation or presence of certain behaviors, as displayed by openly homosexual people, is a neutral event. It creates a social norm that says that sex is about personal gratification and not about marital procreation. And this social norm ultimately undermines the possi-

bility of successful marriages taking place, and should therefore be discouraged.

Finnis's is a pure version of the conservative stance: it is rooted in sincerely held moral beliefs—the exclusive purpose of sex is marital, loving, and procreative—but in public it is largely concerned with its pragmatic, social conclusion: that society should discourage all public messages that undermine the exclusively marital, heterosexual, and loving deployment of sexual desire. This public stance is directed as much at homosexuals as at heterosexuals: they too need to be discouraged from believing that homosexual relationships are a good form of life, that loving other human beings of their own gender is affirming rather than destructive, that feeling proud about or at ease with their sexuality is a positive good. Although those homosexuals who persist in immoral and self-destructive behavior should not be directly punished or interfered with, it is important that homosexually inclined children, impressionable homosexual adults, and heterosexuals in general be continually reminded in public that homosexual behavior is shameful, delusional, self-destructive, and corrosive of the society in which it unfortunately appears.

Other, even more pragmatic conservatives provide a buttress to this argument. While they do not strongly wish to make confirmed homosexuals feel terrible or ashamed or persecuted, they do want to deter "waverers" from pursuing homosexual behavior. Insofar as there is an environmental component to the development of a homosexual identity, that environment should more or less strongly dispose any individual toward choosing a heterosexual existence. The most

persuasive account of this view was recently written by the Harvard psychologist E. L. Pattullo:

> Surely decency demands that those who find themselves homosexual be treated with dignity and respect. But surely, too, reason suggests that we guard against doing anything which might mislead wavering children into perceiving society as indifferent to the sexual orientation they might develop.

Here perhaps is a more consistently conservative position. Unlike Finnis, Pattullo is prepared to leave the behavior of confirmed homosexuals to themselves, and is not particularly eager to pass moral judgment upon them. But like Finnis, Pattullo is very much concerned with society as a whole:

> Hence to the extent that society has an interest both in reproducing itself and in strengthening the institution of the family—and to the extent that parents have an interest in reducing the risk that their children will become homosexual—there is warrant for resisting the movement to abolish all societal distinctions between homosexual and heterosexual.

This, then, is where Finnis and Pattullo agree, and where a conservative argument—rather than a prohibitionist argument—will stand or fail. It is the argument that recognition and public approval of homosexuality, whatever benefits it may bestow on homosexuals, would so undermine the production of a future generation, severely weaken the stability

of family life, and encourage waverers into self-destructive behavior, that society is better off retaining its public disapproval.

Does this make sense on its own terms? The first point is perhaps the most vulnerable. Conservatives tend to believe that the number of homosexuals in a society is extremely small; and that the number of waverers is also tiny. Does this mean that a significant shift—if that is what would happen under a more publicly tolerant regime—toward homosexual and away from heterosexual relationships would actually pose a threat to the birth rate? It seems highly unlikely, given the small number of people conservatives believe would be affected.

There is, however, the notion that because a homosexual life is not geared toward reproduction, it "disposes the participants to an abdication of responsibility for the future of mankind" (in the words of John Finnis), and so, even if its effect on the quantity of the population is moot, its effect on the *quality* is considerable. But by the same token, this quality issue might apply to a preponderance of Catholic priests, or single schoolteachers, or sterile women, or anyone else who does not actually, physically have children. It would include the founder of Christianity himself. If, according to conservatives, involuntary homosexuals have no choice but to be childless, since they are ill equipped for the loving, marital context in which children can be raised, then it is a little unfair to turn around and accuse them of willful abdication of responsibility for the next generation. In fact, of course, as many conservatives recognize, homosexuals have often turned their literal inability to have children into an extraor-

dinary desire to beget figurative children: in the teaching professions, the arts, the military, political and intellectual life, areas where the talents of a person freed from genetic family obligations can be used to enrich the social family at large—especially its future generations.

The second conservative argument, however, is a much stronger one: that the public acceptance of homosexuality subverts the stability and self-understanding of the heterosexual family. But here too the conservative position undermines itself somewhat. Since conservatives, unlike prohibitionists, concede the presence of a number of involuntarily homosexual persons, they must also concede that these persons are already part of "heterosexual" families. They are sons and daughters, brothers and sisters, even mothers and fathers, of heterosexuals. The distinction between "families" and "homosexuals" is, to begin with, empirically false; and the stability of existing families is closely linked to how homosexuals are treated within them. Presumably, it is against the interest of heterosexual families to force homosexuals into roles they are not equipped to play and may disastrously perform. This is not an abstract matter. It is quite common that homosexual fathers and mothers who are encouraged into heterosexual marriages subsequently find the charade and dishonesty too great to bear: spouses are betrayed, children are abandoned, families are broken, and lives are ruined. It is also common that homosexual sons and daughters who are denied the love and support of their families are liable to turn against the institution of the family, to wound and destroy it, out of hurt and rejection. And that parents, inculcated in the kind of disdain of homosexu-

ality conservatives claim is necessary to protect the family, react to the existence of gay children with unconscionable anger and pain, and actually help destroy loving families.

Still, conservatives may concede this and still say that it's worth it. The threat to the stability of the family posed by public disapproval of homosexuality is not as great as the threat posed by public approval. How does this argument work? Largely by saying that the lives saved by preventing wavering straights from becoming gay are more numerous than the lives saved by keeping gay people out of heterosexual relationships and allowing greater tolerance of gay members of families themselves; that the stability of the society is better served by the former than by the latter. Now, recall that conservatives are not attempting to assert moral truths here. They are making an argument about social goods, in this case, social and familial stability. They are saying that a homosexual life is, on the face of it, worse than a heterosexual life, as far as society is concerned. In Pattullo's words,

> Though we acknowledge some influences—social and biological—beyond their control, we do not accept the idea that people of bad character had no choice. Further, we are concerned to maintain a social climate that will steer them in the direction of the good.

The issue here is bad character and the implied association of bad character with the life of homosexuals. Although many conservatives feel loath to articulate what they mean by this life, it's clear what lies behind it. So if they won't

articulate it, allow me. They mean by "a homosexual life" one in which emotional commitments are fleeting, promiscuous sex is common, disease is rampant, social ostracism is common, and standards of public decency, propriety, and self-restraint are flaunted. They mean a way of life that deliberately subverts gender norms in order to unsettle the virtues that make family life possible, ridicules heterosexual life, and commits itself to an ethic of hedonism, loneliness, and deceit. They mean by all this "the other," against which any norm has to be defended and any cohesive society protected. So it is clear that whatever good might be served by preventing gay people from becoming parents or healing internal wounds within existing families, it is greatly outweighed by the dangers of unleashing this kind of ethic upon the society as a whole.

But the argument, of course, begs a question. Is this kind of life, according to conservatives, what a homosexual life *necessarily* is? Surely not. If homosexuality is often indeed involuntary, as conservatives believe, then homosexuals are not automatically the "other"; they are sprinkled randomly throughout society, into families that are very much like anybody else's, with characters and bodies and minds as varied as the rest of humanity. If all human beings are, as conservatives believe, subject to social inducements to lead better or worse lives, then there is nothing inevitable at all about a homosexual leading a depraved life. In some cases, he might even be a paragon of virtue. Why then is the choice of a waverer to live a homosexual rather than a heterosexual life necessarily a bad one, from the point of view of society? Why does it lead to any necessary social harm at all?

Of course, if you simply define "homosexual" as "depraved," you have an answer; but it's essentially a tautologous one. And if you argue that in our society at this time, homosexual lives simply *are* more depraved, you are also begging a question. There are very few social incentives of the kind conservatives like for homosexuals *not* to be depraved: there's little social or familial support, no institution to encourage fidelity or monogamy, precious little religious or moral outreach to guide homosexuals into more virtuous living. This is not to say that homosexuals are not responsible for their actions, merely that in a large part of homosexual subculture there is much a conservative would predict, when human beings are abandoned with extremely few social incentives for good or socially responsible behavior. But the proper conservative response to this is surely not to infer that this behavior is inevitable, or to use it as a reason to deter others from engaging in a responsible homosexual existence, if that is what they want; but rather to construct social institutions and guidelines to modify and change that behavior for the better. But that is what conservatives resolutely refuse to do.

Why? Maybe for conservatives, there is something inherent even in the most virtuous homosexual life that renders it less desirable than the virtuous heterosexual life, and therefore merits social discouragement to deter the waverers. Let's assume, from a conservative perspective, the best-case scenario for such a waverer: he can choose between a loving, stable, and responsible same-sex relationship and a loving, stable, and responsible opposite-sex relationship. Why should society preference the latter?

The most common response is along the lines of Hadley Arkes, the conservative commentator, who has written on this subject on occasion. It is that the heterosexual relationship is good for men not simply because it forces them to cooperate and share with other human beings on a daily basis but because it forces them into daily contact and partnership with *women:*

> It is not marriage that domesticates men; it is women. Left to themselves, these forked creatures follow a way of life that George Gilder once recounted in its precise, chilling measures: bachelors were twenty-two times more likely than married men to be committed to hospital for mental disease (and ten times more likely to suffer chronic diseases of all kinds). Single men had nearly double the mortality rate of married men and three times the mortality rate of single women. Divorced men were three times more likely than divorced women to commit suicide or die by murder, and they were six times more likely to die of heart disease.

I will leave aside the statistical difficulties here: it's perfectly possible that many of the problems Arkes recounts were reasons why the men didn't get married, rather than consequences of their failing to do so. Let's assume, for the sake of argument, that Arkes is right: that marriage to a woman is clearly preferable to being single for an adult man; that such a man is more likely to be emotionally stable, physically healthy, psychologically in balance; and that this is good for the society as a whole. There is in this argument a belief that

women are naturally more prone to be stable, nurturing, supportive of stability, fiscally prudent, and family-oriented than men, and that their connection to as many men as possible is therefore clearly a social good. Let's assume also, for the sake of argument, that Arkes is right about that too. It's obvious, according to conservatives, that society should encourage a stable opposite-sex relationship over a stable same-sex relationship.

But the waverer has another option: *he can remain single.* Should society actually encourage him to do this rather than involve himself in a stable, loving same-sex relationship? Surely, even conservatives who think women are essential to the successful socialization of men would not deny that the discipline of domesticity, of shared duties and lives, of the inevitable give-and-take of cohabitation and love with anyone, even of the same sex, tends to benefit men more than the option of constant, free-wheeling, etiolating bachelorhood. But this would mean creating a public moral and social climate which preferred stable gay relationships to gay or straight bachelorhood. And it would require generating a notion of homosexual responsibility that would destroy the delicately balanced conservative politics of private discretion and undiscriminating public disapproval. So conservatives are stuck again: their refusal to embrace responsible public support for virtuous homosexuals runs counter to their entire social agenda.

Arkes's argument also leads to another (however ironic) possibility destabilizing to conservatism's delicate contemporary compromise on the homosexual question: that for a wavering woman, a lesbian relationship might actually be

socially *preferable* to a heterosexual relationship. If the issue is not mere domesticity but the presence of women, why would two women not be better than one, for the sake of children's development and social stability? Since lesbianism seems to be more amenable to choice than male homosexuality in most studies and surveys, conservatism's emphasis on social encouragement of certain behaviors over others might be seen as even more relevant here. If conservatism is about the social benefits of feminizing society, there is no reason why it should not be an integral part of the movement for women to liberate themselves completely from men. Of course, I'm being facetious; conservatives would be terrified by all the single males such a society would leave rampaging around. But it's not inconceivable at all from conservative premises that, solely from the point of view of the wavering woman, the ascending priorities would be: remaining single, having a stable, loving opposite-sex relationship, and having a stable, loving same-sex relationship. And there is something deliciously ironic about the sensibility of Hadley Arkes and E. L. Pattullo finding its full fruition in a lesbian collective.

Still, the conservative has another option. He might argue that removing the taboo on homosexuality would unravel an entire fabric of self-understanding in the society at large that could potentially destabilize the whole system of incentives for stable family relationships. He might argue that now, of all times, when families are in an unprecedented state of collapse, is not the occasion for further tinkering with this system; that the pride of heterosexual men and women is at stake; that their self-esteem and self-understanding would be

undermined if society saw them as equivalent to homosexuals. In this view, the stigmatization of homosexuals is the necessary corollary to the celebration of traditional family life.

Does this ring true? To begin with, it's not at all clear why, if public disapproval of homosexuals is indeed necessary to keep families together, homosexuals of all people should bear the primary brunt of the task. But it's also not clear why the corollary really works to start with. Those homosexuals who have no choice at all to be homosexual, whom conservatives do not want to be in a heterosexual family in the first place, are clearly no threat to the heterosexual family. Why would accepting that such people exist, encouraging them to live virtuous lives, incorporating their difference into society as a whole, necessarily devalue the traditional family? It is not a zero-sum game. Because they have no choice but to be homosexual, they are not choosing that option over heterosexual marriage; and so they are not sending any social signals that heterosexual family life should be denigrated.

The more difficult case, of course, pertains to Arkes's "waverers." Would allowing them the option of a stable same-sex relationship as a preferable social option to being single really undermine the institution of the family? Is it inconceivable that a society can be subtle in its public indications of what is and what is not socially preferable? Surely, society can offer a hierarchy of choices, which, while preferencing one, does not necessarily denigrate the others, but accords them some degree of calibrated respect. It does this in many other areas. Why not in sexual arrangements?

You see this already in many families with homosexual members. While some parents are disappointed that their son

or daughter will not marry someone of the opposite sex, provide grandchildren and sustain the family line for another generation, they still prefer to see that child find someone to love and live with and share his or her life with. That child's siblings, who may be heterosexual, need feel no disapproval attached to their own marriage by the simple fact of their sibling's difference. Why should society as a whole find it an impossible task to share in the same maturity? Even in the most homosexualized culture, conservatives would still expect over eighty percent of couples to be heterosexual: why is their self-esteem likely to be threatened by a paltry twenty percent—especially when, according to conservatives, the homosexual life is so self-evidently inferior?

In fact, it's perfectly possible to combine a celebration of the traditional family with the celebration of a stable homosexual relationship. The one, after all, is modeled on the other. If constructed carefully as a conservative social ideology, the notion of stable gay relationships might even serve to buttress the ethic of heterosexual marriage, by showing how even those excluded from it can wish to model themselves on its shape and structure. This very truth, of course, is why liberationists are so hostile to the entire notion. Rather than liberating society from asphyxiating conventions, it actually harnesses one minority group—homosexuals—and enlists them in the conservative structures that liberationists find so inimical. One can indeed see the liberationists' reasons for opposing such a move. But why should conservatives oppose it?

Maybe it comes down to shame again. Some conservatives might argue that social conventions are not sophisti-

cated; they are relatively simple. Human passions and emotions require stark stigmatization, clear boundaries, easily recognized dos and don'ts. When one gets into the sphere of splitting hairs between gay bachelorhood and straight bachelorhood, and gay relationships and straight marriage, one is engaging in the kind of casuistry that does not effectively glue society together. And the stigma of homosexuality, however cruel to homosexuals, actually works. It tells unsophisticated straight males that there is a real virtue in marriage and fatherhood; that they can always distinguish themselves from homosexuals; that they can enjoy social prestige by the display of their heterosexuality.

Unfortunately, it's not clear that this is what stigmatization of homosexuality actually does achieve in the straight men it is applicable to. In the rough-and-ready culture which conservatives find themselves reluctantly supporting, the denigration of "faggots" is not the corollary to responsible family life. It is more often the corollary to proud and strutting promiscuous heterosexuality. The denigration of "fags" is often linked to a denigration of femininity and of women. Beating up or ridiculing a "homo" is not usually the activity of a stably married man; it's the activity of an insecure, unstable adolescent, who is more often than not equally contemptuous and afraid of women. By casting distant approval on these kinds of attitudes, conservatives do not actually help to stabilize family life; they may actually perpetuate attitudes of contempt for femininity, for women, and for others in general that is inimical to the kind of maturity, self-awareness, and mutual respect that stable family life requires. Toleration of gay bashers or of hostility to

effeminate homosexuals implies toleration of wife beating and contempt for women. This is not, surely, an appropriate conservative project. The culture of manhood that requires the disparagement of homosexuals is, in short, not properly a culture of manhood; it's a culture of male depravity. Those men most secure in their masculinity and their sexuality, who are most often the pillars of responsible social and familial life, are very frequently the least hostile to homosexuals.

It's interesting that the same issues are not usually applied to women and lesbianism. Hostility to lesbianism, while by no means rare among heterosexual women, does not seem to be as prevalent as hostility to male homosexuals is among heterosexual men. Why this should be the case is an interesting question to which I do not have a ready answer. In fact, one might expect more hostility, since there seem to be more female "waverers" than male, and insecurity about one's sexual orientation is the most likely origin for the emotion. But for these reasons, conservatives have even less to worry about with relaxation of hostility toward lesbianism than toward male homosexuality. Greater tolerance of lesbianism—even an appreciation of the unique emotional resources that might lie in female-female relationships—does not seem to diminish most women's desire or inclination to form families with men, or to prompt them to question the validity or stability of their own sexuality. In this area, as in so many others, women seem to exhibit in general a higher level of maturity and sexual sophistication than many men.

If, in short, young men and women were taught in childhood to respect the few among their midst who were homo-

sexual, the result might not merely be beneficial for the few homosexuals who would otherwise be the compulsory volunteers in the hard task of social cohesion. It might also be beneficial for inculcating in young men a respect for women that is conducive to responsible courtship and successful marriage, and a respect for the other that is conducive to stability in a pluralist society as a whole. These are conservative objectives; and it is mysterious why conservatives cannot recognize them as such.

Faced with this dilemma, some retreat to a simply personalist position. Charles Krauthammer has argued that it is possible to believe firmly in gay equality, to have no prejudices against homosexuals and see no deleterious moral effect in their public toleration, and yet still hold that it would be better for "waverers" to become straight rather than gay; and for society—"without disrespect but without apology"—to help that come about. Why?

> You are liberal. You strongly favor gay rights. You also have young children. Are you indifferent to their ultimate sexual orientation, or do you wish them to be heterosexual? . . . There is nothing here to imply intolerance. It is, for example, the duty of any parent to accept, embrace and love a child who is homosexual. But many parents feel it equally their duty to try to raise a child in such a way that reduces the chances for such an outcome.

The reason to prefer such an outcome is that gay life is hard. It impedes the possibility that children will grow up "strong

and healthy"; that they'll have "satisfying careers" and that they'll "marry and have children and a happy family life." But, of course, all this is circular. It is precisely *because* of societal disapproval of homosexuals that careers may be affected and that marriage is an impossibility and that family life is discouraged. To use that disapproval as a reason to sustain it begs a simple question: Why should it be sustained in the first place? On this, of course, Krauthammer claims that he is opposed to sustaining it (except in the case of his own child). The reference to health is presumably a reference to HIV, which has affected homosexuals for only a minute period of history, and may eventually cease to be a catastrophic disease. So the argument rests entirely again on procreation. But what utilitarian or conservative arguments can be used generally for the priority of procreation over other forms of socially responsible and productive life? None that haven't been already discussed. Krauthammer's resort to the prerogatives of parenthood is ultimately more a resort to personal emotion—and to a subtler form of prejudice—than a resort to argument.

Conservatives, however, have one last option. They can say that relaxing public disapproval and discouragement of homosexuality may in and of itself be harmless—maybe even beneficial to certain conservative measures of social stability—but that it is the thin end of the wedge. If one allows same-sex marriage, or relaxes the prohibition against homosexuality, what is to stop a relaxation of social norms against polygamy, or bestiality, or pederasty? Once again, Arkes beats others to the punch:

> After all, the permissions for this new sexual freedom have been cast to that amorphous formula of "sexual orientation": the demand of gay rights is that we should recede from casting judgments on the way in which people find their pleasure in engagements they regard as "sexual." In its strange abstraction, "sexual orientation" could take in sex with animals or the steamier versions of sado-masochism. . . . If there is to be gay marriage, would it be confined then only to adults? And if men are inclined to a life of multiple partners, why should marriage be confined to two persons?

In a similar vein, those who oppose laws protecting gays and lesbians from discrimination ask where the process would stop. Would it lead to laws forbidding discrimination on the basis of other given characteristics: age, beauty, even intelligence? And would it lead even to affirmative action in which people were actually *required* to hire homosexuals? The Vatican, in a 1992 letter, responding to the issue of antidiscrimination laws protecting homosexuals, made the following point:

> Including "homosexual orientation" among the considerations on the basis of which it is illegal to discriminate can easily lead to regarding homosexuality as a positive source of rights, for example, in respect to so-called affirmative action, or preferential treatment in hiring practices. This is all the more deleterious since

there is no right to homosexuality which therefore should not form the basis for judicial claims.

The most succinct response to this is the following rhetorical point: conservatives who endorse private tolerance and public disapproval of homosexuals are hardly in an unassailable position to criticize those who want to split hairs. They are no more logical than those who want to establish public acceptance for homosexuals while denying it to polygamists or pederasts; or than those who wish to protect homosexuals from discrimination but do not wish to generate the cumbersome apparatus of affirmative action. Both conservative and nonconservative positions are the result of difficult attempts to draw fine lines where fine lines are often difficult to draw.

But at least the person supporting greater public equality for homosexuals while opposing affirmative action, has a couple of plausible distinctions: a distinction between fundamental orientation to one gender or another and the ways in which any orientation, gay or straight, is practiced; and a distinction between the prevention of discrimination and the active enforcement of "reverse discrimination." The conservative has to make all sorts of excruciating distinctions between what is legitimate persecution of sexual orientation and what isn't, just as Englishmen once had to make casuistic distinctions between what was legitimate persecution of Jews and what wasn't. As Macaulay pointed out, the slippery slope is just as slippery for the conservative as for anybody else:

And why stop at the point fixed by the honorable member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point.

The analogy with Jews is not a strained one: the issue in nineteenth-century Britain was not merely genetic; it was religious. Bars on Jews were related, it was argued at the time, to their practice of a religion, not to a component in their genes or upbringing, a religion that was deemed threatening to the social cohesion and meaning of the society as a whole. Similarly today, bars on homosexuals are defended with regard to their deleterious way of life, and its alleged threat to the stability of the society, not with regard to their orientation as such. Macaulay was simply pointing out that if the way of life and religious beliefs of Jews was inimical to public cohesion, it was not clear what reason prevented conservatives from persecuting them more thoroughly than merely forbidding them to hold public office. He had a point.

Of course, he was somewhat overstating it. Clearly, however muddled the reasoning, a conservative is practically speaking preferable to an inquisitor; and it was better for a Jew to live in England in 1833 than in Germany in 1933. And so long as a distinction between public disapproval and private tolerance is sustainable, the conservative has a plausible argument about why he draws the line where he does. He

thinks he can have the best of both worlds: a tolerant society but an intolerant public culture.

Ignore for the moment the inevitable hypocrisy involved in such a position: conservatives have often argued (and sometimes persuasively) for the benefits of hypocrisy in a flawed and complicated human society. Consider rather that this position, like all forms of hypocrisy, depends upon a willing and adept culture to go along with it. Double standards can work in a culture only so long as people are prepared spontaneously to practice them. They cannot be wantonly *imposed* on a free society, without hilarious results that undermine the hypocrisy, or draconian measures that offend conservative principles.

And this is where the conservative's ultimate dilemma lies. It is his most vulnerable point. For a conservative politics of homosexuality to make sense, it has to be able to demarcate homosexuality into two easily distinguishable areas: public and private. It has to operate in a society that is comfortable with this distinction, in a society in which social norms easily dictate a public discomfort with homosexuality and an easy-going private tolerance.

Until relatively recently, homosexuals and heterosexuals fully cooperated in this structure, which is why the conservative politics of homosexuality had such durable resonance and appeal. Homosexuals were not willing to risk public derision and discrimination by announcing their sexuality in public. As long as they were left alone to conduct their sexual and emotional lives in private, they were content to live a double life. Even in their own families, a distinction was observed. When parents visited, beds were carefully separated; boyfriends and girlfriends, de facto wives and husbands, were referred to as "friends" or "companions" or even "roommates." Homosexual members of society could be fully integrated—as schoolteachers, librarians, soldiers, manual workers, scholars, artists, and so on—so long as they never disturbed the public conventions of discretion. They were confirmed bachelors or spinsters, funny uncles and eccentric aunts, prickly brothers, or just village characters. After a while, as they failed to conform to the expected marital pattern, a strange but resilient convention grew up around them, a tenacious reticence about their desires and feelings, their internal lives and hopes for the future. They were not so much nonpersons as half-persons: publicly sharp, privately opaque. Most people knew somewhere in their minds that these people were "queer," and were perfectly tolerant of them. But nothing explicit was ever said; no hearts were ever bared, except perhaps at moments of great stress, or sudden shameful revelation, or on the occasion of a precipitous departure or breakdown.

Because these people cooperated in their own psychological evisceration, the barrier between their private and public selves was a peculiarly strong one. Sometimes, they so effectively spurned their internal longings that they did not even recognize they had any; their faces hardened; their eyes glazed; their gestures assumed the precision of caricature. Their lives, more often than not, were merely roles, which is why so many of them became adept at understanding the disciplines of acting, of appearing, of pretending. Some of them constructed elaborate private lives, lives of extraordinary passion and risk and sexual adventure: carving out spaces for

self-expression, in woods and backrooms, fields and public parks, restrooms and attics. As this century wore on, these spaces grew larger and wider: they encompassed whole neighborhoods and ghettos, demarcated areas of liberated sexual conduct, all but invisible except to the persistent observer.

And these private sexual adventurers could depend on heterosexuals to help protect their ghettos. For heterosexuals allowed homosexuals enormous social leeway for their excesses, so long as they agreed not to disturb the general peace of the society at large. They cooperated in the silence that allowed the subculture to all but submerge itself in a sexualized frenzy, with hardly any direct public outcry or comment. The bathhouse culture of the 1970s was remarkably immune from social criticism; only fanatics ventured opinions, and they were rebuffed by offended homosexuals and discomforted heterosexuals alike. The pact was complete: homosexuals could do what they wanted so long as they didn't invade the heterosexual public sphere. And the atmosphere of discretion and delicacy that permeated public debate on the issue could be indefinitely sustained, to heterosexual satisfaction. It was a situation perfectly suited to the conservative politics of homosexuality, if conservative politics is happy with condemning a section of the population to a half-life of emotional and social ostracism.

And then something happened. Or rather, two things happened. The first was that the ghettos galvanized gay self-confidence and prompted homosexuals to begin to look beyond them. As a critical mass of homosexuals emerged in the subcultures of the 1970s, the gay world began to support a multiplicity of views. The old homophile strain of the first

wave of gay rights in the 1950s re-established itself, and began to argue for greater assimilation in the society at large, and even ventured criticism of the sexual libertinism that some believed was definitional of a homosexual existence. Brave journalists like Randy Shilts emerged to challenge the certitudes of gay radicals. And gay radicals complemented this development with an equally strident demand for more than simple satisfaction with ghetto isolation. Both groups began to challenge the public-private distinction on which society's conservative pact with homosexuality depended. As the critical mass grew larger, more and more gay men and lesbians began to identify themselves as such publicly: in boardrooms and classrooms, military barracks and newspapers, on factory floors and family vacations, at Christmas dinners and office parties. The public-private distinction began to crumble.

The second event was an historical accident. By an extraordinary fluke of epidemiology, a mysterious retrovirus found its way into the gay population of America's cities just as the promiscuous subculture of the 1970s was at a frenzied peak. In a matter of years, the virus was to wipe out a whole generation of homosexual men: hundreds of thousands of them, with many hundreds of thousands still to come. It forcibly identified countless previously invisible people as gay men, impelled them to take public action to protect their health, and terrified hundreds of thousands more, who suddenly became aware that maintaining discretion might well be disastrous for their health. More still, forced to deal with profound issues of life and death, became unable to sustain the petty deceits and self-hatred that had previously marked

their lives. What did they have to lose any more by the exercise of honesty?

Early gay rights campaigners had once claimed that much of their argument would be won if only all homosexuals had some visible characteristic, like purple hair. Well, AIDS gave gay men purple lesions, and pneumocystis and cryptosporidiosis, and any number of horrifying and debilitating and visible infections. Suddenly, the funny uncle at Thanksgiving was sick; and it was obvious why and how. And then he was dead, and what had once been easily avoided became a moment for candor to begin to break out. HIV acted as an unprecedented catalyst for the collapse of the norms of public discussion of homosexuality. It made the subject not merely unavoidable; it made it necessary. And it made hypocrisy unsustainable. The public-private compact between heterosexuals and homosexuals had to be renegotiated.

It is still clearly under negotiation. Not only do conservatives have to contend with ordinary, unstereotypical, and culturally conservative homosexuals living openly in society at large; they also have to cope with an explosion of discussion, of media coverage, and of political debate on the subject that has forced them to articulate a position that depended on something *not* being articulated. They have been forced to argue for a politics of discretion in the middle of a shouting match. Moreover, even within officially conservative ranks—in the Republican and Conservative parties, no less—openly gay and progay mayors, congressmen, members of parliament, and party members have demanded that their case be heard and considered. The issue here is not whether these people are right or wrong, or even whether they will win the

argument. The issue is that they exist, that they are forcing a debate, and that the very debate has exploded the distinction between private toleration and public disapproval on which the conservative politics of homosexuality rested.

It exploded it in part because homosexuals themselves challenged the distinction between their private acts and public personae. They argued that homosexuality was an emotional orientation, like heterosexuality; that it presupposed a full and integrated life that could not be easily bifurcated. And the dignity of that full life did not tolerate the notion that it should be shrouded in secrecy, treated with any more discretion than a heterosexual life, or euphemized into invisibility. To tell a homosexual to keep his identity secret in public was equivalent to telling a heterosexual that she should never mention her husband or children in public, or tell of common activities, or relate any stories that might indicate her involvement in a sexual and emotional relationship with someone of the opposite sex. It was equivalent to telling an eighteen-year-old heterosexual male that he could not publicly mention the girlfriend he was dating or his plans for the future or his hopes for marriage. It was, in short, a preposterous burden for any self-respecting human being to bear. And insofar as the conservative politics of homosexuality actually demanded it of people, it too was preposterous.

Homosexuals began to demand mainstream journalism that reflected their lives, places in Saint Patrick's Day parades, health insurance policies for their spouses, public television's inclusion of their existence. Once this process began, the conservative politics of homosexuality was in a state of crisis. Not so long ago, it could depend on homosex-

uals' cooperating in the civilized game of public silence–private liberty. But now it found itself having to enforce an hypocrisy that threatened the very liberties conservatives cared about.

Nowhere was this crisis more visibly illustrated than in the tortured public debate about homosexuals in the armed services. Once upon a time, the military was able to state that there were no homosexuals in the military; and the few that somehow wormed their way in could be legitimately investigated and thrown out, to public approval and even acclaim. The military knew, of course, that their shock at the presence of homosexuals was somewhat contrived; but so long as certain conventions of hypocrisy were tolerated in public discourse, it was a perfectly viable position to hold. But by the 1990s, hypocrisy was crumbling under the weight of profound social and cultural changes. So the military was forced to concede that, yes, homosexuals were now and always had been in the military. They were even forced to admit that many of the homosexuals they were ejecting were actually excellent soldiers. Worse, the homosexuals themselves were no longer going quietly. Once, the public shame that greeted the announcement of someone's homosexuality could be taken for granted: now, servicemen and women were proudly declaring their sexuality, challenging the policy of exclusion, declaring their fidelity to God and country, ripping to shreds all the notions of homosexuality that were required to sustain the prohibition.

In the most dramatic scene of this growing contradiction, a Marine commander was forced to confront his own son's homosexuality, and insist on saying he would expel his own

son from the services if necessary. Such were the demands of family values! But even he couldn't follow the logic of his own position: he argued that his son should be discharged not because his homosexuality made him unable to be a good marine, but because he was threatened by the heterosexual soldiers with whom he worked and fought (a version of the Krauthammer circle). It was a poignant moment, and clearly, for conservatives, a pyrrhic victory. Their politics of exclusion had come to depend on a defense of the threat of violence, a ruptured family, and a clear abrogation of fair play.

But in the military at least, the conservative public-private distinction had enough life in it to be enshrined in what will surely be viewed in the future as a contrived iteration of what once could have been taken for granted. "Don't ask, don't tell" was discretion bureaucratized. No longer could the military depend on homosexuals and heterosexuals to practice this policy without any prompting. They had to be forced to do so. Soldiers' speech was curtailed, as gay soldiers were told not to tell, and straight soldiers were told not to ask; there was extraordinary hairsplitting about what was and what was not "homosexual conduct" (visiting a gay bar was not; writing a candid, private letter to a friend was); and there was the comic spectacle of soldiers who knew, and soldiers who knew other soldiers knew, and the entire carapace of knowing and not knowing having to be enshrined in casuistic regulations.

But in a way, the military had revealed where the society had to be headed. If the conservative politics was to be sustained, homosexuals had to be *forced* to be discreet; and curious or hostile or merely friendly heterosexuals had to be

restrained from inquiring. The military's final policy was not about excluding gays from the military; it was about keeping their mouths shut. And of course, the military could do so: it had sanctions, it was exempt from most constitutional defenses of free speech and conduct, and it had always been given great leeway by the society as a whole. But could society at large force gays and straights alike into modes of acceptable silence? Or rather, *can* society at large?

You see the problem in statements by Pattullo and the Vatican. Pattullo argues, in defending public disapproval and private tolerance:

> Schools should be able to insist that homosexual elementary- and secondary-school teachers not flaunt their sexual orientation in ways likely to influence their pupils. Nor should schools be forced to authorize the formation of gay and lesbian student organizations, let alone propagandize their pupils. How this is to be squared with the First Amendment I leave to the courts. . . .

That's some aside, the First Amendment. Or take the Vatican's delicately perched position:

> The "sexual orientation" of a person is not comparable to race, sex, age, etc. also for another reason than that given above which warrants attention. An individual's sexual orientation is generally not known to others unless he publicly identifies himself as having this orientation or unless some overt behavior manifests it. As

> a rule, the majority of homosexually oriented persons who seek to lead chaste lives do not publicize their sexual orientation, hence the problem in discrimination in terms of employment, housing, etc., does not usually arise. . . .

But what if this rule disintegrates? What if homosexuals claim not that they are chaste, nor that they are actively engaged in unnatural acts, but that these are private affairs, and that what matters is simply that their public identity is homosexual? What is the conservative to do then? Once he can no longer assume private activities from public postures, how can he maintain that people should be discriminated against merely for who they are by no choice of their own?

The military got around this problem by simply defining public homosexuality as a predisposition to commit private acts, by conflating public status with private conduct. And the Church got around it, as it did in supporting the exclusion of openly gay people from Saint Patrick's Day parades, by simply saying that anyone who says they're gay is obviously committing a sin. But in the new climate of more public homosexuality, this position has become more and more unstable. There's increasingly no reason to infer that because someone says she is a lesbian, she is actually engaging in any sexual activity; just as, if someone tells you that she's a heterosexual, there's no reason to infer anything about the actual state of her love life, her sexual practices, or her predisposition toward this or that private activity. She may be single or married, frigid or promiscuous, actively involved in sado-masochism, or a virgin. Once homosexuality becomes

a social identifier similar to heterosexuality, as is slowly happening, a strange process occurs. The old public-private distinction upon which the conservative politics is based—the distinction in which homosexuals committed sexual acts in private and concealed this from public view—disappears, and a new public-private distinction emerges: a distinction in which homosexuals claim publicly that they are gay, but seek privacy for whatever they may actually do in private. Once this occurs, conservatives can no longer infer any activity from a public declaration; and they are forced to live up to their own principles. They are obliged to publicly approve of the identity, and privately express whatever view they have of the practices it may or may not involve. In the new climate, in short, the conservative politics is being inexorably stood on its head; its bluff is being slowly but decisively called.

This is not to say that there isn't still life in the old conservative politics yet. It's conceivable that the resilience of AIDS and ghettoizing forces within the gay world will lead to a resurgence of the closet in gay life, a few steps backward in the fitful process of assimilation. Homosexuals might prefer to call their own bluff rather than anybody else's. And the broader society might well find homosexuals a convenient scapegoat for burgeoning anxieties about the family and society in general, and so provoke a further retreat into secrecy and shame by homosexuals. Certainly the military debate showed how fear and loathing of homosexuals is still a powerful and dominant force in the culture.

But it seems equally likely that this will only provide conservatives with a fleeting respite from their discomfort. The

scope of the change in the last twenty years—the sheer extent of the difference between the confidence of the gay twentysomethings in 1960 and the gay twentysomethings in 1990—suggests that deeper forces are at work, forces abetted by the open culture and market society of the West (which conservatives ironically often support). In this climate, conservatives who wish to maintain public disapproval of homosexuality, of their openly gay friends and family members, colleagues and co-workers, will be increasingly forced to resort to crude moral arguments, or publicly express ugly contempt for gay people or for gay practices. This they will find disagreeable in the extreme, especially since they are required by the exigencies of the moment to cooperate, and even join forces, with the prohibitionists, whose illiberalism they disdain.

They have another option, of course. And that is to reverse course. Instead of mounting a steady and distasteful retreat, conservatives might concede that society is changing and that it is the quintessential conservative posture to coopt that change rather than to go into lonely opposition against it. Their current discomfort with homosexuality is, in fact, reminiscent of many previous moments of conservative discomfort: of unease at mass suffrage in the nineteenth century, of fear of female suffrage at the beginning of this century, of panic at racial equality in recent times. But at each of these moments, some were visionary enough to see the conservative potential in each of these upheavals. Disraeli grasped the possibility of a mass conservative movement that coopted the social revolution of mass democracy for peaceful and stable ends. Lincoln saw the necessity for conservatism to

embrace equal citizenship for blacks and whites if the republic was to be saved. Many neoconservatives saw the great importance of a multiracial conservative coalition if poverty was to be effectively tackled in the 1990s. And Margaret Thatcher, by her very existence, showed the conservative potential of a society that had largely absorbed equal opportunity for women. None was free from double standards in any of these endeavors, and some were often guilty of hypocrisy. But they sensed in their bones the need for adaptation; and that sense was a peculiarly conservative one.

In other words, conservatives have to concede that their politics in this matter now points in two directions: toward increasing isolation and uncomfortable hostility to homosexuality or toward an alliance with conservative trends among homosexuals and a cooptation of responsible gay citizenship. There is increasingly little space in between. The former needs an alliance with religious fundamentalists who do not share conservatism's traditional support of moderate and limited government. The latter would require an active enunciation of a new gay responsibility: an encouragement of stable gay relationships, an acceptance of homosexual equality in the armed services and other public institutions, and a willingness to consort with and discuss the issue frankly and without embarrassment. It would mean facing the fact that the old conservative balancing act is getting shakier by the day; and that the once durable mixture of public disdain and private tolerance is beginning to look more like political irrelevance and moral obtuseness. The game, in short, may finally be up.

CHAPTER FOUR

The Liberals

I am for those that have never been master'd,
For men and women whose tempers have never been master'd.
For those whom laws, theories, conventions, can never master.

—WALT WHITMAN

It is a curiosity of our culture that while almost everybody these days is some sort of a liberal, very few will publicly admit it. By skillful propaganda, the term has been reduced to an insult, robbed of its authority and context, used to describe an obscure form of banal puritanism, and whittled into marginality. It is not therefore my intention in this chapter to decry "liberalism," properly understood; or even to decry liberals. Without the liberal tradition, homosexuals—and most

other minorities—would not enjoy even the discussion which now ensnares them in Anglo-American politics, let alone the historically rare toleration that is now afforded them. Without the liberal tradition, most prohibitionists would be without the resources to oppose the homosexual "agenda" and most conservatives would be unable to avoid it.

But it's also no secret that liberalism in its current incarnation has entered into something of a crisis of credibility. It's clear that liberals' pariah status in the culture at large is not simply a function of their losing a propaganda battle; it's also a function of their failing to articulate their core liberal values clearly and passionately, and sometimes even failing to understand them in the first place. In a curious twist, as the culture has become more thoroughly liberalized, as more people approve the abstract notions of toleration, freedom of movement, of speech, of religion, of conscience, of choice, liberals have moved into an area where they sometimes seem opposed to these ideas. They have found themselves defending those who inhibit freedom of action (criminals), those who inhibit freedom of speech (antiracist, antisexist censors), and those who inhibit freedom of choice (those who enforce the now elaborate rules governing how individuals can associate with and employ people). Much of this irony can be seen as a good-faith attempt to enhance freedom for all by restricting the freedom of a few; and some of it is overblown. But it is still undeniably true that liberalism has come a long way from its original inspiration.

When it comes to the barbed area of homosexuality, the crisis of liberal legitimacy seems particularly acute. The articulation of rights has been tarred as the privileging of

one way of (deviant) life over another; the defense of minorities has come to be viewed as the special pleading of (selfish) interest groups; compassion toward the marginalized has been interpreted as a desire to turn other human beings into permanent victims; and the attempt to provide a voice for the outsider has been portrayed as an instrument of the thought police.

How did this come about? Or, more accurately, how much of this crisis is an inevitable result of trying to explore the furthest bounds of liberalism, and how much of it is simply an exercise in self-contradiction? In many respects, the way in which liberals have tackled the subject of homosexuality is a microcosm of their agenda at large. By extending the principles of liberalism to new areas, liberals have attempted to include more and more people and groups into the web of rights and protection that they see as essential to human liberty. But in the process, they have seen stalwart liberal arguments—for freedom of speech, association, contract, religion—used successfully against them. The question is: What part of this is necessary? And is there anywhere where liberalism's current momentum ought to be halted, for the sake of liberalism itself?

The question of homosexuality is an interesting way to explore this problem. Homosexuality is one of the most contentious public issues, and liberalism has a clear and persuasive way in which to engage it. Liberals believe, like conservatives, that homosexuality as a social phenomenon is a mixture of choice and compulsion. Some people, they concede, are involuntarily homosexual; others may be tempted that way, but could lead either heterosexual or homosexual

existences. But unlike conservatives, whose first recourse is to ask how society's interests are affected by this phenomenon—and therefore what social effects would be incurred by a relaxation of the antihomosexual taboo—liberals ask first how the individual is affected. And by this, of course, they mean primarily the individual homosexual.

They see the homosexual's rights infringed in several areas: the right to individual privacy, where antisodomy laws exist; the right to free expression, where social oppression largely intimidates homosexuals from disclosing freely who they are; and, most significantly, the right to employment and housing, where antihomosexual prejudice results in homosexuals being fired or never hired because of their sexual orientation, or being refused housing. So the liberal's response is to create laws which protect this minority class from such infringements on its freedoms: abolition of antisodomy laws, enforcement of antidiscrimination statutes in employment and housing, discouragement of antihomosexual public expression in the form of hate-crimes laws, and the like.

Opposition to this program has been, to some liberals' befuddlement, intense. And, paradoxically, it has even seemed to intensify the hostility shown toward homosexuals rather than mollify it. Liberals usually ascribe such opposition to bigotry and illiberal intolerance, and no doubt in many instances they are correct. From a liberal point of view, protecting the right of individuals to engage in private, consensual sexual activity of whatever sort they wish is so fundamental a right, and so inoffensive to others'

enjoyment of their freedoms, that only bigotry can explain opposition to it.

But in the other areas of liberal would-be legislation, liberals are curiously blind to the illiberal dimensions of their program: they wish, after all, to deny others the right to complete freedom of contract and to complete freedom of expression, in order to protect a specific minority. It is not surprising that opposition to their proposals may spring from liberal grounds, not conservative ones. And to complete the circle, liberals have responded to these complaints by adopting a traditionally conservative position: they argue that their primary concern is not to preserve liberty, but to create a society which holds certain values dear, to transform the culture to make it more open and inclusive, and to use the laws to educate people in this fashion. Hence the "symbolic" effect of antidiscrimination statutes: they are designed not simply to protect the rights of a minority, but to educate a backward majority in the errors of its ways. It is perhaps no wonder that in the arena of public debate, liberals have found themselves increasingly undermined by their own tradition.

To see exactly how this has come about, it's worth looking back at the trajectory of the liberal experiment in government over the last few centuries. If liberalism has come now to seem a fomenter of social division, especially in the matter of homosexuality, it was originally conceived as the opposite. In the religious wars and schisms of the seventeenth and eighteenth centuries, the European state discovered within it a way to protect the lives of its citizens from the horrific consequences of religious, moral, and philo-

sophical conflict. The most important matters in life—the meaning of the universe, the fate of the soul, the means to salvation—were deemed outside politics. The state was subsequently to remain neutral in religious matters; it was to respect the private practices of its citizens, so long as they respected public norms of obedience to law. Gradually, as the liberal idea unfolded, it grew to protect whole swathes of private life: it allowed citizens to produce and sell goods freely, to associate with whom they wished, and to express themselves even in ways that offended others and the state.

In a classic nineteenth-century formulation, John Stuart Mill articulated the state's limits with regard to an individual's deviant behavior:

> If he displeases us, we may express our distaste, and we may stand aloof from a person as well as from a thing that displeases us; but we shall not therefore feel called upon to make his life uncomfortable. We shall reflect that he already bears, or will bear, the whole penalty of his error. . . . He may be to us an object of pity, perhaps of dislike, but not of anger or resentment; we shall not treat him like an enemy of society; the worst we shall think ourselves justified in doing is leaving him to himself, if we do not interfere benevolently by showing interest or concern in him.

Unlike the conservatives discussed in the last chapter, liberals did not regard it as an important part of the state's obligations to encourage some forms of behavior over others;

rather, they wished to ensure the neutrality of the state with respect to different "experiments in living," as Mill put it. But this does not mean, as some contemporary liberals believe, that individuals in civil society are not liable to judge these experiments; they may object strenuously to them, decry them publicly, deduce evidence to discredit them, and attempt to dissuade people from engaging in them. But there is a line over which a liberal citizen will not cross; he or she refuses to see the state as a way to inculcate virtue or to promote one way of living over another; the state has no role in promoting understanding or compassion or tolerance, as opposed to toleration, or indeed to celebrate one set of "values" over another; and where the state and the individual conflict, the liberal will almost always side with the individual. Benjamin Constant described the spirit of this liberalism this way:

> It is for each the right to express his opinion, to choose his occupation and ply it in peace; to dispose of his property, be it abusively, to come, to go, without any permission and without rendering an account of his motives or steps. It is for each the right to assemble with other individuals, either to confer with them upon common interests, or to practice the religion of his choice, or merely to use his leisure conformably to his inclinations or indeed his fancy.

This, we have to remind ourselves, is how the idea of the liberal state developed. What Constant emphasized here is something many liberals today have sought to underempha-

size: the right to freedom even if that freedom is abused, so long as that abuse does not harm the fundamental right of any other individual to abuse his freedom as well. Constant is remarkably unconcerned about the possibly unfortunate consequences of tolerating the abuse of freedom; indeed, his use of the term "fancy" suggests the almost willfully irresponsible way in which this freedom could be developed. Other liberals were not so blithe. Some saw a rigorous concern with virtue as the necessary complement to liberty. Mill, in an ingenious move, felt obliged to make the further argument that liberalism would actually lead to a better society, because it was only by allowing experiments in living that we could determine which was the better way to live. Society, he posited, would inevitably advance, propelled by the logic of liberty. And this meant that at no time should the laws privilege one way of life over another, or banish one, or coerce someone into following another, or create a public incentive of one over another. This was the quintessential liberal project. It had the whiff of insurrection—even irresponsibility—and demanded of its citizens a certain degree of generosity and a certain degree of nerve.

But in time, of course, this notion of liberalism foundered upon the psychological compulsions of most human beings. The impulse to control others was too great to be kept permanently at bay; and sometimes too rigid an insistence on liberty prevented important communal tasks that would undoubtedly benefit everyone: environmental protection, the avoidance of excessive economic inequality, the achievement of general social security in old age or sickness or dis-

ability. But it was only in the latter part of the twentieth century that liberalism extended itself into other, more far-reaching areas of morals and social meaning.

The idea that prompted this reconsideration was that by merely being neutral in most areas of life, the liberal state was actually acquiescing in one group's social oppression of another. By restricting itself to formal equality under the law, and with regard to the public weal, the state neglected to see that other, more powerful forces in the society were informally, but devastatingly, depriving many people of their actual liberty. In the United States, the critical instance of this was race. For much of the existence of the United States, African-Americans, especially in the Southern states, had been systematically excluded from equal opportunities not simply in governmental areas—schooling, law enforcement, the judicial system—but also in civil society, by being subject to pervasive discrimination in employment, public accommodations, and housing. Government neutrality was overwhelmed by public and private bias; the result was to render the equality and liberty promised by liberalism a chimera.

The revolution that followed was so elaborate and swift that it is difficult now to see the many distinctions that were covered up by the scope and pace of the reforms. In many areas, liberalism was merely catching up with its own very basic ambitions. By pledging itself to equal treatment in public schools, to integrating the military, to abolishing proactive discrimination in public spaces and accommodations, by allowing transracial marriage, by enforcing equal

voting rights, the liberal state was merely living up to its original promise, and rectifying an ancient double standard with regard to over a tenth of its citizens. In these areas, there could be no truly liberal dissent, even for the most classic and modest of liberal theorists.

But, at the same time, this civil rights revolution went further than this; these were, after all, "civil" rights, which were bound up in "civil" society; the state, it was argued, had a duty not merely to ensure equality in its own dealings with society, but to intervene in civil society to see that private individuals, in their private interactions, behaved fairly toward one another. This meant antidiscrimination laws in employment and housing, and forced integration—busing—in school areas, to achieve what free human beings refused to achieve on their own. In time, antidiscrimination laws in employment and housing went even further. From being means by which aggrieved individuals could occasionally seek redress in the courts for being the victims of unjustified discrimination, they became a way in which the state could punitively fine private companies for hiring practices which achieved an imbalanced racial result. If a firm employed far fewer blacks than would be reasonable for the population from which it drew its employees, it would be immediately suspect for racial discrimination, even if it enacted "neutral" tests or other criteria to prove it was merely hiring on merit.

Elsewhere, the attempt to ensure racial equality required elaborate procedures of affirmative action, to hire members of racial minorities who would not be admitted to certain jobs, or certain institutions, on simple merit-based criteria. And in policing acts of violence or intimidation against members of

certain racial groups, the state also enacted stiffer penalties if such acts were motivated by racial intolerance or bias. In all of this, the liberal state was acting to ensure that certain kinds of citizens were preferenced over others because of their race, even if neutral tests suggested the opposite and individual citizens preferred other outcomes—and all as a way of ensuring that citizens were *not* treated differently because of their race. As a way of rectifying past injustice and neutralizing the alleged racial biases of majority races, the government sought to achieve a more thoroughly equal playing field for individuals to play their civil games upon.

The liberal paradox here is obvious: liberty is restricted for some so as to enlarge it for others. In its original, ideal formulation, liberalism could always assert that it was completely neutral in its dealings between citizens; it refused to engage in the kind of nerve-racking trade-offs of liberty that antidiscrimination laws or hate-crime laws entailed. It asserted that insofar as the state was concerned, all citizens were the same, abstract individuals. These individuals, from the point of view of the liberal state, had no history, no context, no gender, no race, no private life. The state was concerned with them only when they became public personas, engaging in public activities, such as paying taxes, being drafted, going to court, or otherwise interacting with government agencies.

But now the state was becoming intimately involved in the details of *private* life. It made judgments about the nature of people's identity; it chose for its citizens the kind of identities they had in private life, and attempted to mediate the public conflicts such identities entailed. It argued that one

person's liberty to hire the kind of people he or she wanted was less important than another person's liberty to choose freely where to be employed; that one person's right to say what he or she felt about others was less vital than another person's right to be protected from such hostility.

It can be argued—and perhaps persuasively—that the trade-offs led to a far fairer society; and that no *net* loss of liberty was entailed. And certainly today there is less obvious racial inequality in American society than forty years ago; and this is clearly a boon for all aspects of private and public life. But unfortunately, it is very difficult to say what specifically brought this about: the abolition of proactive *public* discrimination against racial minorities (largely accomplished by the late 1960s) or the extension of that limited abolition into closer regulation of *private* life in the 1970s and 1980s. While no one disputes the enormous impact of the 1964 Civil Rights Act, it can never be fully established just how much of the greater equality is due to economic forces and social and cultural trends that would have occurred even without it.

But it is still possible to distinguish between two types of liberalism involved in this process, and to posit that liberalism's enormous leap past its early limitations—in the central matter of race—cannot be deemed a simple and unqualified success *on liberal terms*. When liberalism moved from simple regulation of public life into regulation of private life, it moved into an entirely new realm. By "public," I mean simply the way in which the state interacts with its citizens: the regulations of state institutions, the granting of state licenses, voting rights, etc. By "private," I mean the way in which citizens interact with themselves: their economic

activity with their own private property, the expression of their own views, the association with people of their own choice. By moving from one sphere to another—and by doing so in a bewilderingly short period of time—liberalism has constructed clear and real limitations on what were once regarded as inviolable liberties.

The limitation on free speech encapsulated in hate-crime laws is a real limitation; the legal prohibition against a free contract in antidiscrimination laws is a real prohibition. For liberals, these are deeply troubling and intellectually risky waters. They have gambled on undermining liberalism in order to strengthen it.

The dangers of this strategy, from a liberal point of view, are slowly becoming more evident. Liberalism began, as we've seen, as a way for politics to avoid settling profound and divisive issues of religion; in the modern Western world, where religious convictions have become generally less intense, the notion of cultural identity seems to have replaced them as the construct that gives the deepest meaning to many people's lives. And in its newest incarnation, liberalism is deeply implicated in the social warfare that this area inevitably leads to; indeed, it has begun to redefine politics and law as the means by which the problems of identity are finally resolved. It has come, in other words, to resemble the problem it was originally designed to fix.

It is not simply a matter of race. The ancient tug of war between the two genders is now fought out in legal battles over sexual discrimination and sexual harassment; the various shades of ethnicity and culture have joined the battle for the spoils of antidiscrimination laws and, even more adven-

turously, affirmative action; and, of course, the mysterious and elusive world of sexual orientation is now a subject for the same legal and political treatment. The days when liberals found these matters too private to be subject to public law, when they recoiled from the emotive forces that these subjects unleashed, when they sought to find the most neutral territory upon which to construct a sterile edifice of generic human liberties, are now long gone.

Of course, such a sterile edifice was never fully constructed—much of liberal politics existed in cultures where minorities were oppressed in every sense of the word. But even those liberals who sought to rectify those injustices made the distinction between politics and culture that contemporary liberals find so difficult to make. Insofar as minorities were subject to political discrimination, liberals favored a political remedy—an equal franchise, equal protection of the laws, equal treatment in public education and in the military and public services. But insofar as they were subject to more elusive social pressures—social prejudice, snobbery, racial bigotry, ridicule, nonviolent sexual harassment—liberals were content to illuminate the injustice, persuade others not to practice it, and to make their case relentlessly in the forums of liberal society: in literature, journalism, theater, and the visual arts, in the mass media, and elsewhere. Injustice in the state, liberals believed, should be abolished; injustice in civil society should be admonished. If the issue were the state taking away a tangible freedom in favor of creating a hypothetical one, liberals would almost always choose the former.

This alternative, earlier, ideal type of liberalism is worth reiterating at some length because it shows how there is nothing inevitable about the way in which liberalism has become entangled in the politics of identity. In America, where the problem was the legacy of slavery, that entanglement was entirely understandable—and in many ways inspiring—as liberalism found itself able to break its own rules in order to rectify an enormous and hideous social injustice. In Britain, where liberalism was always more anemic, and where it had been supplanted in the twentieth century by socialism as a prevailing ideology, the turn into identity politics is not quite so easily explained. But it was surely due in part to a similar and laudable desire to reject the bigoted legacy of colonialism, as it affected the immigrant communities that flocked to the island in the second half of the century.

In both cases, the results remain mixed; but one of them is that liberalism created a war within itself. It became committed to a breach of public neutrality, even while it retained the symbols and rhetoric of a neutral public sphere; it became wedded to a confusion of public and private realms that gave an ideological opening to conservatives, who had always disputed the distinction; it allowed for suppression of speech and expression in a way that was also hostage to others with more worrying agendas; and because it lost the clarity of its earlier message, it also found itself often on the defensive, unable to speak in the name of all citizens, and regarded as the voice of the special interests of a few. In such a state of retreat, other, even less liberal forces crowded the political stage.

It is arguable, even with this legacy, that the racial and colonial injustices of Anglo-American history justified liberalism's grand late-twentieth-century experiment with social intervention in the matter of race. But it is another question altogether whether these same tactics, with all their worrisome political and social consequences, make sense for liberals in other areas of public life. Indeed, in some areas, in particular homosexuality, it is even conceivable that for the sake of liberalism itself, the case for abandoning the traditional civil rights strategy is actually imperative.

The racial analogy is particularly instructive. In the way that modern liberals construct the politics of homosexuality, they see it as virtually identical to the problem of racial discrimination. Indeed, it is often tacked on to the end of a litany of isms that must be rectified—racism, sexism, and the strained term heterosexism. In many civil rights laws, the liberal program entails merely adding sexual orientation to the litany of identities that need added protection under the law. The list of such identities—race, gender, religion, disability—shows how vast the scope of liberalism now is, and how crude its association of so many distinct and complex human experiences. It asserts that in the public realm, the experience of a black American woman in Chicago is identical to that of a disabled veteran in Florida; that the lesbian suburban teenager has the same problems and needs the same solutions as the closeted Latino immigrant; and that what these disparate people have in common—the most salient characteristic that they display from the point of view of the law—is their common victimhood and marginality. Where once liberalism treated all citizens alike as free, autonomous, but

largely undefined entities, it now treats many alike as thickly described, oppressed human beings in need of protection.

But of course, the differing human experiences of these distinct human persons are just as striking as their similarities. Sexual orientation, in particular, is a richly complex experience, different for everyone who experiences it, opaque even to its subjects, and still contested at every stage of its definition. The experience of a gay fourteen-year-old in a white, rural family is light years away from that of the HIV-positive activist in his thirties in a major urban center; the woman drifting away from her heterosexual marriage into an awareness of her lesbianism is a vastly different phenomenon than the male forty-year-old who has sex with strangers in a public restroom on Friday afternoons before returning to his wife and kids at home. Even within the same person's life, the experience of sexual orientation can change dramatically: it can begin in fear and terror, evolve through exhilaration, and end in boredom; it can start in the closet as a furtive sexual activity and end as an integrated, emotional part of a monogamous relationship. For many lesbians, it is perhaps as much a communal and spiritual experience as a sexual one; for a few homosexual men, it never really advances beyond a compulsive sexual philandering. And yet the law has to pretend that it is solving the same basic problem with each of these individuals.

Similarly, the heterosexual's encounter with a homosexual is a vastly complex relationship. It may be rooted in fear, anger, or restrained envy. The heterosexual may be comfortable with the assimilated gay person but revolted by the effeminate male or the masculine female; or he may be the opposite,

and be more threatened by "normal"-appearing homosexuals than by drag queens or leather daddies. A man may experience more revulsion than a woman in the presence of a homosexual; or he may make a critical distinction depending on how the homosexual's sexual orientation is disclosed: the discreet gay man is often far more tolerable than the aggressive activist. Or the heterosexual's response may simply be related to the artifacts of gay culture: he may find sexual candor disconcerting and certain sexual behaviors distasteful; he may not want to know what phone sex is, or whether his co-worker went to visit his boyfriend's family over Christmas. He may simply have a different code of discourse, a different etiquette, and prefer to shun the company of homosexuals in favor of people who are more like himself.

In these interactions among these differing persons, there is scarcely an emotion that is not encountered. Perhaps predominantly, there is still fear, disgust, hatred, and contempt. I do not wish here to underestimate the harm and hurt done to countless homosexuals who have encountered the full force of some heterosexuals' intolerance, cruelty, and even violence. It is still the rule, not the exception. But it would be a gross distortion of human experience not to see that the homosexual-heterosexual relationship is infinitely more varied than that, if it can be summarized at all. It changes from person to person, from moment to moment, from discourse to discourse. It has been the occasion for extraordinary compassion and humor, for mutual enlightenment, for outbursts of surprised passion, for the shock of reconciliation. It has prompted many lives to change, many fathers and mothers to

rediscover the meaning of parenthood, and many sons and daughters to rediscover the meaning of family.

The old-fashioned liberal marveled at the complexity of these human interchanges, and was glad he did not need to regulate them; the modern liberal is so concerned to overcome the visceral hostility toward homosexuals in the society that he wishes to reduce all these emotions to a binary bigoted-tolerant axis, and legislate in favor of the tolerant. He wants to take these minute human interactions and bring them under the coherent eye of the law. He needs to flatten human society in order to improve it.

The arena of homosexuality perhaps is uniquely ill suited to this strategy. The emotions it unleashes are so deep and often so private that they can hardly be regulated by personal will, a parent's pressure, or a psychiatrist's patient guidance. They are among the more volatile and opaque of human feelings, resistant to most attempts to understand, let alone release, them. Usually, they emerge into public life only after an enormous amount of private struggle; and the relationship between these two is so close that it is sometimes difficult to tell at all whether people, in their public arguments, are wrestling with private demons or civic problems. People behave irrationally in this area. If the law is designed to solve this problem, it will be forced into being a mixture of moral education, psychotherapy, and absolution. Liberalism was invented specifically to oppose that use of the law.

But the most important respect in which the subject of homosexuality eludes a programmatic attempt to regulate it is the way in which it can be concealed. The ability of the

lesbian to hide her sexuality renders her experience of social interaction very different than, say, a black man's. Race is always visible; sexuality can be hidden. This very fact complicates the nature of the oppression that homosexuals experience, because it accords them a degree of choice in their predicament that more obviously identifiable racial types cannot enjoy. Homosexuals can pass. Most blacks cannot. Most Latinos cannot. Women cannot. Even Jews, who are perhaps the closest analogy to homosexuals in this regard, are more easily identifiable: when they have no Jewish physical features, they have Jewish families and Jewish lineages. They can be traced. But homosexuals are born in the midst of the other; they have the names of heterosexuals; they have no identifiable characteristics; and they reappear randomly in every generation. They have more power in this respect than any comparable minority, because they have the power to define and choose the moment and nature of their public identity. As the relative numbers of victims in the Nazi Holocaust graphically testify, they can hide more effectively than Jews, even if the force that hunts them down is just as terrifying.

Moreover, the definition of homosexuality is far more fraught than that of race. Homosexuality is not so easily defined and accepted as the clear physical identifiers of race, or gender, or disability. It is a mixture of identity and behavior, as heterosexuality is. Gender and race, while not separable from behavior, are nevertheless more clearly identifiable as identities. There will almost certainly never be a "gene" for homosexuality that short-circuits the argument, since something as complex as homosexuality is almost certainly multi-

determined. Paradoxically, it does not fall, either, into the category of protected religious faith, since few people—apart from the more rigorous prohibitionists and liberationists—regard it as simply and only a matter of choice; and it certainly does not entail the profound implications of a religious calling, which a liberal society, from bitter memory, rightly demarcates for specific protection. So homosexuality finds itself in a nebulous no-man's land of legal definition. Protecting it is not so easy when it isn't even clear what "it" is.

To complicate things further, the other arguments used to include minorities under the rubric of legal protection do not easily apply to homosexuals. Unlike other minorities, for example, homosexuals are not subject to inherited and cumulative patterns of economic discrimination. When generation after generation is subject to being owned, exploited, discriminated against, and economically disenfranchised, the effect on today's children can be crippling. The fifth generation on welfare is more hopelessly mired in poverty than the first generation; and cultural and psychological dysfunction can be passed on from generation to generation. But homosexuals are born afresh in every generation and every social, racial, and economic class. Their cumulative historic experience is utterly different than that of most African-Americans, the potential for their liberation less shackled by the inheritance of a bitter and immediately tangible past. They have no identical family; with each birth, they are presented with a lottery of social and economic circumstance. And that lottery can lead to great privilege as much as to destitution.

So the history of the oppression of homosexuals is perhaps more complicated and opaque than that of many other

groups. This is not to say that it is less intense than that against, say, heterosexual blacks. But it is different. There was no slavery for homosexuals, for example; but even slaves, if they were heterosexual, were occasionally allowed the right to marry the person they loved. That right was often peremptorily taken away, but when it was, the hideousness of the injustice was clear. But that injustice is unavailable to homosexuals, because they haven't even been deemed eligible for the institution of marriage in the first place; they have always been, from one particular perspective, beneath slaves. And they still are.

One is tempted to ask a question that is perhaps foolish to answer. Which is worse: to be brutalized by the color of one's skin, but to be allowed the basic bonds of human affection and commitment that make life worth living; or to be born into equality, but to be denied the emotional integrity that can lead to the most happiness, and be forced by social pressure to internalize and disguise this trauma?

It is foolish to play such mental games; but it is not foolish—indeed, it's crucial—to make distinctions among predicaments, so that our political and social responses can be appropriate. The truth is, the experience of racial prejudice and prejudice on the grounds of sexual orientation are very different. With homosexuality, because the disgrace is geared toward behavior, the level of shame and collapse of self-esteem may be more intractable. To reach puberty and find oneself falling in love with members of one's own sex is to experience a mixture of self-discovery and self-disgust that never leaves a human consciousness. If the stigma is attached not simply to an obviously random characteristic,

such as skin pigmentation, but to the deepest desires of the human heart, then it can eat away at a person's sense of his or her own dignity with peculiar ferocity. When a young person confronts his homosexuality, he is also often completely alone. A young heterosexual black or Latino girl invariably has an existing network of people like her to interpret, support, and explain the emotions she feels when confronting racial prejudice for the first time. But a gay child generally has no one. The very people she would most naturally turn to—her family—may be the very people she is most ashamed in front of.

The shame attached to homosexuality is also different from that attached to race because it attacks the very heart of what makes a human being human: the ability to love and be loved. Even the most vicious persecution of minorities allowed in many cases for the integrity of the marital bond or the emotional core of a human being. When it did not—when Nazism split husbands and wives, children from parents; when apartheid broke up the familial bond; when Bolshevism targeted emotional ties in order to enforce ideological terror—it was clear that a particularly noxious form of repression was taking place. In George Orwell's novel *1984*, the final capitulation to totalitarianism can be accomplished only by sacrificing the loved one, Julia, in favor of Big Brother. As Winston Smith greets Room 101 at the very end of his torture, there is only one way to save himself from the ravenous rats in a cage that are about to devour his face:

> He had suddenly understood that in the whole world there was just *one* person to whom he could transfer his

punishment—*one* body that he could thrust between himself and the rats. And he was shouting frantically, over and over. "Do it to Julia! Do it to Julia! Not me! I don't care what you do to her. Tear her face off, strip her to the bones. Not me! Julia! Not me!"

This, Orwell intuits, is how you finally break a human spirit: by getting him to betray the integrity of his love. But the prohibition against homosexuality *begins* with such a repression. It forbids, at a child's earliest form of development, the possibility of the highest form of human happiness. It is inculcated by the people the child loves best and trusts the most. The homosexual life begins, in many cases, in a well-appointed, superficially welcoming, comfortingly familiar version of Room 101. And, in some ways, its mildness often intensifies the sacrifice that many young homosexuals are required to make.

The depth of this wound and the intensity of this hurt is obviously the primary reason that liberals seek to extend legal protections to homosexuals to prevent the injury from being worsened by public prejudice. And given the intensity of the injury, who could doubt the sincerity and compassion of the motive? But of course, the machinery of hate crimes laws and antidiscrimination legislation in the workplace is far, far removed from the complex psychological experience of the gay child, or indeed of the gay adult. It is a placebo, not a cure. The pain of the closet, the trauma of being forced to renounce or disown the objects of one's love and attraction cannot be overcome by a lawsuit; and indeed, they may be so deep that a lawsuit is never enjoined.

One superficial indication of this is the extent of the law's use. The most remarkable feature of antidiscrimination laws—the proposal of today's Western gay rights movement—is that where they are already in force, they are almost never used. On average, some one to two percent of antidiscrimination lawsuits have to do with sexual orientation; in Wisconsin, which has had such a law in force for more than a decade and is the largest case study, the figure is 1.1 percent. In the most comprehensive study of gay civil rights ordinances, researchers from the University of Florida in 1993 found that in 39 percent of the communities with such ordinances in the previous year, no complaints were made of antihomosexual discrimination at all; in a further 21 percent, there were five or fewer. Moreover, the communities which passed such ordinances were overwhelmingly in large cities where gay populations in high socioeconomic areas were able to find a critical mass among other elite groups in order to pass such laws. In those parts of the United States where protection for homosexuals might be seen as most necessary—rural and small-town America—the ordinances don't exist. In other words, where gay civil rights ordinances are most likely to be found, they are least likely to be needed; and where they are most likely to be enforced, they are extremely unlikely to be used.

So what? Liberalism's sturdiest defense is to say that simply because laws are not used, that does not mean they are not needed. It simply means they are not *enough*. Liberalism, liberals could argue, is not powerless in its attempt to construct justice in these areas, it is merely insufficient. Indeed, the true liberal doesn't even pretend that his or her laws will solve the deepest problems of the human heart; lib-

eralism is not, after all, designed to counteract hostile feelings, but hostile *acts*. Liberalism at its best can stay aloof from the troubling problems of human sexuality, but still insist that a person not be fired for something utterly unrelated to his work, or evicted simply because he is homosexual, or subject to violence primarily because of his sexual orientation.

Unfortunately, however, the practice never quite works out this way. Even when liberalism is trying to avoid the problems of the human heart, in preventing intolerant acts rather than attitudes, it is often unavoidably engaging them. Consider how it has become practically and rhetorically impossible for liberals to defend protections for homosexuals as generic rights. Even though these are not, strictly speaking, "special rights" (since they apply to many other minorities), their opponents easily and powerfully tar them as such. Why? Because the subject of homosexuality, like the subject of abortion, is simply too deep, too emotional, too visceral to be resolved by the calm voice of liberal legalism. It cannot be addressed in the language of procedure, of common rights, of legal process. No amount of reasoned, neutral argument will effectively answer the passion of the feverish opposition to the sexual other (just as no amount of judicial argument can stop the passion and arguments of those who believe abortion is murder). When the subject of homosexuality emerges, it is always subject to emotive passion, and affects matters of religious conscience. These are the areas liberalism was invented to avoid; when it re-enters this arena, it not only betrays itself, it fails to win the argument.

Moreover, the very implications of the case for antidiscrimination laws suggest how far liberalism has strayed from its own principles. If liberalism's failure to effect real change even when it has enacted antidiscrimination laws just proves that it isn't enough to change the society, then one is drawn to ask: What is? The point about the insufficiency of liberalism suggests that it is not sufficient for something. But what is that something? Presumably, it is the construction of a society which is more tolerant and accepting of homosexuals. But that is not, strictly speaking, a liberal endeavor at all. Liberalism is designed to deal with means, not ends; its concern is with liberty, not a better society. The impatience of liberals with antidiscrimination laws reveals how broad the scope of their project now is. It is to refashion society in the same way (if for different purposes) as conservatives want to refashion society; it is to use the law to prevent and deter certain actions in society which have nothing to do with the state; and to frame the law as a means to educate the citizenry into more virtuous behavior. But that endeavor, of course, is to abandon liberalism's primary distinction from conservatism, and to wage a cultural and political war in which prohibitionist prejudice will likely encounter liberal condescension, and in which prejudice will almost always win.

You can see the pattern everywhere. Liberals base their arguments on generic rights for specific groups and for toleration of specific minorities. Those minorities support liberalism in return, entirely out of group interest. Meanwhile, prohibitionist groups paint those measures as ways to appease special interests—and in almost every case, of course, they're

right. The argument then swiftly deteriorates into an issue of whether you are "progay" or "antigay." The emotions are such that it is virtually impossible to push the argument onto neutral ground. And so liberalism ends up as an internally conflicted loser. Its main tactic against its opponents is not to patiently reiterate its logical, legal, liberal reasons for equal rights; such an argument would be rhetorically steamrollered in the visceral discussion. Liberals are forced to use their strongest emotional weapon: they accuse their opponents of being prejudiced. Almost before it has begun, the debate becomes one between "perverts" and "bigots." It is a vital—and often entertaining—discussion to have; but it is not one, rightly speaking, that liberals ought to be engaged in.

This degeneration of debate is not a feature of one side's dirty tactics. It is not simply a result of talk radio, or television sound bites, or general democratic vulgarity. It is intrinsic to an issue as divisive and as emotive as homosexuality. The only rights liberals can effectively defend in such a context are ones so elemental that no one can oppose them—free speech, voting rights, government neutrality. Or they can go ahead and argue about common goods, which only begs the more general question of whether the common good is to be "prohomosexual."

Or to put the point another way, this is not an argument that laws protecting homosexuals from discrimination would not do some good. They probably would in some small respect. Indeed, it could be argued that even if these laws prevented harm to a single person, they would be worth having. For some people, perhaps, this is the end of the argument. But for *liberals,* it is the beginning of it. After all, liberties have been

removed—the fundamental liberty in a free society to contract with whomsoever one wishes to—and with a precarious result. The law is largely unused, and it may provoke even more hostility among those who are forced to live by it. The trade-off which seemed defensible with regard to race seems far less defensible in the case of sexual orientation.

Moreover, as we've seen, a key difference between race and sexual orientation poses a separate and acute problem for liberals. Race is a cultural and biological condition; sexual orientation is a cultural and biological condition, but it is also a *behavior.* For many people in Western societies, and most others, the sexual and emotional entanglement of two people of the same gender is a moral enormity. They find such behavior abhorrent, even threatening; and while, in a liberal society, they may be content to leave such people alone, they draw the line at being told they cannot avoid their company in the workplace or in renting housing to them. Antidiscrimination statutes that force them to do so are an affront to these people, and a flagrant violation, from their point of view, of the moral neutrality of the liberal state.

Liberals who wish to enact such laws might argue that *not* to enact them is also a violation of the neutrality of the law by excluding homosexuals from the same rights of protection in the workplace as heterosexuals. And indeed, in most such statutes, sexual orientation is defined as including heterosexual as well as homosexual orientation. But, of course, in practice this is neither the intent nor the effect of such a law. Indeed, many of the statutes concede that the law contains an approval of homosexual behavior, which is why they exempt, in most cases, churches and religious institu-

tions from such strictures. But in a liberal society, the right not to have the state impose a certain morality is not merely the province of institutions; it is the right of citizens. It is no wonder that these statutes have provoked plebiscitary backlashes from electorates.

This is not to say, of course, that much of the reaction does not spring from bigotry, or that the religious arguments used to condemn homosexuality are convincing: it does; and they're not. But it is to say that liberalism has always asserted that liberty is for bigots too. The freedom that allows the prejudiced to fire a gay worker for no good reason is, according to liberalism, the same liberty that allows a gay company to set itself up in business and hire exclusively from its own community; the freedom that allows a fundamentalist to refuse to rent his basement to a gay couple is the freedom that allows a gay couple to tell a wandering preacher to get the hell out of their front yard; the freedom that permits twenty-four-hour televising of hateful propaganda against homosexuals is the freedom that lets a drag queen parade down Fifth Avenue; and the freedom that allows communities to discourage gay people from moving in is the freedom that has enabled gay neighborhoods in inner cities to reconquer public space for homosexual and lesbian expression. The curtailment of liberties for one group is the curtailment of liberties for everyone. And in the long run, a minority group has the most to lose when politics becomes a means of deciding who gets to lose which freedoms.

Liberalism also has most to lose when it abandons the high ground of liberal neutrality. Perhaps especially in areas where passion and emotion are so deep, such as homosexuality, the

liberal should be wary of identifying his or her tradition with a particular way of life, or a particular cause; for in that process, the whole potential for liberalism's appeal is lost. Liberalism works—and is the most resilient modern politics—precisely because it is the only politics that seeks to avoid these irresolvable and contentious conflicts. It is thus the only politics that can bridge all citizens, whatever their sexuality or religion or race or gender. It is the only tradition that can theoretically appeal to the religious right and the "queer" left. When it identifies itself with a party, with a way of life and an identity, it has essentially thrown away its strongest card in the game.

And it has also ignored its more pressing task. The truth is, leaving private discrimination aside, liberalism has not yet succeeded in achieving even the most basic *public* equality to homosexuals. Homosexuals are still systematically discriminated against *by the state* in the military, in the law, and in marriage rights. By first emphasizing discrimination by private citizens, or even by emphasizing it at all, liberals actually undermine the strength of their argument. By inference, they have ceased to focus on the most pressing discrimination of all—that of the government. They are so content to improve the attitudes of private citizens that they have lost sight of the more basic fact that homosexuals do not have equal protection under the law. Homosexual relationships have no legal standing, their private activities can be regulated by the state, the military can hunt them down and arrest them, and the police need not, in many cases, enforce the laws to protect them from violence. In this context, do not liberals have their priorities somewhat askew? Their emphasis on private dis-

crimination—influenced primarily by the legacy of the civil rights movement—is, in fact, a grand detour from liberalism's essential task: ensuring the neutrality of the state.

Antidiscrimination laws can also have a subtle, pernicious, and corrupting effect on the content of minority culture. They may even impede the process of liberation that they are intending to protect. By casting homosexuals publicly as the victims of discrimination, these laws can unwittingly perpetuate a passivity among the minority culture that may make it more, rather than less, resistant to majority oppression. The subtle signal of these laws is: there is a perfect excuse not to be open about your sexuality if laws do not exist to protect you; your fear is more descriptive of you than your courage; the oppression of others, not the expression of self, is the key factor in the makeup of the homosexual existence. This is why, perhaps, even where antidiscrimination laws do exist, there is no tangible change in the psychological dynamic of gay men and women, no sudden collapse of secrecy, no immediate rush to express what had hitherto been kept under by the fear of legal and economic discrimination. There is, rather, the long, sad sound of an anticlimax. Indeed, antidiscrimination laws may actually perpetuate shame and dishonesty by reinforcing a certain self-understanding on the part of gay men and lesbians that they are permanently under siege, and that they emerge from the protected subculture at their peril.

It's most likely, of course, that such laws simply have no effect; that they're fundamentally irrelevant to the profound psychological makeup of gay men and lesbians. But by emphasizing them so strongly, by seeing traditional civil

rights politics as the means to the equality of homosexuals, liberals may actually have distracted gay people from the more pressing and immediate task at hand—the wrenching attempt to disclose one's sexuality to parents, friends, neighbors and co-workers, the difficult process of coming to terms with what is often a traumatic adolescence, the abandonment of internalized self-loathing.

But aren't the forces lined up against homosexuals so great that more than merely personal courage is needed to overcome them? Isn't law a critical part of that? Perhaps. But it is still important to distinguish between what law can and cannot do. Hatred, after all, is not a simple transaction. It is bound up in fear and authority. For it to be effective psychologically, it requires, to some extent, the acquiescence of the victim. The resilience of hostility toward homosexuals, when homosexuals are spread throughout the society, when they are known by virtually everyone else, is greatly abetted by the fact that those homosexuals are hidden from view. In these circumstances, bigotry cannot be countered by truth, because homosexuals insist on concealing the truth. They are not to blame in any fundamental sense, of course. But they do have in part the psychological and emotional key to their own liberation. As a prevailing orthodoxy in society, prejudice is, alas, often overcome only by the tenacity and courage of those willing personally to confront it.

Perhaps the most enduring legacy of the civil rights movement was not its panoply of complicated and cumbersome laws, but the memory of the simple courage of those who stood up in the face of considerable danger for their dignity and their equality. What one remembers—what will never be

erased from human consciousness—was the gleam of integrity in the eyes of those who took it upon themselves to change their world, expecting no protection and no applause for doing so. It is courage that gets noticed, and courage that changes the world. The pain of the homosexual experience requires that kind of catharsis to be healed. Nothing else can replace it.

Part of the problem with casting homosexuals constantly as victims—and seeing legislative solutions to protect them as the main focus of the liberal program—is that it helps remove the responsibility for change from homosexual shoulders and puts it onto others, and therefore makes this catharsis less, rather than more, likely. Of course, the responsibility *is* ultimately others'; but, alas, homosexuals could wait for centuries for others to take that responsibility. It is only by the paradoxical process of risking one's livelihood and sense of self by asserting that one is *not* a victim that the psychological dynamic is transformed and the real progress is made.

Most gay people have an intuitive sense of this by their various experiences of the process that is clumsily called "coming out." For many, it appears like an abyss, involving the danger of seeing their fundamental identity lost in a miasma of others' stereotypes and fears. They spend their lives on one side of the divide, paralyzed by fear, looking with a mixture of envy and contempt for those on the other side of the chasm. The act of openly conceding one's homosexuality is in some ways an act of faith, of faith in the sturdiness of one's own identity and the sincerity of one's own heart. For those who never feel that faith, life will always, in

a fundamental emotional way, be something of a crepuscular zone. Those who never seize their own identity among their family, friends, and intimates are forever at the mercy of others' definitions and whims, if not socially and economically or emotionally, then in the depths of their psyches and the quiet parts of their souls. Their interaction with others is different than open homosexuals', because only *part* of them interacts, because a cipher is operating, not a person, because a victim is at the root of that person's soul and not an individual. And no law will ever change that fact.

Of course, I'm not saying that in every instance and every place and every interaction a gay person has to be open about his emotional orientation in order to avoid victimhood; but I am saying that if he hides his orientation in a way no heterosexual would dream of doing, then he has actually acquiesced and contributed to the permanence of that victimhood. If the homosexual problem is defined as the fear and pain and difference that such victimhood entails, then the solution to the homosexual problem is ultimately—and, yes, unfairly—in the homosexual's hands.

The liberal who posits the law as an answer to the homosexual problem is, in short, peddling a palliative. The sacrifice of his liberal principles for a noble goal may turn out to be a sacrifice for nothing. He is not acting out of bad motives, and he does not wish to do harm; in most cases, the harm he does is not irreparable, because freedom is resilient enough. But he is guilty of a categorical error, trying to use easy remedies for a problem that knows no easy remedies; using the language of rights in an area where it is impossible to avoid the language of goods; encouraging an attitude

among homosexuals that might actually increase their isolation rather than undermine it. By implication, liberalism has gone from a politics of narrow procedure to one that is trying to improve the minds and hearts of many. But politics cannot do the work of life. Even culture cannot do the work of life. Only life can do the work of life.

CHAPTER FIVE

A Politics of Homosexuality

In everyone there sleeps
A sense of life lived according to love.
To some it means the difference they could make
By loving others, but across most it sweeps
As all they might have been had they been loved.
That nothing cures.

—PHILIP LARKIN

If there were no alternative to today's conflicted politics of homosexuality, we might be condemned to see the proponents of the four major positions fight noisily while society stumbles from one awkward compromise to another. But there is an alternative: a politics that can reconcile the best