Morality and Gay Rights Discourse

by Justin Robinson

December, 2000

When Aristotle discussed the material premises of enthymemes as being important in rhetoric, he was prescient of the kind of appeals that would be tendered by opponents in the discourse over gay rights issues long after his time. Smith and Windes express the nature of this conflict accurately when they write, "symbols expressing fundamental cultural values are invoked by all sides" (1997: 28).   Similarly, Sarah S. Brown describes the participants in a "struggle to stake out symbolic positions of good and to frame their side in terms of morally powerful conceptions of right and wrong" (2000: 458). Fascinatingly, she suggests, "even people with deeply conflicting opinions appeal to the same moral concepts for the force of their arguments" (458). In fact, these same moral concepts are ubiquitous to all discourse and to life. They penetrate the social order at the most fundamental level. They are not static, however, and their malleability gives rise to a constantly shifting landscape of debate wherein, as Smith and Windes (1997) assert, the adversaries literally have so much impact as to drive the process of self-definition for one another.

Related to that process is the way in which the landscape itself is defined, which Haider-Markel and Meier see as consequential in terms of "what resources are important and [what] advantages some coalitions [in the struggle] have over others" (1996: 346). (See also: Kintz, 1998; Smith and Windes, 1997). Particularly, they demonstrate that models of discourse which conceptualize gay issues in terms of morality (or culture) as opposed to politics or civil rights offer a rhetorical upper hand to proponents of anti-gay arguments. It is the objective of this paper to explore that edge and to deal with prescriptions that have been suggested as remedies for it. To begin with, however, we turn back to enthymemes.

Terrence Cook (1980) identifies eight categories of standards that are referred to in the justification of political appeals – prudence, tradition, the supernatural, (human) nature, law, public opinion, prestige suggestion, and ideals. He writes, "Sometimes standards are implicit in myths or metaphors, symbolizations which are more than decoration when they tap through concretization of otherwise cold cognitions" (516). In fact, he may be referring to the power of fundamental, (almost) universally accepted principles that are woven into the constitutive 'myths' and stories of social realities. Only tacit allusion to these principles is required to trigger them within an audience and engage that audience in their own persuasion.

Certainly, this is the phenomenon that Brown (2000) encounters when she notices how opposing factions of the debate surrounding same-sex parenting each make claim to the same value-laden concepts in their arguments. For example, both "pros" and "cons" reference the utmost importance of family, believe that human rights are indispensable, and share "a conception of

prejudice as irrational and unjustified opposition to something, even using the same words to describe it: hateful, judgmental, ignorant" (449). The substance of their arguments, then, consists of each party attempting to load this "shared moral language" with definitional information that favors their opinion. Thus, it is not necessary to emphasize the family's *value* to society, but it does become important for each side of the debate to characterize the family in a way that protects their respective discursive interests. Consequently, for example, anti-gay arguments define the family in terms of a heterosexual man and a heterosexual woman with children, whereas pro-gay arguments might define the family in terms of love.

Enthymematic arguments also play a very significant role in shaping the process described by Smith and Windes whereby:

On the one side, progay self-representation is pushed by antigay depiction toward ethnic identity and non-erotic self-presentation and away from an understanding of gay behavior as merely a choice of erotic style. On the other, anti-gay self-representation is forced by progay depiction toward civility and secular government and away from vituperative denunciation and moral appeals. (1997: 31)

In other words, discourse over gay issues literally shapes the manner in which the opponents define not only each other, but themselves[i], through this process: First, one interpretive community – let's use, for example, the antigay camp – makes a claim, which is rationalized by invoking some popularly held standard or set of standards and rendering said standard(s) into an inductive proposition, which is subsequently transformed into an enthymeme by leaving the obvious foundations of the argument out of it. For example, anti-gay reasoning might appeal to the standards of nature and the supernatural to manufacture grounds against homosexuality, arguing that heterosexual behavior has an exclusive and divinely ordained claim to legitimacy based on the fact that only heterosexual sex can lead to procreation. In this instance, the material premises of the argument are constituted, at least in part, by presuppositions that God exists and that God's law is expressed in nature, that equate the notion of 'natural/legitimate' with either the notion of 'required for reproduction' or 'occurs most commonly', and that, as Jennifer Terry eloquently puts it, "conceptualize sexuality narrowly in terms of the evolutionary imperative of reproduction" (2000: 154).

At this point, the ball is in the pro-gay court. For the time being, it matters not whether pro-gay argumentation will, in our hypothetical case, isolate the material premises of the syllogism that we have just unpacked and question their validity – more about that later. But rather, Smith and Windes draw attention to a common rhetorical strategy that is not related directly to the line of argument put forth by the opposing team (and which, I think, is often the more obtainable method of parrying attacks), involving the deflection or invalidation of their arguments by constructing their identity as unpropitious because of their position in the discourse. This strategy is carried out using enthymemes as well. For example, in response to the 'God's Law/Natural Law' argument, pro-gay dialogues have characterized anti-gay advocates as people who "subvert political order by injecting religion into politics," and attempt to "write evangelical views into public policy" (1997: 33). The pro-gay assertion, which relies upon the material premise of the good of autonomous self-determination, thus portrays anti-gay identity as a theocratic threat to a free democratic society. This, in turn, completes the cycle by driving anti-gay self-definition and steering anti-gay discourse away from moral arguments and into new areas. (That is, if no means of diffusing the 'autonomy premise' is available to the anti-gay think tanks).

Another notable example of this process deals with how pro-gay identity is compelled by anti-gay argument to posture itself in terms of ontology rather than epistemology, portraying 'gayness' as an aspect of being. Smith and Windes refer to a particularly interesting element of this phenomenon and I quote them here again:

Adoption of either essentialism or constructionism is reinforced by proximity to confrontation. Constructionism is the reigning position within gay and lesbian studies programs, and in the academy in general, which is to say in those places where opposition to homosexuality is least likely to be articulated. In contrast, essentialism has become the dominant assumption for gay activists…as they seek to legitimate themselves in both public and private contexts. (1997: 32-33)

Presumably, there are a number of enthymemes responsible for this twist in the discourse. For example, there are the arguments that derive the notion that gays choose their orientation and therefore ought to exercise self-control or undergo therapy from constructionism. At the same time, the pro-gay side is better able to draw upon certain material premises, which give the concepts of respect and tolerance for minorities hagiographic status, when they are positioned as "a movement in the tradition of the women's and civil rights movements" (Brown, 2000:457).

This corresponds to the research of Haider-Markel and Meier (1996), which demonstrates that anti-gay rhetoric has a marked tendency to prevail when the discourse of sexuality falls into the arena of morality politics, which "tends to be partisan, seek non-incremental solutions, focus on deeply held values, and flourish in areas with competitive political parties" (334). Smith and Windes concur, observing that "far more than their opponents, antigays find rhetorical advantage in the notion that the core struggle is over restoring moral values" (1997: 37).   In other words, the foundations of some pro-gay arguments are weakened when the debate is shifted from a discourse of rights to a discourse of culture and morality.

While the reasons for this are manifold, one that has been explored frequently involves what Schulze and Guilfoyle (1998) describe in terms of an "Orientalism" perpetuated by anti-gay discourse at the moral and cultural level, whereby "the homosexual becomes the Other, the utterly abject" (335). The commentary of Hequembourg and Arditi informs this conception:

[I]dentity takes lived experience outside of itself and defines it in relation to an "other," an other with a clear position in a field of power. The definition is strategic, an instrument that allows the group to maneuver within the given field of power. (1999)

  In effect, morality politics provides a vehicle for the anti-gay faction to access their own notion of identity and establish a cultural and moral threat from the homosexual, whom they juxtapose in relation to the rest of society.[ii] (See also: Mookas, 1998; Smith and Windes, 1997)

  One explanation for the fact that the territory of morality politics is weighted in favor of antigay rhetoric that doesn't seem to have attracted much attention has to do with the hesitation or lack of sophistication with which gay positive arguments have engaged moral and religious issues as opposed to social and civil rights issues. Haider-Markel and Meier, for example, explain that "because religious groups have explicit moral codes, they are frequently significant players in morality politics" (337). Conversely, gays as a group are not defined by religious or moral interests. Consequently, moral arguments may be naturally less accessible to them than to their opponents, giving rise to an uneven playing field that privileges homophobia whenever morality is

appealed to.

Thus, instead of responding to morally charged rhetoric with a conception of right and wrong that is on par with (or more compelling than) antigay assertions, the pro-gay side is reduced to a standard Millian reply equivalent to "maybe you can say what is best for yourself, but you can't say what's best for others. We all have the right to live our lives as we see fit, with the same freedoms and privileges as anyone else." While that type of reasoning itself is powerful in some contexts, it cannot but be less than persuasive in the face of arguments loaded with holiness trump-cards, because it fails on some level to provide a counter-narrative that is cogent enough to defeat them on moral terms.

Chai Feldblum recognizes the pertinence of this deficiency in pro-gay argumentation when he comments on a discussion that took place at the Subcommittee on Governmental Programs of the House Committee on Small Business, July 1996. He quotes U.S. Congressman Glenn Poshard:

I have a concern. I struggle with a faith that teaches me that the homosexual life-style is essentially unacceptable and a faith that teaches me at the same time to...love other people unconditionally in the way that Christ loves me....Will the passage of [a gay rights law] allow teachers, for instance, who happen to be homosexual, a greater comfort zone in advocating that the homosexual lifestyle is on equal footing with more traditional family structures when that life-style may conflict very directly and deeply with those whose children sit in the classroom? (1997: 996-997)

Feldbulm's analysis of the (pro-gay) responses to Poshard at this event notes that they "reinforced exactly what Poshard is afraid of – without ever engaging Poshard directly on *why* he is so afraid of the feared result" (p. 1002, italics his). For example, they discussed how the government is neither approving nor disapproving of homosexuality by passing anti-discrimination laws and how ending discrimination will not inevitably lead to what could be considered "impermissible proselytization" to the gay lifestyle (1002). What they did not do is challenge the religious assumption that homosexuality is simply or inherently immoral.

I believe Feldblum has tapped into a vein that holds enormous potential for pro-gay rhetoric and the struggle for gay rights. Clearly, in order to proceed in the struggle for legitimacy, gay rights advocates must, in their writings and in their lives, demonstrate the capacity for moral leadership. Clearly, they must challenge the view that homosexuals cannot be happy, contributing, honest, hardworking, religious members of the community. But the crux of the matter, and the reason *why* it is necessary to achieve the aforementioned in the first place, involves the need to recharge the cultural air with a better morality, one that is of the genus *pro-gay*, and one that is more potent, profound, and resolute than its predecessor. This entails a willingness from proponents of gay rights to wholeheartedly engage moral and spiritual practices, to engender and adopt powerful rituals and stories that convey their message, and to be aware of the impact of their choices. On a basic level, it is a willingness to generate ethos for their arguments. Ultimately, it is a willingness without which it will be impossible to build a society that is indeed righteous.

---

[i] While Smith and Windes acknowledge that "neither antigay nor progay advocates express single … worldviews; nor does their advocacy consist merely of specific application of fundamental antagonistic principles," they use the paradigm of "a multi-issue battle between two opposed

communities with contentious interpretive commitments" in characterizing the "politics of variant sexuality" because it "emphasizes the stability of interpretive communities, their monolithic nature, and the connections among a variety of social issues." (p. 29)

[ii] Anti-gay discourses of "common sense" can involve the creation of an "other" as well. Patten describes this when he suggests that the Reform Party (predecessor to the Canadian Alliance) "construct[s] the people [vs.] powerful interests antagonism as one which pits ordinary working and middle class taxpayers against…a range of minority special interest groups which supposedly dominates decision making processes within the modern welfare state" (1996: 95). He refers to their use of the phrase "the common sense of the common people." It may be that common sense discourse is woven into morality discourse in a sometimes-contradictory fashion in order to offset accusations of hatred and attempts to institutionalize theocracy. (See Schulze and Guilfoyle, 1998)

Works Cited:

Brown, Sarah S. "Popular Opinion on Homosexuality: The Shared Moral Language of Opposing Views." *Sociological Inquiry,* Vol. 70, No. 4 (Fall 2000): 446-61

Feldblum, Chai R. "The Moral Rhetoric of Legislation." *New York University Law Review*, Vol. 72 (1997): 992-1004

Haider-Markel, Donald P. and Meier, Kenneth J. "The Politics of Gay and Lesbian Rights: Expanding the Scope of The Conflict." *The Journal Of Politics,* Vol. 58, No. 2 (May 1996): 332-349

Hequembourg, Amy and Arditi, Jorge. "FRACTURED RESISTANCES: The Debate over Assimilationism among Gays and Lesbians in the United States." *The Sociological Quarterly,* Vol. 40, No. 4 (Fall 1999): 663

Kintz, Linda. "Culture and the Religious Right." In: Kintz, Linda and Lesage, Julia. 1998. *Media , Culture, and the Religious Right*. Minneapolis: University of Minnesota Press.

Mookas, Ioannis. "Faultlines: Homophobic Innovation in Gay Rights/Special Rights." In: Kintz, Linda and Lesage, Julia. 1998. *Media , Culture, and the Religious Right*. Minneapolis: University of Minnesota Press.

Patten, Steve. "Preston Manning's Populism: constructing the common sense of the common people." *Studies in Political Economy*, Vol.50 (Summer, 1996): 95

Schulze, Laurie and Guilfoyle, Frances. "Facts Don't Hate; They Just Are." In: Kintz, Linda and Lesage, Julia. 1998. *Media , Culture, and the Religious Right*. Minneapolis: University of Minnesota Press.

Smith, Ralph R. and Windes, Russel R. "The Progay and Antigay Issue Culture: Interpretation, Influence, and Dissent." *Quarterly Journal of Speech,* Vol. 83 (1997): 28-48

Terry, Jennifer. "Unatural Acts In Nature: The Scientific Fascination with Queer Animals." *QLQ: A Journal of Lesbian and Gay Studies,* Vol.6.2 (2000): 151-193