

or enticements were utilized to secure the consent at first withheld. The legislator has directed the concern of the law mainly to adolescents thought to be in need of protection ("corrupting the morals of a minor"). In some jurisdictions the adult who engages a minor for homosexual prostitution is subject to prosecution, even if the consensual act was not in and of itself a crime.

In some jurisdictions (approximately half of the United States, and several Australian states) all male homosexual acts are illegal; in these areas consent is no defense, since the behavior is criminal under all circumstances, whether committed in public or in private.

The issue of consent arose when the first proposals were made to abolish the laws criminalizing sodomy and other homosexual offenses. One of the arguments for repeal was that when the partners to a sexual act consent to its performance, no wrong is committed which the state would have an interest in redressing. Only intrusive enforcement practices—prying and entrapment—can hope to ferret out such offenses. The opponents of reform argued that society has an interest in enforcing its moral code, even if the authorities seldom learn of consensual sexual activity. A further argument was that there is such a thing as public consent, which differs from the consent of private individuals to relationships between them. In this view consent cannot legitimate behavior which public opinion regards as morally wrong and injurious to the best interests of society. On the other hand, a pluralistic society that recognizes the moral autonomy of the individual as a cardinal principle does not have the right to impose the moral standards of one part of the community upon another which flatly rejects them.

In all legal systems rape, that is, sexual gratification obtained with the use of force or of threats against the non-consenting party, is a criminal offense. (At present, however, some states do not rec-

ognize male rape as a statutory offense.) The issue of the age at which an individual can give valid consent to a sexual act is a disputed one, and in the course of decriminalizing homosexual behavior between adults some jurisdictions set a higher age of consent for homosexual activity than for heterosexual. Equal justice would require that the age of consent, and the other conditions establishing consent, be the same for both classes of acts.

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CONSERVATISM

Setting aside significant national differences and viewing the phenomenon as a whole, the political philosophy known as conservatism has several main features. First, there is a belief in the natural hierarchy of society which must be defended against the onslaughts of egalitarianism and demagogic populism. Then conservatives display a strong attachment to the time-honored, traditional elements of civilization, together with an abhorrence of sudden revolutionary change and social "experimentation." This reverence for tradition marks the sexual sphere in particular, where the norm is lifelong monogamous heterosexual marriage—the antithesis of the "gay lifestyle" with its tolerance of casual unions that can be terminated at the wish of either party. Many conservatives, though not all, look to organized religion and its moral codes as a bulwark against unwanted social shifts. The final hallmark of the conservative mentality is an idealization of the past as contrasted to the "decadent" and "corrupt" present, with the recurrent, even obsessive notion that homosexuality is increasing and that "something has to be done" to stop the spread of the vice before it leads to the moral ruin of society, if not to outright race suicide. This attitude is documented over so many centuries and in so many countries that it is a virtual cliché of conservative lament over the loss

of the righteousness and innocence of former times.

Homosexuality and conservatism would therefore seem totally antithetical. Stereotypically, conservatives are viewed as the chief reservoir of antihomosexual bigotry and the most determined opponents of gay rights. However, antihomosexual attitudes have been common—and even fostered by the regime—in such Marxist, state-socialist societies as the USSR, the People's Republic of China, and Cuba. Moreover, as a result of centuries of virtually unchecked virulence, antigay views are widely diffused in many industrial countries; they have been documented, for example, among liberal writers in North America. Nor are antihomosexual motifs necessarily to be traced ultimately to conservative ideologies; the religious circles in ancient Iran and Israel that developed the most potent early forms of homophobia might justly have been regarded as progressive in their day.

Historically, conservatism has even favored some forms of homosexual expression. In ancient Greece the institution of initiatory pederasty was an instrument of the aristocracy in training neophytes to uphold its values. Adolf Brand's German gay periodical *Der Eigene* (1896–1930) printed articles with an idealized vision of the erotic relationship between knight and page in medieval European society. Tokugawa Japan shows a similar phenomenon among the samurai—the feudal warrior class. And in some traditional Third World countries, like Afghanistan, tribal leaders have clung to pederastic customs, while fiercely resisting the incursions of Western liberalism and Soviet Communism alike.

In the United States and similar countries conservatives tend to fall into two main groups. The first is a traditional command conservatism which favors the deployment of state power, including the military establishment, to achieve policy aims. The second adheres to laissez-faire or libertarian ideas, and proposes a reduc-

tion in the role of government and greater reliance on the working of private initiative and the free market. Conservative parties are aware of the tension that divides the traditionalists and the libertarians in their ranks. It is the second group, which has shown some receptivity to the idea of excluding the state from the bedroom, that has had some affinity for homosexuals. Gay Republicans are generally of this second stripe.

In Britain the Conservative Group for Gay Equality argues that legislation is needed to end the second-class citizenship of homosexuals. As ordinary citizens and taxpayers—the group's chair Peter Campbell notes—"they contribute to society by work and voluntary efforts in the same ways as heterosexuals, and are no more likely than heterosexuals to commit crimes against persons, property, and the public interest."

The far right has had little attraction for homosexuals. In France a few gay men have indicated qualified support for the neo-fascist party of Jean-Marie Le Pen, the National Front. Other French homosexuals have formed a conservative group of their own, Gaie France, which favors the cultivation of "Indo-European" values. Such ideas seem to enjoy little international currency.

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CONSTITUTIONAL HOMOSEXUALITY

The question of whether homosexual conduct is the result of inborn or constitutional factors, on the one hand, or is the product of environmental influences, on the other, is part of the larger nature-nurture debate. While animal behavior is essentially the result of genetic and hereditary mechanisms, human beings are subject to a vast amount of cultural