VII:

TO OUT OR NOT TO OUT--THAT IS THE QUESTION

The Case for Outing

Activists could not out those still "in the closet" until they themselves were fully and unashamedly out. A critical mass began to form only after Stonewall. In the 1980s, activists began to argue that persons who have come out to themselves but not to the general public can have a negative impact on the welfare of other queer nationals.

This claim brings us to the heart of the matter. Are we merely individual "sinners" or "deviates," or do we form a community or even a "nation within a nation" with legitimate interests that the rest of society should recognize and respect? Are our sexual orientations superficial to the extent that they might be considered merely matters of taste or preference in a less prejudiced society or are they essential and fundamental? Would such differences, whether innate or acquired, remain the basis for a sort of ethnicity, even in a society that was not homophobic?

Clerics and rabbis and their medical, legal, and academic allies cling to the view that we are sinners, deviants, criminals
or, at the very least, if not ill, immature and irresponsible. From this standpoint, those who practice outing are only sinners exposing other sinners--to society's just reprobation. At this stage, gay liberationists might affirm the collective identity of their constituents and refuse to compromise with any person or institution that will not concede to us the rights of a legitimate community that is an enduring part of humanity. On the other hand, we might argue that we merely form a temporary group because of homophobia. If so, we must nevertheless not imagine that homophobia will disappear in the foreseeable future. The acknowledgement of such a common interest, even if it only be a result of intolerance, then imposes a duty on every member to work toward the goal of converting our pariah community into a prestigious one. Persecution doubtless strengthens collective identity.

Intolerance sought to blot homosexuals off the face of the earth, or at least to erase our names and memories from history. Such is the capacity of the religious mind for self-deception that some of the persecutors imagined that they had succeeded when they had only made us outcast and unseen. What then was their rage and disgust when they discovered to their horror that we still existed in huge numbers and had no intention of disappearing, and that we were even organizing to promote our rights and interests! The battle that commenced with the declaration of independence of the gay community, or more forcibly of the Queer Nation, from heterosexual society and its
norms and values is ongoing, and will last far beyond the lives of the authors of the book—and indeed of its first readers. We of the Queer Nation are staging a two-front war against AIDS and against homophobia. Outing is a weapon in that struggle of ours. That struggle began 128 years ago in Germany, was quenched in Hitler's death camps, was born anew in California, and took on a powerful and angry visibility in front of the Stonewall Inn. It is now being waged, in spite of the scourge of AIDS, or rather with greater urgency because of it, in every city and town where queer nationals courageously proclaim our identity and fight for our collective rights and dignity as well as for our lives.

According to Randy Shilts:

[A] truism to people active in the gay movement [is] that the greatest impediments to homosexuals' progress often [are] not heterossexuals, but closeted homosexuals. . . . By definition, the homosexual in the closet [has] surrendered his integrity. This makes closeted people very useful to the establishment: once empowered, such people are guaranteed to support the most subtle nuances of anti-gay prejudice. A closeted homosexual has the keenest understanding of these nuances, having chosen to live under the subjugation of prejudice . . . [and] is far less likely to demand fair or just treatment for his kind, because to do so would call attention to himself.
Thus gay activists should out closeted judges, politicians, journalists, and other movers and shakers. A hypothetical situation that might well legitimize or at least provoke an outing would be one in which a Supreme Court justice, or any other judge, who was gay, especially if he was still active or known to have been active before his elevation to the bench or even if he merely enjoyed gay pornography, worked against gay interests. If he voted to uphold the ban on homosexuals in the military, the ban on admitting HIV-positive individuals into the country, or the right of states to outlaw sodomy between consenting adults in private as in Bowers v. Hardwick, he would be a hypocrite. Of course we should have to be sure that there was not some overriding legal technicality that would tie the judge's hand. Such hypocrisy should not be tolerated to the extent of allowing it to perpetuate injustices to others of us. Such a character, especially if he had life tenure, as most American judges do, should be outed as soon as possible, even if he is deciding for queer national interests, because thus far historians have identified not even one Supreme Court justice. From this angle the outing of a prominent or powerful closet case, even one who has never voted, worked, written, or spoken against gay interests, might be advisable. For example, if he had long been holding a top secret clearance or performing admirably some critical job for which queer nationals were normally deemed ineligible or morally unfit, we might out him merely to prove how wrong such suppositions are. Examples of
this might be Pete Williams, who was outed, or FBI Director J. Edgar Hoover, whose homosexuality is still denied by right-wing admirers, even if neither had acted against our community's interests. Conscious acquiescence in homophobic policies or actions would make the case for outing such types even clearer. A homosexual in the military establishment who allows discrimination against other homosexuals to continue, is complicitous by his silence. Williams seems not to have instigated any such moves or policies, but Hoover did. Nevertheless, both merited outing. Bureaucrats have often hidden behind their gray flannel suits or colorful military uniforms, perjuring their sexual identity while routinely doing vast harm to others of their ilk, if only by dutifully administering or implementing homophobic policies.

Elected, as opposed to appointed or tenured homosexuals may have thought that they could do more good by staying in the closet. Candidates, it is true, often have to wear a mask (not just over their sexuality) to win and retain office. Exposing them may well lead to their unseating in the next election, if not to their precipitate resignation or even suicide. Representatives Frank and Studds are the only two who were outed or, in Frank's case, who came out to avoid being outed, to be reelected to Congress, if we do not count Senators Mark Hatfield and Claiborne Pell and a number of representatives whose outings by Petrelis, our chief outer, were muted by lack of media coverage. In addition, no one acknowledging himself as gay has
ever been elected for the first time to a Federal office or to a governorship or lieutenant
governorship. Known homosexuals have recently been elected to state legislatures in increasing
numbers, of whom Elaine Noble of Massachusetts and Alan Spear of Minnesota were the first.
Winthrop Rockefeller of Arkansas, Jim Thompson of Illinois, and Evelyn Murphy, Lieutenant
Governor of Massachusetts, wereouted while in office, but many did not accept the charges,
which received little publicity.

The Gamut of Options

Virtually all who have taken a position on outing have qualified their approval or disapproval to
some degree. At their opposing poles, the theoretical views might be formulated as follows: "No
one should be outing against his or her own wishes, not even the dead. I would not out my worst
enemies, even as a last-ditch action to prevent them from scoring a decisive victory over me" and
"Everyone should be outing, whether he or she wishes to be or not. I would out my best friends,
even if this action threatened their careers and brought them to the brink of suicide." Very few
have in fact seriously championed either extreme.

In fact, on the advisability of outing our community today holds four principal viewpoints: 1) hypocrines and then only when they actively oppose gay rights and interests; 2) these last plus
passive accomplices who support a homophobic institution such as the Catholic or Baptist
churches like Father Ritter or Jim Bakker or the Pentagon like Pete Williams; 3) prominent,
highly
respected individuals such as well-known authors, professors, lawyers, physicians, businessmen, sports and media figures whose outing would help break stereotypes and compel the public to reconsider its attitude because their being in the closet allows prejudice to flourish; or 4) solely the dead.

Between the hypothetical antipodes of opinion many nuances reflect differing perceptions of the responsibility of the individual and the consequences of the outing. Is outing a violation of journalistic ethics and of the privacy of the individuals so exposed, or is it a weapon that the spokesmen for a still largely invisible minority must use in order to end its oppression and defamation? Will the act irreparably harm the outee, his income, career, family, lover, health, or even his very life? Will it make him or her more glamorous? Will it hinder the aims of our movement or further them? What are the motives of the outer—envy, jealousy, spite, or altruism, duty, and queer nationalism? There is also the problem that friends of individuals outing because their views are deemed "politically incorrect" may out others on the opposite side of the political spectrum in a never-ending cycle of bitter recriminations.

**Outing No One**

There are thus six hypothetical positions in regard to outing. The first—which few now actually suggest in earnest, although some Christian authors who would obliterate even our memory in practice uphold this principle—is to out no one: to hide homosexuals from history (Duberman, *Hidden from History*):
Reclaiming the Gay and Lesbian Past. This would mean even denying or ignoring the evidence for the homosexuality of those who died ages ago. Such a procedure is unthinkable to the authors of this book, though many scholars, even closeted ones, still often lock the subject who inspired their research or biography into the closet with themselves, thus betraying the Queer Nation. This deliberate obliteration of the past may well have begun in postexilic Judaism, as suggested by omissions in the book of Chronicles (Dion 1981, pp. 47-48).

In the spring of 1990 a forum of long-time homophile activists in Los Angeles, among them Harry Hay, one of the founders of the Mattachine Society, Morris Kight, a member of the Board of Christopher Street West, which puts on the annual Gay Pride parade, and Don Slater, keeper of one of the biggest gay archives, discussed outing. Among their principal conclusions, even the generally unsympathetic old-timers had to concede that an outee was in far less jeopardy in the United States today than he would have been thirty years ago, when with greater reason the code of silence went unchallenged. So outing conforms more to the mood and the political arsenal of the new generation of activists ("Symposium on Outing," 1990). The founders of the movement, had they so much as attempted in 1951 what Queer Nation blithely did in 1991, would have been jailed, physically assaulted, or even murdered in cold blood on the public street--with the indifference or collusion of the police. So the controversy sets the older, more cautious age cohort in
opposition to the bolder, far more self-assured queer nationals of the 1990s, just as it highlights the conflict between privacy and gay nationhood.

**Outing Only the Dead**

The second is that only the dead should be outed, since they cannot personally suffer from the revelation or sue for libel or slander (that the dead cannot be libeled is a legal maxim). Outing the dead would seem at first glance to be harmless and unthreatening. But those whom they have left behind—spouses, children and grandchildren, siblings, nieces and nephews, business associates, and perhaps most of all, lovers or even casual partners—could be harmed. How long after an individual’s demise may the outing legitimately or best be done? Can it be in the obituary published the day after in the local newspaper? Or should one wait months, years, even decades before outing the deceased? The problem there is that the subject’s fame and importance may have so faded that he might as well never have lived at all—so that the outing is otiose. On the other hand, someone little known in his lifetime may gain in renown and attention, so that the outing will cause history and literary biography to be rewritten.

The question was in fact posed by the outing of Malcolm Forbes in *OutWeek* the week after his death—violating as it were the principle *de mortuis nil nisi bonum* [of the dead (say) nothing but good]. On the other hand, the opposite maxim holds: *On doit des égards aux vivants; aux morts on ne doit que la*
vérité [One owes respect to the living; to the dead one owes only the truth]. Of course, outing the dead is essential to the progress of gay studies, as the old timers know, busily searching as they have been for decades as far back as David and Jonathan and Achilles and Patroclus. There may well be cases where it might be more admirable to wait until their families and companions would suffer less. Barney Frank said at a large public meeting in June of 1990 at Faneuil Hall in Boston, where he rashly opposed outing even the dead, when queried by Percy: "I guess the dead have fewer rights than the living." Trying desperately as he was to put the genie that he had helped escape back into the bottle, Barney had not thought this issue through. Earlier, however, he had threatened to out gay Republican Congressmen if the Republicans did not stop the gossip that Tom Foley, the new Democratic Speaker in the House, was gay--which Frank denied, though Petrelis maintains that he is. The Congressman repeated the old saw that one does not truly believe in a right (privacy) unless others are allowed to exercise it in a manner that runs contrary to one's own convictions. Therefore he opposed outing all except the most arrant hypocrites--a viewpoint that is steadily winning gay adherents and may now have a majority behind it, although it hardly satisfies the demands of Queer Nation. Lacking such outings, of course, we should have little basis for the study of our own past. The writing of gay history would become impossible.

Outing the dead, remote as their deeds may be from the
immediate concerns of the living, has a significance of its own. The theologically motivated campaign against homosexuality has entailed a far-reaching suppression of the historic role of individuals more attracted to their own sex than to the other. The importance of *paiderasteia* in Hellenic civilization was blacked out in works other than those printed in 600 copies for classicists--often in Latin! Biographies were rewritten and falsified to deny the sexual interests of their subjects and to involve them in imaginary heterosexual relationships. Personalities who ranked as major figures in political or cultural history, from Sappho to Alexander the Great and Julius Caesar to Melville, Whitman, and Emily Dickinson were portrayed as exclusively heterosexual, asexual, or having "sublimated" their sexual urges. The heroes that every schoolchild was taught to admire had the homoerotic side of their lives suppressed. Textbooks and standard reference works--too numerous to mention here--will all have to be revised to erase this Orwellian falsification and bring them into harmony with the truth. This task alone will provide work for at least a generation of historians and literary critics.

It has been claimed that even long-deceased persons should not be outed in as much as they have no way of defending themselves by "setting the record straight" in case the ascription is wrong. At a certain point, however, as the individual recedes into the past and his associates vanish, does it not then become proper to suggest the awful truth, even if the
evidence for it is equivocal, as it often is, especially because people have normally tried to destroy and deny it, before it is lost without a trace?

Almost every major book ever written on homosexuality had its lists of the great and near-great, not to speak of biographical compendia ranging from Albert Moll's *Berühmte Homosexuelle* (1910) to Noel I. Garde's (pseudonym) *Jonathan to Gide* (1964) and A. L. Rowse's *Homosexuals in History* (1987) that celebrated, in not always critical or insightful fashion, the great figures of history whose lives included homosexual episodes. Such lists are not easily compiled. It is extremely difficult to prove that historical figures of the Western world were homosexual or bisexual, of whom almost all, except the pagan Greeks and Romans, hid their proclivities and actions in every possible way. Thus it is imperative to out as many as we can who died in recent decades, where the evidence is fresh and, because of the waning of intolerance and persecution, not so carefully hidden. No one can legitimately object in any convincing fashion to outing the dead after an appropriate lapse of time. This interval may last for decades if, for example, publicity would greatly harm the deceased's life companions.

Outing someone whose career had been wholly undistinguished --the neighborhood mailman or the corner grocer--would be pointless. The only characters really worth outing would be ones that had achieved at least fleeting celebrity or left their mark in some noteworthy endeavor. The most desirable targets of all
would be the great and memorable. Those celebrities of the hour for whom press agents imagined romances that filled the gossip columns will in the long run pale beside those who "had one hand in heaven to write their names in leaves of stars." And it is most of all here that a still intolerant society can be provoked to rage and intervention.

John Addington Symonds (1840-1893) was perhaps the first in the English-speaking world who--under the influence of Karl Heinrich Ulrichs--became almost what would later be styled a "gay activist." He came out in the older manner--and to his own detriment, resulting in his failure to secure a chair at Oxford--in his *Studies in the Greek Poets* (1875), and then posthumously in the German translation of the book which he coauthored with the pioneer British sexologist Havelock Ellis, *Das konträre Geschlechtsgefühl* (1896). But his heirs put the corpse back into the closet by forcing Ellis to remove the name of the deceased from the title page of *Sexual Inversion* (1897). His *Problem in Greek Ethics* and *Problem in Modern Ethics* were privately printed volumes that pleaded for toleration.

The late Southern novelist and philosopher Walker Percy in 1989 and 1990 attempted to put his first cousin once removed and adoptive father William Alexander Percy (1885-1942), who had come out in the old way, in the subtle allusions in his poetry and in his best-selling autobiography, *Lanterns on the Levee* (1941), back into the closet. He and his brothers withheld pertinent data from Bertrand Wyatt Brown, who is doing a book on the family
for Oxford University Press, trying to discover hereditary or at least intergenerational family traits. Of these homosexuality is only the most striking in the Percy clan. Wyatt Brown seems reluctant to publish the truth which had been supplied him among others, by Shelby Foote, one of "Uncle Will's" protégés, and by William A. Percy, III, coauthor of this book, who is as closely related by blood to "Uncle Will" as were Walker and his brother, lest homophobic family members retaliate by withdrawing permission to use private papers.

The tenacity of homophobia is shown by the insistence with which those still under its spell deny or ridicule the evidence for the homosexuality of great or significant figures of the past. And families, even generations later, will deliberately put obstacles in the path of those seeking the truth. This is, to be sure, just another form of the monumental dishonesty and hypocrisy which the Christian tradition imposed not just on homosexuals, but on the whole of society. The crime of darkening and destroying the lives of those who loved their own sex it compounded by a crime against the truth: plunging the entire social order into a morass of lies and falsehoods in regard to sexuality.

While the dead cannot sue for libel, their homophobic, hypocritical friends, relatives and admirers bent on preserving their (allegedly) tarnished reputations can put obstacles in the outer's path. But as time passes, all who linger in the closet will have the mounting reproach of cowardice to face, even after
their deaths. They will not be able to say to the court of public opinion, like the veterans of ACT UP and Queer Nation: "In the moment of crisis we proved ourselves equal to the challenge that confronted us; in the hour of trial we were weighed in the balance and not found wanting. Through ages after ages our spiritual descendants will rise up, will remember our deeds, and bless our memory. But those who shirked the call of duty and self-affirmation will escape the scorn of posterity only if they find refuge in a merciful oblivion."

**Outing Only Hypocrites**

The third position, which has found much favor, is that of outing only hypocrites--closet cases who defame and persecute other queer nationals while secretly indulging--to destroy their influence and perhaps also to punish them for their insolence. They, it is felt, have violated their claim to personal privacy by their public, political activity. Barney Frank has said: "There's a right to privacy but not to hypocrisy." Many believe that one should out only those who publicly and by using their influence oppose queer rights or interests--arch-hypocrites. Such persons forfeit their privacy when their clandestine conduct invalidates their public utterances. For example, Robert E. Bauman (R., Maryland) routinely voted against measures favored by the gay lobby in Washington, or more prominently Roy F. Cohn, Senator Joseph R. McCarthy's aide, furthered his career by outing others who then lost their jobs and were branded as "security risks." This principle would presumably exempt such figures as
press magnate Malcolm Forbes, whose publications never intentionally defamed or harmed other homosexuals, or Pete Williams who, so far as we know, never personally did or said anything against others of his kind.

In a phone conversation with William A. Percy in November 1991, Frank Kameny stated this position eloquently. He claimed that three conditions should be met before a person was ousted.

First, the outee should have a clear and well established pattern of homophobic pronouncements and/or actions. Second, the evidence about him should not be mere gossip but should be well-substantiated and convincing. Third, he should be warned in advance and allowed the opportunity to cease his offensive conduct and if he can to repent his past errors and come out on his own. Kameny's thoughtful conditions will seem very reasonable to many, but too lenient and perhaps too gradualist to others, especially because his third requirement would allow a reformed closet case to stay there.

To expose a hypocrite is to remove a needless obstacle from the path of the queer nation. The criteria for "outing" the living are therefore overwhelmingly utilitarian rather than vindictive. If you are one of us, you must further our interests or we will out you. If you belong to the freemasonry of homoeroticism, you are bound by its discipline. If you violate and betray it, you can expect to be outed. But who is to judge and what will be the court's criteria? Moreover, unlike members of the Masonic Order or the Third International, queer nationals
have not taken an oath to loyalty to any mythical "Homintern." We are therefore under no obligation to adhere to restrictions that others deem wise. Perhaps the most conclusive argument against the attempt to ban outing is the old cry of the French revolutionaries: "Ça ira," it will go on. Only the media can frustrate outings by blacking them out in turn.

**Outing Collaborationists**

The fourth position, which provokes a great deal of ambivalence, is that those who function as passive accomplices of homophobic institutions and oppose gay rights. Although they are no better than quislings, a case of this sort raises grave problems. Such an institution is likely to fire an outee or pressure him into resigning. Although judges and professors who might be deemed to work for homophobic institutions usually have tenure, and bureaucrats generally have civil service protection, the average employee in a law firm, brokerage house, bank, newspaper or other business does not have such protection unless it be written into a union contract, local ordinance or state statute.

Most are unprotected from retaliation. Signorile did not know that Williams would be able to retain his job when he outed him, yet he felt that it was more important to demonstrate the hypocrisy and stupidity of the military's policies than to protect Williams' privacy and career. A great many activists therefore maintain that no matter what the consequences to the outee, those working for homophobic institutions are ipso facto
collaborationists and should therefore be outed, regardless of the consequences to them, for the good of the queer nation. Others hold that one should not out those whose careers or positions the revelation would destroy: Southern Baptist preachers, Catholic clergy, military careerists, certain politicians, or any others in sensitive posts, if they adroitly support us without identifying themselves to their constituents, if they operate as a fifth column within these institutions. To end their effectiveness would, it is held, deprive our community of an invaluable corps of clandestine activists.

**Outing Prominent Individuals**

The case for outing those who in no positive way are damaging the gay nation, either by attacking other queers from the closet or by working for homophobic institutions, may be stronger than it appears at first sight. A respected author or professional, a matinee idol or athlete, a rock star or a popular talk show host, in other words anyone at all who might serve as a role model or shatter a long-standing stereotype might be outed regardless of how cooperative the person has been unless, of course, outing would destroy the subject's proven effectiveness in furthering our cause.

On first glance, one might consider that an individual's right to privacy might outweigh the advantages derived from his or her outing. But the reluctance of truly prominent individuals from each and every walk of life to come out may prevent the ordinary queer national from gaining toleration, much less
acceptance. If the most prominent, respected, and venerated homosexuals and bisexuals insist on
remaining in the closet, as indeed almost all do, we can never point to a sufficient number of live
role models, especially for the present-minded sports and entertainment oriented youth, and
thereby also disprove the demeaning stereotypes that continue to circulate about us, even among
the educated. For example, stockbrokers and other groups or professions often brag that no gay
stockbrokers exist. Though their ranks are often rife with invisible queers, they insist that we
only become hairdressers, nurses, interior decorators, fashion designers, or perhaps organists.
They also assert that most female construction workers, truck drivers, and gym teachers, as well
as those in the military, are lesbians. If people whose coming out would shatter the stereotype
refuse to do so and hence are disloyal to our common interest, they must beouted for the sake of
the Queer Nation, especially if they are given a warning and some time to come out on their own.

It has been objected that closeted celebrities who lead "private" lives are not harming anyone.
But they benefit from the movement that they scorn, simply because they can live much fuller,
far less anxiety-ridden lives while we fight daily against intolerance. Their indifference
provokes the ressentiment of activists who experience all the risks and disadvantages of
participation in the movement.

There are some who remain in the closet but quietly do whatever they can to further the gay
cause without becoming too
conspicuous. An example would be a policeman who warned gay patrons about forthcoming bar raids or other roundups or entrapments. To out them would be foolish because at this stage they might be fired or at the very least hindered in the performance of their clandestine mission.

**Outing Everyone**

The sixth option is to out everyone. It is hardly practical, given the problem of defining who is homosexual (or bisexual) and securing the necessary evidence. Such a vision has been cherished at times by activists who fantasied that if only everyone could be involuntarily outed--let us say by a sudden change of skin color to violet or deep purple, according to the degree of homosexuality on the Kinsey scale--then a hitherto intolerant society would be dumbfounded by the sheer numbers and perceive the futility of its present beliefs and practices. But such an event will remain forever in the realm of the *Arabian Nights*. A few radicals might wish to out everyone--no exceptions!--in order to shock heterosexuals with the revelation of how many everyday people as well as idols of the masses are queer nationals. However, if AIDS continues unabated and the death toll in the United States rises to 200,000, the possibility might arise of outing every identifiable person with a peremptory demand to aid the Queer Nation's life-and-death struggle, like the levée en masse (national draft of every able-bodied male) of 1792 that saved the French Revolution. If queer nationals were in such massive evidence even small towns would have to face the
fact that we are everywhere.

Much of the strength of our nation arguably lies in its very invisibility, with nine-tenths submerged like an iceberg: its ability to influence events unobtrusively, to sit on both sides of the table in crucial negotiations, to be seemingly absent and yet omnipresent. To out the influential among us who, working behind the scenes, are benevolent toward their fellows could diminish their usefulness and their ability to further collective interests. Nevertheless visibility is crucial. Outing must continue, even if with discretion.

**Claim to Privacy**

A great many, if a dwindling number of activists still maintain that because our movement has raised the claim of privacy--and tried, albeit unsuccessfully, to extend it from birth control to homosexuality in *Bowers v. Hardwick*--it is wrong to out any living person. In this connection, the French theoretician of sexual freedom René Guyon stressed in the 1930s that everyone is entitled to have a rigorous veil of secrecy drawn over his sexual conduct. Gossip and talebearing are reprehensible. Each should be answerable solely to his own conscience on the issue of "coming out," which always impacts others, many of whom, even though heterosexual, will be at least obliquely affected.

Professor Richard D. Mohr discussed the sexual aspect of privacy in *Gays/Justice*:

The sexual realm is inherently private. The sex
act creates its own sanctuary which in turn is necessary for its success. The whole process and nature of sex is interrupted and destroyed if penetrated by the glance of an intruder—unless that glance itself becomes incorporated in the process just described. The gazes of non-participants in sex are not the harmless matrix of intersecting looks of the marketplace or town meeting, which, by virtue of their very complexity, cancel each other out like randomly intersecting waves. Rather, being viewed by an uninvited other is as intrusive in sex as the telephone ringing (Mohr 1988, p. 103).

An issue troubling many is: if the privacy claimed by the gay movement is an absolute right, what justification can there be for overriding it, even for the good of the group? The Supreme Court in *Griswold v. Connecticut* (1965) established a right of sexual privacy which created the possibility that homosexual conduct might be included under the cloak which the court extended to heterosexual behavior within marriage. However precious in its own right, privacy clashes with the call from queer nationals not only to punish traitors and passive fellow travelers but for greater visibility in order to overcome and discredit defamatory stereotypes.

Privacy, as it relates to homosexual activity, has two distinct strata and five historical oppositions that can be marshalled under eight categories. It originated in the
fundamental opposition made by the ancient Greeks and Romans between the private and the public person (idiōtikos/dēmosios : privātus/publicus). Not accidentally, the word privātus is cognate with privilegium, "a law enacted to the detriment or for the benefit of a private person, a special right, prerogative or privilege." Whoever enters public life forfeits a significant element of his privacy, in fact relishes and craves the attention of society if not of the state. The ancient distinction was exactly between the citizen who minded only his private affairs and the one who participated in the political life of the city-state.

A primary notion rooted in the deep structure of Western society is that sexual behavior should be hidden from all except the participants. Its corollary is that sexual activity is obscene and unmentionable in society. Reinforcing and yet contradicting this imperative are the infamy which the Western Church caused society to attach to homosexual activity, even in private, and the right of the state to enforce sexual morality even by violating the privacy of the participants (recently confirmed by the Supreme Court in Bowers v. Hardwick).

All these factors caused lovers of our own sex to conceal our sexual identity and activity from a condemnatory society and state, falsifying our public image in self-defense against intolerance. Another stratum involves the concept of privacy as a right interposed between the state and its citizens. This secondary
form of sexual privacy was a recent innovation in criminal law in opposition to the state's supposed right or duty to enforce sexual morality.

At the same time, two new oppositions to privacy and its derivatives have emerged: the political belief that homosexuals (queer nationals), particularly celebrities, should reveal our identity to society; and the right or duty of the scholar to reveal to society the truth about the sexual lives of historical figures (to out the dead).

Thus there are five oppositions:

"primary sexual vs. "the right of the state to privacy (as custom)"enforce sexual morality" "being in the closet" vs."infamy"

"secondary sexual vs. "the right of the state to privacy (as right)"enforce sexual morality"

"being in the closet" vs. "coming out"

"unmentionability" vs. "the right to tell the truth"

Hence in sexual life the private/public distinction is not a hard and fast line of demarcation, but has evolved around multiple and incongruous contradictions in the political, legal and academic realms.

Privacy is a more complex subject than previous authors (Mohr 1988, pp. 71-76, 94-126) have assumed. "The sociology of knowledge has in no way merely the sociology of the knowledge of
truth, but also the sociology of social delusion, of superstition, sociologically determined errors and forms of deception as its object" (Scheler 1960, p. 63). Privacy in fact results from the superimposing of a formal-semantic concept upon a notion latent in social psychology. The term is unique to the English language: the major languages of the Continent have no equivalent. Where international agreements have in English the word privacy, in French the corresponding term is vie privée. This fact is all the more striking as the word itself, though of classical origin, did not exist in Greek or Latin.

The semantic range of privatus is not identical with the later English meaning of privacy, or even in private as contrasted with in public. All these expressions first appear only in Renaissance England, in the Early Modern English of the Elizabethan era (OED2 12, 515-519). This late origin means that they are not to be found in law texts of the Angevin or Plantagenet periods and did not immediately enter the common law. Privacy as a designation of the sphere of life that is closed to the public and hidden from it, as a sense of being in a space where one is unseen and therefore unconstrained by others' notice or censure, is culture-specific and peculiar to the English language. "The related concepts of private and public are rich in emotional associations of a complicated and contradictory kind, and are used in connection with a wide range of social referents" (Madge 1950, p. 191). Only in the eighteenth century did privacy enter British law, and then in a limited civil
application.

The definition of privacy is elusive, multi-dimensional and not easily reducible to a single opposition. All privacy is tantamount to a right of concealment by socially sanctioned mechanisms (Jourard 1966, p. 307; Lundsgaarde 1971, pp. 872-873). Privacy amounts to a "zero relationship" between two persons or between a person and a group. It is constituted by the denial of interaction, communication, or perception in contexts where such an interface can be and is accorded to others (Shils 1966, p. 282). Privacy is the outcome of the wish to withhold from others knowledge of one's past and present experience, status and actions and one's intentions for the future (Jourard 1966, p. 307) and to retain the option of communicating such information to others. It fulfills a genuine psychological need for a locus where the self is inaccessible to others except at one's own invitation, a place for solitude or for communion solely with others who share one's innermost values and feelings (Jourard 1966, p. 310). Privacy thus furnishes an "offstage" area where one is relieved of the burden of playing the role scripted by society. Just as the actor or actress must rest during the day in order to perform convincingly on the stage in the evening, so the role player in a social scene must be able to retreat into a space where he can both recover from the tension that he endures in public and assume the role dictated by his own inner consciousness (Freund 1971, p. 195; Jourard 1966, pp. 310-311, 316). Differing from one culture to another, rules governing
privacy amount to a tacitly accepted code for interrupting or suspending a relationship, for lowering the curtain on one social performance and raising it on another.

In all societies one discloses one's private self to those whom one perceives as trustworthy, as capable of an intimate liaison, and as willing to reveal themselves in equal depth and breadth (Jourard 1966, p. 311). Withdrawal into privacy often is "a means of making life with an unbearable (or sporadically unbearable) person" or group possible. The ability to "close the door" on others, even members of one's immediate family, is a technique for avoiding confrontation and conflict (Schwartz 1968, p. 741).

The physical symbol of privacy is the inner door, in contrast to the outer door meant to keep out intruders and protect life and property. It must have originated among those who already possessed such a sense of individuation from kith and kin that they could feel oppression by the presence of others and the need for isolation from them. The very act of closing a door that cannot be opened except by the leave of those behind it grants release from a role and the identity which others impose upon the role player (Schwartz 1968, p. 747). Private life has three aspects: 1) privacy in regard to relationships with other people such as neighbors, 2) privacy within the home, and 3) privacy in the physical sense of not being under others' watchful or chance observation (Willis 1963, p. 1138). Even within a household there are "gradations of privacy, both in relation to
neighbours and as between members of the family" (Madge 1950, p. 197) and rather explicit rules as to what doors may be opened and at what hours. The parent reserves the right to enter the child’s room and examine the contents of drawers, but the child may not similarly infringe the privacy of the parents' bedroom, office, or safe (Schwartz 1968, pp. 748-749). Parental recognition of the adolescent's right to engage in sexual activity often takes the form of allowing the youngster to spend the night with a partner behind the locked door of his bedroom or to have drawers and closets that no other family member can enter or search.

Society requires that the role of lover, of sexual actor, be assumed only "behind closed doors," outdoors but hidden in woods, or "under cover of darkness," where there can be no audience. The voyeur experiences a pathological, compulsive desire to see, by stealth, others in some stage of undress or in the sexual act, a craving so intense that it surpasses in importance the sexual act itself (Yalom 1960, p. 305). The voyeur's victim is outraged at having been viewed in a role in which one ordinarily desires no spectator. In the past individuals engaging in homosexual activity usually opted to disclose the fact solely to others equally compromised in the eyes of society--and certainly not to the authorities of the church or the state whose duty it was to ferret out and punish such activity. Only in privacy could one drop the heterosexual role demanded by society and give vent to one's true feelings. The governing principle was *bene vixit qui*
bene latuit "he lived well who hid well" (Middleton 1935, p. 329). Each time one person revealed homosexual desires to another, a secret society was born (Jourard 1966, p. 313). The need to have other homosexuals in one's social environment was prompted by the measure of relief that the "glass closet" (a situation in which the homoerotic proclivities of others are tacitly assumed but rarely if ever mentioned) at least afforded from the burden of constantly projecting a false image in order to deceive potentially hostile others. The network of members of those secret conclaves, the freemasonry of forbidden love, was compelled to maintain a "zero relationship" with heterosexual society because of the latter's undisguised hatred and merciless intolerance. The coercive practices of the one imposed clandestinity on the other, and forced the homosexual and bisexual to become accomplices in perpetuating the illusion of a non-homosexual universe. The resistance to politicization of the crypto-homosexual subculture stemmed in large part from the unwillingness of its denizens to make a public issue of what they deemed an entirely private affair. Even today, those who question the need for statutory safeguards against invasion of privacy tacitly assume that such intrusion is objectively impossible without the active collusion "of those willing to make public disclosure of private facts" (Lundsgaarde 1971, p. 875).

A stable social order must have guarantees of privacy, that is, rules about who may and who may not observe or reveal information about whom. Lacking these norms, every withdrawal
from visibility may be accompanied by a measure of attempted surveillance. Where privacy is
denied, its attainment becomes a matter of stealth and deception (Schwartz 1968, p. 742).
Islands of privacy exist in all institutions and even in the most intimate households. Such islands
are protected by an intricate set of rules, and when these rules are violated, the denizens seek and
discover secret places where they can engage in covert activity (Schwartz 1968, p. 750). No
society can, even if it wishes, obliterate all privacy. Walls, fences and doors create private,
inaccessible spaces reinforced by social norms that deny access to the unwanted—with the
exception of the secret police or the vice squad. Save in George Orwell's fantasy world of 1984,
the authorities cannot gain access to everyone's life at every moment; they cannot saturate the
territory of the state with hidden cameras and listening devices so that not one act or utterance
goes unmonitored and unrecorded. Even the political elites of the most inquisitorial, totalitarian
regimes understood that complete surveillance lay beyond their grasp (Shils 1966, p. 288),
though they went so far as to encourage children to denounce their parents as "enemies of the
people." However, the network of spies and informers through whom the absolute rulers of
antiquity kept a watchful eye on their subjects inspired the belief in a God who is--a
philosophical impossibility--both omniscient (Zechariah 4:10) and omnipotent.
A derivative of privacy is discretion, a quality which the private person has a right to demand of
others who are privileged
to invade his seclusion (Schwartz 1968, p. 748 and n. 33). This has been a crucial aspect of homosexual existence: if one was to survive in heterosexual society, knowledge of one's true orientation had to be kept within the invisible community of one's peers. One was forbidden to approach other members of it openly and tactlessly, as such indiscreet acts could expose one's own as well as their masquerade and deception. Likewise a homosexual affair had to be conducted far more unobtrusively, even secretly, than a heterosexual one. Partners who had spent the night in bed together might interact as virtual strangers the next day at work or at an office party.

Privacy is not a psychological given: it is rather a privilege that society accords to different individuals in varying degrees (Schwartz 1968, p. 744). It is always conditioned by the technological possibilities of inquiry and surveillance. The privacy of the upper social strata is ensured by structural arrangements. They not only live and work apart from others, but often can be reached only through subordinates—secretaries, assistants, orderlies and the like (Schwartz 1968, pp. 742-743). Lower-class residences are often characterized not only by crowding and enforced intimacy but even by lack of doors. In such an environment privacy is virtually impossible (Madge 1950, p. 190). The ability to invade privacy also reflects status. The provision of the Hippocratic Oath that forbids the physician sexual commerce with "free persons or slaves, female or male" limits his right to ignore boundaries of privacy in
observing and examining the bodies of complete strangers of either sex in the exercise of his calling (Schwartz 1968, p. 743).

Modern technology has radically redefined the privacy of public records. It is one thing to travel to a distant city to leaf through files of yellowing documents taken from the locked archives of a court or a bank and quite another to press the right buttons and instantly "access" a bank account, credit rating, or arrest record. High-powered camera lenses and miniscule listening devices can render seeming privacy illusory. Almost twenty-five years ago laboratory models showed the feasibility of storing on one 4800-foot reel of one-inch material the equivalent of a twenty-page dossier on every one of the 200 million people in this country (Freund 1971, pp. 188, 193-194 and n. 14). The new computer chip to be developed by IBM, Toshiba and Siemens will no doubt be able to "do more with less."

Inmates of total institutions characteristically have little or no privacy--and therefore are forbidden to engage in sexual activity of any kind. Their superiors or keepers have the right to maintain a relentless surveillance over them at all times. It is curious that Jeremy Bentham, the pioneer advocate of tolerance of homosexual expression in the English-speaking world, also invented the Panoptikon, a prison in which the staff could at every moment observe the inmates from a convenient vantage point. Those who have the least privacy of all are celebrities who run afoul of the law (such as Nixon's accomplices in Watergate) and
are sent to total institutions where they suffer not only the usual deprivation of personal invisibility but also exposure to hundreds of millions of eyes by hostile media gloating over their downfall. The run-of-the-mill convict is not so publicly humiliated because he is little more than a number in the prison records.

Bourgeois individualism and the limitations which liberalism imposed on the state reinforced privacy as a cultural norm. It was the negation of it by the printing press, and the modern concept of the celebrity, that first reactivated the notion of privacy in civil law. The term célébrité in the modern sense first appears in French about 1829 (Trésor de la Langue Française 5, 359), the English equivalent some twenty years later (OED2 2, 1019). Another forty years and the invention of instantaneous photography saw the article by Brandeis and Warren in the first volume of Harvard Law Review (1890) that invoked privacy, defined in overly general but meaningful terms as "the right to be let alone", against the yellow press of that day (Lusky 1972, pp. 192, 195). All these decisions and arguments pertained to civil law, not to criminal.

Subsequently, and in the other direction, legal decisions virtually stripped celebrities of their privacy by reasoning that the individual who enters the public arena and courts the attention of the masses is thereby renouncing privacy and all claim to be ignored and unnoticed. Those at the center of society are legitimate objects of curiosity to those on the periphery.
Celebrities voluntarily renounce privacy by courting public attention. At the same time, however, they either interpose physical barriers between themselves and the prying media (an estate with high walls and armed guards) or create a façade of private life by means of press agents and cleverly arranged public appearances, interviews and biographical articles. The courts have affirmed this loss of privacy by severely limiting their recourse in cases of libel and slander.

In a democratic society, the more exalted or sensitive a public office, the more closely will the holder be scrutinized by the media (Freund 1971, p. 187), and the more deeply will his private self be encapsulated in the impenetrable armor of his public persona. Increased leisure and idle hedonism on the part of those without sufficient education or intelligence "to expand the radius of their interest or imagination beyond their neighbors, beyond the personal onto a more transcendent level" (Shils 1966, p. 302), or to find gratification in reading fictional accounts of private lives, created a demand for allegedly real accounts of the private lives of the talented and influential. Whether out of desire for wider conviviality or the envious wish to degrade and humiliate others, intrusion--on one's own or others' initiative--into the private affairs of others is a stable phenomenon of human society. But since those at the political epicenter of society feel a need to know at least certain aspects of the lives of those on the periphery, in Europe the modern state also began to develop techniques of information
-gathering and surveillance that culminated in the police apparatus of twentieth-century totalitarian regimes. Armed with such data, the authorities could then take the necessary coercive or punitive measures to enforce their policies and frustrate hostile countermoves (Jourard 1966, p. 312). The American "loyalty-security" programs of the 1940s and 1950s with investigators prying into the sexual lives of those under scrutiny were their counterpart on this side of the Atlantic.

Privacy entered criminal law, one may justly say, by the back door. Late medieval governments enacted drastic penalties for all sexual activity that violated the tenets of Christian moral theology. They claimed the right and indeed the duty to punish all acts that contravened a supposedly revealed morality. Enlightenment legal theory led to the abolition of medieval laws against fornication, adultery, and sodomy. The new codes retained the exception that sexual behavior "in public or in a place of public resort" should remain criminal in deference to the more fundamental norm residing in the deep structure of society that forbids sexual behavior of any kind in places open to the presence and observation of non-participants. Otherwise it would cause scandal and outrage. It is not that privacy is a positive attribute. Rather publicity is the "marked," negative, taboo-violating component of sexual behavior that persistently warrants intervention by the state power. Homosexual behavior was not in the past legal when it took place in the utmost privacy. A "reckless disregard" in offending others can still
lead to conviction, even in jurisdictions where the same conduct is legal in private. This prohibition stems from the inability of non-participant witnesses to a sexual act to experience the pleasure which the tactile sense affords the actors. The visual and auditory stimuli seem to most either ridiculous or disgusting, seldom a neutral, biological event.

For this reason the psychiatric discovery of sexual inversion prompted a hostile society to classify homosexuals among the "mentally ill." The proclivity to derive pleasure from acts that inspired aversion and disgust in heterosexuals was defined by psychiatrists as a "perversion of the sexual instinct." The person with homosexual tendencies was dehumanized into a mental patient. We could even be deprived of our physical liberty. We could be confined to a mental institution and there subjected to electric shocks, injections of insulin, administration of tranquilizing drugs, and interrogations by a professional psychiatrist or psychologist. This last practice was labeled psychotherapy, as if the mind of the homosexual (or bisexual) were being treated for a pathological disorder (Jourard 1966, p. 308). The entire procedure was an intolerant society's invasion of the privacy of those who loved their own sex.

If one legal text may be identified as the starting point for the current discussion, it is the British Criminal Law Amendment Act of 1885 (48 & 49 Victoria c. 69). Its eleventh clause provided a term of imprisonment not exceeding two years, with or without hard labor, for any male person guilty of an act
of gross indecency with another male person "in public or in private". This opposition of public and private space as loci of sexual activity then generated the belated claim that the individual possesses a right of privacy which the state is infringing by seeking to intrude the police power. It is only one aspect of the legal right to be free from intrusion into one's personal life: protection against eavesdropping, searches and seizures, electronic and other surveillance, intrusive questioning by employers, insurance companies, government agencies, and the like. The scope of the right, however, remains clearly delimited by the relative importance and exigency of society's countervailing interest (Freund 1971, pp. 191-192).

The right of privacy in the sexual domain entered American criminal law only in *Griswold v. Connecticut* (1965). There a majority of the Supreme Court found that various emanations and radiations from the Bill of Rights gave the citizen a right of privacy against government. On that basis it invalidated a Connecticut birth control law that penalized the giving of birth control advice to married couples (Freund 1971, p. 192). If the right of privacy can be said to inhere in the United States Constitution at all, it is solely thanks to decisions of the Supreme Court (Lundsgaarde 1971, p. 863). But gay rights advocates voiced a similar argument unsuccessfully in *Bowers v. Hardwick* (1986), in which the majority reaffirmed the religious precedents that underlay the sodomy statute of the state of Georgia (Hunter, Michaelson and Stoddard 1992, pp. 121-122).
The breakdown of traditional taboos on the public discussion of forbidden sexual conduct in itself prompted a redefinition of the boundaries of private and public. What was once prurience and voyeurism is now draped in the mantle of "scientific curiosity" or "candid journalism." In the trial of William Kennedy Smith the whole world gazed at the television screen and the front pages of tabloids exposing the intimate details of the alleged rape. What formerly amounted to "exhibitionism" has become participation in "scientific inquiry." Activity once confined to "blue films" and "circuses" now falls into the definition of a "research situation" (Shils 1966, p. 299). And last but not least, the open proclamation of one's homosexual tendencies and liaisons is no longer a "shameless confession of depravity," but a "political act" (Hunter, Michaelson and Stoddard 1992, p. 9).

In its newest version, the claim of privacy seeks to interpose a concept more archaic than the medieval one between the actors and the state. It holds that society has long assigned consensual sexual activity to a realm in which the participants should be immune to the presence and gaze of non-participants--and therefore even the state. Sodomy laws "can be enforced only through inquiry into (or eavesdropping upon) what happens in bedrooms" or parked cars at night. If public opinion deems such interference by the police "intolerable, the statutes should be taken off the books" (Lusky 1972, pp. 200-201).

This is the central paradox of the privacy issue. The
social convention of privacy allows members of a society to violate its moral norms without threatening or undermining the operation of those norms. In fact, privacy functioned to maintain Christian sexual taboos by reinforcing the assumption that departure from the norms was statistically insignificant, indeed rare, and that only "abandoned sinners" dared to defy the "law of God and this country." The young were traditionally kept in ignorance of the "facts of life" and especially of the mysteries of homosexual union (Moore and Tumin 1949, p. 791). Stephen Wayne Foster even uncovered a nineteenth-century tract in which a Protestant minister assured his readers that there is no way to gratify the sexual urge without reproductive consequences. Ignorance created by the veil of privacy particularly inhibited homosexual activity. The strong tendency to cross the boundary of sexual intimacy was repressed in part out of the belief that potential partners were few or simply unavailable.

Privacy also upheld the stereotype of the "obvious" homosexual. Thus, the vast majority of those who "passed" as heterosexual while clandestinely engaging in the forbidden sexual practices "could not be queer" in the eyes of the unsuspecting (Moore and Tumin 1949, p. 793). On the other hand, awareness that affect-laden norms were being violated with impunity might lead to vigorous repressive measures that would otherwise lapse owing to sheer indifference. One by-product of the Kinsey Reports was that widespread knowledge of homosexual practices materially stimulated further, and certainly less inhibited and
guilt-ridden enjoyment of them (Moore and Tumin 1949, p. 791). It was Kinsey's collective outing of the extent and ubiquitousness of American homosexual behavior that set the stage both for the persecution of "sex perverts" in the loyalty-security campaigns of the 1950s, and for the emergence in 1969 of a gay community with a political consciousness of its own. We acquired a conviction that the stigma attached to our private sexual conduct conferred a set of common interests and grievances that alienated us from the rest of society. But for the individual who has deeply internalized the image of a God who watches and judges his every thought and deed there is no privacy. There is no place on earth, however remote, hidden, or shrouded in darkness, to which the sexually depraved can flee to commit their shameless crime unseen. The implicit visibility of all homosexual acts to a deity whose "wrath is revealed from heaven" (Romans 1:18) is integral to the paranoid belief system which Warren Johansson has labeled the "sodomy delusion". As far back as the intertestamental period Jewish teachers had proclaimed that God is long-suffering with all sins except fornication. Wherever sexual immorality occurs God is promptly offended and outraged, and will exact a dreadful vengeance on any community that tolerates such wickedness in its midst. The state, in deference to medieval Christian belief, is only enforcing a morality revealed by an omniscient deity. The new affirmation of privacy is therefore part and parcel of the movement to exclude the lingering influence of canon law.
on civil law in the sexual domain. Thus it is one aspect of the secularization of Western society. In the absence of the Code Napoléon as a model and of a viable sexual reform movement, all common law jurisdictions reenacted the sixteenth-century laws punishing the "crime against nature" into the mid-twentieth century, and many keep them on the books to this day. However deeply ingrained the notion of "privacy" may be in the human psyche, its invocation in contemporary legal philosophy must be seen not as a timeless verity but as an innovative weapon in the struggle against the persistence of the ascetic morality in the Christian tradition. So far from being a self-evident, neutral concept, it is a flanking attack on Christian moral theology as entrenched in the criminal law (Bowman 1949, pp. 632-633). It is part of a dialectical reordering of private and public, of allowed and forbidden, as a counterpoise to the ambition of political and cultural elites to govern, to manipulate or to please vast collectivities--the gay community or queer nation among them (Lusky 1972, pp. 198-199; Shils 1966, p. 305).

Last of all, homosexual expression deserves to be subsumed under the legitimate "play activity" with which the coming generation should be taught to utilize its leisure time. In stark contrast to the Christian rejection of sexuality as an evil that must be kept to the irreducible minimum, within marriage and then solely for the purpose of procreation, the enlightened society of the future will enhance the pleasures of private life
by cultivating the erotic in its most refined and unorthodox forms. Safe sex, a by-product of the AIDS crisis, encourages such practices. The legal guarantee of privacy could open new paths of sensual experimentation that will ultimately enrich the aesthetic experience of all, even of those who encounter it only obliquely in literature and art (Jourard 1966, pp. 317-318).

For the purpose of our argument, suffice it to say that since the interests of the Queer Nation are manifestly opposed to the perpetuation of Christian morality, it must hold that personal privacy entitles its members only to gratify their aberrant sexual urges, not to act against its collective well-being. The professional or economic segment of society to which they individually belong would surely take sanctions against them if they publicly and deliberately contravened its interests. Since the sexual activity in which they—as morally responsible human beings—engage includes them in the Queer Nation, it has the right to make the same demands of them. The shield of privacy in this case would be a weapon used against one's own side to stymie its political gains—and ultimately against one's own interests. Activists leading the struggle against the obscurantist and reactionary clergy and their pawns and followers have the right to strip disloyal members of the Queer Nation of that covering and expose them as hypocrites and traitors.

On this issue Richard Mohr writes in an unpublished essay: "It is sexual acts, and derivatively talk of them, not sexual orientations that are protected by privacy. The reporting of
sexual orientation does not violate any of the senses of privacy that are legitimately invoked in sexual matters" (Mohr, 1992). Sexual orientation, however, is an intrinsically and unalterably private matter just because it cannot be observed, but only experienced. Only the subject can know his own sexual feelings and desires, no one else can fathom them. Even a computer printout of a complete sexual history (itself unrealizable) would not record unfulfilled urges and longings. Moreover, sexual orientation can change independent of the subject's will over time; it is not unalterably fixed in all human beings.

Later on in the same essay, he declares: "We ought to stick to the vision of the Declaration of Independence and believe that communities exist to guarantee rights of individuals and we should be very wary when the concept of community is used to generate obligations. For the tyranny of the majority will almost always be found there working in finely sinuous, deeply insidious ways." David Greenberg in a private communication noted that Bentham's "principle of the greatest good for the greatest number came in for major criticism twenty years ago from the neo-Kantian John Rawls on the grounds that it would allow all the interests of a minority to be sacrificed if the majority were to benefit sufficiently. Rawls argues on those grounds for a social contract theory that would not permit such a sacrifice."

The critique of this argument resumes the point made in our analysis of the 1969-1973 period. The American left has during the past 75 years been the sorry example of a house divided
against itself—a contradiction that spelled its historic failure. Even though it donned the program
and the rhetoric of European collectivist movements, its authentic belief system was anarcho-
individualistic. It could never have achieved its ostensible goal of a socialist or communist
regime, least of all on the Soviet model, because then it would have found itself farther than ever
from its real one. Strictly speaking it stems not from the nineteenth-century tradition of
collectivism, but from the last, decadent phase of the Enlightenment—its hypertrophy of the
doctrine of the freedom of the individual at the expense of the collective. Carried to its logical
conclusion it would abrogate membership in a community or nation of any kind. In that respect
the concept of a Queer Nation, whatever the current politics of its members, is implicitly
collectivist. It is a nation at war that by definition insists upon communal responsibility and
communal obligations on the part of lovers of their own sex at least until the legal oppression
and pariah status from which we all now suffer are ended forever.

Celebrities will in this context of struggle have to find more purposeful techniques for projecting
and managing their public images. Columnists have contributed to keeping celebrities closeted,
first by not reporting gossip about their homosexual escapades that crosses their desks, and by
circulating press agent-concocted tales that maintain their heterosexual façade. With such
collusion many stars have led double "private" lives for decades, carefully hiding their
homosexuality behind a
sequence of press agent-arranged and lavishly publicized marriages, infidelities, and sensational divorces with which the purveyors of gossip titillated the readers of tabloids and fan magazines. But departing as they ostentatiously did from the norm of "lifelong, indissoluble monogamy," indirectly they made divorce respectable even in upper-middle and upper class American society. It is hardly by chance that a former movie star, Ronald Reagan, conservative though he was, became the first divorced candidate ever elected President (1980).

In addition, certain mass media even without a political motive have profited from scandalous revelations about "celebrities." Sensational accounts of the vices and amours of the rich and famous are guaranteed to increase circulation of such scandal-mongering media. Fortunes are to be reaped even from posthumous exposés.

Outing is thus a revelation that affects the personality's reputation. The criteria for it must be formulated within the framework of the ethics of public life. To publish a list of non-celebrities: farmers, factory workers, or stenographers, invisible to all but their families and the few others who deal with them in everyday life, and identify them as "queer" would not be outing in the sense now current.

Much depends on the nature of what is deemed to be deviant and guilty: in this case homosexual activity or orientation. In the last analysis privacy is not an absolute right, and cannot be invoked to shield the closeted hypocrite from public exposure.
Christian morality effectively violated and abrogated the privacy of those discovered to belong to the pariah community. Hence the queer nation, in its struggle against the burden of infamy, is not obliged to respect privacy if this serves to perpetuate its own defamation and outlawry.

*The Case Against Queer Nation*

Wayne R. Dynes, who originally planned to author this work with us, withdrew in consequence of disagreements over the concept of a "queer nation." The following is a summary of his argument, often in his own words.

The idea of a nation ("queer" or otherwise) appears unbuttressed by any sustained argument. Queer Nation is evoked as if the concept had a self-evident validity. Apart from the merits of the case, the assumption that the reader will readily accept an idea that is new to him is not valid. Just to utter an expression, whether in capital letters or not, does not ipso facto convince others of the necessity of adopting the idea it connotes.

Moreover, this putative nationhood is not in any way essential as a foundation for the continuation of the practice of outing—which will continue. *The Advocate* did not endorse the Queer Nation concept when it outed Pete Williams; it was under no obligation to do so as the information it provided speaks for itself. Thus the notion of gay/queer nationhood has no enabling character with respect to the continued practice of outing. If some outer has the goods on someone and outs him, no one is
entitled to conclude that the action is somehow invalid or ineffectual simply because the outer does not subscribe to the orthodox ideology. Such an exclusion would be a kind of neo-Donatism, the early Christian heresy that maintained that only morally pure priests could work the miracle of the mass. The efficacy of the act of outing is independent of the belief system entertained by the outer. Jesse Helms can out as effectively as Michael Petrelis. Thus the purported theoretical underpinning of some sort of nationhood for the process of outing may be deemed otiose; it constitutes neither a necessary nor a sufficient condition for its continuance.

From the standpoint of the rights of the individual, the point raised by Richard Mohr could be conclusive: few if any gay or lesbian persons have contracted, by oath, by written agreement or by any other binding instrument, to membership or to citizenship in a "nation" or any other corporate entity of this kind. Absent such binding agreement, lovers of their own sex owe no allegiance to any posited Queer Nation; consequently, we cannot be expected to abide by its norms, rules, or laws as defined by the tiniest of minorities within a minority. What if the leaders of Queer Nation were to decree Marxism as its official ideology? Would we have to go along? Obviously we would not. It may be argued that none of us in fact belongs to any Queer Nation, so that we are not bound by any statutes that may be propounded for it. To haul people before an inquisitorial body (the "Council" proposed in this chapter) for disregarding
obligations that they have never incurred defies both law and common sense. No one can be expected to acknowledge allegiance to something that does not exist.

In response to this point one could say that while Queer Nation does not yet exist, it will exist at some future date. With all due respect, no one has provided a model of what such nationhood would mean once it came into being. Such details are lacking in materials so far provided. The analogy with the Jews is unconvincing to some since one can become a Jew only by birth or voluntary conversion. Moreover, the Jews do have their territory, now de jure and always in aspiration ("Next year in Jerusalem!"). Where is our Jerusalem? Where even is our Sodom?

The comparison with Soviet nationalities, which except for the Jews are all territorial [Dynes might have added Tatars and Gypsies], sends shivers down everyone's spine in this country. The almost limitless possibilities of divisiveness inherent in such a Soviet-style nationality concept is one of the numerous arguments against extreme forms of multiculturalism. Moreover, the idea of erecting a separate, quasi-national entity on American soil--as has happened in Canada with the movement of the Québécois--is deeply repugnant. Today few if any African-Americans or Hispanics are asking for such status. It may be that they know something that we do not. In the considerable literature on nation-building by Benedict Anderson, Eric Hobsbawm, and others, I have detected no patterns that would be useful to us. In any event, a reasoned discussion of this
question cannot afford to neglect this literature.

What does nationhood mean? Could one, like the Cherokee, register one's membership in Queer Nation? Would we have separate courts? Representatives in Congress elected solely by us? Designated residential areas in which non-queer nationals could not live? If none of these things, what could it mean? The whole notion is deeply alien to the cultural temper of this country, and could enjoy no constitutional standing. Even if such a status were possible, we would be among the last to obtain it, since prejudice against gay people still far exceeds that against ethnic minorities. We shall only add to the hatred that is deployed against us if it is perceived that our loyalty to the country is less than that of other citizens. In our case, a demand for differentiation in treatment might quickly turn into a rationale for discrimination.

An additional problem is posed by the insistence on the epithet queer. After several decades of gay and lesbian liberation, we now have a certain number of individuals who acknowledge a gay, lesbian, or bisexual identity. Insofar as identity is one of the components--though only one--of nation-building, there is something to work with there--in terms of gay or lesbian identity. Yet how many claim a queer identity? How many ever will? Another difficulty with the Queer Nation slogan is its capacity for double offense. Those (like many participants in the Rutgers gay academic conference held in November of 1991) who have adopted the queer label, may not
subscribe to the idea of nation, and vice versa. By continuing to yoke these two together, you queer nationalists further narrow your circle of adherents.

Sadly, the notion of a Queer Nation is a group fantasy shared by only a few hundred individuals. The support of these enthusiasts was not enough to keep OutWeek afloat. They will also not suffice to support a significant movement or indeed even this book. It is perhaps understandable that in our frustration we should grasp at the straw of a utopian proposal. But this one, like so many other "revolutionary" dreams of the tiny band of individuals who have appointed themselves to speak for the gay community, is destined to pass leaving scarcely a trace. A mirage, it will go the way of our purported "national home" in Alpine County, California. In effect advocates concede this fate in advance, since nowhere in this book or elsewhere does anyone offer a reasoned discussion and defense of the idea of gay nationhood. It looks to some very much as if it is not defended because it is indefensible.

In 1973 Jill Johnston published a book called Lesbian Nation. She later acknowledged that she was in a state of mental agitation when she wrote it. Others have stated the lesbian separatist case more calmly, but even so it has not taken hold. A discussion of the vagaries of this separatist thesis, as it unfolded in the last two decades, should form part of a reasoned account of assertions about a "Queer Nation."

In summation, the Queer Nation proposal, in any version,
must elicit rejection and derision on the part of the overwhelming majority of the Kinseyan masses who practice homosexuality; they have never contracted for anything remotely resembling it. No historical parallels have emerged that are persuasive in the context of American society as it has historically evolved. No one has addressed the question of feasibility—how we might get from here to there—nor provided any ultimate model of what is to be accomplished. It is just talk that makes gay/queer people feel better. And not many of these, either. The idea floats in the air, with no modalities whereby it might be implemented. To invoke it as if it self-evidently possessed such properties is to adhere to a chimera, one that offers no benefits to gay people and may even prove, through its very siring, counterproductive. A solid book would provide a range of historical examples and arguments about outing. Tacitly to assume the cogency, as is often done by way of repeated unsupported references, of a controversial utopian proposal, does not, in the opinion of many, befit a serious work. This book offers immense stores of valuable information; it should not advocate chimerical theories. The Case for Queer Nation

The term Queer Nation, which came into use only recently, bothers a great many people because they remember clearly the time when queer was a term of opprobrium. But it is not unheard of to take a pejorative term and make it one of pride, as some did in the 1790s with democracy ("mob-rule") and Proudhon early
in the next century with *anarchism*. The essential problem is not with the word *queer* but with the word *nation*. It is an attempt to embody some concept such as "nation," stronger than the loose collectivist notion of "community" that has been popular since 1969 or the legalistic (homosexual) minority, which had predominated since the 1950s. While it may be argued whether we are *born* gay or not (*nation* < *nātus*), hardly anyone would now deny that once a person becomes gay, no "treatment" will make him or her straight. One cannot simply quit the gay nation in the same way that one moves out of a neighborhood or renounces one's extended family or resigns from the staff of some institution to end one's affiliation with a *Gemeinschaft* or *Gesellschaft*, as pioneer German sociologists distinguished groups with a fundamental community of interests from those with more artificial and slight ones such as a corporation. On the other hand, belonging to Queer Nation does not diminish one's loyalty to the United States. Dual citizenship is an old concept. One can still be a Queer-American, the newest hyphenated minority. Just as John D'Emilio subtitled his book *The Making of a Homosexual Minority in the United States, 1940-1970*, what is emerging is not merely a legal "minority" or a subjective "community," but a vibrant nation within a nation. But this is a new, not an old nation such as were the Jews on the eve of the French Revolution. Hannah Arendt argued in *The Origins of Totalitarianism* (1951) that "the breakdown of the feudal order had given rise to the new revolutionary concept of
equality, according to which a 'nation within the nation' could no longer be tolerated. Jewish restrictions and privileges had to be abolished together with all other special rights and liberties.

In this respect the queer nation stands diametrically opposed to the assimilationist strivings of post-Enlightenment Jewry: its goal is separatist, even if it cannot aspire to an independent state: namely the right to its own institutions, its own media, its own representatives in positions of power. But since Israel seems unlikely to cede the city of Sodom and its environs to Queer Nation at any foreseeable conference on Middle Eastern boundaries, the closest thing we can achieve is the set of gay ghettos that have developed in all major cities throughout the world and to which we may in the coming decades annex a ring of gay suburbs.

Nations customarily reproduce by the heterosexual mating of their members, but we do not ordinarily reproduce from our own numbers. Nature reproduces us by allotting us a certain, if perhaps variable percentage of breeders' children in each generation, so that our community/nation is constantly renewed with no effort on our part. A nation in the strictest sense, of course, we are not, but in the loyalty that we might inspire or require we are comparable. We most strikingly resemble rather a religious community, whose adherents need no geographical or ethnic tie to the place where or the people among whom their faith was first propagated. They belong by virtue of the identity which they have acquired as part of their socialization.
and which they deem integral to their personalities. Also on account of common enemies, homophobia and more recently AIDS, we of necessity are more closely and irrevocably bound together than most communities. Oppression and peril are forging our minority, our far-flung "communities" into a nation at war.

The concept of a Queer Nation, like that of a gay community, emphasizes mutual responsibility, but is more militant. In our struggle against plague and the homophobes who obstruct measures to combat it, those who put their private affairs and interests above those of the nation are not just cowards but traitors. Those who actively resist the demands of the Nation are collaborationists and quislings. As such they at least have to be outed, if not punished more severely as those refusing in wartime to fight! What grounds are there for conscientious objectors in this war of ours?

The question then becomes: without the concept of a Queer Nation or some other similar collective entity, whatever its name might be, that resembles a nation in demands of fealty and patriotism, could outing in the new, contemporary sense be justified at all? It would make no sense to out someone as a member of a garden club or the Audubon Society. A loosely federated community from which one can withdraw at will is not a nation. A nation is something intrinsic to the individual, far more significant to his or her identity. Until Stonewall, it seemed sufficient to most homosexuals to consider ourselves part of a culture or subculture or of a minority seeking toleration.
Afterwards, when gay pride burst forth, those who came out of the closet demanded acceptance and spoke of ourselves as a "gay community." Now we aspire to the loftier status of nationality, which in the twentieth century has seldom had leftist connotations.

The AIDS crisis intensified the feeling of brotherhood and sisterhood that the notion of community expresses. Out of this unparalleled situation, in which we are stalked by a vicious killer whom the heterosexual majority seems to ignore, rejecting our frantic cries for help, was born the idea of a Queer Nation. The homophile movement has gone through three stages: from obsequious homosexual to assertive gay to confrontational queer. Only a few have fully grasped the implications of this semantic change. Doubters should remember that the establishment media resisted the use of gay for many years just as they are now resisting the use of queer.

Outing of hypocrites is justified by the belief that those whom it targets are disloyal to their nation at a moment of great peril and distress.

"Queer Nation" is no more misleading, perhaps less so, than "gay community." The concept of a community implies a locality where people who identify as gay live or congregate. In fact we are scattered horizontally and vertically, throughout the world and from the top to the bottom of society, exactly like the adherents of a major religion. We are divided, it is true, into countless local ghettos, gay resorts or other isolated groups that might be considered communities.

Community, however,
implies intimacy and contemporaneity, whereas homosexuals, especially pederasts, and bisexuals are found throughout history as well as across the entire surface of the earth. Community, at least as interpreted by the radicals of the sixties who popularized the phrase "gay community" or "lesbian and gay community," had a deliberate sense of class interest which ignores the vertical dimension, replete with class antagonisms, of queer nationalism. The notion has now grown to the awkward "lesbian/bisexual/gay male community," to which some would even add transvestite and/or transsexual. Our ranks, however, are too diverse as well as too widespread to form a community in the traditional sense. We include individuals from the commanding heights of industry and finance as well as from the poorest and most destitute in the shelters. Many in our nation, which may comprise 500,000,000 individuals, if we amount to 10% of the world's population, share nothing positive except unchosen sexual orientation. We have no community ethos, but common dangers and enemies are fostering a political will to resist. Proposals are occasionally heard for a gay political party. For the first time in history we are building a world-wide movement with our own media and conferences, and a mounting sense of our cohesiveness. The vast majority are not organized or "activist," in fact not even out of the closet. Even in metropolises such as New York or Los Angeles, London or Berlin, Rio or New Delhi, Lagos or Cairo, we do not exactly constitute a close-knit body with a broad range of common interests that could properly be defined as
a community:
The body of those having common or equal rights or rank, or distinguished from the privileged class; the body of commons; the commonality; a body of people organized into a political, municipal, or social unity; a state or
commonwealth; a body of men living in the same locality; often applied to those members of a civil community, who have certain circumstances of nativity, religion, or pursuit, common to them, but not shared by those among whom they live; the community, the people of a country (or district) as a whole; the general body to which all alike belong; the public [OED].

We have no common ownership, character, agreement or even often self-identity, and we share no common social intercourse or communion. The gay world is a microcosm of the larger one, with all its diversity and heterogeneity. One could speak perhaps of the gay community of Cincinnati, or better still of Baton Rouge, Louisiana or Boise, Idaho, where the small body of threatened, isolated queers may all more or less know one another or at least about one another and huddle together for strength and protection from the hostile authorities and environment. It would be far less appropriate to speak of a gay community in Moscow, Paris, or Tokyo. To designate all lovers of their own sex worldwide as a community defies logic. Queer nation seems less unsustainable than the currently still more popular gay community. There may indeed be a worldwide gay culture or subculture,
if you prefer, dominated at this time by the American prototype, but if so, most who merely interact with their own sex do not participate in it (Altman, 1982). Those terms, too, are limited in their applicability and controversial in their definition.

Another, older term is "the homosexual minority", forged after the Second World War from *homosexual* (1869) and *minority* by analogy with the ethnic meaning (1918). Universal persecution and ostracism forged a homosexual minority in America between 1940 and 1970. If the backdrop for such condemnation was the Judeo-Christian tradition, the West transmitted this through imperialism and Marxism to the non-Western world. Like Jews and Gypsies, we who inhabit the lands of others (in our case, those of the hostile and persecuting heterosexuals) feel a unity born of intolerance, persecution, and suffering.

Only after 1969 did gay liberationists adopt the notion of a community. This change in attitude came about in part because the visibility of the constituents, our social contact through meetings, demonstrations, fund-raising activities, and celebrations gave us the shared experience that we needed to internalize an identity. Inspired by the National Liberation Fronts, the younger leaders who took to the streets, loudly repudiating "experts" and the older ultra-gradualist types, tended to mouth a pseudo-Marxist rather than "liberal" line (in the post-New Deal sense) and scorned patriotism and nationalism. But it took AIDS to catalyze our minority or community into a Nation, just as the Holocaust, the *shō'āh* was needed to
transmute the Zionist movement and the Yishuv into the state of Israel, although the idea had been germinated long before by the pogroms in Tsarist Russia and the Dreyfus affair. As late as 1893 Anatole Leroy-Beaulieu had predicted that the reestablishment of an independent Jewish state within its ancient boundaries would recede into the realm of the metaphysical, like the second coming of Christ, to be realized not by human agency but only by divine intervention at the end of time. But just three years later Theodor Herzl declared: "Wir sind ein Volk, ein Volk" [We are a people, one people]. Then at the First Zionist Congress in Basel, Switzerland in 1897, one of the Jewish leaders said: "Wenn ihr wollt, es ist kein Märchen" [If you will, this is no fairytale]. Utopian and absurd as the project of such a state seemed then, in 51 years it became a reality when the United Nations partitioned Mandate Palestine to create a homeland for the victims of National Socialist persecution and genocide. It took the First and Second World Wars and the Holocaust to persuade the majority of Jews to abandon the liberal dream of assimilation into Gentile society and to favor the integral-nationalist state of Israel. What event will be needed to make a Queer Nation?

We may be less than a nation but we are more than a leftist community and more than a minority as defined in American law. As long as the Judeo-Christian tradition prevails, we shall at the very least remain social outcasts if not pariahs. We include individuals having little in common in wealth, social status,
politics or ideology. The sole common positive factor is that some unseen element in our personalities, or in our genes and hormones, impels us to have sexual intimacy with others of our own sex or at least to feel an erotic yearning for such partners. Otherwise we confront homophobia and AIDS.

Whether we are the product of biology or of society, we cannot leave our group or escape from it or be "cured." Our condition is permanent, unalterable, so that William F. Buckley's plan to brand us on the buttocks has a certain reality behind it. Our stigma cannot be removed like a pink triangle from the wearer's uniform. Experience and history teach us that we are inextricably bound together for as long as anyone can now foresee and have been ever since the Christians began to persecute those guilty of the "sin of Sodom." Bills of toleration and gay rights laws cannot abolish the loathing and aversion which affluent and impoverished, high and low alike will continue to suffer.

**Nation Building**

Outing by homophobes for either personal or religio-political reasons has been all too prevalent over the centuries. In view of the noxious, sometimes fatal effects, queers have until recently demanded the shield of "privacy." Evidently the more enlightened heterosexuals now entertain serious reservations regarding outing, recognizing the past harm that the hostile variant has wrought. These strata sometimes express puzzlement that we are increasingly employing a new version of the practice for our own ends.
This sequence—virulent outing by homophobes, then a decline of the practice, and finally revival by queer nationals—suggests that some cyclical process is at work. Above we hazarded the suggestion that outing has a "historic mission." In the present stage of deployment of outing in its new form, such a conclusion may seem premature. Still, it seems certain that the present crescendo has more than casual resonance. What is this significance? For many the rationale for outing is that the target or "outee" has been hypocritical or has acted to harm us, that he has betrayed our nation. One could even say that such a morally dubious character has failed to respond to the allegiance he owes not only to his community, but to truth itself. More than community bonds, national allegiances are binding. They must not be betrayed for personal gain. In America today, hypocrisy is acquiescence in oppression.

Outing needs to be considered within the larger framework of the evolution of the even more politicized Queer Nation. The radical activists of the seventies, opposed as they were to America's involvement in the Vietnam War, preferred "gay and lesbian community." In the age of AIDS, we aspire to nationhood so that can war against AIDS and homophobia, allied as they are. Outing may play a formative role in our nation-building. Queer nationals feel a stronger allegiance to our nation than gay people to a community and infinitely greater identity than homosexuals as a minority.

To this argument one might reply that there is an
inescapable problem with the very concept of a queer nation to which all lovers of their own sex putatively belong, whether they will or no. Some of us have joined homophile activist, service, and scholarly organizations. By doing so, we affirm our adhesion to their specific goals. But it takes a nation to go to war.

One might say that we implicitly agree to a contract that we will not harm our common interests and will work actively to end discrimination, injustice, and untimely deaths. But the majority who engage in homosexual acts do not wish to belong to such an association. Indeed, some of them actively disapprove of such organizations and of the spotlight which these have focused on homosexuality. When interviewed they even deny such experiences and loudly condemn "perverts" (Humphreys, 1970). They have consented to no contract that entails anything beyond their chosen behavior. One could say, and some have, that opting out in this way is outrageous. These individuals who would ignore or scorn their benefactors while profiting from the advantages secured by them with such effort are simply "free riders." Precisely.

The free-riding concept prevails in many situations. If the Sierra Club achieves a reduction of pollution from which I gain cleaner air to breathe, I am not thereby obliged to contribute or even to voice approval of its actions. For their part, the members acknowledge that they cannot compel every citizen to participate, but they judge their cause important enough to pursue regardless and relentlessly out polluters.
We have spoken above of the notion of a contract or some other device, possibly an informal one, which would clarify this notion of allegiance that is owed to the Queer Nation. This idea has a long history in Western political thought. The political fiction of the social contract that Hobbes and Locke created is in crucial ways no fiction at all. The need for publicly supported fire and police protection and the like is generally recognized. According to this widely accepted theory, one is a party to the social contract by virtue of being born and raised in the society. No formal adhesion is required. What holds for the citizens of the nation-state, however, does not apply to voluntary bodies subsisting within it. Western democracies foster myriads of volunteer organizations, which one joins by paying a fee, signing an application blank, taking an oath, or performing some other act of formal adhesion.

As things stand today, most of us fall into neither of these categories: the involuntary one of state citizenship and the voluntary one of the circumscribed organization. A small but growing number would be so idealistic (or dogmatic) as to say that we form a nation or a class transcending all other boundaries, to which we must belong whether we wish it or not. More crucially, most people who have relations with others of their own sex do not acknowledge that doing so makes them members of a community—let alone a nation. Nor can we activists "join" for them. Even if such a community existed in some sense, or could be expected to arise in the future, how would one determine
membership? Only a small portion of those who engage in homosexual acts are exclusives (ranking 6 on the Kinsey scale). The overwhelming majority—the Kinsey 1-5 groups—have some heterosexual experience, possibly much. What proportion of hetero- vs. homosexuality would be appropriate for one to be regarded as a full-fledged queer national? How much heterosexual dalliance would "taint" one's citizenship in it? Then there is the vexing question whether there might be one nation for all queers or two, one for gay men and one for lesbians.

Some years ago Benedict Anderson made a study of "invented communities," showing how countries such as Indonesia and Pakistan, Nigeria and Zaire, did not simply emerge when "natural" countries were freed from subjection to colonial rule, but were in large measure created by political geniuses who evoked a national consciousness where none was before. Is it possible then that some such process of consensus building is at work today for those who love their own sex and that outing is a stepping stone towards this goal? Unfortunately, there are some communities that cannot be "invented" in the sense of raising them to the status of nations. We cannot hope to acquire, nor would most of us want, an independent nation-state of our own.

Despite our patent chafing at discrimination, much of it sanctioned by our respective governments, we remain citizens first and queer nationals second.

But perhaps it is possible to proceed some way along this road, so as to create a more cohesive and caring entity to
supersede the often divided and contentious community that we have now, a strong nation to
fight our wars against homophobes and AIDS. Can outing assist in this process? Participation in
it, requiring toil and often courage, may prepare us to act collectively in other worthwhile
pursuits. Also, outing increases the "pool" of visible citizens, and increased visibility is a
prerequisite for the enhanced community that we hope will come into being. On the other hand,
as a nonconsensual process, which many believe to violate privacy, outing sparks animosity.
The target and others dreading the same fate or merely disapproving the tactic, as some do
vehemently object. So it is likely that, for a considerable period at least, outing will increase
tensions in our midst.

But a more crucial aspect is the implicit demand for recognition by heterosexuals that
homosexuals form a minority, gay people a community, and queers a nation possessing
legitimate interests that in many spheres of life set us apart from them. This recognition is not a
reversion to the status quo ante that existed before Christianity; it is qualitatively new and
without precedent. For centuries Western society had classed sodomites, buggers, and
homosexuals as the lowest of the low. We were denizens of criminal subcultures subject to
chronic police repression and relentless social ostracism. The legitimacy of our lifestyle, of our
community, of our Nation and its representatives--all these are radical innovations. But they
flow inexorably from the political consciousness of belonging to
a stable segment of society with an enduring character. None of this means that queers, any more than ethnic "minorities," are less than loyal to the nations in which we reside. Indeed, we demand full citizenship, including the right to serve in the military and intelligence establishments that has so often been denied us. Only we insist that the obligations which apply to one and all not submerge our legitimate wish to associate freely with one another and to defend our rights with force if necessary.

Be this as it may, the prospect of a unified nation or a harmonious community, outing or no, seems problematic. The point that participation in erotic acts with members of one's own sex does not reflect a contractual engagement is crucial. Without the leverage that such a commitment would give, the organizing potential of those who would seek to move towards "queer nationalism" is crippled. Even today the leaders are more inclined to aggressive or radical tactics than are the rank and file.

The National Gay and Lesbian Task Force decided to oppose Desert Storm, even though the overwhelming majority of queer nationals supported the action. Leaders might find stronger support by leaning less toward the left, as many have in their efforts at lobbying and coalition-building joined the "liberal" establishment which gay Republicans and other conservatives find distasteful, or worse in the eyes of many Democrats, the Rainbow Coalition. A great number became pseudo-Marxists or supported
coalitions led by them, even though their real ideology inclined toward anarcho-individualism. Many liberals perceive outing as an impermissible radical tactic. Nationalism, and even queer nationalism, contradict Marxism, because they are grounded in social divisions not based on economic interest. Hence it may drive a new, deeper wedge between its advocates and those whom they would represent. The prime mover of our nationalism is the persistence of persecution, made more unbearable by the plague, not agreement on a collectivist agenda. Even members of such "front-line" groups as ACT UP and Queer Nation do not agree on outing. Given their anarchistic tendencies, most still believe that coming out should be by personal choice. On the other hand, most would agree that even those most deeply "in the closet" should do nothing to harm other queer nationals, and when the opportunity presents itself, should act quietly, even invisibly, to further the cause. The majority of activists probably believe that the closet cases who oppose and attack them should be exposed as traitors and hypocrites.

When *OutLook* readers were queried, 69% favored outing "elected or appointed officials who obstruct the fight against AIDS", 73% would out government officials who perpetuate homophobic policies and obstruct the cause of gay rights, while only 22% would out "well-known individuals (not politicians)" who by their invisibility are depriving us of needed role models. Respondents identifying themselves as HIV-positive gave figures of 83%, 88%, and 45% respectively.
We are left with a series of questions. Is enhanced gay community--which some would call queer nationhood--realizable? If feasible, will this goal require a major shift in tactics? Will outing help or hinder progress towards it? And how will outing effect the reshaping of the movement, and our collective self-awareness in general, over both the short run and the long run? How will it impact society's attitude toward us?

**Comparisons with Other Minority Groups**

Our situation historically parallels that of certain religious minorities whose members, like us, were not physically identifiable as such. Driven underground by savage intolerance, they pretended to observe the state religion. They were found in many countries: the Marranos, Spanish and Portuguese Jews forcibly baptized into Roman Catholicism after 1391; the Moriscos, Spanish Muslims; the Recusants in Elizabethan England; the Nicodemites, secret Protestants in Bohemia and Moravia, Jesuit-dominated after the battle of White Mountain (1620); the crypto-Christians in the Ottoman Empire; and secret Catholics in Japan between 1630 and 1865. A simple decree of toleration changed their status almost overnight. By contrast the French Constituent Assembly’s repeal of the sodomy laws in 1791 ended our legal plight but did not ameliorate the social one. We remained subject to ostracism, economic boycott, even sporadic violence and blackmail. All this was even more true in jurisdictions that not merely failed to abolish such laws but have kept them on the statute books to the present day, as have
twenty-five of our states.

Larry Gross has written (1991, p. 377): "But the analogy to Jews and concentration camps is also used by the proponents of outing, who see powerful closeted gays as analogous to the assimilated Jews who never believed that they would be touched by the crude anti-Semitism directed at the ghetto dwellers." Writing on the response of the Orthodox Jewish communities to the Holocaust, Menachem Friedman (1990) concluded that they chiefly fell victim because for religious reasons they first ignored the nationalistic appeals of the early Zionists, then owing to their visibility they could not escape the German authorities bent on deporting and exterminating them. By contrast the assimilated Jews, if carrying false identity papers, were able to disappear into the general population and with the collusion of righteous or simply venal gentiles survive the Holocaust. But AIDS has not looked at identity cards: it has struck down even the minimalists, even those who imagined themselves wholly invisible to the outside world while they were leading secret (and often uninhibited) homosexual or bisexual lives. Outing thus amounts to a demand for solidarity with the Queer Nation by the legion of celebrities who crave the public eye while cravenly hiding in the closet.

Emancipation and then Zionism divided the Jewish communities of Central and Eastern Europe into three categories: 1) those who remained attached to traditional Judaism and therefore ignored the Zionist appeals, 2) those who successfully assimilated into
the ethnic groups on whose territory they lived and therefore felt no need to emigrate to become part of an exclusively Jewish state, and 3) those who renounced traditional Judaism but failed to assimilate and perforce had to adopt a Jewish national identity. The third group--those who identified as Jews by reason of their origin rather than of any religious commitment--became the pioneers of settlement and nation-building. In a sense our current antagonism is between the second and third: those who have successfully assimilated into the heterosexual majority, to which we might add those who suppress their homosexuality out of religious conviction and therefore scorn identity with sinners like us, and those who have opted for a queer national identity.

A queer equivalent of the first group scarcely existed, apart from certain "obvious" types in the bohemian quarters of the large cities (or the scorned but tolerated village queers). Yet it was this small, marginalized band that was in great measure responsible for Stonewall. However, the plight of all three stems from a contradiction which Western society has failed to resolve: its persistence in pre-Enlightenment attitudes toward homosexuality long after it had enshrined the principles of universal human rights and freedom of conscience and in their wake disowned most other forms of medieval superstition and intolerance.

By a curious paradox, the condemnation of homosexuality in all the Abrahamic religions stems from Biblical Judaism. Yet
since 1897 individuals of Jewish ancestry if not religious belief have been in the forefront of the gay rights movement, from Magnus Hirschfeld and Kurt Hiller in Germany (Haeberle) to Edward Sagarin ("Donald Webster Cory") and Frank Kameny in the United States. More recently Martin Duberman and Larry Kramer have played leading roles in creating organizations like NGTF, CLAGS, GMHC, and ACT UP. As in modern intellectual life in general, in the gay movement Jews have contributed disproportionately. Given the intensity and ubiquitousness of the taboo, none of the Abrahamic religions will ever be able to find a *modus vivendi* with homosexuality. The issue will continue to provoke endless, unresolvable conflict.

The homosexual subculture has existed since the Middle Ages. Inquisitorial and municipal records demonstrate that such a subculture existed before the "molly houses" of early 18th-century London so well described by Randolph Trumbach, which catered to a new type of androphilia, perhaps centered more on oral sex than was traditional. Peter Damian in his *Liber Gomorrhianus* thought he detected one in the monasteries of eleventh century Italy and numerous chroniclers described one among the Anglo-Norman nobility in the eleventh and twelfth centuries. Warren Johansson described the London subculture in the twelfth century ("London's Medieval Sodomites," *Cabirion* 10 [1984]), H. A. Mason has suggested that Brunetto Latini had a "retinue" in thirteenth-century Italy ("A Journey through Hell: Dante's *Inferno* Revisited," *Cambridge Quarterly* 21 [1992]: 150
and Iwan Bloch found evidence for clandestine rendezvous at Cologne in the fifteenth
1 [1908]: 528-535). William Ruggiero analyzed the Venetian subculture of the Renaissance
(The Boundaries of Eros, 1985) and Michael Rocke the Florentine one ("Sodomites in the
Fifteenth Century: The Views of San Bernardino of Siena," Journal of Homosexuality 16
[1988]). It was the natural and inevitable consequence of the intolerance that forced those who
engaged in the forbidden behavior to lead secret lives and to hide their true identities while
consorting with one another. Although it preceded the rise of industrialization and mass
urbanization, it became politicized only from the end of the nineteenth century. In America
resistance to the new political consciousness frustrated the effort to create a viable homosexual
rights organization until the beginning of the 1950s, and the movement could not really "go
public" until 1969.

This general matter of concealment has been incisively analyzed by the sociologist Erving
Goffman, who wrote of the "management of spoiled identity." Other groups which confront this
problem of limiting the information that others have about them are ex-cons, who will find it
hard to hold jobs or retain friends if their prison past becomes known, and people who have
spent time in psychiatric hospitals and asylums. It is now recognized that the casual "outing" of
such individuals can be cruel and runs counter to society's proclaimed aim of
rehabilitation. Such groups, however, also need role models and examples to break the derogatory stereotypes.

Prospects of Outing

What is the significance of outing for gay history and for the future? As it progresses it will contribute mightily to the final liquidation of the "infamy of fact" from which we have suffered so long. It will strike a blow at this, the most pertinacious survival of medieval intolerance in the Western world--and at a means of social control by which the Roman Catholic Church, followed or even enhanced by its Protestant critics, had imposed outward conformity to ascetic morality even on those who inwardly scorned its beliefs. Such a challenge to the established order must have far-reaching consequences, not all of which can be foreseen today.

Outing also marks a further stage in the march of the gay community or the Queer Nation toward social acceptance, as distinct from mere legal toleration. This is a concession which the pious would even less readily grant than the formal repeal of the sodomy laws. But queer visibility to boot contributes to liquidating all the fantasies with which the medieval imagination had enveloped the "sodomite" as an object of loathing and horror. These paranoid beliefs, repeated in works of edification for the laity over the centuries, have largely vanished from public discourse, but survive as an unconscious substratum of fear and aversion subsumed under "respectability," exploited by homophobes. No longer monsters of depravity or repellent
stereotypes, we shall be just "folks next door." The wall of separation between them and us will
collapse of its own falsehood and absurdity, and the militant Queer Nation will no longer have to
wage war on many fronts. The ghetto, spiritual as well as physical, in which we have been
forced to live will disappear as completely as the one in which Christian intolerance once
immured the Jews.
Moreover, the trend set by *OutWeek* and now the *Advocate* and perhaps *QW* and by professional
"outers" will sooner or later reach the gay organizations that now flourish in droves. Local
groups that can be expected to copy the big cities' vanguard model know the "closet cases" in
their ambiance. They are often exasperated by the obstinate refusal of such people, who bask in
the approval of the local elite, to act on behalf of their community's rights and interests. When
"outing" gains popularity in the smaller cities and in corporations and other major institutions,
many will be forcibly brought out of the closet by exasperated activists--with resulting dilemmas
for their own identities, not to speak of careers and status.
Those outed in the 1990s in advanced countries are not liable to find the police at their doors, to
be arrested and tried for their "unnatural" offenses. They could suffer loss of prestigious
positions, lucrative contracts, political opportunities, and career prospects, even spouses or offers
of marriage. The attitude of society on such an affect-laden issue changes but slowly.
So outing has a historic mission. It has emerged as a necessary part of the emancipation of queer nationals from the deception and hypocrisy forced upon us by the Old Regime in Europe. Moreover, it marks a new stage, the queer national one, in homosexual self-awareness. Finally, it may presage a new era for sexuality freed from the shackles of ascetic reprobation in which lovers of their own sex can be fully appreciated and can contribute to society and culture without inhibition or hindrance. Heterosexuals have suffered as much from Christian sexual morality as have we: trapped in arranged, loveless marriages with incompatible partners which they could not dissolve because divorce was impossible, or forbidden all sexual gratification outside of marriage, they too were doomed to lives of unalloyed frustration and misery (Blumenfeld 1992, pp. 8-13).

Only when an entire generation has been raised in the belief that homosexual is as natural and legitimate as heterosexual will our movement have attained its goal. We know well that such a radical shift in public morality will not occur in the 1990s, probably not in the following decade either. Before the AIDS crisis set back our movement, ending lives and consuming time and money, some optimists believed that the sodomy laws of the fifty states would be repealed before the end of the century. Now such a happy event seems remote: a climate in which one's sexual orientation will be as irrelevant as the color of one's hair. The efforts in the current decade must aim at laying the groundwork for a transformation of sexual mores on which our
spiritual heirs and descendants can build.


Vincent J. Samar. 1991. The Right to Privacy: Gays,


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