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Gay Rights as Universal Human Rights

My argument is about an ethical discovery, what I call gay rights, which in turn led to new and increasingly resonant arguments about the legal recognition of such rights, often through forms of constitutional argument. There have, of course, been other ethical discoveries in our human history: democracy was one such discovery, as were human rights, the intrinsic wrongness of slavery, and the wrongness of the subjection of women. I regard these as ethical discoveries because, for long periods of human history, we lived without them, indeed regarded some of them (for example, slavery and the subjection of women) as the nature of things. Once discovered, these ethical discoveries transformed the human world, imposing ethical responsibilities and extending freedoms in ways that were once unthinkable but now are the measure of ethical seriousness and integrity.

Homosexuality has, of course, been around a long time, probably throughout our history and prehistory as a species; its presence throughout the animal and human world suggests as much.¹ I take it that sexual attraction, inclination, and desire, as well as deep-rooted emotional connection, whatever its objects, are general human properties. But the ways in which we understand and respond to them, and in turn reason normatively in relation to them, is likely to differ radically depending on the society and time period in which we live.² Carol Gilligan and I have argued that one of the most important factors in human history shaping our normative understanding of sexuality and gender has been patriarchy extending over time (from the agricultural

¹ See Clellan S. Ford and Frank A. Beach, *Patterns of Sexual Behavior* (New York: Harper & Row, 1951).

² On the malign consequences of failing to take seriously the different views of homosexuality in different historical periods, see William N. Eskridge, Jr., "Hardwick and Historiography," *U. Ill. L. Rev.* 199 (1999): 631.

revolution) and cultures, and has thus sometimes been naturalized as in the nature of things (see Chapter 1). The values and institutions of democracy are, however, in tension with patriarchy, and resistance to patriarchy is, we argued, rooted in our human natures and based on defensible ethical values of equal dignity and human rights. Thus, patriarchy is a cultural institution that we may and should criticize and change. Our study of resistance over time has, in turn, led us to identify the powerful psychological role in resistance of breaking the patriarchal Love Laws. If homosexuality is ancient, the right to gay love is quite recent. What I have tried to show in this book, using the perspective of resistance to patriarchy, is how it was discovered and given effect in human lives, and then I traced various stages in which it came to fuller recognition. I want here to reflect on my argument, drawing some conclusions from it – in particular, why I believe gay rights are universal human rights – as universal as basic human rights such as the right to conscience.

It was in the wake of World War II that human rights came to enjoy the normative status they are now accorded both nationally and internationally, reflected in the Universal Declaration of Human Rights, in whose design Eleanor Roosevelt played a central role.³ In reflecting on the Universal Declaration, Mrs. Roosevelt wrote in 1958:

Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any map of the world. Yet they *are* the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory; farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.⁴

Gay rights, consistent with Mrs. Roosevelt's brilliant analysis, indeed arise "[i]n small places, close to home," and indeed "so close and so small they indeed cannot be seen on any map of the world." Gay rights have certainly not been "seen on any map of the world," yet homosexual feeling is a deep feature of human sexuality, an enduring propensity of our human natures, and intimately personal. What her analysis suggests, consistent with her feminism,⁵ is that our psyches have been so burdened by the patriarchal

³ See Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

⁴ Eleanor Roosevelt, "In Your Hands," available at <http://www.udhr.org/history/inyour.htm>.

⁵ On this point, see Mary Ann Glendon, *A World Made New*, pp. 90–2.

gender binary that dismisses homosexuality as unmasculine or unfeminine that we are disassociated from our most intimate moral experience of ourselves as persons. We see the issue as not a matter of public concern – trivially feminine, and thus small, too intimately private, perhaps unspeakable. What is at stake here is, however, of central ethical importance, for the patriarchal gender binary here, as elsewhere, both falsifies and denies the root of ethics in our moral personalities, the moral experience that Mrs. Roosevelt calls “equal justice, equal opportunity, equal dignity without discrimination.” Our moral recovery, our ethical rebirth, here as elsewhere, arises from an experience of freedom, rooted in the dignity of each and every moral person, that resists the force that the gender binary has traditionally held over both our private and public lives. It is for this reason that feminism, understood in the way Carol Gilligan and I have come to understand it – as the freeing of ethical voice from the traumatic silencing of voice central to patriarchy – is the most important movement of democratic liberation of modernity. Such resistance requires what Mrs. Roosevelt called “citizen action” as it is only through relationship, as in the loves and friendships of the Bloomsbury Group, that we find the resonance we need to strengthen and sustain our resisting ethical voices.

I have made my argument in a certain context but one thematically consistent with Mrs. Roosevelt’s analysis: the general tension between democracy and patriarchy (Chapter 1) and the particular form of that tension in the Roman Republic and Empire and tension between British constitutional democracy and the British Empire (Chapter 2). Gay rights arose in the moral experience of the men and women, American and British, who struggled to resolve the tension between democracy and patriarchy by challenging the role the gender binary played in the enforcement of patriarchy both in their love lives and in their lives as democratic citizens. The key to what was new in their moral experience, and thus to their ethical discovery, was sexual love that defied what I have called the patriarchal Love Laws, the laws that tell us who and how and how much we may love. It was through such love that they came in their lives and works to the three components of gay rights: nonreproductive sex between equals as a human and ethical good, relationships that arise from and sustain such love, and resistance to patriarchal demands both in intimate life and public life. It was the sexual love of equals across the patriarchally imposed barriers of religion, ethnicity, race, and gender that released their moral imaginations from the hierarchical gender binaries that had long confined our sense of what ethics was. Through such love and the broader and deeper moral experience it made possible, they came to question as well the patriarchal grounds of imperialism (Chapter 3).

It is an important feature of my argument that gay rights first arose in and from the experience of the sexual love of equals, which was in turn made possible by resistance to the patriarchally imposed gender binary both in love and in politics. What united these men and women was their common feminist resistance to the ways in which patriarchy divided men and women from their common humanity. It was the discovery that questioning the force of the gender binary in both personal life and politics led to a deeper understanding of our common humanity that leads to the claim of gays rights as universal human rights, as I now hope to show.

The ethical discovery of gay rights became central to the lived experience, as friends and lovers, of the resistance group studied in Chapter 3, and certainly shaped their work both as writers and artists, as they questioned the force the gender binary had in British imperial politics (Lytton Strachey), and explored brilliantly the connections between the traumatic force of patriarchy both in disrupting love and in rationalizing violence, including the violence of World War I and the fascist violence of Nazi Germany (Virginia Woolf). None of them, however, followed Edward Carpenter in living and writing publicly as a gay person, which imposed on them all a code of reticence about what was, in fact, central to their lives and works. Even after the Wolfenden Report and the 1967 decriminalization in England and Wales, the code of reticence continued in Britain. The reason, as I have suggested, why the later American gay rights movement had the impact in Britain and elsewhere that it had is because it was sponsored by the much more expansive conception of free speech that the Supreme Court developed after World War II in response to the ethical voices of the resistance movements that were to transform America both politically and constitutionally. Paradoxically, through the legal recognition of the claims made on behalf of gays and lesbians was more advanced in Britain and in Europe, it was the distinctively American law of free speech that made possible and credible the increasingly authentic American gay ethical voice, bridging the gap between private and public life as increasing numbers of American gays and lesbians from the 1970s onward abandoned the closet, finding in themselves the ethical responsibilities of ethical voice about the dignity of gay sexual love and resisting the homophobic practices and laws that had oppressed them for so long. It was this empowering of gay resisting ethical voice that moved protest beyond decriminalization to discrimination on grounds of sexual orientation and, finally, to recognition of same-sex partnerships and even marriage.

I connect the rise of gay rights in Britain to the fall of the Empire, because its resistance, as I have shown, questioned the role patriarchal imperial masculinity had played in rationalizing the British Empire. As the Empire fell

after World War II, the ethical voice of resistance to a patriarchal ethics that had not only criminalized homosexuality, but abortion and contraception, was more broadly shared in Britain, and led to the legal reforms in Britain we have studied, including abolition of the death penalty and liberalization of the divorce laws. A similar anti-patriarchal argument was sponsored as well by the American resistance movements, and explains the growing force and ultimate success of the anti-war movement over the Vietnam War as well as the Supreme Court's elaboration and protection of the constitutional right to privacy, decriminalizing contraception, abortion, and gay/lesbian sexuality (Chapter 4).

It is fair to say that the questioning of imperialism is now more politically powerful in Britain than the United States. The difference no doubt reflects in part the shadow cast by the fall of the British Empire and the rise of American power after World War II. But, many Americans, even in periods like the Spanish-American War (the Gilded Age of American greed and virulent racism) when European models of empire were still unquestioned in Europe and increasingly quite popular in the United States, also resisted such impulses, and most Americans came to regret them.⁶ If such resistance is stronger in the United States today, it is because of the resistance movements that ultimately discredited the imperialistic politics that led to the Vietnam War, and that resistance is linked, as I have argued, to the rise of and increasing importance to Americans of gay rights. On the other hand, the continuing power of American patriarchy is shown by the way in which, as I have shown, American politics is polarized around social issues (including gay rights) and imperialism in a way British politics is not. President George W. Bush was thus politically successful in linking his attack on gay marriage (calling for a constitutional amendment to forbid it) to the unjustly aggressive war on Iraq. The underlying issue, as I have suggested, is a sense of American patriarchy under threat, which leads to the reactionary politics conservative Republicans have so skillfully fomented and used to serve their ends. So, if my thesis is correct, the American fundamentalist attack on gay rights should worry liberals not only because it is wrong on the merits but because it reinforces imperialistic impulses in our politics which, in light of American economic and military power, could be catastrophic.

If gay rights had emerged as an important constitutional issue in ex-colonies of Britain, it is not, I have suggested, because the officials of the British Empire were concerned with developing democratic institutions in the nations they

⁶ On this point, see Gregg Jones, *Honor in the Dust: Theodore Roosevelt, War in the Philippines, and the Rise and Fall of America's Imperial Dream* (New York: New American Library, 2012).

colonized but did not themselves settle (Australia and New Zealand). They were not. Rather, I have examined three ex-colonies in which gay rights has importantly been constitutionally protected – Canada, South Africa, and India (Chapter 5). In each case, it has been the liberal political leadership each nation enjoyed that led to the role constitutionalism has played in protecting gay rights, sometimes quite explicitly (South Africa). There is also something else: the role democratic constitutionalism, grounded in the protection of basic human rights, plays in forging a consciousness of their rights in a democratic people, even against the enormous odds of a cultural tradition as strong as the caste system in India, grounded in the patriarchally enforced Love Laws. Once a constitutional democracy endorses, even as a long-term aim of its social revolution, the clearing of spaces where the caste hierarchies do not operate or operate with much less force, the human psyche, in which the need for loving and being loved as an equal is so central, opens its heart and mind to loving across the caste barriers that appear increasingly alien and inhuman. It is in such circumstances that gay love arises, an expression of one aspect of the universal needs of the human heart.

It is important to keep firmly in mind, in this connection, the extraordinary religious force of the repression of homosexuality in Western Christendom, vigorously enforced by the state through the death penalty, including burning at the stake. What made this so extraordinary and so psychologically deadly for homosexuals was that it was a crime so terrible it could not even be spoken. The murder of voice is the murder of the psyche, and the dominant religious tradition of the West has, in my judgment, not yet been properly accountable for the ethical enormity it thus inflicted on homosexuals. Only since the moral enormity of the Holocaust and its roots in Christian anti-Semitism have we begun to take seriously and question the role of patriarchal religion in our lives. In Britain, the Anglican Church, unlike the Catholic Church in Rome, has questioned as well the unjust role patriarchal religion played in the persecution of homosexuals as well, as we can see in the significant role it played in the Wolfenden Report and in opening the Anglican priesthood to women and homosexuals. It is a symptom of how uncritically powerful patriarchy remains in the United States that, on the issue of homosexuality, some Anglican communities would rather align themselves with homophobic African churches rather than the mother church of Great Britain.

I early set the agenda in this book in light of the worry the British gay novelist Alan Hollinghurst explores in his novel, *The Stranger's Child*, how – in light of massive censorship and internalized inhibition – to recover a memory that irrational prejudice, sometimes internalized, fractures, distorts, and even denies. Such denial has two dimensions.

First, there is the distortion of memory that he studies in Britain. The novel depicts a sexually active gay man and poet, who fights and dies in World War I. After his death, he is not, in view of all the homophobic pressures to make him someone he was not, remembered as he was, leading to denial, distortion, and outright misrepresentation. This is the kind of distortion of memory that has, I believe, dominated discussion of the group of artists and intellectuals whom I study in depth in Chapter 3. The facts now are certainly quite well known, but it is striking that, when Holroyd's first 1971 edition of his biography of Lytton Strachey was circulated to members of Bloomsbury still alive, some of them, like Leonard Woolf, said that homosexuality was simply "irrelevant" to relations with those of his friends who were having gay sex, which, Holroyd observes, "underrated its significance in releasing Strachey from lonely confinement to his own body."⁷ Many of them or most (Duncan Grant being on exception) were keen to be publicly heterosexual (at least by the 1960s), and all resented or were embarrassed at what they saw as private matters being made public.⁸ None of this is surprising in view of what we know of the tenor of public debate about homosexuality at the time of the 1967 decriminalization, including, as we have seen, the debates in Parliament, avoiding the question of and thus acquiescing in its immorality. Even Noel Annan's sympathetic account of the role of homosexuality in the Bloomsbury Group, "the cult of homosexuality,"⁹ fails to take seriously the connections between their resistance to the Love Laws and their resistance to British imperialism, which is at the heart of my interpretation. What I take quite seriously, in a way others do not, is the pivotal, self-conscious importance of resistance to patriarchy in their lives and works, a tradition of ethical resistance that should be honored, not hidden or distorted or trivialized, because homosexuality was, in fact, so central to their relationships to one another.

Second, recovering the history of gay resistance in the spirit of this book has an importance beyond Britain – namely, in the lives of gay, lesbian, bisexual, and transgendered people. Gay people are still often born into families in which homosexuality cannot be discussed, and they thus cannot, as homosexuals, have any sense of having a common history on which they may draw. In such circumstances, the mind is divided into compartments, and some of one's deepest emotions are locked away, refused access to any other compartment. At the center of things, despite a conviviality mistaken for happiness, one is deeply alone because one fears to share the deepest parts of one's self

⁷ Holroyd, *Lytton Strachey: The New Biography*, at XXXI.

⁸ See *ibid.*, at XXII–XXX.

⁹ See Noel Annan, *Our Age*, pp. 98–124.

with family members one loves; one thus learns mistrust in matters of friendship and love. Such denial falsifies honest memory and one's human sense of a reliable inner truth, the basis of a secure and self-respecting sense of self connected to friends and lovers. This book is an effort to recover or cultivate a memory that may be truer to experience and more broadly shared – namely, an experience drawn from the history of gay resistance, one in which we may find ourselves in, and advance responsibly, an honorable tradition, based on an ethical discovery important to all of us as humans. What riveted and amazed me in the resistance group I studied in my research for this book was how close their experience was to mine, connecting impulses in both feminism and gay rights that have made love possible and enduring in my own life. It should be obvious that the ire of patriarchal control of women would be aroused by their resistance to compulsory heterosexuality and the role it played in arranged marriage, but it may be less obvious why patriarchy would be aroused by male homosexuality as such, which thrived in ancient Greece and Rome, both highly patriarchal cultures. Although some forms of Greek homosexuality (for example, the resistance of the lovers, Harmodios and Aristogeiton; see the Introduction and Chapter 1) prefigure modern gay rights, other aspects of ancient patriarchy expressed a sexist contempt for the passive role in gay sex and thus was associated, as in Rome, with slave boys and, in Greece, with boys and often slaves.¹⁰ Modern gay rights, in contrast, contests these stereotypes, and its advocates usually condemn, often vehemently, all forms of nonconsensual sex and especially sex with underage boys (pedophilia). Rather, modern forms of male homosexuality often aspire to sometimes long-term personal relationships between adult men that, when you add the adopted or natural children many contemporary gay and lesbian couples involve, are increasingly indistinguishable from marriage. Moreover, I think no gay man, and I speak from personal experience here, who has had the good fortune and experience of grace, as I have, to find enduring love for some forty years with another man, his equal in every way, has not struggled deeply (and I mean deeply) against the patriarchal assumptions that divide men competitively from one another and, if unquestioned, can make sexual love, including gay love, so darkly problematic.¹¹ Patriarchy is, I believe, hostile to love, and indeed thrives

¹⁰ See Kenneth J. Dover, *Greek Homosexuality* (London: Duckworth, 1978); Craig A. Williams, *Roman Homosexuality*, 2nd ed. (New York: Oxford University Press, 2010).

¹¹ For a view of gay sexuality along these lines, see Leo Bersani, *Homos* (Cambridge, MA: Harvard University Press, 1995); Leo Bersani, *Is the Rectum a Grave? And Other Essays* (Chicago: University of Chicago Press, 2010); Leo Bersani, *The Freudian Body: Psychoanalysis and Art* (New York: Columbia University Press, 1986). For a more hopeful view, see Leo Bersani and Adam Phillips, *Intimacies* (Chicago: University of Chicago Press, 2008).

on the degree to which cultures (including patriarchal religions) endorse this hostility.¹²

What the ethical discovery comes to is an aspect of our humanity that had been not even acknowledged, let alone explored – that gays and lesbians, in loving one another as equals, resist the patriarchal Love Laws that have divided us from a sense of our common humanity, including the universal needs of the human heart. It is for this reason that I regard gay rights as universal human rights and believe that the persecution of homosexuals anywhere affronts and should affront the human conscience of people everywhere. To the extent a worldwide human rights culture has emerged and flourished since World War II,¹³ gay rights should be at the cutting edge of its claims and demands.

The very idea of universal human rights arose from the confrontation of the allies after World War II with an aggressive German fascism based on the irrational, genocidal hatred of the Jews. Anyone familiar with German fascism knows of its glorification of violence against scapegoats, in particular, violence against its ostensible enemies, even when innocent and defenseless.¹⁴ I have already discussed a form of this violence in Robert Mugabe's use of political homophobia to support a black nationalism that is as mindless as the ethnic nationalism of Hitler's Germany (Chapter 5). We see it more recently in the political homophobia in Uganda and elsewhere, in which violence against homosexuals is rampant, often fomented by newspapers and politicians, and urged on by fundamentalist religious groups from the United States.¹⁵ What is extraordinary about these developments is that what sustains the homophobia is mindless violence, which illustrates vividly how powerful reactionary patriarchy remains in some parts of the world. It is against this background that I understand why both Prime Minister David Cameron of Great Britain and Secretary of State Hillary Clinton of the United States have invoked the protection of universal human rights as grounds for questioning and censuring such developments.¹⁶ They are, I believe, correct in understanding the normative dimensions appropriate to criticism of this phenomenon.

¹² On this point, Nicholas C. Bamforth and David A. J. Richards, *Patriarchal Religion, Sexuality and Gender: A Critique of New Natural Law* (Cambridge: Cambridge University Press, 2008).

¹³ See Lawrence M. Friedman, *The Human Rights Culture: A Study in History and Context* (New Orleans, LA: Quid Pro Books, 2011).

¹⁴ For a brilliant study, see Robert O. Paxton, *The Anatomy of Fascism*.

¹⁵ See Alexis Okeowo, "Out in Africa: A gay rights struggle with deadly stakes," *The New Yorker*, December 24&31, 2012, pp. 64–70; Josh Kron, "Resentment toward the West Bolsters Uganda's New Anti-Gay Bill," *New York Times*, Wednesday, February 29, 2012, p. A4.

¹⁶ See *ibid.*

We know that courageous gay rights activists, like Frank Mugisha in Uganda, have learned that their credibility among Ugandans “means keeping a distance from well-meaning American or European politicians and human-rights groups,”¹⁷ but we also know that such external pressures have importantly had an impact in holding homophobic Ugandan politicians more accountable to the conscience of humankind that they would otherwise be.¹⁸ My argument shows that the sense of a dilemma faced by Munisha and other gay activists in Uganda, Zimbabwe, and elsewhere rests on a false choice between making claims to one’s rights, as a gay person, in Uganda, and universal human rights, which are not in tension but are morally complementary. The assumption in Uganda and elsewhere that gay rights is a form of unjust Western imperialism is not only without rational basis, but itself uncritically reflects the imperial force of Western patriarchal religion. Once again, we see the distortion of memory about gay rights through which patriarchal psychology covers over and denies the truth of a feminist movement of ethical empowerment, only here not the memory of Britons or gays about their history but of formerly colonized peoples, who enforce on their own people an imperialism of unjust patriarchal demands that they believe they are contesting. The real choice is not between gay rights and anti-imperialism, but between a democracy founded on human rights and a fascist ethnic nationalism. What my study of the Bloomsbury Group shows us is that gay rights arise from the universal claims of the human heart, arising in the resistance of small minorities to a patriarchal imperialism that corrupts both public and private life. What we saw in Lytton Strachey in Britain in the 1920s, we see in Frank Munisha in Uganda today. The same resistance remains as well founded today across time and culture, and justifies as well a humane understanding of universal human rights that includes gay rights. All peoples should justly be held accountable to these demands. The post-World War II international rebirth of and rededication to universal human rights, as a response to the fascist nightmare of ethnic nationalism, requires of us today no less.

The idea of human rights arises from the political theory of liberalism, according to each and every person subject to political power equal respect for those aspects of human life through which we are normative agents, exercising the moral powers of rationality and reasonableness.¹⁹ The argument for gay

¹⁷ Alexis Okeowo, “Out in Africa: A gay rights struggle with dead stakes,” *The New Yorker*, December 24&31, 2012, pp. 64–70, at p. 70.

¹⁸ See, for an illuminating recent treatment of this issue, Alexis Okeowo, “Out in Africa: A gay rights struggle with dead stakes,” *The New Yorker*, December 24&31, 2012, pp. 64–70.

¹⁹ See David A. J. Richards, *A Theory of Reasons for Action* (Oxford: Clarendon Press, 1971); David A. J. Richards, *Toleration and the Constitution* (New York: Oxford University Press, 1986); James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008).

rights as universal human rights arises from the right to intimate life that, like the other liberal rights to conscience and free speech, expresses equal respect for a human dignity grounded in the needs of moral personality, including the needs of the human heart to love and be loved.²⁰ The idea that human rights may be limited to conscience and speech, but not extend to intimate life, itself reflects a gendered dualism of mind versus body, thought versus emotion, the gender binary that enforces patriarchy. The ethical and political importance of a feminism, like that Carol Gilligan and I have advocated,²¹ is that it challenges the role that the gender binary played here and elsewhere and justifies the ethically sounder, more expansive conception of human rights (including the right to an intimate life) that has now been adopted in Britain, Europe, the United States, and many other nations.²² It is this basic and universal human right, for example, that, having already been protected by the U.S. Supreme Court in the case of contraception and abortion services, was extended, as a matter of principle, to gays and lesbians in *Lawrence v. Texas*.²³

What makes gay rights so important as a human rights movement, not only to gays and lesbians and bisexuals and transgendered persons but to everyone, is the way in which gay rights arises from and expresses yet another form of invaluable feminist resistance to the patriarchal gender binary. The unjust political enforcement of that binary afflicts everyone, men and women, straight and gay. It has historically afflicted gay men and lesbians in a particularly oppressive way because the forms of sexual and affectional life natural to them were condemned by the patriarchal gender binary, as ways of life and of being inconsistent with being a man or a woman – as patriarchy defined being a man or a woman. It is for this reason that gay rights arises from resistance to the gender binary, a resistance David Halperin has recently shown to be central to what he calls the gay culture of camp.²⁴ Halperin argues that this culture brings to bear its own criticism of the way the gender binary has afflicted them as gay men by the way it sees their own plight, as men, in the comparable plight of women, as depicted by Joan Crawford in a movie like *Mildred Pierce*. Halperin disavows any interest in psychology, but his account of the propensity to camp among gay men is related to the traumatic breaks, including breaks with their mothers, in intimate life that homophobia, as a form of patriarchy,

²⁰ See David A. J. Richards, *Women, Gays, and the Constitution*.

²¹ Carol Gilligan and David A. J. Richards, *The Deepening Darkness*.

²² On the connection between human rights and the enlarged scope of moral empathy, see Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton, 2007).

²³ *Lawrence v. Texas*, 539 U.S. 558 (2003).

²⁴ See David M. Halperin, *How to Be Gay* (Cambridge, MA: Belknap Press of Harvard University Press, 2012).

imposes on them.²⁵ Camp resists the trauma by exposing and criticizing the role a patriarchal hierarchy of gender polarization has played in inflicting such painful separations on intimate relationships.²⁶ It calls for more honest acknowledgment of the ethically creative role relationships with women plays in gay life and resistance. Halperin thus implies a psychology of resistance – one quite similar to that advocated in this book, one that connects more explicitly than Halperin such resistance to a feminism that challenges the gender binary, whether its takes the form of patriarchal masculinity or femininity. Gay culture, whether Halperin's camp or the resistance of the Bloomsbury Group, thus understood, is an important and invaluable part of an emerging critical culture that challenges the otherwise invisible injuries patriarchy unjustly imposes on us all.

What this book's study of the resistance of the Bloomsbury Group shows is that such resistance to the patriarchal gender binary, central to the works of both Lytton Strachey and Virginia Woolf, makes possible, indeed nourishes, the love of equals. It is the knowledge arising from love and real relationship based on equality that, in turn, psychologically makes possible their remarkable ethical sensitivity to and rejection of the false relationships central to the antidemocratic hierarchies of imperialist masculinity and femininity. Relationship between and among equals becomes the ethical polestar of all our relationships, both in private and public life, calling for democracy in place of patriarchal hierarchy. This is what Leonard Woolf came to see about his role as a civil servant of British imperialism in Ceylon, and he came to see and write of it, both in his novel and his nonfiction, through the experience of loving relationship to Virginia, as she came to her comparable understanding in her astonishing novels and nonfiction through her love of him. Such real, loving relationships – when achieved through resistance to the patriarchal Love Laws that rest on lies and violence enforced by the dehumanizing gender stereotypes that polarize and divide – expose such lies and violence for what they are through the experience of love and connection across the barriers that patriarchy enforces – the barriers of religion, race, ethnicity, gender, and sexual orientation. Such resistance creatively enlarges and deepens our sense of what ethical relationships are and can and should be.

My argument in this book has been largely empirical and observational: a natural history of gay love, so to speak, showing in some detail how and why the argument for gay rights, as a human right, was implicit in the lives

²⁵ On this point, see *ibid.*, at pp. 200, 207, 224, 289–90.

²⁶ In these points, see *ibid.*, pp. 207, 317–19.

and works of the resistance group I have studied and how over time the argument came to have a larger public and political resonance. I have noted also how the argument has been embraced elsewhere, which suggests a common human experience and a common grounding in our human natures. It would be as preposterous to deny the relevance of such human experience to a democracy's understanding of the basic human rights worthy of constitutional protection as it would be to deny the relevance of experience and experiment, wherever it occurs, in any discipline, scientific or normative, conducted in the critical spirit of the inquiry for truth. U.S. Justice Antonin Scalia is as wrong as Robert Mugabe in thinking that American or Zimbabwean values must be walled off from the experience of other nations and peoples. Such insularity and chauvinism lead not to democracy but, in the end, to fascism.

What makes this difficult to see is the continuing power of patriarchy both at home and abroad. The tension between the enterprise of human rights and constitutional democracy is not seen, as it should be, in continuing tension and contradiction with our uncritically followed patriarchal heritage (for example, in still highly patriarchal religions²⁷). If I am right that patriarchy has uncritically divided us (in terms of religion, race, ethnicity, and gender) from one another, it has left its marks in our ethics as well. Gay rights is the ethical discovery it is because it questions the authority of an ethics constructed by patriarchal hierarchy and sustained by violence, dehumanization, and repression of voice. It is such violence, rooted in fascism not democracy, that actuates the homophobic repression that corrupt governments, allied with patriarchal religion, fomented in the policies of George W. Bush in the United States and that antidemocratic leaders foment in Zimbabwe, Uganda, Singapore, and elsewhere. Resistance to such violence is and should be a requirement of the universal human rights that, after the nightmare of World War II, are the heritage of humankind, and gay rights are and should be among them. Homophobia is no more our natural human state than anti-Semitism, racism, or sexism; all are the products of political unreason and the unjust repressive violence that sustains such unreason. It is only under conditions of freedom from such hierarchy and violence – the ethical domain of freedom and equality – that a democratic ethics hears and gives a democratic resonance to the voice of gay rights. Its voice speaks from and to what makes us human: the universal needs of the human heart to love and be loved as an equal and to know and be known as the person we are.

²⁷ On this point, see Nicholas Bamforth and David A. J. Richards, *Patriarchal Religion, Sexuality, and Gender: A Critique of New Natural Law*.

