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Same-Sex Unions and the Tensions of Identity: Community and Public Reason

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Same-Sex Unions and the Tensions of Identity, Community and Public Reason

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Introduction

The Conversation Over Same-Sex Unions: Activists, Academics, and Religious Communities

My interest in the topic of same-sex unions[1] began around the time that I was simultaneously reading Cheshire Calhoun's book *Feminism, The Family, and The Politics of The Closet: Gay and Lesbian Displacement* and Judith Butler's *Gender Trouble*. I was struck by the amazing liberatory potential, not just for the gay and lesbian community but for all persons, built into the theoretical work of philosophers like Butler. This amazement, however, was juxtaposed with the urgency of practical political concerns being raised not only by Calhoun but by the activist community, which by and large require the very categories which feminist theorist or queer theorists wish to subvert to produce concrete social change. Around the same time, I started looking into religious organizations such as The Interfaith Alliance, which supports issues such as hate crimes legislation and non-discrimination policies but not same-sex unions, and progressive Christian churches such as Pullen Memorial Baptist and Wake Forest Baptist which are inclusive and affirming of gays and lesbians as well as same-sex unions. While it seemed obvious that religious institutions weren't going to be kept out of the conversation over same-sex unions, it appeared as if activists and even more so academics, in addition to perpetuating a gap between one another, had left religious institutions out of the conversation, denying them any real subversive role to play in the conversation over same-sex unions.

[1] In this paper I will be using the term same-sex union as oppose to same-sex marriage both for the sake of consistency and because not all groups involved see same-sex marriage as a desirable goal. The reasons for this distinction are highlighted at several points throughout the paper.

In this paper I plan to examine the role that activists, academics, and religious institutions play in the conversation over same-sex unions specifically, in order to highlight the current instability regarding the notion of public reason. In doing so I will lay out the various tensions that exist within and between these three groups, as well as within the individuals who make up these groups. I will show how upon closer examination these tensions can be dealt with in such a way as to satisfy both the immediate strategic needs of the gay and lesbian communities, as well as the need for an approach to issues of gender and the family that play themselves out in terms of legislation and public policy in a pluralistic democracy. It is my contention that an alliance between these three groups, as well as recognition that these groups overlap, allows for constant, critical reflection, which in turn results in progress that far exceeds that of efforts made by each group pursuing its own linear goals in isolation. I will explain why such an alliance is both strategically and theoretically desirable, as well as how such an alliance presents itself in society in such a way as to produce meaningful social change without undermining the different foundations in which each group is based.

The primary source, from which will I draw in both my introduction and conclusion, is a series of interviews conducted with members of activist, academics, and religious communities. These interviews, in turn, provide the framework for the theoretical body of the paper. Those interviewed are as follows: Wayne Besen, the Communications' Director for the Human Rights Campaign, the nation's largest gay and lesbian organization; Denise Davidoff, President of the Board of Directors of The Interfaith Alliance, a non-partisan, faith-based organization committed to promoting the

positive and healing role of religion in America; Carol Moeller, Ph.D., Greenwall Fellow for Bioethics and Health Policy at John Hopkins University; Mark Lance, Ph.D., professor of philosophy at Georgetown University; Cheshire Calhoun, Ph.D., professor of philosophy at Colby College and author of *Feminism, The Family, and The Politics of The Closet: Gay and Lesbian Displacement*; Brian Ammons, youth counselor and graduate of Wake Forest Divinity School, Randy Hall, youth director at Pullen Memorial Baptist Church in Raleigh, North Carolina; and Stephanie Wyatt, youth minister at Wake Forest Baptist Church in Winston-Salem, North Carolina and graduate of Wake Forest Divinity School.[2]

While the notion of same-sex unions is one that has meaning in spheres other than the public sphere, I have chosen to focus on the ways in which various groups from these other spheres, such as religion, present an argument for same-sex unions to the public sphere so as to gain legal rights for same-sex couples. While I realize that these spheres are not entirely separate, nor do they act to reflect a clear-cut separation, for the sake of focus and clarity, I wish to concentrate on how arguments are made in the public sphere, for public, legal rights on behalf of various groups and not the other way around (i.e. how public policy affects church doctrine and the like). This does not mean that the question of how public policy affects the spheres of the religious or the academic is trivial; indeed, those are questions that can and should be addressed at a later date.

[2] While a sample this size cannot hope to be a representation of all activist, academic, or religious communities, it is not my goal to represent the entirety of any of these groups, nor is it my goal to present a systematic proposal of how all academics, activists, and religious communities should approach gay liberation or same-sex unions. While I make the disclaimer that this paper is not a representation of the entire activist, academic, or religious communities, I wish to make clear that I do not believe these communities to be unified and coherent and thus able to be represented in their entirety to begin with.

The issue of same-sex unions has political, theoretical and religious implications, and we will assume as a primary, background assumption that these spheres are not homogenous but rather dynamic. They are constantly interacting with one another, so that there are no clear-cut boundaries between the political, the academic and the religious. Instead, there is merely a designated language that is used in each sphere, but which becomes translated and then retranslated due to the fact that the individuals that make up these spheres are themselves de-centered due to their membership in multiple spheres. There is the political reality of persons who are denied rights based on the legal definition of the institution of marriage. There are the religious communities that help to shape and define our notions of sexuality and marriage, both in the "private" and "public" spheres. Finally, there are the theoretical challenges to be made to the various institutions and categories that are being called into question in a public discourse which is presumably guided by 'public reason'.

The Role of Activists in Gay Liberation and Same-Sex Unions

Gay rights activists undoubtedly have a crucial role to play in promoting same-sex unions. They deal with the present reality that gays and lesbians face, and they are focused on changing legislation, which, in turn, is based on criteria of public reason. Wayne Besen of the Human Right's Campaign explained, "We work with Capitol Hill but obviously they don't move if public opinion doesn't move, so we always have one foot inside the legislative door and one inside of the public opinion door."[3] As a result, HRC describes itself as group that "effectively lobbies Congress; mobilizes grassroots action in diverse communities; invests strategically to elect a fair-minded Congress; and increases public understanding through innovative education and communication

[3] Wayne Besen, personal interview, June 21, 2002, Appendix p. 1

strategies."[4] While groups like HRC claim they are not unaware of the larger ongoing process of liberation, they focus on legal issues so as to produce concrete change for the gay and lesbian community. "Obviously there are going to be different approaches in fighting for the same cause", Wayne Besen explained. However, he continued, "we also recognize that even smaller gains are worth getting because they help people out in their day to day lives, so if we can get certain benefits for same-sex partners then we'll do that because that's a need that needs to be met right now."[5]

The possibility for ironic reversal is not only self-evident with regard to the HRC approach, but it is also not a point of which activists are unaware. They realize that by pushing for certain laws that seem to solve short-term material problems for the gay and lesbian communities they may be undermining longer-term sexuality bending projects by reinforcing certain norms and structures that confine identity rather than open it up to more fluid self-creation. The issue of ironic reversal can then be seen as one of the central areas of tension within the activist community, as well as between activists and members of the academic and religious communities.

Tensions In The Activist Community

One of the main tensions that exist in the activist community is over the issue of same-sex unions. While HRC sees same-sex unions as a step in the right direction, they view full marriage rights as the ultimate goal. Again, Wayne Besen stated:

> " The Human Rights Campaign continues to work with its coalition partners to ensure that same-sex couples have the opportunity to share in the rights and responsibilities of marriage. HRC plays a leading role in educating the public and federal, state and local lawmakers about equal marriage rights for gay, lesbian, bisexual and transgender Americans."[6]

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[4] Human Rights Campaign, General Missions Statement, < http://www.hrc.org/about/mission.asp>, 2002
[5] Besen, 2
[6] Besen, 3

Not all gay rights activists, however, believe that same-sex marriage is a desirable goal. Many see such a move as denying many of the critiques made by the gay and lesbian community of traditional, heterosexual norms about relationships. Besen admits that "there are people who believe that gaining the right to marry is assimilationist" but denies that HRC is "pushing same-sex marriage for everyone" and claims that they are instead making it an option for people who choose to take advantage of the right to marry.[7]

There also exists a tension for those who work with more than one group, as is the case of Denise Davidoff, the President of the Board of Directors of The Interfaith Alliance (TIA) and former moderator for the Unitarian Universalist Association. Davidoff explains The Interfaith Alliance's involvement with the gay rights movement as follows: "to the extent that TIA is in favor of fairness, is in favor of human rights, works for justice and compassion and seeks to not let one form or another of religious expression proclaim a hegemony".[8] The fact that TIA does not work on the issue of same-sex unions does not bother Davidoff who has personally been a strong supporter, along with the Unitarian Universalists, since the late sixties. She explains,

> "I bring to TIA's work and to TIA's table a set of beliefs and dominant opinions, my own personal opinions, about public policy, many of which are in agreement with TIA, but some of them are issues with which TIA has traditionally not dealt with. That doesn't change my opinion, and it doesn't prevent me from working on those issues elsewhere with other organizations. So on the issue of gay marriage, on the issue of abortion rights; those are not issues that come before us. We weren't set up to work on those issues, and that's a discipline that I have been willing to agree with."[9]

Davidoff's explains her acceptance of TIA's stance on refusing to address the issue of same-sex unions as follows: "Our concern is that there are issues that would split our

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[7] Besen, 3
[8] Denise Davidoff, personal interview, June 29, 2002, Appendix, p. 5
[9] Davidoff, 5

governing board asunder and make it impossible to join together on the issues that we do join together on, so it would be a dilution of our power."[10] For Davidoff, the work that TIA is able to do on issues of hate crimes legislation or non-discrimination policies outweighs any tensions that might exist between TIA and groups like the UUA who support same-sex unions.

The Role of The Academic in Gay Liberation and Same-Sex Unions

Academics have an equally important role to play in that they are charged with stepping back from the pressures of day-to-day politics and piecing together a larger picture. They frame the long-term agenda and offer critique so as to ensure that the bigger picture is not lost. Academics, and particularly philosophers working in gay and lesbian studies, concern themselves more with the categories of gender and sexual orientation and how the process of dismantling such categories should be at the foundation of any liberation movement. Carol Moeller, who pegs herself as both an activist and academic working on issues at the intersection of race, gender, and sexuality, says, "I tend to find that the language of rights is too limiting, so I tend to think of liberation in a broader sense...I tend to believe that gay liberation means liberation for all people...that various kinds of oppression are so interwoven that you just can't have liberation of one without the other."[11] Mark Lance, also a self-proclaimed activist and professor of philosophy at Georgetown University, is interested in issues around sex and gender and is sensitive to the questions regarding ironic reversal such as, "Should we be backing something that long-term we may have to dismantle, and how do we deal with

[10] Davidoff, 6
[11] Carol Moeller, personal interview, June 26, 2002, Appendix, p.23

that when people are wanting and needing certain rights *right* now?"[12] However, this does not stop him from questioning whether or not the move towards endorsing same-sex unions would be a move towards denying the greater liberatory potential that the gay and lesbian movement has. He states:

> "The kind of gender identities/sexual identities [available in the gay and lesbian communities] are much more fluid and free from control than they are in the heterosexual world, and that is a fairly natural function of having been marginalized for so long. In a way, once society has rejected you outright, it doesn't have the same ability to micromanage."[13]

This acknowledges not only that there are larger projects to keep in mind long-term but that the sort of critiques that the gay and lesbian communities have to offer are of theoretical value as well. Carol Moeller is also of two minds about the issue, conceding, "I would go to Vermont in a minute if I thought that it would have any effect for my girlfriend and I on, say, our health insurance", but is careful to add, "I think it's really important for queer liberation to always keep asking about what will genuinely by liberatory, and I think often it's reflecting about all of [those] institutional [arrangements] including marriage."[14]

Tensions in Academia

Those such as Cheshire Calhoun, arguably the most vocal academic proponent of same-sex unions, are hardly unaware of the tensions that exist between the political reality of gays and lesbians in America today and the liberation models that they put forth. The discussion in her book *Feminism, The Family, and The Politics of The Closet* examines these tensions with a resolution that "the push for marriage rights is not assimilationist, or conservative in any way, but challenges cultural thinking in very

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[12] Mark Land, personal interview, June 25, 2002, Appendix, p. 15
[13] Lance, 14
[14] Moeller, 25

fundamental kinds of ways."[15] Unfortunately, according to Calhoun, the book did not get as much attention in the academic world as she had hoped, though she attributes that to the reality that the discipline of philosophy does not gives gay and lesbian issues a high priority.

Mark Lance has experienced the same sort of problem in his work on gay and lesbian issues, as well as broader justice issues that seem to have more of an audience within the activist community than they do with philosophers.

> "I'm not much interested in writing political philosophy for political philosophers. To be honest, particularly in analytic philosophy, I think there's a way in which it doesn't take politics very seriously. To be taking politics seriously means taking into account the ways in which current political structures affect people in the world, and therefore, given those realities, being primarily interested in how you can change the world. That does not seem to me to be one of the leading questions political philosophers have."[16]

This tension illustrates not so much a tension between long-term and short term goals between academics as it highlights a further distinction between academic work that is merely strategic and academic work that is striving to uncover truth, however historically situated, through theory. The fact that queer theory does not currently have as much of a place in academia as it does in activism does not mean that there does not exist a need for theoretical work to be done. Indeed, this would only be the case if academics were to continue to presume that their work had no bearing on larger conversations going on within society. If one were to presume a shift in thinking away from the ivory tower syndrome, then theory becomes as much tool for social change as HRC lobbying Congress or PFLAG holding a march on the National Mall.

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[15] Calhoun, 8
[16] Lance, 15

The Role of Religious Communities in Gay Liberation and Same-Sex Unions

Religious communities, though more commonly thought to be the opponents rather than the allies of gay rights and same-sex unions, have a unique and pivotal role to play in the promotion of gay liberation. Government policy while structurally separate from religion has always, as a reality, been entwined with religion in America. The vast majority of Americans associate themselves to one degree or another with some faith tradition, and as a result, public opinion, which, at least theoretically, is supposed to shape public policy, is in turn shaped by the conversations occurring within the faith community.

Stephanie Wyatt, youth minister at Wake Forest Baptist Church and recent graduate of Wake Forest Divinity School, in trying to reconcile the Church's slowness to come around on more progressive politics recalls: "I realized that it's true that the Church can be at the tale end, but there's always a remnant on the front end, *always*...when you look at women's rights and who was involved in Civil Rights, the primary people propelling that were people of faith."[17] With regard to same-sex unions, Wyatt believes that the Church has a responsibility as a place of community to take a stand.

> "[C]ommunity is so key and so central that if you're going to say 'I want to make this kind of commitment in front on this group of people, and I want you to help me keep accountable to this; I want you to support us in our rough times; I want you to be with us in this...how could you not say, 'we're going to back you up in the commitments you want to make in your life'?"[18]

Wyatt also believes that progressive churches have a significant role to play in the public sphere where more conservative religious groups have had the tendency to grab the spotlight in an attempt to speak for all 'legitimate' people of faith. "I think that the way

[17] Stephanie Wyatt, personal interview, July 4, 2002, Appendix, p. 42
[18] Wyatt, 45

particularly contemporary media works, it's so hard to get a positive message out there because [the media] runs to all of the negative examples. I think that it is so important that those churches that are at the forefront of these issues in a progressive way get their voices out there."[19]

Tensions Within Religious Communities

Because churches by their very nature are a place of community, the key tension that arises lies in how progressive churches like Wake Forest and Pullen deal with the diversity of their congregations, while maintaining the pursuit of justice on which they are founded. Brian Ammons, a member of Pullen Memorial Baptist, who was drawn to the church because of their affirmation of gay and lesbian people, as well as their involvement with other social justice issues, admits,

> "One of the tensions that I think really exists in our congregation is there are many gay and lesbian people that have come because it is an open and affirming place for them to be, but they both theologically and in terms of other social justice issues struggle to hang in with that community, so very often some of our most conservative church folk tend to be middle-class, white gay men who have conflicts with figuring out how this fits into a larger justice picture."[20]

Even those who are gay and lesbian and do not follow a more conservative line struggle with how to relate to the rest of the church. On the one hand these congregations are a place of sanctuary where they are known for more than their gay identity, but on the other hand there is a need to assert that identity so as to contribute to the diversity of the community and the ability of those belonging to it to understand and learn from one another. For Brain Ammons, who struggles to juggle the various roles that he plays as a gay man, an activist, an academic, and as a member of Pullen, "it's a really hard dance.

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[19] Wyatt, 41

[20] Brain Ammons, personal interview, July 3, 2002, Appendix p.29

You have to figure out, 'now I want to be fully integrated, but I still need to assert this, and yes, it does matter to me, and it matters in some ways… because I think about God in some different ways; I think about relationships differently and the way relationships are constructed.'"[21] As in the case of academia or the world of activism, those involved in religious institutions like Brian Ammons do not count their faith as the only or even necessarily the primary signifier of their identity, thus translating any tensions that exist in other spheres to tensions existing with the Church.

> "That sanctuary space was so important for me, and wonderful for me, that I think what we do in struggling is we create this environment where we say it doesn't matter. Now the reality is that we leave that church, and we go back to very, very different kinds of circumstances and very different situations."[22]

Indeed, it may not even be a case of resolving tensions between the Church and a core identity if it is a matter of acknowledging that there may not even be a core identity.

Tensions Between Activists, Academics, and Religious Communities

The primary tension that exists between activists and academics concerns the language used around issues of gay liberation. Cheshire Calhoun, who admits that she is not political beyond the work she does within the American Philosophical Association, also admits, "I am an academic, so the way I write is not particularly accessible".[23] Carol Moeller, who tries to avoid 'jargon' unless absolutely necessary and whose undergraduate work under bell hooks gave her insight into the political realities of the oppressed groups she was studying, was shocked when she got to graduate school to find that "in the cultural studies seminars people were just like, 'it's just so ridiculous to think that this has anything to do with politics…oh, that's naïve' and saying you were into

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[21] Ammons, 30
[22] Ammons, 30
[23] Calhoun, 9

essentialism if you were into anything that categorized in terms of race or gender."[24] Moeller explains, "I'm not an anti-theorist. I think it's good to have good theory, but I think so many academics, at least those under the influence of French critical theory have just really gotten into theory for the sake of theory, in really obscure language."[25] The result of this language gap is often unwillingness on the part of academics to see their work as part of present struggles, as well as an inability of activists to have access to theory which is applicable to the work they are doing. Again we see the phenomenon of ironic reversal present, since the birth of critical theory was brought on by the need to contextualize theory in a way that exposed certain assumptions and norms of society, thereby seeking to bring to light the reality that oppression exists as a deeply imbedded facet of society. Therefore, critical theory was born as a radical political challenge within the academic community but has since resulted in an isolated practice of theory for theory's sake.

Both academics and activists exhibit a hesitancy to trust religious institutions when it comes to liberation struggles, particularly that of gay liberation, though it tends to vary depending on one's past involvement with and knowledge of religious groups. Cheshire Calhoun, who admits that she is not an activist, says that the stumbling block for her in working with religious groups is that they seem to "start from such a conservative approach. One always has to create arguments for why homosexuality isn't immoral first before you can do anything else."[26] Mark Lance, who has worked with various religious groups in his activism, believes that for the issue of same-sex unions it is "unbelievably hard for people who are trying to stay within a mainstream church and

[24] Moeller, 22
[25] Moeller, 22
[26] Calhoun, 10

respect themselves… I suspect that there are just some fundamental inconsistencies between the deep social structure of these institutions and who these people are, but there are people who are really committed to both."[27] Further down the line, Brian Ammons recognizes that while religious institutions have traditionally been structured around patriarchal and hierarchical thinking that is inconsistent with gay liberation, churches like Pullen are examples of places where that is not the case and where the shift is being made from Apologetics to doing constructive theology. In contrast to Calhoun's assumption, Ammons points out that in the case of Pullen, "We're done justifying why we do what we do, and we can do it if we need to, but it doesn't take up a whole lot of our energy anymore."[28] Ammons does admit that among those in the gay activist community "there's definitely the perception that you sell your soul to be a part of the mainstream church", along with a frustration with "liberal Christianity and how it's willing to go part of the way, but it's not willing to push to the end."[29] In the case of academics and activists verses religious institutions it appears to be more of a matter of whether or not one views political integrity and public reason as something that requires a foundation built on coherence and consistency, or whether it is something that exists as a result of recognizing the fragmentation of personal identities as well as the beliefs of particular communities and thus can be used to produce a dialogue that is honest and critical with itself.

Tensions Within Individuals

Much can be gleaned from the fact that the same tensions that exist between communities also exists within individuals, in part because people rarely belong to just

[27] Lance, 17
[28] Ammons, 37
[29] Ammons, 38

one community. While the initial reaction may be to try and resolve all tensions so as to reach some state of inner harmony and political integrity, I would posit that such aims are actually quite contrary to the ongoing project of liberation mainly because in seeking total consistency one loses the ability to critically reflect. In belonging to more than one community, people like Brian Ammons have the opportunity to examine their various identities and shape and reshape an identity that, while not uniform, is honest, productive and a true product of constant self-reflection. Such people then bring to each community they are a part productive critique, thereby effectively not allowing any one point of view to become lazy in assuming that it has a stronghold on the truth. The same kind of critical reflection that goes on within these individuals should be kept in mind when looking for a model of public reason that works for a pluralistic society.

Conclusion

By exploring the theoretical tensions presented in the introduction my aim is not to show that these tensions could or should be resolved with reference to same-sex unions specifically and by extensions to gay liberation more broadly. What I have attempted to show is the pragmatic need for dialogue between activists, academics, and religious communities. What stems from that, however, are larger issues in how we deal with these tensions and whether or not they have any theoretical value. Should fragmentation and/or pluralism be viewed as a blessing or a curse?

If we assume for a moment that the existing tensions are actually desirable within the framework of a pluralistic democracy, a whole host of new questions present themselves for further discussion. The central one is this: how we should view the concept of public reason in the face of fragmentation within communities and within

individuals? Is it possible that causes like that of same-sex unions can actually benefit from the many fragments of personal and community identity? Can this sort of internal and external critique produce a more honest and politically productive public reason that exhibits itself over time as opposed to one that is static? If this is the case, how is trust produced as a form of social and political capital, and how important is trust to both the dialogue between groups and the presentation of ideas to society? How much energy should be spent on cultivating persuasive narratives to sway the hearts and minds of the public, and how much should be spent on backing up intuitions based on sentiment with rational justification?

There must also be a distinction between the aims of discovering truth and wanting to change the world through more strategic measures. Even then we can break this down into long-term and short-term ways of setting the stage for dialogue. At that point we must ask which aims are appropriate and whether or not they can or should coexist? We must also ask what is at stake for each of these groups in the conversation over same-sex unions, as well as what is at stake in the discussion. One of the things at stake will undoubtedly be who gets to decide what the priorities of a coalition are and how to present them in the public square. If that is determined by members of a coalition between activists, academics, and religious groups, it will have to be recognized that those members of the coalition also belong to other communities, each with their own set of priorities and language for defining those priorities. Finally, we must ask what the implications are to democratic deliberation of first asking all of these questions and then daring to answer them.

The first section of this paper will look at the tensions between theory and politics by examining same-sex unions in light of the differences and similarities between the projects of feminist philosophers Judith Butler and Cheshire Calhoun. I will look at how each of their approaches plays out with reference to the Defense of Marriage Act (DOMA), as well as how they fit with commentary from members of those churches mentioned in the introduction that support same-sex unions. I will also lay out Calhoun's argument for inclusion of same-sex couples as a means to participating in public discourse.

In the second section I would like to pick up on the notion of the public versus the private sphere, and more particularly the notion of the secular versus the religious. In the previous section the argument made was for the inclusion of homosexual couples in the public sphere, since that is the place where public reason is produced. In this section I would like to take up Janet Jakobsen's critique of modern secular reason, which attacks the notion of coherent and separate communities or spheres, as well as coherent identities. The assumption of modern secular reason is that religion is relegated to the private sphere both as a matter of fact and as a way to prevent oppressive and intolerant religious communities from affecting public reason. By using Jakobsen's critique of this assumption I wish to make both the descriptive claim that religious communities are not relegated entirely to any "private" sphere, as well as the normative claim that they should not be prevented from contributing to the public square. By denying religion or any other "private" sphere from the conversation over what constitutes public reason is to buy into the assumption that the modern secular reason holds no oppressive biases of its own to be critiqued.

The last section will examine the implications of the previous two sections on the notion of public reason within a pluralist democracy and then compare that with the view of public reason given by John Rawls. The first section should lead us to the conclusion that tensions between groups are inevitable and also productive in producing a self-reflexive posture when dealing with issues such as same-sex unions, which require there to be space for critique. The second section should lead us to the conclusion that the 'religious' (which can also represent other areas of the "private" sphere) and the 'secular' can't be neatly separated into a binary. Following from this it should not be assumed that a "neutral" secular language is either possible or preferable when it comes to what we assume to be public reason. This last section will also explore what public reason might look like after a critique of secularism. The conclusion of this paper will return to the questions that were presented in the introduction regarding the desired nature of public reason within a pluralistic society and the implications of fragmented communities on the issue of same-sex unions.

Section I

From Same-Sex Marriage To Same-Sex Unions: Examining the Tensions Between Theory and Identity Politics

In the introduction I explained why it is necessary to look at the tensions that exist between theory and politics as well as those which surround the notions of identity, community, and public reason in the conversation over same-sex unions. In this section I will set up an argument for why same-sex unions should be legalized using the work of philosophers Judith Butler and Cheshire Calhoun, as well as why the move should be made from talking about same-sex marriage to same-sex unions. I will also critically analyze the assumptions on Calhoun's part regarding the boundaries of identity. This analysis will challenge Calhoun's assumptions of identity, community, and by extension the range of possibilities available for affecting public policy. By further examining a theoretical argument for same-sex unions, I will also be introducing the concepts of the public sphere and of public reason, both of which I will examine in greater detail in the following two sections.

In 1990, Judith Butler published her book *Gender Trouble* in which she put forth a powerful post-structuralist analysis of gender that challenges not only our categories of sex but also of sexual orientation. The radical conclusion of her analysis is that there are no natural categories of sex or gender, but only gender performances as they are constructed by society. Such a conclusion has proved liberating for feminist and queer theory and at the same time dangerous to feminist and gay rights activists who remain dependent on identity politics in order to make claims about group based oppression or subordination. Ten years later, Cheshire Calhoun published *Feminism, The Family, and The Politics of the Closet: Lesbian and Gay Displacement*, reminding us that sexual

orientation is still a viable category when talking about group based subordination caused by unequal access to the public sphere.

In this section I intend to illustrate the tensions between theory and politics using Judith Butler, who advocates subverting gender identities, and thereby sexual orientation, and Cheshire Calhoun, who is politically invested in the category 'woman', which she uses to identify lesbian as a legitimate category (insofar as 'lesbian' lies outside of woman), in order to make a case for same-sex marriage, and thereby a place for gays and lesbians in both the public and private sphere. It is my contention that while the tensions between Butler and Calhoun cannot be entirely resolved, the case of same-sex marriage illustrates that to deny either method of thinking about identity will be to undermine the very method you wish to take up. In other words, Butler's subversion tactics cannot be realized in the long run without Calhoun's identity politics, and Calhoun's investment in identity advances the cause of gays and lesbians as an appropriately represented segment of society, but it limits us to the very identities we should be trying to subvert in order to entertain the possibility of a decentered and multiple self. I intend to show that same sex-marriage is subversive insofar as it opens up the possibility of redefining the institutions of marriage and family in which so many of the gender scripts that constitute the construction of "sex" are perpetuated. For gays and lesbians to be able to contribute to the act of subversion, however, they will need to assert a certain definable identity, however theoretically unstable, in order to be recognized[30] in the realm of civil society in which rights such as marriage can be obtained.

[30] I purposely substitute "recognition" for gaining "gaining access to the public sphere" because I believe gays and lesbians have access to but not have full recognition as gay and lesbian persons in the realm of civil society.

In concluding that neither Butler nor Calhoun give a complete account of how we should approach the issue of same-sex unions, I shall propose that we see Butler's vision as that of the method to be used once gays and lesbians are recognized within the public sphere, whereas we should see Calhoun's approach as *a* method to be used to gain that recognition. I emphasize that Calhoun's approach is merely one method to gaining recognition both because I believe her method rejects the possibility of moving from same-sex marriage to same-sex unions due to the false hopes of subverting notions of the family to the fullest extent possible. Calhoun's method also ignores the overlap in communities which causes various types of oppression (sexism, heterosexism, racism etc.) to intermingle and affect one another, but which also allows gays and lesbians to find affirmation in places that Calhoun overlooks (i.e. religious communities). With respect to this realization I will conclude this section by examining where Calhoun's approach falls short in dealing with same-sex unions.

Identity Politics and the Politics of Displacement

At the core of pluralism lies the notion of identity politics, which, on the surface at least, appears to rely on the ability of groups to posit a coherent identity shared by the members of the group they are fighting for. The Civil Rights Movement posited the identity of race. The feminists posited the identity of 'woman'. In both cases the identity was key to claiming the existence of an oppressed group, which demanded equal rights and standing in society. Now those such as Cheshire Calhoun are positing gay and lesbian as an identity currently displaced from both the private but more importantly the

public sphere[31] leading to the limitation of participation of gays and lesbians in civil society. In the midst of second wave feminism, the feminists co-opted lesbianism the same way it co-opted black women, as a concession of difference under the greater title 'woman'. The assumption was that heterosexism is rooted in sexism; therefore, equality for women includes equality for lesbians. Calhoun's objection to this move by feminists is twofold. First, it makes lesbians women first and lesbians second, whereas Calhoun argues that the very identity of lesbian is based on an existence outside the category of 'woman'. Second, by including lesbians in the feminist fight for equality, it assumes the oppression of women and lesbians to be the same. Calhoun rejects this assumption by pointing out that, "unlike race and gender oppression, the primary serious effect of lesbian and gay subordination is not material disadvantage so much as it is the *displacement* of lesbians and gays from civil society."[32] By displacement Calhoun means the ability of persons to claim their identity in the same way women and African-Americans, for example, have been able to assert pride in the feminine or the beauty of blackness, despite how society might devalue such identities. It is displacement of gays and lesbians that has caused these groups to be subordinated and kept shut out of both the public and private sphere as opposed to being an oppressed group within civil society. On the one hand, "Discriminatory policies that penalize openly lesbian and gay persons have the effect of requiring everyone to present themselves as heterosexual if they are to have full access to the public sphere."[33] Normally oppressed groups are discriminated against because of their identity as either black or female, thus discrimination is based in

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[31] While Calhoun acknowledges that both the public and private spheres are important, she is careful to point out that it is the pubic sphere which is crucial to social change in reference to institutions like marriage.
[32] Cheshire Calhoun, *Feminism, The Family, and The Politics of The Closet,* 16
[33] Calhoun, 16

a visual identity or marker. Lesbians, however, are forced to conceal their identity to avoid discrimination. They may participate in civil society but not as the person they truly are outside of the workplace or other areas susceptible to discrimination, but rather as an assumed heterosexual.

Not only are gays and lesbians displaced from the public sphere but they are also "displaced from the private sphere through anti-sodomy laws and policies that impose barriers to the formation of lesbian and gay marriages and families."[34] While anti-sodomy laws tend to perpetuate a bias against homosexuals as unnatural or deviant, it is, for Calhoun, the barriers to gay marriages and families that keep gays and lesbians unable to claim a complete life consistent in both the public and the private sphere. Marriage is an institution that not only legitimizes a relationship to those involved but also to the rest of the community in which a couple belongs. The family is where we expect a vast majority of our values to be passed from one generation to the next. By denying gays and lesbians the right to participate in both of these institutions, society denies this segment of the population the possibility of shaping the society in which they live. By granting the right to participate in these institutions, society would be legitimizing their identities, not as deviant and unnatural, but rather as a viable option. By recognizing lesbian and gay marriages and families as *an* option, the assumption of heterosexual marriages and families as *the* option begins to fade within the arena of civil society, thus tearing down the walls not of sexism but of heterosexism and opening up the possibility for gays and lesbians to lead consistent, fulfilling and *recognized* lives.[35]

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[34] Calhoun, 16

[35] It should be noted that there exists no consensus within the gay and lesbian community as to the merits of pursuing same sex marriage. Many resist the idea claiming that marriage is a relic of heterosexism which

In order for lesbianism and thereby lesbian marriages and families to be an option among others, it needs to maintain the category 'woman' as one of the *other* options. Lesbians cannot fit into the normal dichotomy of man and woman, according to Calhoun, because they do not fit the gendered scripts of either. They have the body of a 'woman' but the desire of a 'man', and yet their dress and other normal clues to gender fit anywhere in between, leaving such persons no choice but to be considered "incapable of *being* fully a woman and of fitting within a binary sex/gender scheme"[36]. They do not rely on men as the Other for their signification, but rather they rely on an essentialized 'woman' for identity. Calhoun states, "If 'woman' has no essential meaning, but there are, instead, multiple and open-ended ways that women can be. How does one go about representing oneself *outside* 'woman' rather than *differently inside* 'woman'?"[37] One might wonder why there is such an insistence that lesbians be considered outside the category of 'woman'. The answer comes in Calhoun's resistance to what she calls the lesbian closet within feminism.

> "The lesbian becomes the lesbian *woman*. This means that we must read her sexuality as constituting only an accidental difference. She is essentially a woman. Stripped of the monstrous image of a third sex—not-woman, not-man—lesbian sexuality becomes just sex, a woman's sexuality and as such simply a set of acts or practices that cannot challenge the binarism of gender. In addition, having subsumed the lesbian under 'women', it would seem that we must read heterosexism as a set of penalties addressed to the lesbian for her failure to conform to an essentializing cultural definition of 'woman'."[38]

In addition to the problem of invisibility, if we accept that lesbians are women, then not only do we perpetuate the binary of man/woman, with no room for a third or fourth

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should not be adopted by gay and lesbian persons—a critique addressed in the latter half of Calhoun's book.

[36] Calhoun, 34
[37] Calhoun, 71
[38] Calhoun, 72

gender, but we also create a new binary within the category of women between straight women and lesbians in which heterosexism will lend itself to favor straight women as superior in the same way the binary of man/woman lends itself to sexism to favor men as superior. This leads us right back to the problem of representation within civil society. If a group is lacking in an identity, Calhoun argues, then how is such a group to fight for the right to participate in the institutions of marriage and the family, and through those institutions the public and private spheres of society? I will leave this question for the time being only to turn to the question of identity in light of Judith Butler's work in *Gender Trouble* and the subversion of gender and identity.

Judith Butler challenges not only gender as being tied to certain types of bodies but also the idea that there is any such thing as a transhistorical sexed body onto which we prescribe all sorts of gendered qualities throughout history.

> "In opposition to this false construction of "sex" as both univocal and causal, Foucault engages a reverse-discourse which treats "sex" as an *effect* rather than an origin. In the place of "sex" as the original and continuous cause and signification of bodily pleasures, he proposes "sexuality" as an open and complex historical system of discourse and power that produces the misnomer of "sex" as part of a strategy to conceal and, hence, to perpetuate power-relations."[39]

By using this analysis of sex as constructed through history, the way feminists had assumed only gender to have been produced, Butler breaks down the sex/gender split that feminists have been using for years as their battle cry for equality. In a radical shift Butler turns the sex/gender split in on itself claiming that it has been through the performance of gender that sex has been produced. What counts as 'woman' only makes sense in light of the gender scripts about how certain bodies act in given circumstances. Butler's analysis is critical of the feminist emancipatory model of deconstructing gender

[39] Judith Butler, *Gender Trouble*, 121

which assumes the sexed body as given and in no need of emancipation itself. Butler suggests that those who truly want to work for emancipation should not merely deny gender difference between the sexes; instead, they should use the given gender scripts to subvert the categories of sex and any notions we have of their static nature or their close ties to gendered qualities. Butler wants to deny any concept of a universal 'woman' that can be found beneath all the rubble of gender and history.

> "The critical task is, rather, to locate strategies of subversive repetition enabled by those constructions, to affirm the local possibilities to intervention through participating in precisely those practices of repetition that constitute identity and, therefore, present, the immanent possibility of contesting them."[40]

The idea is not a grand escape from gender altogether, but rather a proliferation of possibilities open to all bodies rather than just two genders open to just two types of bodies.

Going back to the question of gay and lesbian displacement, it is exactly the kind of anti-essentialism put forth in Butler that Calhoun believes is so dangerous to the cause of gay and lesbian emancipation. While Calhoun also has an investment in proliferating genders, she is resistant to giving up the category 'woman' which lesbians need in order to exist apart as Other (or a third gender). She is also wary of how much of an impact Butler's subversion is capable of having regarding the political reality of gays and lesbians as a displaced group in society.

> "One may, of course, doubt that performing masculinity and femininity on the lesbian body will have much political impact. When confined to the bedroom or public lesbian audiences, these performances cannot denaturalize gender for the larger cultural audience. Disrupting the larger culture's conviction that there are only two natural sex/genders, however is what really matters politically. Even when made more broadly visible these performances may not have the desired effect. Lesbians are culturally conceived, in part as types of persons from whom

[40] Butler, 188

> gender deviance is only to be expected. Thus, deviant performances may only confirm, rather than unsettle, the assumption that masculinity on a female body and femininity conjoined with desire for women are unnatural pathologies."[41]

Calhoun sensibly asserts that not just any subversive act will have the desired effect of changing views about sex and gender in a way that is politically advantageous to the gay and lesbian communities. Taking from Calhoun's observation above, actions such as dressing in drag, which would certainly count as subversive insofar as they flout the rules of gender and easy reading of a person's sex, may only perpetuate the common conception of gays and lesbians as a group outside the norm, and certainly not eligible for participation in either of the basic social institutions of marriage and family.

Despite their different methods of emancipation, I believe that Calhoun and Butler, though in disagreement about the necessity of an essentialized category of 'woman', exhibit a certain amount of overlap where same-sex unions are concerned. I want to suggest that gay and lesbian marriages/unions, as well as families are not only compatible with but necessary for subversion of gender, and that pragmatically speaking, the category of 'lesbian' is necessary insofar as to have a place from which to point out differences between the causes and effects of sexism verses heterosexism, including the exclusion of gays and lesbians from the public sphere.

By examining some of the rationale behind DOMA (Defense of Marriage Act) one comes across a whole host of reasons to believe that pursuing same sex marriage is, as this point in time, on of the most subversive that feminists and gay and lesbian rights activists could do. The most basic argument against same-sex marriage can be best represented by quotes taken from the congressional hearing on DOMA. Senator Don

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[41] Butler, 38

Nickels, a Republican from Okalahoma, stated, "The definitions of [the DOMA] are based on common understanding rooted in our Nation's history, our statues, and our case law. They merely reaffirm what Americans have meant for 200 years when using the words marriage and spouse."[42] Along the same line of reasoning, Senator Daniel Coast, a Republican from Indiana said, "The definition of marriage is not created by politicians and judges, and it cannot be changed by them...It is the union of one man and one woman. This fact can be respected, or it can be resented, but it can not be altered."[43] Senator Robert Byrd, a Democrat from West Virginia, even called such efforts at gaining the right to same-sex marriages, "a sneak attack on society by encoding this aberrant behavior in legal form before society itself has decided it should be legal."[44] Such comments in defense of heterosexual marriage prove clearly the distinction made by Calhoun between the structures of sexism verses heterosexism. The definition of marriage, as given by the proponents of DOMA, allows that heterosexual women may enter into and even change the institution of marriage and also of the family. While some lesbian feminists have rejected the idea of claiming marriage as a place to fight for equality, clearly the argument for DOMA shows that as long as homosexuals can be kept out of the institution of marriage, the myth of deviance verses normalcy will persist along with definitions of homosexual identity that include terms like "aberrant behavior".

According to DOMA advocates, marriage and the family must be protected because it is one of the most fundamental spaces in which the "natural" order of male/female, father/mother, and thus masculine/feminine binaries are reproduced. If gays and lesbians are able to enter into this space, then there is no longer one narrative

[42] Alec Walen, ""The Defense of Marriage Act" and Authoritarian Morality", 4
[43] Walen, 6
[44] Walen, 3

being told about what a loving relationship is suppose to look like, what a family is suppose to look like. Seeing as the family is one of the primary sources of our gender scripts, that is how certain bodies match up to specific roles and how they match up to other bodies with specific roles, then by disrupting that through same-sex marriages and families you have a full scale subversion of gender taking place in both the private and public spheres. To put it more clearly, if a child sees that their family consists of two mothers, but their friend down the street has two fathers and their friend from school has a mother and a father, then the child starts to look at the possibilities of various ways in which people can position themselves to lead happy and fulfilling lives, versus having to be happy with the gender/sex that has been prescribed to them.

The family is not only a source of gender scripts but it is also the place where morality is passed from one generation to the next. Calhoun notes, "being fit for marriage is intimately bound up with our cultural conception of what it means to be a citizen. This is because marriage is culturally conceived as playing a uniquely foundational role in sustaining civil society."[45] While marriage certainly does not necessitate raising children, marriage is certainly a highly valued prerequisite for raising children. This is due to the fact that raising children is not merely a private affair insofar as those who are playing the role of parent are raising future citizens. In this sense it is of extreme concern to a society what sorts of values are being passed from one generation to the next. Changing the range of possibilities for what constitutes "normal" and "acceptable" family changes the range of future citizens that are produced. We will revisit the relationship between citizenship and the family in the third section under the discussion of Rawls and public reason.

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[45] Calhoun, 108

Examining other spaces for subversion

While I believe that same-sex marriage is a subversive action that can be taken, pragmatically speaking, I want to reiterate that I believe the stark lines between 'woman' and 'lesbian' are useful only in specific contexts when the differences between sexism and heterosexism need to be highlighted. The reality is that those categories are indeed useful and indeed even necessary at times if we are to talk about the need for gays and lesbians to gain the rights that come with marriage, however, I think that we must be careful not fall into the trap of believing that same-sex couples have no means of gaining access to the public sphere except through the one institution that they are specifically denied access to. That having been said I would propose that Calhoun's method be altered to advocate for same-sex unions as opposed to same-sex marriage as a means of reflecting the current support of churches like those I mentioned in my introduction while also recognizing the potential that these religious communities have for critiquing those in the public sphere who would advocate legislation like DOMA and who represent a conservative view of the family.

By using the term same-sex unions as oppose to same-sex marriage I am not advocating same-sex unions as they exist in current law in Vermont where same-sex unions fall short of the full rights and privileges of marriage. Instead, I'm calling for a change in the terminology that moves us beyond the language of marriage. I see same-sex unions as disrupting notion of marriage not just for same-sex couple but for opposite sex couples as well.[46] The best example of this can be seen in the way those involved with religious institutions like Wake Forest and Pullen are careful—mostly due to the

[46] While any description of a couple will be limited in this case, I've chosen to use opposite-sex couples as opposed to heterosexual couples since it is a description that does less to reinforce the binaries of sex, gender and orientation that Butler wishes to subvert.

influence of queer theory and feminist theory as well as contact with the gay and lesbian community—not to accept same-sex unions wholeheartedly, in addition to looking ahead and reframing the issue of homosexuality around sexuality more generally. While Brian Ammons claims that Pullen is ready and needs to move on to the next phase in talking about a queer theology and issues of constructionism, he admits that "you could probably say that most of the church has read something by Spong[47], so we'll do Spong, but we're not going to do Foucault."[48] Ammons also points out,

> "one of the interesting things that probably is starting to happen or needs to happen with reference to same-sex unions is a recognition that they're occurring at different points in relationships [then heterosexual marriages]. By in large these people have been living together for years...that's one of those things that's going to push straight norms, and it's going to be an interesting conversation to develop."[49]

Randy Hall, also from Pullen, raises an issue that queer theorists challenging notions of categories often bring up which is that "it's really easy to focus on it being a 'gay question'. I think it's a sex question that the church is not willing to deal with...even in very liberal churches, I think there's still a lot of discomfort at being sexual beings."[50] Stephanie Wyatt who is also eager to pick up on this point says:

> "I think the next big thing that the church is finally beginning to deal with is that homosexuality isn't just about homosexuality, it's about sexuality and larger issues about men and women, and people who fall somewhere in between that...Until we can break through those larger questions, I don't think we can really talk about homosexual morality in some isolated place...I think that gay and lesbian people help us there because they take us places that we're scared of, but I think that's a huge, hard, hard road because people don't want to ask those sorts of questions."[51]

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[47] Bishop John Shelby Spong has written several books that are popular amongst progressive Christian communities including, *Why Christianity Must Change or Die*
[48] Ammons, 34
[49] Ammons, 39
[50] Randy Hall, personal interview, July 3, 2002, Appendix, p. 39
[51] Wyatt, 47

Wyatt also wants to use the gay and lesbian community to question the idea of marriage and the law of gender complementary, or the idea that we all have to be paired up. "There's this way in which even in the more liberal community, one of the reasons why gay unions are more sanctioned is because it couples people up." She goes on to question,

> "Why are we so afraid of not making those commitments? Why can't we teach ethics that go across those boundaries? To be a single person who can say, 'I may or may not choose to get married. That doesn't mean that sex can't be a part of my life', and that I can pursue those things ethically, but I have to be able to talk about them. It makes the world much more complicated, much more difficult. It requires a lot more responsibility on my part, but I want to be free."[52]

In asking these types of questions members of these various groups are not setting any one agenda but rather creating a space in which these conversations can exist, so that while an alliance of activists, academics, and religious institutions may be pushing for a specific issue such as same-sex unions at present, they are all the time pushing the conversation forward in terms of what liberation requires of them and not allowing any one issue to undermine their ability to produce meaningful critique. What Calhoun ignores in her assessment of gay and lesbian displacement is the fact that these questions are being asked and conversations about same-sex unions are occurring in spheres other than the academic and the activist spheres. In the next section I will explore the role of religious groups and the breakdown in the secular-religious binary and it's implications on our ability to critique public policy.

[52] Wyatt, 48

Section II

The Religious Versus the Secular: Creating The Space for Public Reason

In this section I would like to pick up on the notion of the public versus the private sphere, and more particularly the notion of the secular versus the religious. In the previous section the argument was made for the inclusion of homosexual couples in the public sphere, since that is presumably the place where public reason and by extension public policy is produced. In this section I would like to take up Janet Jakobsen's critique of modern 'secular' reason in order to create a more fluid and self-reflexive space for public reason. This critique attacks the notion of coherent and separate communities with firm boundaries and by extension spheres (i.e. religious, public/secular), as well as coherent identities. The assumption of modern secular reason is that religion is relegated to the private sphere both as a matter of fact and as a way to prevent oppressive and intolerant religious communities from affecting public reason, and thereby public policy. By using Jakobsen's critique of this assumption I wish to make both the descriptive claim that religious communities are not relegated entirely to any "private" sphere due to the fragmented nature of identity, as well as the normative claim that they should not be prevented from contributing to the public sphere, due to the fragmented nature of secularism.

To deny religion or any other "private" sphere from shaping and reshaping what constitutes as public reason is to buy into the assumption that the modern secular reason holds no oppressive biases of its own to be critiqued. In order to set up the framework for this conclusion I will start with a discussion of Maria Lugones and her assertion of fluid identities and communities—a concept central to Janet Jakobsen's critique. From

there I will discuss the de-centering of community identity along with the breakdown of the secular-religious binary using Jakobsen's critique of modern secular reason. Finally, I will end with the implications of this breakdown on the notion of public reason and the role of the religious.

The assumption that when we belong to a religious community we belong to merely one community from which we derive meaning for ourselves is both pervasive and quite presumptuous on Janet Jakobsen's account. To understand why Jakobsen finds this assumption to be false, we must first look at the work of Maria Lugones, since her influence can be seen throughout Jakobsen's critique.

The decentering of identity and community

Maria Lugones has been an active critic of white feminists, not because of their inability to notice the differences of non-white women, but because of their insistence in problematizing difference. Lugones points out that difference is threatening to white feminists not because non-white women pose a barrier to theorizing about women's experience of oppression, but rather because non-white women pose a threat to the neutral and coherent identity of being a white woman, with whiteness being an invisible and supposedly unimportant identity. This translates into the assumption that white women have only one identity to worry about, whereas non-white, lesbian, non-American women, etc. have two, and women with any combination of the former have three or more identities to deal with. In this scenario, as stated above, whiteness, along with heterosexuality and nationality, etc., is invisible, and yet, for Lugones, that does not mean that whiteness or any of the other identities that one could claim are not an identities to be wrestled with. Lugones describes the role of non-white women to be that of "faithful

mirrors" for white feminists. "Not that we show you as you really are, we just show you as one of the people you are. What we reveal to you is that you are many—something that may itself be frightening to you....You block identification because remembering that self fractures you into more than one person. You know a self that is decent and good and knowing your self in our mirror frightens you with losing your center, your integrity, your oneness."[53]

Lugones ultimately comes to the conclusion that we all live in multiple 'worlds' (read also communities and spheres[54]), thus we all possess multiple identities. Women thus experience not only a sexual identity, but also a racial identity, a national identity, a religious identity, an economic identity and so on. From this we come to acknowledge the tensions between these identities as a place where the most honest and self-reflexive change occurs. In speaking particularly to white feminists, Lugones states, "You may not want to think about that self, but not thinking about that self leads you not to know what U.S. women of color know—that self-knowledge is interactive, that self-change is interactive."[55] Being interactive for Lugones means not only recognizing the differences between individuals and communities, but recognizing the differences within them as well. The link between multiple individual identities and multiple community identities is important to note, since it is the basis for any claims about the lack of clear and distinct boundaries between communities. Individuals are not relegated to just one community but many, and insofar as a community (i.e. the black community, the Baptist Community, or the GLBT community) is made up of individuals who claim membership in other

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[53] Maria C. Lugones, "On the Logic of Pluralist Feminism", p. 42
[54] I am assuming here that 'worlds' can be used to describe both communities and spheres, where a set of communities make up a sphere and the whole of the spheres make up a society.
[55] Lugones, 43

communities simultaneously, the identity of community X will be shaped by communities Y and Z, and vice versa. When the values of community X and Y are in conflict, it will be those who recognize their membership in multiple communities and who choose to take the interactive step of critiquing the weaknesses of both who will produce the most effective change concerning whatever issue is at stake. Extend this to the level of social policy making, where self-change is made on the part of the society rather than the individual or a couple of communities, and you have the framework for Janet Jakobsen's critique of the assumptions surrounding public 'secular' reason.

The breakdown of the secular-religious binary

Turning for the moment to Jakobsen's application of Lugones, Jakobsen draws heavily from Lugones's discussion of identities and 'worlds' in order to make a case for the fragmentation of both which will lead to the breakdown of the secular-religious binary, which, in turn, is necessary to maintain current assumptions about a public reason. She states in one article, "Lugones suggests that societies comprise multiple incommensurate "worlds", and we need a set of relational skills to travel effectively between and among these "worlds." The "worlds" are not rigidly or completely separate, so interaction in one "world" may affect other "worlds"."[56] The key to this last sentence is that the worlds are not rigidly separate and they *do in fact affect one another.* Therefore if you take away the boundaries at the edge of a community, where we assume those who have not integrated into the unified group identity reside, you can have no center. At most what you are left with are paradigm cases of what is perceived to be the best representation of a community's identity. Indeed, you may have several "centers" around which various members of a religious community congregate based on

[56] Janet Jakobsen, "Deconstructing The Paradox of Modernity", p. 357-358

membership in other communities or "worlds" as discussed earlier. What we are left to grapple with then when we talk about religious community is a conception of religious community, and by extension the religious sphere, as de-centered and thus devoid of any possibility for articulating a clear-cut description of what it means to claim an identity as part of a religious community. The question then becomes, if this is a descriptive claim that we must deal with, is it something that can be used to make any normative claims?

Jakobsen discusses the implications of a fragmented self when she says:

> "the dissolution of a completely coherent self-narrative (or identity) into an ambiguous and internally multiplicitious set of narratives (or identities) implies, for Lugones, new opportunities for resistance to domination. Analogously, the loss of a singular framework for resolving moral differences does not necessarily dissolve, and may create, moral possibilities, including possibilities for non-violent conflict resolution, because it allows for recognition and interaction among "worlds" which would be elided by a singular framework."[57]

It seems that the above account, in addition to being a more accurate account of identity in relation to religious community, may be a more useful way of looking at community as a place of contention as opposed to coherence. Thus, it is a more useful framework to address issues of justice and oppression from the standpoint of a diverse collection of identities, as opposed to trying to assimilate those differences into a coherent religious identity. It seems obvious that no such coherent religious identity could exist in practice, given the dynamic nature of individual identities which, in turn, collectively make up the identity of any given community. It is also important to underline the last line in the quote, which addresses the inability to recognize and interact among worlds in the face of a singular framework. This can be interpreted as either a single religious framework or a

[57] Jakobsen, 359

single secular framework. The difference between the interpretations is that a single religious framework for dealing with issues of justice, viewed through the eyes of modern secularism, is seen as dangerous, while a single secular framework is seen as necessary in order to protect against religious and other dangerous private sphere agendas.

Going back to the notion of a community as a diverse collection of identities, Jakobsen asserts the reality of the dynamic rather than consistent and coherent nature of identity. "Because the self is not completely separable from the context of social interaction, parts of the self shift along with the context. While persons may not be able to enact fully the identity or claims of one "world" in another, they do carry aspects of multiple identities into various "worlds"."[58] The inability to leave behind the identity of one "world" when we enter another will prove significant later in the paper in the discussion over the neutrality of public secular reason.

Jakobsen also uses Lugones to highlight a drastically different framework for change that is produced when we acknowledge multiple identities. In Jakobsen's discussion of Benhabib's attempt to acknowledge the experiences of concrete others she states, "It is not just that in recognizing the claims of concrete others, particular interpretations of needs are transformed to recognize an already existing, but obscured, harmony of generalizable interests; rather, the needs themselves are transformed."[59] In the case of same-sex unions, the recognition of segments of gay and lesbian community that strongly oppose marriage has shaped the way those in favor of same-sex unions, both civil and religious, have framed what it is they are arguing for (e.g. same-sex unions instead of same-sex marriage or holy covenant ceremony instead of marriage). However,

[58] Jakobsen, 358
[59] Jakobsen, 347

many of those arguing for same-sex unions also hope to change the way straight marriage is perceived, both from the religious and civil point of view. From the discussion of Jakobsen and Lugones one should note that any change in the way that marriage is perceived in the religious sphere will likely affect the way it is viewed in the civic sphere and vice versa. To give historical reference, both the abolitionist movement and the suffragist movement gained both support and resistance from the religious community, and in turn, the religious struggles over racial and sexual equality were played out in public policy.

If a religious community, like any other community, does not have distinct boundaries, but is rather de-centered and composed of a variety of identities, it follows that any binary involving religion is destined to break down. Jakobsen points out that like any binary guided by modern thinking, there is a list of characteristics for each term, with one list being that which enjoys hegemony and thus is appropriately dominant over the other. In the case of the secular/religious binary, the secular is taken as that which is tolerant, governed by reason, on the side of justice and the oppressed, and progressing along a single path; while religion is taken as that which is intolerant, governed by superstition and archaic value systems, on the side of the oppressors and those who would inhibit justice, and standing stagnant in the way of progress. Jakobsen points to these characteristics, along with the flaws of the binary, in a several passages:

> "[R]eligion is merely a historical trace of that which has been overcome by secularism…The progress tale in which secularism starts in Europe and is exported around the world as freedom from the dogmatism of religion makes the nonfreedom of colonialism disappear or become the unfortunate but necessary means of achieving the freedom of secularism. Hence one of the fundamental problems of modernity: Are the violences that accompany modernity and remain even in the "post"-modern moment signs of a failure to fully institute secular

> freedom? Or are they the signs that secular freedom carries its own dominations, which are not simply left over from a specifically religious history?"[60]
>
> "Secularism is the category that allows for this particularization of any religion's universal claims. From a religious perspective, those who adhere to a religion "different" from one's own are not equal to oneself, while from a secular perspective all persons are equal no matter to what religion they adhere."[61]
>
> "The relation between the secular and the religious that makes for secular equality and nonviolence creates another set of inequalities between those who are religious and those who are secular."[62]
>
> "According to this logic, the role of the modern, secular state is to protect itself and the various Others from the really other Others."[63]
>
> "Indeed, one of the major insights of the project of the comparative study of secularism(s) has been to challenge the holistic nature of the secularization narrative in which any secularism represents development along a single path."[64]

This obviously good-obviously bad binary is perpetuated in a liberal discourse that places secular reasoning as the protector against the agenda of those such as Jerry Falwell and the Christian Right. When religion is painted in this light it seems quite obvious that religion should be relegated to the private sphere. The reasoning follows that if/because oppressed groups such as women or racial minorities (the Others) cannot have themselves heard in the religious sphere, which is presumably made up of intolerant religious communities (the really Others), they need a neutral, secular place to be heard in order to ensure against injustice. Here Jakobsen rightly points out that "The body's pivotal place in the religion/secularism couple helps to illuminate just why and how some bodies cannot win (women, for example, or homosexuals), no matter which "side" of the

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[60] Janet Jakobsen and Ann Pellegrini, "Introduction: Dreaming Secularism," in World Secularism at the Millennium", p.3
[61] Jakobsen, 9
[62] Jakobsen, 9
[63] Jakobsen, 12
[64] Jakobsen, 13

religion/secularism divide they come to occupy."[65] Jakobsen illustrates this point later in the article when she states:

> "This implicitly Protestant framing of U.S. public life is currently visible in Supreme Court decisions with regard to homosexuality, where the Court, the institution charged with the protection of the separation of church and state, has repeatedly used "Judeo-Christian tradition" as the basis for upholding sodomy laws. Given these arguments, it is not clear that religion has been removed from the public sphere as a result of secularization, although the configuration of religion in public may have shifted."[66]

By a shift in the configuration of religion in public Jakobsen means that religious expression has toned down and thus appears invisible (not unlike the whiteness of the feminists Lugones critiques). Nevertheless, the presence of religion can still be felt, and thus cannot possibly be entirely relegated to an imagined private sphere with clear and precise boundaries. Like the sodomy laws that Jakobsen mentions, so many of the arguments against same-sex unions or marriage that take place in the arena of civil legislation, and as such supposedly rely on secular reasons alone, actually rely heavily on religious arguments. However, when such arguments are made in the civil arena against same-sex unions, they do not reflect the entirety of religious arguments regarding the subject. In Jakobsen's discussion of Jose Casanova she highlights one of his best points when she says, "First, he points to the seemingly obvious, but all too often overlooked, fact that not every expression of religion in public is conservative."[67] This is due to the fact that, as we will see, the public sphere is not immune from the values of the religious sphere, and not all of the religious communities that make up the religious sphere are

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[65] Jakobsen, 2
[66] Jakobsen, 15
[67] Jakobsen, 13-14

conservative. The fact that certain churches do perform same-sex unions[68] puts these churches in opposition to most of civil law and part, though not all, of the religious "world". For the gay or lesbian person who wishes to make their relationship 'official' either in the eyes of the law or the eyes of their religious community, the secular "world" may offer limited protection from the segment of the religious that does not wish to tolerate same-sex unions. Progressive religious communities may offer better protection in many cases. The fact is that some religious communities are in opposition to both the secular and the religious, while many gay and lesbian persons are oppressed by both segments of the secular and the religious points to a fragmentation and thereby a breakdown in the binary. The secular is no longer the self-evident protector against the intolerant religious.

If the binary, which relies on both terms to be coherent and centered, is fragmented on the side of the religious due to multiple religious identities stemming from different stances on issues like same-sex unions, then it follows that the secular side of the binary is fragmented as well. In her conclusion to "Dreaming Secularism ", Jakobsen makes the following point:

> "While there is no doubt that some religious formations are dominating, it is both a poverty of imagination and a continued entanglement in the various assumptions that go along with the secularization narrative that leave us in the bind where we must choose between (supposedly) conservative religion or (supposedly) progressive secularism. Not only does this opposition force us to ignore or deny the ways in which religion can be central to progressive politics and the ways in which secularism can limit such politics, it limits our imagination of secularism to only one narrative."[69]

[68] Pullen Memorial and Wake Forest Baptist are two churches that I have studied which perform same-sex unions. There are several other churches in a variety of faith traditions which also perform such services.
[69] Jakobsen, 23

There can be just one secular narrative *only* in the case that there is just one religious narrative that it can stand in opposition to, but as we have seen there are multiple, fragmented narratives of both so that we have progressive as well as intolerant segments in both the public/'secular' and the religious.

Having broken down the public-religious binary, using Jakobsen's and Lugones's critique of coherence in both identity and communities/spheres, I will now turn to the implications that multiple, fluid identities have on the concept of public, 'secular' reason. Public, 'secular' reason is assumed to be that which is untouched by the motives and agendas of the religious in order to protect against the oppressive nature of religion. What I plan to question is first, whether or not we *can* keep public reason purely 'secular', that is free of the influence or religion, and second, whether or not we *should.*

It is my contention that the public, 'secular' sphere like any other space (i.e. the space of the black community, or the GLBT community) will be just as susceptible to the many spheres and communities that make up society, if not more so given that the public spheres is presumably a space open to all (although as discussed in the previous section the closing off of certain institutions like marriage will limit one's ability to access this space). To assume that people would, or even could leave behind various identities and thereby various values from different 'worlds' would be to assume that the public sphere is somehow immune from the interactive tendency of multiple identities discussed earlier. To put it another way, to assume that people can leave behind all of the identities they assume in the 'private' and specifically the religious sphere to take on a purely 'secular' identity when they cross the threshold of the public is like assuming that an African-American lesbian can leave behind her various identities when she enters a church. Why

is public space any different in terms of translation than any other space that individuals encounter? I maintain that it isn't. Even if it were possible, we would have to ask the more important question of whether or not one *should* leave behind their various identities when entering into the public spheres or any other sphere or community.

What I propose by way of describing why it is we have a designated public sphere in which to address questions of public policy will be addressed in this final section, in which I intend to answer both the descriptive and normative question regarding the lack of polarity between so-called secular reasoning and religious reasoning. Much of the confusion surrounding the issue of secularization, in my opinion, stems from the inability to distinguish between the formal, institutional separation of the public from the religious and the informal translation that is constantly underway. What the idea of public, 'secular' reason forces persons to do is to translate their argument from the language of a particular religious community (or substitute any community you like—GLBT, African-American) to a language that is more accessible to those not part of that community. The translation occurs in the same way that it would occur in the situation of a black woman having to translate the needs and values of feminism to a black church and then having to translate the needs of the black church to feminists. The translation is almost identical, except, instead of translating from one specific community's language to another, we are translating from a specific language of a community, be it religious or not, to a highly general language accessible to all communities. The purpose of this observation, however, is that it is a translation, *not an elimination* of values and agendas that occurs when we enter the public sphere.

Now that I have answered the descriptive question, I wish to conclude by addressing the normative question as to whether or not the translation of religious values into public discourse is appropriate. Remember that one of Janet Jakobsen's central critiques of modern secular reason was that it assumed the position of a singular progressive narrative that protects against the oppressive nature of religion. However, if modern secular reason, taken to be that which is the language of public discourse, is itself oppressive, what should we look to in order to protect us from secular reason? In her article with Ann Pellegrini, Jakobsen points out, "With regard to the United States we have argued elsewhere that secularization can be contained within (rather than containing) the religious through a sometimes marked and sometimes unmarked religious understanding of ethics."[70] Examples here might include legislation over abortion, pornography, the death penalty or other religiously charged issues. Whereas it has been traditionally been conceived as the role of the secular to critique the religious, Jakobsen points out that when we take questions of ethics as our bottom line, it matters not whether the secular is critiquing the religious in public discourse or vice versa. If secular reasoning is given the go ahead to ignore black liberation theologians with reference to questions of economic disparity or churches who perform same-sex unions with reference to questions surrounding legislation like DOMA (Defense of Marriage Act), then secular reason is (1) favoring itself over questions of ethics of justice and refusing to be self-reflexive and (2) favoring dominant religious agendas under the guise of 'secular reasoning'. We must rethink the assumption that 'secular' equals justice and that secular also equals the opposite of religion. This denies religion any chance of critiquing dominant secular reason when justice is at stake. With this assumption out of the way we

[70] Jakobsen, 14

are free to take issues of justice, such as that of same-sex unions, as the bottom line. In this sort of framework public reason becomes a space of critical reflection as opposed to a singular path of coherence and rigid exclusion.

Section III

Public Space, Public Reason

In this last section I would like to examine the implications of the previous two sections for the notion of public reason within a pluralistic democracy. The introduction should have lead us to the conclusion that tensions between groups are inevitable and also productive in producing a self-reflexive posture when dealing with issues such as same-sex unions. The first section should have set up a framework for looking at the need for oppressed groups to break into the space where public reason is produced through, although not limited to, institutions like marriage. The second section should have left us wondering what public space, and thereby public reason is if not secular. In this final section I will take up the question of what public reason looks like against a backdrop of de-centered community identity and agenda translation. I will start by challenging the picture of public space and public reason put forth by John Rawls and then attempt to answer a series of questions as to what an alternative to his description of public reason might look like.

The questions I will attempt to answer will be: what sort of language can we posit as public reason once the myth of secular reason is revealed? Do we keep the language of a secular discourse over rights in place but acknowledge that we are merely translating from one sphere or community to another? How do we prevent one group from dominating the language of public reason? And finally, how do we construct a framework for public reason that allows each group access in order to determine the present discourse of public reason without locking ourselves into a linear solution that does not allow for critical self-reflection, as well as outside critique?

In the previous section the notion of modern secular reason was challenged in order to show the religious-secular split to be an assumption based on a false representation of identity, both on the personal level and on the community level. As we will see the implications of acknowledging a fragmentation in identity reach beyond the religious-secular split to affect the broader binary of public-private. If our notions of public-private are disrupted, then it follows that any concepts linked to and dependent upon such a split will also need to be examined.

The concept of pubic reason stands on particularly shaky ground if the public-private split is disrupted. Public reason is supposedly the language of neutrality and citizenship, and it only is what it is because *it is not* the language of the private sphere. It is supposedly not the language that is used to promote the biases of certain groups or agendas over others. It is supposedly not the language that is used behind closed doors by interest groups trying to build coalitions. This view of public reason is taken to be such a fundamental one that is has become a rule that few dare to question and most everyone learns to play by. Successful activists across the spectrum learn how to lobby given the language of public reason. Even theorists both presuppose and advocate the concept of public reason as a mediator between private sphere arguments and public policy.

For the purposes of this last section it is the theorist that I am particularly interested in. Specifically I will address the work of John Rawls and his use of the concept of public reason as a tool to absolve the problems and tensions that come about in a pluralistic democracy. Rawls, like many of his contemporaries, assumes the public-private split, where the public space is meant to be the place of neutrality and reason as

opposed to the fragmented nature of the private sphere which serves rationality. What is wrong with this scenario is that it ignores the fact that due to the fragmentation of the private sphere the public sphere will ultimately face the same fate, thus rendering any sort of neutral ground upon which all citizens can agree a naïve fiction.

In order to make an articulate argument against Rawls's definition of public reason I need to first set up the problems that arose around the concept in the first two sections.

One of the key drawbacks to Calhoun's argument in the first section is the assumption that oppressed groups, such as gays and lesbians, need to acquire access to institutions like marriage in order to break into the public sphere in the first place. This sort of argument presupposes that idea that the public sphere is impenetrable except through the institutions that it already recognizes. To be sure, one way to go about gaining admittance to the space where public policy is made is to go through the institutions that it already recognizes. However, in the case of same-sex unions you get nowhere by trying to assert that same-sex unions are necessary in order to gain admittance to the public sphere if the public sphere will not recognize same-sex unions to begin with. On the other hand, if the public sphere is a place of translation, where battles over issues such as same-sex unions take pace using merely a different language, then there is clearly a foundation for critique within the public sphere. I will take up what such a critique might look like later in this section.

In the second section there is some ambiguity that arises when we break down the religious-secular binary as to what we refer to when we use the term secular versus the term public. It is my contention that when we use the term secular, we are automatically

denoting a space that is free from religious influence. As discussed in the second section, the public space is not immune from religious influence when it comes to policy. I propose that the two terms, which have previously been synonymous in many cases, be separated, so that the secular only refers to very formal proceedings where religion is not directly appealed to. This leaves public to mean that space in which matters of policy are discussed, debated, and decided.

Finally, the concept of public reason needs to be examined within the framework of a pluralistic democracy given the fragmentation of identity and reality of value translation. In the process of examining public reason several questions will arise including: What are the key concepts that are involved in a conversation over public reason, and how are we going to define them? What is the aim of public reason, and how does it differ from the translation that goes on between specific communities? By addressing these questions I hope to address some of the problems that I encountered in the first two sections.

Defining a framework for justice

Before I examine the Rawlsian conception of public reason, it is important to first define some of the main concepts that come up in the Rawlsian framework, as well as how Rawls arrives at the so-called "wide view" of public reason. The main concepts that will require clarification are the private sphere, fundamental political issues, and justice.

The private sphere should be taken as the space in which persons and institutions do not have as their *primary* agenda the formation of government or civil policy. I stress that it not be their primary agenda since much of what individuals and institutions set as

their primary agendas will often affect the agendas that they wish to see pushed for the rest of the society in the form of public policy. Following from that definition, religious communities, for example, would be considered part of the private sphere since their primary agenda centers on the observance of whatever they consider as divine and the effects of that observance on public policy is only secondary. This can be extended to other communities as well.

To stay with the Rawlsian framework, fundamental political issues should be taken to mean those issues which are part of the fabric of our constitution and our understanding of equal political liberty. In *A Theory of Justice* Rawls describes the worth of political liberty by saying, "the constitution must take steps to enhance the value of the equal rights of participation for all members of society. It must underwrite a fair opportunity to take part in and to influence the political process."[71] Thus, I shall take fundamental political issues to include those which concern the ability of citizens to gain equal access to the public sphere where the political process takes place.

While the concept of justice in and of itself deserves more attention than I can give at this time, I wish to clarify my use of the word by tying it in with the Rawlsian notion of fundamental political issues described above. For the sake of brevity, justice in the context of this paper refers to the ability of citizens to participate equally in a democracy in order to affect public policy.

By way of a sketch of the Rawlsian project, *A Theory of Justice* starts with the Original Position, which stands as a heuristic device forcing us to put ourselves in the position of a citizen/all citizens making decisions for the whole of society without knowing what place they themselves hold in that society. The idea here is that if blinded

[71] John Rawls. *A Theory of Justice.* Harvard UP. Cambridge, MA, 1999, pg. 197

to one's place in society, it does not matter who is deciding issues of justice, since persons act out of their own rational self-interest, and thus, the results should yield a fair and reasonable outcome. This is the framework that Rawls is working with when he posits a view of public reason that is suppose to be neutral to the biases the citizens who use it to work out fundamental political issues. In later adjustments to his work on public reason Rawls attempts to widen his view by allowing persons to forgo neutrality when it comes to coalition building, as long as their ultimate reasons for backing a particular political agenda are neutral with respect to their private agendas.

In his essays "Rawls's Idea(l) of Public Reason" and "Rawls's' Wide View of Public Reason : Not Wide Enough", David Reidy examines whether or not Rawls's view of public reason is accurate when it comes to describing what is really going on when people engage in debates over public policy, in addition to whether or not Rawls's view of public reason allows for pragmatic coalition building around public policy issues. In order to understand Reidy's critique of Rawls's public reason we must first lay out the differences between what Rawls defines as public versus nonpublic reasons.

> "Public reasons derive their force and authority from sources which no citizen may reasonably reject. These include the established and noncontroversial truths of science, mathematics, history, common sense modes of reasoning, noncontroversial moral truths, and the values or principles constitutive of any conception of justice that may be publicly defended in good faith without appeal to nonpublic reasons. Nonpublic reasons derive their force and authority from sources which any citizen may reasonably reject. These include not only the comprehensive moral, religious, and philosophical doctrines over which citizens inevitably reasonably disagree in any free and open society, but also specialized forms of knowledge or reasoning that do not belong to the "common human reason" of citizens *qua* citizens."[72]

An obvious, albeit misguided step to take in the argument would be to critique this view of public reason purely on the grounds that what we take to be "common moral

[72] David Reidy. "Rawls's Idea(l) of Public Reason". Polis 1/1999, pg. 95

and human reason" will be determined by exactly those sources that are considered to make up nonpublic reasons. This is why the issue of same-sex unions is so interesting and also so telling when it comes to the notion of public reason. The Rawlsian model takes the family to be part of the basic structure of society, thus as a place in which morality is grounded. What is taken to be the "common moral and human reason" can then be said to be, at least in part, derived from the family. Rawls himself says of the family:

> "Now I shall assume that the basic structure of a well-ordered society includes the family in some form, and therefore that children are at first subject to the legitimate authority of their parents. Of course, in a broader inquiry, the institution of the family might be questioned, and other arrangements might indeed prove to be preferable. But presumably the account of morality of authority could, if necessary, be adjusted to fit these different schemes."[73]

If the structure of the family changes then our common moral reason from which we derive public reason changes as well. The structure of the family, however, as we have already seen, is something that is shaped not only by civil laws regarding marriage but also by religious beliefs and practices regarding marriage, and those are by no means uniform when it comes to same-sex unions.

Reidy is right to point out that in Rawls's view "the content of both public and nonpublic reason will inevitably change over time."[74] What Rawls does not account for is the role that nonpublic reasons have to play in the changes that take place with reference to the criteria used to define what public reason is and how it should be used. Rawls's attempt at a "wide view of public reason" does not fair much better. While the more recent view of public reason allows for persons to appeal to nonpublic reasons, eventually they must be able to defend their argument solely in terms of public reasons.

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[73] Rawls, 405
[74] Reidy, 95

Reidy describes the revised version of public reason by saying, "But it does not prohibit them from reasoning from, or publicly appealing to, both public and nonpublic reasons, along two separate but parallel tracks, so to speak."[75] Even this revision on Rawls's part assumes that we as persons can compartmentalize our identities as citizens from those identities which we claim in the private sphere and which are the source of our nonpublic reasons. To comply with Rawls's requirements for making arguments involving fundamental political issues would require the ability to prevent the intersection of those values which we take to be associated with issues of public policy and the values which we take to have baring only within the private sphere communities that we inhabit. This objection itself poses a problem since it assumes there to be two sets of values, or modes of reasoning, from which we draw that just happen to be hard to separate. Instead, ought we extend the descriptive claim that was made about lack of coherence and decentered nature of identity to the concepts of public versus private reason?

Questioning the secularity thesis

If we acknowledge that the argument over same-sex unions is, at least in part, a translation of the argument going on in religious communities regarding homosexuality and marriage/unions ceremonies, then we open up the possibility for critique of the current argument which is based on the moderate to conservative segment of religious communities.

First, the argument that same-sex unions undermine what most perceive to be the definition of marriage is misplaced due to the fact that 1) there are a growing number of churches that span the denominations that perform same-sex union ceremonies and 2)

[75] Reidy, 95

changing the definition/perception of marriage and its relationship to civil and religious life is actually a desired outcome by many in the gay and lesbian community.

Public reason, as it is conceived in the Rawlsian framework, allows certain groups to hide behind current policy affected by translated private sphere majority opinion, and it protects these groups from dissenting private sphere critiques. In order to help my case against the notion that public reason is/should be secular, I will now turn to Erik Anderson's work on the secularity thesis.

In a research proposal to the Center on Religion and Democracy at the University of Virginia, Anderson critiques the secularity thesis for assuming that 1) anything religious is unreasonable, and thus a threat to those who are not part of that particular religious community and 2) anything that is not overtly religious is reasonable, and thus, the proper sort of source from which to appeal to in public discourse. Anderson includes Rawls in his list of liberal thinkers who require the secularity thesis to maintain religious freedom when he says, "First, proponents claim that secular beliefs and practices are essential to explaining how citizens should interact with each other in the political arena."[76] This coincides with the Rawlsian notion of public reason in question in that Rawls requires that we be able to offer up reasons that, among other things, are free from religious bias when making decisions regarding fundamental political issues. Anderson goes on to say, "In conditions of religious pluralism, these thinkers argue, citizens display civic virtue by only defending laws and policies that they can justify to their fellow citizens in purely secular terms."[77] However, we have already shown that as a purely descriptive matter there can never be such a thing as "purely secular terms" on which any

[76] Erik Anderson, "Religious Freedom after Secularism", A Research Proposal to the Center on Religion and Democracy at the University of Virginia, 2003, p. 1
[77] Anderson, 1

argument that involves people of faith is based. Anderson expands on this claim when he says, "Here the arguments is that since secular beliefs and practices are religiously neutral, we can prevent state action designed to promote the beliefs, practices and institutions of any or all religions by requiring that all legislation possess a purely secular justification."[78] Again the assumptions that Anderson points out is that 1) translation doesn't already occur and 2) all religious justifications are inherently intolerant.

Anderson rejects the existence of arguments that are intrinsically secular in favor of looking at the possibility of arguments that have relative neutrality. He denies the secularity thesis "because for any putatively secular belief or practice X, it is conceivable that there exists a religion R such that the validity of X conflicts with the truth of R. In such a case, belief or practice X is *not* neutral with respect to religion R."[79] Same-sex unions are a perfect example of what Anderson is describing in the previous passage. It doesn't matter whether or not same-sex unions are legalized, since either way a portion of the religious community will be in conflict with the law. If same-sex unions are not legal it will be in conflict with those faith community who perform same-sex union ceremonies, and if they are legalized it will be in conflict with those faith communities who refuse to perform any kind of same-sex ceremony.

By denying the secularity thesis, however, Anderson runs into the dilemma that I hinted at in the beginning of this section. Namely, if we deny purely secular arguments or, in Rawlsian terms, public reason the role of the lingua franca by which citizens are able to debate matters of legislation and public policy, then what sort of language, if any, are citizens to use. As we discussed earlier, with the fragmentation of the religious

[78] Anderson, 2
[79] Anderson, 2

spheres we inevitable get a fragmentation of the 'secular', which leads to a breakdown in the religious-secular binary. Anderson addresses a similar breakdown in the binary of religious neutrality and establishment of religion. "Therefore, we need to develop a third possibility, one that proponents of the secularity thesis fail to envision, namely that there can be law that are *not* religiously neutral—that take sides on issues that are contested by the adherents of different religions—but do *not* constitute establishment of religion."[80]

Moving beyond the framework of liberal citizenship

If what is happening within a liberal framework of citizenship like the one that Rawls puts forth is basically just smoke and mirrors (pay not attention to the evangelist Christians behind the curtain) that is meant to mask the religious agendas of certain sectors of the faith community as neutral and secular reasoning, then we would do better to acknowledge that for what it is and move towards a better way of representing the diverse and incommensurate agendas that exist within a pluralistic society.

Anderson outlines the pluralist approach as that which "requires virtuous citizens to be open to the possibility that many moral and political disputes cannot be resolved in terms that are secular from the perspectives of all the disputants."[81] He contrasts the two ways of approaching citizens with religious disagreements by saying:

> "The secularity thesis directs citizens to search for shared reasons that can be used to justify a particular law of policy to all citizens regardless of their religious perspective; the pluralist approach responds to the failure of the secularity thesis by requiring citizens to search for non-shared reasons that will be persuasive to opponents who bear particular and non-shared religious identities."[82]

What Anderson is advocating seems to be the very method of coalition building that I highlighted in the introduction and which already goes on in American political,

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[80] Anderson, 3-4
[81] Anderson, 4
[82] Anderson, 5

religious, and even academic circles today. I will return to this idea of pluralism and persuasive non-shared reasons in the conclusion.

What then is public reason if it is neither secular nor neutral with respect to the private agendas of persons and communities? I contend that within the framework of liberal citizenship of the kind that Rawls advocates, public reason can no longer make sense as a language with a specific content due to the fact that the goal of neutrality cannot be obtained. Within a framework of democratic citizenship, however, we have the ability to entertain the notion that persons and communities can reasonably disagree on issues that have religious as well as political implications. Indeed, the Rawlsian framework of liberal citizenship requires of us that we acknowledge the outcome of political deliberation to be reasonable, so long as it is spawn from a neutral public reason. On the other hand, a democratic view of citizenship, which takes into account pluralism, forces citizens to acknowledge the translation of values and agendas that contribute to public reason, and allows for a concept of public reason that is open to critique from minority religious communities, as well as other sorts of moral communities. Public reason can then be seen not as a set of neutral values and rules, or even a language by which we determine policy, but rather as *a method* of critical reflection taken on by citizens in order to ensure that legislation and policy is subjected to scrutiny by all whom it affects.

To conclude by answering the questions put forth in the beginning of this section, public reason is not a language that we posit but rather a method that citizens engage in when deciding public policy. In that light, we are constantly acknowledging the reality of translated and conflicting agendas, and we are better, not worse for it. By engaging in a

method of public reason that takes into account fragmented and conflicting communities we ensure that we are not locking ourselves into a linear solution to issues of justice and public policy.

Conclusion

The last section should have left us with the view of public reason as a method rather than a coherent and autonomous set of rules and principles by which we abide when hashing out public policy. Having dealt with the larger issues of identity politics, secularism and public reason in the body of this paper, I will now return to the specific implications those discussions have on a coalition around the issue of same-sex unions as I presented it in the introduction.

Where tensions turn into dialogue

Having already looked at the need for a conception of public reason as a method that acknowledges and celebrates diversity as a means for ensuring adequate representation by those citizens whom any given policy or piece of legislation will touch, I will now look at how the tensions between groups can lead to meaningful and beneficial dialogue around the issue of same-sex union. Acknowledging that much of the barrier to coalition building around same-sex unions is a result of a lack of communication between the various communities in support leads those involved to conclude that an alliance including meaningful dialogue between the groups is not only beneficial but past due. For people like Brian Ammons the need is obvious.

> "I think there is work that needs to be done, academic work that needs to be done on congregational studies…I think there needs to be more coordinated efforts between groups like HRC or NCPride with what's going on in the gay and lesbian community, and churches, and what's going on in the academic world. In passing though those three on a fairly regular basis, the basis of our frameworks for

> reasoning are so different, and often we are coming from totally different places and spaces and talking past one another. Some of that gets into the construction [work], but I think that's what the gay community needs."[83]

In the eyes of Stephanie Wyatt the necessity of meaningful community building requires that there be a place where these groups can come together.

> "[Gay and lesbian people] so often hear so many negative messages that we need to be able to give them tools to be able to talk about the Bible in terms of faith and in terms of theology, and to be able to have a language to make arguments in places where that's appropriate, and to help them make their own intellectual process…I think in order to keep the church community accountable too, I think the academic community needs to be in this conversation. I have huge respect for people who sit and think about these issues…but also for that reason academics can't stay up in the ivory tower. They've got to come down and speak to us, and we've got to find better ways to communicate across those boundaries…The work of the practical activist enhances how the academics understand their group through dialogue. The faith community has a huge role to play because people want to make sense of their lives in terms of something bigger than what is concretely happening right here on this earth, and also to understand what God's role is in that and to understand value in a bigger sense because it is cultural; religion is cultural as well as personal."[84]

Neither Ammons nor Wyatt show a preference towards one method of promoting legislation as the only right way to present it to the public. Instead, they each point out the need for groups who do not share the same language or even the same exact agendas to dialogue with one another in order to reach a wider audience with a more authentic argument.

How to Present An Argument For Same-Sex Union and Gay Liberation

While a variety of approaches to presenting the issue of same-sex unions are put forth by those involved, ranging from constitutional or citizenship arguments to equality and fairness arguments to arguments based on the Christian notion of justice, all of those

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[83] Ammons, 37
[84] Wyatt, 46

interviewed agreed that whatever approach is taken is going to have to be highly situation and deeply rooted in the context of the community in which a given group of activists, academics, and religious institutions are working. Beyond that, the most common theme was that narratives play a significant role whenever you are trying to talk to those outside of your group about issues such as same-sex unions or any issue dealing with an oppressed group. As Mark Lance put it,

> "I think of sexuality politics as figuring out ways of doing psychologically productive theatre…you have to get people to see the kinds of prejudices and assumptions about normalcy and necessity and get them to see those as silly. That's not something you do by providing an argument that it is silly. You have to exhibit in a way that makes it look pointless or destructive."[85]

Brian Ammons conforms to this same sort of method.

> "When I try to explain who Pullen is, I explain to them in terms of stories…The fact that we have an out lesbian co-pastor, and that we have out people in high profile positions…so we [communicate] more through the realities of who we are than by our language…We probably lean on experience more than other source."[86]

While this sort of narrative approach is important in terms of raising the awareness of those who might be skeptical of gay rights issues, there is also a need to make arguments that appeal to reason. Wayne Besen of HRC explains that one of their most useful tactics for promoting gay rights and same-sex marriage specifically is to show the inconsistencies of the opposition's argument.

> "A lot of what we do is show how absurd it is that anyone in this country can get married except same-sex couples. Even someone on death row can get married. A lot of times a conservative will rant and rave about how same-sex marriage is a threat to the sacred institution of marriage, and they've been married three or four times. In those cases our executive director usually asks him which marriage was sacred. So you just compare that to a couple that's been together for thirty years

[85] Lance, 19
[86] Ammons, 35

but still can't see their partner if they're in the hospital, and their argument starts to look really ridiculous."[87]

Carol Moeller says she tends to give more concrete examples when talking about same-sex marriage rights. "Especially if they know me and my girlfriend, I would explain how if she was in a car accident I would most likely not be able to see her or even get information on how she's doing…I tend to use that kind of example just to bring out the human [element] more."[88] Again, the plea to emotion is a necessary tactic for getting one's foot in the door, but at a certain point those who were wavering over an issue to begin with will eventually need the tools to justify the intuitions planted in their minds through earlier narrative.

It's also important to note that in coming together to work on issues such as same-sex unions, these groups are able to build a larger bank of narratives from which to draw when speaking to various groups outside of the alliance. Cheshire Calhoun explains that the hard part about presenting any kind of uniform argument is that "different languages work with different constituencies", therefore, "you have to tailor the language for your audience".[89] If these groups are not in an alliance or a conversation with one another, it is going to be harder for them to tailor their language for an audience they are unfamiliar with.

Finding a Space for The Conversation

One important question to raise is where exactly might we locate a physical space in which such conversations not only have the chance to occur but have the ability to be nurtured in a way that gives them real power when they are presented in the public sphere

[87] Besen, 3
[88] Moeller, 25
[89] Calhoun, 12

and legislation is one the line. One of the more obvious, though grossly underutilized spaces that I wish to consider, as an example, is the university.

The first reason to consider the university lies in the fact that progressive churches such as Pullen and Wake Forest are far more likely to be located in close proximity to if not directly on a university campus.[90] The second reason lies in the fact that while faculty may no longer be involved directly in activism, the university is a place where ideas are dispersed, which makes it a prime breeding ground for activism among students. When you have all three elements, academia, activism, and religion, within close physical proximity to one another, the likelihood that persons are passing through two or more of these communities on a regular basis increases. However, if it is the case that those passing through two or all of the communities are not in contact with those who are confined to just one community, then the real process of dialogue will have little impact since those belonging to multiple communities are not the same people who are in need of hearing outside critique.

Beyond The Value of Strategy

At this point the question arises of whether or not there is any real theoretical value to be gained from such an alliance or whether it only plays into the hands of strategy and political necessity. I would argue that the sort of community based approach outlined above has value beyond mere utility for activist minded groups who are involved in ensuring that a particular goal such as same-sex unions is achieved with reasonable speed and success. We should be wary of assigning the cooperation of these groups a value that is merely instrumental. To do that would acknowledge only the short-term,

[90] Pullen Memorial Baptist is located next to North Carolina State in Raleigh, North Carolina, and Wake Forest Baptist is located on the campus of Wake Forest University in Winston-Salem, North Carolina.

strategic role in gaining political ground while denying any possibility of a space of critical social inquiry that would take us beyond the individual political goals held in common. There can be no denying that due to the make-up of such a coalition, any grand, linear theory of liberation will be out of the question, however, this is so not only because it would be impossible in a pluralistic society but because it would not be desirable. What grand, uniform theory prevents is the ability of communities to make corrections along the way, and if need be co-opt certain ideas and experiences through contact with other groups to continue to move forward and not stagnate because of certain core issues necessary to the identity of a community.

Implications on same-sex unions

In concluding this paper I will now turn to the implications that our new concept of public reason has on the issue of same-sex unions. One of the most important implications that viewing public reason as a method of critical reflection bestows is the ability of groups to back same-sex unions without locking themselves into a linear solution to gay oppression. It also prevents groups from having to commit to just one way of looking at the family and relationships as they relate to civil society. The kind of critical reflection that was outlined in the introduction within individuals is the same kind of critical reflection that exists within a framework of democratic citizenship that takes public reason to be a method as opposed a neutral set of principles for deciding public policy. Within this framework trust is produced as a form of social and political capital through an honest acknowledgement of difference as productive, rather than a superficial byproduct of playing the game of 'secular' public reason.

Ultimately what is at stake for each of the groups that were mentioned in the introduction has yet to be determined, but by way of prediction, I would contend that activists have much to gain from theorists as far as looking at the long-term affects on gender and sexual norms that go along with backing certain legislation. Academics, in turn, have much to gain by opening up to progressive religious groups and looking at the subversive possibilities that exist within the faith community. Religious groups also have a lot to gain by opening up to critiques of sexual norms that are long over due even within progressive churches.

Ultimately, the kind of critiques and conversations we are talking about when we speak of a method of public reason are the kinds of critiques that set up a framework in which citizens are constantly asking, 'who are we ignoring in this conversation?'

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