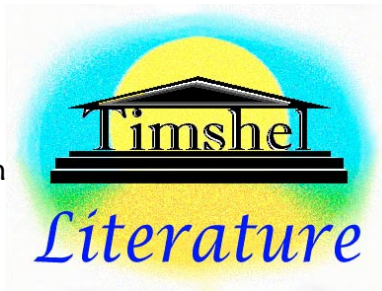


Justin Katz

*Timshel Literature*

jkatz@timshelarts.com



www.timshelarts.com

P.O. Box 751

Portsmouth, RI 02871

401-835-7156

## **Just Thinking, 04/28/03:**

### **Working Together... When Possible**

by Justin Katz

It may be reasonably suggested that the controversy over Senator Rick Santorum's extemporaneous remarks about sodomy, homosexuality, and states' rights began as a political set up.

The interviewer, Lara Jakes Jordan, is the wife of the campaign manager for presidential hopeful John Kerry. The interview was done on April 7, yet the article about it did not appear until April 21, after the war in Iraq had begun relinquishing its hold on America's attention. Furthermore, Jordan inserted the word "gay" in the middle of Santorum's reference to "consensual sex." Then, despite the two-week lag time of the original article, the author was able to report on the outrage of multiple homosexual advocacy groups within twenty-five hours.

Of course, as much as it is possible for controversies to be lobbed underhand to those who profit by taking offense, they must hit a sweet spot in the public temperament to really take off. In a piece for the *Sunday Times* of London, Andrew Sullivan suggests that, in this case, that vulnerable point is "the huge gap in Republican circles between social liberals and libertarians who fear government power and generally support a live-and-let-live philosophy, and the religious right that believes the government should be able to police morality, even in people's own homes." However, taking a closer look at the debate thus far, to include more-moderate conservatives, I

believe that Sullivan has missed the larger, more constitutive, difference at issue — a difference that speaks to our individual visions of what we want our communities, our culture, and our country to be.

Homosexuality is the first major, discrete issue to follow in the tracks of the civil rights movements for blacks and for women, and the differences are crucial to acknowledge. As is most often noted in this context, homosexuality involves a private behavior and emotional preference, whereas race and gender are intrinsic qualities disconnected from most of the constituent parts of a person's life. The outrages of racism and sexism involve those qualities' being held up as decisive in areas in which they are in fact inconsequential.

The easy response to the distinction that I've just drawn is that homosexuality is intrinsic, as well, and also disconnected from other areas of a person's life, such as work, education, or financial viability. To be sure, I would agree that sexual orientation ought not be arbitrarily used as a point of discrimination against others. However, to the extent that homosexuals require further delineation of their particular civil rights, it is precisely because they are not arbitrary.

Without this point of reference, it is a slippery matter, attempting to fully conceptualize the question of homosexuality, and those on opposing sides can argue their positions in entirety without their ever intersecting. For example, Senator Santorum's comments were made under cover of a federalist approach to law. As he said in the interview, "I would put it back to where it is, the democratic process. If New York doesn't want sodomy laws, if the people of New York want abortion, fine. I mean, I wouldn't agree with it, but that's their right." Those who've maligned the Senator might respond that separationists, too, couched their racism in terms of states' rights. The Senator would cite a difference; his opponents would deny it.

Taking consideration of arbitrariness, a significant difference arises: the oppression of blacks and of women was such that they were restricted in their ability to change the laws of their

own states. At times, this involved a direct inability to vote. More subtly, it involved restricted education and opportunity – sometimes restricted mobility outside of the state. Gays, on the other hand, even in states that disallow their private sexual relationships, are not hobbled in their ability to change the system, or to leave it.

Those aligned against Santorum want a country in which anybody, anywhere, can do whatever they want in their homes as long as everybody involved consents. There is a gray area, between tinkering with biological weapons and being sexually adventurous with one's spouse, in which even the strongest advocates for the primacy of privacy might find the effects on society to be sufficiently dangerous and direct to merit restriction. But, in general, they have very little basis for drawing lines when pressed. Therefore, Santorum's argument is valid: by overruling state laws on behalf of homosexuals, the Supreme Court would open a gate into the gray.

Those who've supported Santorum – even though they largely disagree with and would fight his policies federally or in their own states – have been arguing for a country in which people of like mind could gather and direct their own immediate societies to the highest possible degree. I recently read, somewhere, the suggestion that the San Francisco Bay area secede from the United States and enact every policy about which left-wingers fantasize. Personally, I thought it was a great idea, one that might do much to discredit dangerous ideas and perhaps even unearth a nugget or two worth keeping.

But “working locally” doesn't satisfy those who believe themselves to be on the side of justice. On important issues, they want what they believe to be right to be the law for everybody in the country, if not the world. Taking this position, the only allowable differences between states are relatively inconsequential. This goes equally for the aforementioned libertarians as for social conservatives; the libertarians think the conservatives have no respect for individual differences,

whereas the conservatives think the libertarians have no concept of the broad social consequences of individual actions.

I'm not leaning on the thoughtless crutch of relativism, here. Rather, in a world in which we all must interact at some level, resolving conflicting worldviews is crucial. This is especially true for divergent opinions about the appropriate roles and interactions of society and the individual. I think we forget, too easily, that enabling the coexistence of ideologically diverse citizens is a central objective of the United States. My vision of our country's purpose is as one that leads the way to enabling all people of all varying views to live and resolve differences peacefully.

Such an outcome is impossible unless "tolerance" is taken to mean a willingness to work with people when possible and, otherwise, to seek to move areas of disagreement down toward the community level so all can find somewhere – within their own country – to do their own thing. When the battle between irreconcilable views is made to be winner take all, truth becomes subservient to power and honest dealing collapses under deceit. The strength of arguments and the development of evidence among those willing to experiment become less important than a single word inserted by a hostile interviewer.