

April 13, 2007

- **The Politics and Ethics of ‘Out’-ing**

This issue raises subtle points concerning the intersection between public and private domains—matters dealt with not only by ethics but also by policy. Mohr’s argument—championing a proactive stance—could be taken as a statement of general policy.

The problem with criticizing Mohr (as you saw in the subsequent excerpts by Stramel and Mayo & Gunderson [M&G]) is that the two-page polemic (a redaction/condensation of the arguments he made in his book) seems to raise more questions than it answers—it’s easy to accuse Mohr of over-simplifying. One would *hope*, however, that the general argument he offers (and which Stramel and M&G critically respond to) is more nuanced.

What one gathers from Mohr (including the authors, p. 199) is the following general syllogism¹:

- P1:** If one refrains from outing², then one is reinforcing the convention of the closet.
- P2:** If one is reinforcing the convention of the closet, then one is degrading the human dignity of homosexuals.
- P2:** If one is degrading the human dignity of homosexuals, then one is committing an action that is morally wrong.
- C:** If one refrains from outing, then one is committing an action that is morally wrong.

It’s important to keep in mind that the argument is *general*. “One” refers to a (generic) *anyone* (hence, read: “everyone”). Furthermore, outing (according to Mohr) is ethically *obligatory*, not just *permissible*.

Mohr’s argument is based on principle, duty, and intention. The principle, for Mohr, rests on the notion of human dignity, which, according to Mohr, the convention of the closet is the primary mechanism of oppression thereof:

To put the point systematically, living by the convention of the closet...is a commitment to viewing gayness...as abjection...[T]he chief problem with the closet

¹ An argument based on transitive reasoning. In other words, the premises and conclusion are all of the conditional form (“If *p* then *q*”) and strung together like a ‘chain’ so that the conclusion simply ties the antecedent of the first premise with the consequent of the last premise. For example:

- P1:** If *p*, then *q*
- P2:** If *q*, then *r*
- C:** If *p*, then *r*

...is the simplest type of syllogism. (Examples are easy to think up: “If I wake at 7:00am, I’ll make the 7:45 train. If I’m able to catch the 7:45 train, I *should* (under normal circumstances) be at the office on time. Therefore, if I wake up at 7:00am, I should (under normal circumstances) be at the office on time.” Note that I explicitly translated Mohr’s premises and conclusions into conditional form

² Outing applies either oneself or to someone else. It’s important to keep in mind that “Mohr’s argument is perhaps most forcefully aimed at the reader who is himself or herself openly gay but who respects the privacy of closeted homosexuals by helping keep their secret.” (198-199)

is that it treats groups as less than human...No gay person with sufficient self-respect and dignity can be required to view himself [or herself] in this way...in order to live morally...[she or he] must not play along with the convention of the closet. (202)

As a general point, something we have seen underlying moral controversies in previous readings—and will continue see in future readings—is a basic tension between (on the one hand) a principled, duty-based position on the one hand, versus a consequentialist position on the other. The former camp usually speak in terms of ‘intentions,’ while the latter speak in terms of ‘utility,’ ‘happiness,’ and the ‘greater (or the greatest) good’ for the ‘most.’³

It’s no accident that Mohr’s objectors accuse him of trivializing matters of consequence or utility. “Having grounded the case squarely in dignity, Mohr is willing to let the utilitarian chips fall where they may,” write M&G (205).

In defense of Mohr, however, this objection (if not spelled out precisely) could be construed as a red-herring.⁴ It’s useless to attempt to refute the premises of a duty or principle-based argument on utilitarian grounds alone, unless one is begging the question for utilitarianism. Or to put it another way, we can hardly expect a duty-centered principalist to satisfy the concerns of the utilitarian: they’re fundamentally opposed positions and hence value fundamentally different notions of what they consider makes a particular argument or position morally worthy.

Nevertheless, recalling Darren Hick’s remarks (April 10) regarding Kant’s ‘technical’ definition of ‘dignity,’ which involves the capacity for making rational decisions, one can turn the tables on Mohr’s (presumably) Kantian outlook. Stramel writes: “Mohr too readily trades concrete and significant individual harm and indignities for a hypothetical and incremental increase in the abstract quantity of dignity.” (204) To put it another way, as E. M. Forster once wrote in his famous essay “What I Believe:”⁵

If confronted with the choice of betraying my friend, or betraying my country, I hope I should have the guts to betray my country.

Such statements turn our attention away from abstract and general principles and remind of us concrete flesh-and-blood people one may be harming or helping in the service of abstract principles (or in some cases, the abandoning or modifying thereof). In this respect, in lines with both Stramel and M&G most agreed that implementing Mohr’s policy trumps the individual dignity of the outee by removing his or her autonomy and privacy. (**Devon Kelly §0207, Christopher Young §0206, Jessica Elmore §0202**). Echoing for instance M&G’s questioning of P2 Mohr’s argument, **Devon Kelly** pointed out that one can be openly supportive and unbiased towards the gay community and not engage in ‘outing’. As M&G point out: “There *are* competing values, and it seems either dogmatic or naïve to insist in advance that there are *never* circumstances in which competing values should prevail...for most of us things *aren’t* that

³ Immanuel Kant is attributed as the most articulate spokesperson for the duty-based ethics, in the tradition of modern Western philosophy. While J.S. Mill is considered, in similar terms, the most articulate champion of the latter (utilitarian/consequentialist) camp. Hence inherent in many ethical controversies one witnesses the ghosts of Kant versus Mill duking it out.

⁴ See Feb. 2 postings <http://www.glue.umd.edu/~wkallfel/Phil140Spring2007/index.html> for a list of common argument fallacies.

⁵ See: <http://forster.thefreelibrary.com/>

simple.” (205) Or as Stramal rather pithily states: “[t]here is...certainly no correct way to be gay...[o]uters commit a tyranny of the few.” (204)

Nevertheless, **Jessica Elmore §0202** pointed out a softer way to apply or interpret Mohr’s line, insofar as one should strive to the utmost to ‘not live in a lie,’ reasonable circumstances permitting. In other words, one could use Mohr’s manifesto as a call-to-arms to be proactive when it comes to the issue of outing *oneself*, so long as one doesn’t (regardless what Mohr would say) impose this on others.

Regarding the more general issue of the persistence of prejudice and homophobia (which most agreed with **Jasmine Tirado’s §0207** and **Christopher Young’s §0206** assessment that it’s a cultural phenomenon that will probably always persist) **Christopher Young** presented a valuable distinction between *proactive* and *reactive* forms of behavior. For instance, Mohr obviously takes a boldly proactive stance in favor of advancing a case which he believes will restore the dignity of homosexuals once and for all. (Whether his vision of *outing* will actually achieve this effect, or backfire, is grounds of course for disputing **P1**, as Stramel clearly does and as many during discussion session chimed in).

Turning the tables, however, **Christopher** pointed out that it’s a more difficult matter to label *reactive* attitudes as inherently (or overtly) ‘prejudice.’ For example, could one accuse a vegetarian as ‘prejudiced’ against meat eaters if the vegetarian only applies dietary restrictions to his or her choice of diet, without imposing or proclaiming the view on others? **Kiersten Bugge §0206** echoed this point by distinguishing the *capacity* versus the *behavior* of bias towards (or against) homosexuals. Echoing for instance the ‘pyromaniac’ analogy used by Jordan, by the same token one could innately or privately approve or disapprove of the practices of another group, but it’s the *actions conveyed* by such feelings that are usually held up for judgment (how one chooses to *handle* one’s preferences and dislikes) in ethics and in policy.

Ahmad Samarah §0202 also brought up the issue of the ‘open secret,’ by pointing out that in many cases *the outee may by de facto ‘outed’* even if no one publicly declares him or her as gay. In other words, there may be conflicting forces at work (self-expression versus preservation of oftentimes fragile community cohesion) that would discourage or inhibit one from making such public pronouncements, *even when everyone already knows the truth already*. Mohr argues (in his ‘flatulating in the elevator’ analogy) that this is an unhealthy case of ‘silence = complicity’ (to the suppression of dignity) but as **Ahmad** is arguing, in certain cases this misses the point entirely, precisely *because* everyone knows the truth about a certain person already. But for the sake of that person’s dignity (as a public matter), especially if the community has very punitive notions towards homosexuality, the matter is kept silent or taboo. Echoing this issue, Stramel points out that leading a dignified life is a separate issue from deciding to out (or having that decision be thrust upon you.) (203). Moreover, “[w]e would hope...that Mohr would lie not only to save another’s life but that he would be willing to do so as a matter of compassion, without having to reconstruct it as a matter of dignity.” (M&G, 206)

Aside from the ramifications such distinctions like *capacity* versus *behavior*, *proactive* versus *reactive*, *avowing* versus *complying* have for critiquing the subsequent policy-based arguments made by Jordan, the above distinctions likewise lend weight to the criticisms against Mohr for *vastly oversimplifying* the issue in his targeting the ‘convention of the closet’ as *the* essential factor in driving prejudice towards homosexuals. Though one may sympathize with Mohr’s rather idealistic stance, again, as in the critiques directed against Tom Regan, the specter of the “*how?*” question is conjured. Granted, sustaining such conventions like the closet may provide *one* answer as to *why* and *how* cultural homophobia persists, but the burden of proof lies in

Mohr's position to present a credible case for *how* his radical outing would act as a panacea to remove such prejudice. As **Pearl Hong §0207** emphasized, echoing Stramel and M&G's objections, surgically excising such a taboo or restriction may produce far worse consequences. Taboos and restrictions (recall Stramel's rape victim analogy) remind one that unqualified 'honesty' in these matters may be a notion that is at best ideal or abstract:

[O]bjecting to outing does not require defending the closet. Lesbians and gays should certainly be encouraged to come out as a matter of moral virtue....[but] **individuals should have the freedom to decide for themselves whether to join the sociopolitical fray, rather than being made political footballs by others professing to know better the proper course of their lives.** (Stramel, 204, emphasis added)

- **The Politics and Ethics of Same-Sex Marriage**

What appears as Jordan's rather dressed-up and heavily footnoted and mapped-out defense of an essentially *status quo* position (manifested as a policy of resolution by accommodation) on the part of the State, nevertheless (I thought) raises some troubling weak points. Primarily, Jordan seems overhasty in his three dismissals of interracial dating/marriage as a disanalogy. (363-364)

Jordan's second dismissal, that racial identity underwrites a policy of resolution by declaration, since the overriding reasons involve generally recognized rights (n.10, 366) of racial equality begs the case for a simple or unproblematic conception of the category of "race," which is simply not borne out by the research here (whether in genetics, evolutionary biology, sociology, or anthropology.) In this respect, the notion of 'race' may share the same kind complexity as that of 'sexual orientation', insofar as its stubborn inability to be reduced to one particular characterization (whether genetic, biological, sociological, etc.) Recall the diagram in April 6, 2007 concerning the conceptual 'space' of sexual orientation. A similarly holistic outlook may be applied to race.

This above objection seems to undermine his third dismissal, that "[i]f there is a biological component involved in sexual identity, it would incline but not compel." (364). However, if one views race as a similarly complex issue, laden with much social influence (as in the case of sexual identity), one could adopt a similar stance against interracial dating and marriage by parity of reasoning. For example, in the late nineteenth century one was defined as 'quadroon' or non-white if one had *one-quarter* (so-called) non-white ancestry (whether Native American, African, etc.) A discriminatory norm could be held in place using the above reasoning, that 'there is a biological component' concerning this business of being classified as 'quadroon' nevertheless this factor does not *compel* one to fall in love with someone who is deemed 'white' so therefore, one must follow the discriminatory norms here. A racist could readily and willingly use the 'pyromaniac' analogy to further his or her prejudice against the social practice of interracial dating. Today, by hindsight, one recognizes such notions for what they are: mere rationalizations of irrational prejudices. Couldn't the same charge be made against Jordan here?

Of course Jordan's first dismissal that mixed-race marriages is no longer a public dilemma, seems the most disingenuous. The question is begged: *how* and *why* is it no longer a hot-button issue? In the light of the above objections, had the State adopted a policy of resolution by accommodation, by essentially *not* recognizing interracial marriage, would we expect this issue to miraculously disappear after a few generations? Chances are it would still be a

contentious public dilemma as it was until very recently. For anyone who advocates that the State should adopt a bold policy of resolution-by declaration in the case of same sex marriage, none of what Jordan offers here seems at all a compelling counterclaim.

Other have pointed out that Jordan seems to arbitrarily blur the distinctions concerning what is a public matter set by policy and behavior, versus what is a private matter determined by ones' ethics (to the extent that such distinctions can be made). (Recall for instance **Christopher Young's §0206** distinction between proactive and reactive behavior.) **Zak Nur §0202** offered the analogy of the libertarian whose personal and private moral outlook causes him or her to believe that all forms of taxation are immoral. Are the Federal and State governments violating Jordan's no-exit argument ("no just government can coerce a citizen into violating a deeply held moral belief..." (365)) by subjecting the extreme libertarian to tax laws? One must distinguish public policy matters from privately held moral beliefs. How is this case essentially different from the objection Jordan raises here, concerning subjecting the employer to equal parity codes covering both heterosexual and homosexual marriage?

Sarah Kimel §0206 also pointed an asymmetry regarding the employer/employee example here. By maintaining the status quo via adopting a policy of resolution-by-accommodation, the employee is left in a rather inequitable *economic* as well as marginalized social position. For instance, there are cases when one's same-sex partner cannot even consult with a health-care practitioners, should his or her other partner become injured or seriously ill, as there is no legitimate recognition of guardianship (**Erin Lukomska-Schlauch §0206**). Conversely, the asymmetry **Sarah** pointed out had to do with the question concerning what exactly would the employer be sacrificing here should the state adopt a resolution-by-declaration? The homosexual employee in a union would enjoy the same concrete socioeconomic benefits as a heterosexual couple, and the employer would lose...what, exactly? Granted, the employer would feel resentment, and as in any enactment of policy of equality, there's always the danger of a backlash, ("significant social change was always brought about an unpopular minority" –Margaret Meade) , nevertheless as the above objections show, such risks hardly constitute sufficient reason for a status quo policy here.