CHAPTER THREE

The Conservatives

The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping.

But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furze-bushes, were much worse men than my honorable friend; but they were more consistent than he.

—THOMAS HABBINGTON MACAULAY, FROM A SPEECH IN FAVOR OF FULL POLITICAL EQUALITY FOR JEWS IN ENGLAND, 1833

The term “conservative,” perhaps even more than the term “liberal,” is in deep etymological crisis. It has come to be used to describe a disposition, a political party, a theological faction, Christian fundamentalism, and, most oxymoronically of all, a “movement.” When educated people attempt to describe the disposition more sympathetically, they generally add an epithet or two: “moderate,” “political,” “cultural,” or, usually with complete inappropriateness, “Burkean.” So anyone who wants to use the term, as I do, has to be very precise about what he means.

I do not mean by “conservative” the kind of politics that I described in the first chapter. I do not mean to describe a disposition or an argument that is fundamentally opposed to a certain kind of moral behavior and believes it is the right and duty of the state to prevent or deter it in a forceful or clear fashion. By “conservative” I mean rather a variety of liberal: someone who essentially shares the premises of the liberal state, its guarantee of liberty, of pluralism, of freedom of speech and action, but who still believes politics is an arena in which it is necessary to affirm certain cultural, social, and moral values over others. There is a difference for conservatives between the invasion of people’s private lives, or the unwarranted attempt by the state to shape social and moral life, and the legitimate attempt by politicians to encourage some forms of behavior over others, to provide incentives for one kind of social outcome over another. These conservatives want to strike a balance—and sometimes an extremely precarious one—between allowing individuals considerable freedom of moral action and protecting the fabric of society that makes such liberties possible in the first place.
It may also be helpful to distinguish what conservatives, in the sense I want to use, are not, and why. They are not prohibitionists, because they are affronted both by the moral certitude of prohibitionism and by the curtailment of liberties that prohibitionism might encourage. They find the notion of the state dictating the private activities of consenting adults an offense against a civilized society. They're not liberationists, because they do not hold that human nature is socially constructed or infinitely malleable; rather they support liberal democracy because it provides the surest safeguard against the indelibly dark side of human nature. And they're not liberals, because they do not believe that society is merely a neutral ground between competing individuals, whose private moral and social choices have no relevance to the public sphere.

Their response to modern liberalism is not a concern with moral norms as such; it is a concern with social norms. Conservatives do not hold, with the prohibitionists, that certain behaviors are right and others wrong, and that this can be gleaned through analysis of either biblical Scripture or natural law. And they are not particularly eager to go around telling other grown-ups what they should and shouldn't do. They hold rather that political society can avoid those contentious issues of absolute right and wrong, and concern itself with those values that seem to preserve common goods we can all recognize: social stability, fair play, care for the young and the old, respect for the law, and so on.

So when it comes to the issue of homosexuality, they have a familiar and, on the face of it, reasonable position, one which, although it's not heard from that often, holds sway in the center of many good intentions. It concedes, unlike much prohibitionism and liberationism, that some small minority of people are constitutively homosexual—they can't help it—and that they deserve a good deal of private respect. Most conservatives are well aware that many of the most distinguished members of society are homosexual; and that the existence of homosexuality seems to be a constant throughout all cultures and times. These conservatives are not alarmed to meet a homosexual at a dinner party (indeed, they may even find it fashionable to invite one or two) and regard some level of comfort with homosexuals as a mark of civilized conduct. Moreover, these conservatives find it abhorrent that homosexuals—especially homosexuals they know—might be subject to harassment, violence, ill treatment, discrimination, or illness, for no fault of their own. So they're mainly at ease with the relaxation of social sanctions against homosexuality that has occurred in most Western countries since the 1960s, although it's not something they're particularly eager to discuss. The sensibility that privately tolerates homosexuality is often also the sensibility that finds it uncomfortable to talk about.

Conservatives combine a private tolerance of homosexuals with public disapproval of homosexuality. While they do not want to see legal persecution of homosexuals, they see no problem with discouragement and disparagement of homosexual sexual behavior in the abstract or, more commonly, a carefully sustained hush on the matter altogether. In this sense, they are also tolerant of private homosexuals and
disapproving of public ones; they are the deftest enforcers of the code of discretion. They are liberals inasmuch as they respect and support a distinction between private and public life, and do not wish to see people's privacy invaded; but they are conservatives inasmuch as they wish to guide public life in a way that clearly demarcates homosexual behavior as shameful and to be avoided.

Because silence and discretion are key parts of this delicate political strategy, it is hard to find texts or authors who explicitly defend it. This is a shame, because it leaves one of the most civilized responses to the homosexual question remarkably inarticulate, and allows the rhetoric of the prohibitionists and liberationists to polarize the tone of the public debate. Nevertheless, there are a few brave souls honest enough and intelligent enough to stake out some claims. I'll deal with a couple of the most coherent and recent.

Take John Finnis, a professor at Oxford University who is a specialist in natural law. He not only has articulated an intelligible and subtle account of homosexuality along the lines of a less biologically based natural law theory ("the new natural law"), but he's also formulated a precise political argument to complement it. His view of the role of the state in enforcing public morals differs from that of the prohibitionists: "The standard modern position considers that the state's proper responsibility for upholding true worth (morality) is a responsibility subsidiary (auxiliary) to the primary responsibility of parents and non-political voluntary associations" (Finnis's italics). So in the troublesome homosexual issue, the role of the state is firm, but also limited:

The concern of the standard modern position itself is not with inclinations but entirely with certain decisions to express or manifest deliberate promotion of, or readiness to engage in, homosexual activity or conduct, including promotion of forms of life (e.g. purportedly marital cohabitation) which both encourage such activity and present it as a valid or acceptable alternative to the committed heterosexual union which the state recognizes as marriage.

Why is the state to deter public approval of homosexual behavior while refusing to persecute private individuals on the basis of their orientation? Finnis's argument requires several steps. It's not, like the prohibitionists' case, because homosexual sex is unnatural, since it is not procreative or marital, and the state has an interest in prohibiting unnatural and immoral behavior. It's because homosexual sex cannot partake of the uniquely heterosexual union of procreation and emotional commitment that loving straight marital sex can partake in; and because its simulation of such an act is simply a delusion on the part of those involved. And because this in itself is an assault on heterosexual union:

The deliberate genital coupling of persons of the same sex is repudiated [because] . . . it treats human sexual capacities in a way which is deeply hostile to the self-understanding of those members of the community who are willing to commit themselves to real marriage
in the understanding that its sexual joys are not mere instruments to, or mere compensations for, the accomplishment of marriage’s responsibilities, but rather enable the spouses to actualize and experience their intelligent commitment to share in those responsibilities, in that genuine self-giving.

In other words, the public acceptance of homosexuality actively offends the identity— or “self-understanding”—of married heterosexuals and so makes it harder for them to practice marriage as it should be practiced. It devalues the social meaning of sex and undermines the very basis of familial life:

All who accept that homosexual acts can be a humanly appropriate use of sexual capacities must, if consistent, regard sexual capacities, organs and acts as instruments for gratifying the individual “selves” who have them. Such an acceptance is commonly and (in my opinion rightly) judged to be an active threat to the stability of existing and future marriages. . . .

So Finnis is a liberal inasmuch as he doesn’t believe it’s the state’s duty to affect private behavior among consenting adults; but he’s a conservative inasmuch as he doesn’t believe that the public affirmation or presence of certain behaviors, as displayed by openly homosexual people, is a neutral event. It creates a social norm that says that sex is about personal gratification and not about marital procreation. And this social norm ultimately undermines the possibility of successful marriages taking place, and should therefore be discouraged.

Finnis’s is a pure version of the conservative stance: it is rooted in sincerely held moral beliefs—the exclusive purpose of sex is marital, loving, and procreative—but in public it is largely concerned with its pragmatic, social conclusion: that society should discourage all public messages that undermine the exclusively marital, heterosexual, and loving deployment of sexual desire. This public stance is directed as much at homosexuals as at heterosexuals: they too need to be discouraged from believing that homosexual relationships are a good form of life, that loving other human beings of their own gender is affirming rather than destructive, that feeling proud about or at ease with their sexuality is a positive good. Although those homosexuals who persist in immoral and self-destructive behavior should not be directly punished or interfered with, it is important that homosexually inclined children, impressionable homosexual adults, and heterosexuals in general be continually reminded in public that homosexual behavior is shameful, delusional, self-destructive, and corrosive of the society in which it unfortunately appears.

Other, even more pragmatic conservatives provide a buttress to this argument. While they do not strongly wish to make confirmed homosexuals feel terrible or ashamed or persecuted, they do want to deter “waverers” from pursuing homosexual behavior. Insofar as there is an environmental component to the development of a homosexual identity, that environment should more or less strongly dispose any individual toward choosing a heterosexual existence. The most
persuasive account of this view was recently written by the Harvard psychologist E. L. Pattullo:

Surely decency demands that those who find themselves homosexual be treated with dignity and respect. But surely, too, reason suggests that we guard against doing anything which might mislead wavering children into perceiving society as indifferent to the sexual orientation they might develop.

Here perhaps is a more consistently conservative position. Unlike Finnis, Pattullo is prepared to leave the behavior of confirmed homosexuals to themselves, and is not particularly eager to pass moral judgment upon them. But like Finnis, Pattullo is very much concerned with society as a whole:

Hence to the extent that society has an interest both in reproducing itself and in strengthening the institution of the family—and to the extent that parents have an interest in reducing the risk that their children will become homosexual—there is warrant for resisting the movement to abolish all societal distinctions between homosexual and heterosexual.

This, then, is where Finnis and Pattullo agree, and where a conservative argument—rather than a prohibitionist argument—will stand or fail. It is the argument that recognition and public approval of homosexuality, whatever benefits it may bestow on homosexuals, would so undermine the production of a future generation, severely weaken the stability of family life, and encourage waverers into self-destructive behavior, that society is better off retaining its public disapproval.

Does this make sense on its own terms? The first point is perhaps the most vulnerable. Conservatives tend to believe that the number of homosexuals in a society is extremely small; and that the number of waverers is also tiny. Does this mean that a significant shift—if that is what would happen under a more publicly tolerant regime—toward homosexual and away from heterosexual relationships would actually pose a threat to the birth rate? It seems highly unlikely, given the small number of people conservatives believe would be affected.

There is, however, the notion that because a homosexual life is not geared toward reproduction, it “disposes the participants to an abdication of responsibility for the future of mankind” (in the words of John Finnis), and so, even if its effect on the quantity of the population is moot, its effect on the quality is considerable. But by the same token, this quality issue might apply to a preponderance of Catholic priests, or single schoolteachers, or sterile women, or anyone else who does not actually, physically have children. It would include the founder of Christianity himself. If, according to conservatives, involuntary homosexuals have no choice but to be childless, since they are ill equipped for the loving, marital context in which children can be raised, then it is a little unfair to turn around and accuse them of willful abdication of responsibility for the next generation. In fact, of course, as many conservatives recognize, homosexuals have often turned their literal inability to have children into an extraor-