

## ACCEPTED VERSION

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**Heteronormative citizenship and the politics of passing**

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### **'Heteronormative Citizenship and the Politics of Passing.'**

In a world in which so many television series from Brookside and Breakers to E.R. have featured at least one lesbian kiss; in which mainstream advertisements can have queer subtexts and significant numbers of British cabinet ministers and MPs are now openly gay; in a world in which the British prime minister opposes section 28, speaks in favour of social, including sexual, diversity (The Times, 3 May 1999) and supports equalisation of the homosexual and heterosexual age of consent; where the British Sport Minister calls for gay footballers to come out to help combat homophobia in sport (Evening Mail, 15 May 1999) and where Michael Portillo has asserted (admittedly before losing the leadership competition) that the Conservative Party is inclusive of gays (Portillo, 2000); it may seem a bit odd to argue that citizenship is still being constructed in a heteronormative way. One does indeed need to acknowledge that, just as popular culture has been increasingly queered, so too has political discourse. However, one also needs to remember that there are multiple discourses around sexuality that exist simultaneously, contesting and sometimes intersecting with each other. It is worth remembering that this is still the world of the House of Lords rejecting abolition of section 28 and the equalisation of the age of consent; where Conservative leaders argue that section 28 is in line with the views of the majority of voters and equalisation of the age of consent is not.<sup>[1]</sup> Meanwhile, British Labour MPs come out publicly, but in most cases, only after they are outed and Australian Labor MP's come out only after they

have left office (HQ Magazine, March/April 1999; Sydney Morning Herald Good Weekend, 27 May 2000).[<sup>2</sup>] It is the world where George Bush advocates the closet and an Australian Liberal (conservative) Prime Minister opposes Assisted Reproductive Technology for lesbian couples. This is the same world where, despite public support for gay and lesbian issues, radical gay activists point to numerous areas where the British Labour government has been hesitant to improve gay and lesbian entitlements, from pensions to legal recognition of same-sex relationships and anti-discrimination legislation (Tatchell, 2000). As John Loughery has pointed out, even the same president (Clinton) who could warmly greet gay and lesbian activists in the oval office, could sign the so-called Defense of Marriage Act and fail to speak out against anti-gay legislation at state level (Loughery, 1998: 437--8).

Consequently, this article intends to focus not on analysing some of the discourses that oppose discrimination or have been partially queered but on analysing continuing, heteronormative discourses; and discourses that, it is argued, involve a politics of passing. The concept of passing is being extended here beyond some of the more conventional ways it is used in the context of sexuality, for example, gays and lesbians intentionally passing as heterosexual in the workplace, lesbians passing as men, to focus on political discourse. The focus on party/government political discourse also means that the article cannot explore a number of issues such as the ways in which all gays and lesbians at least partly pass, including the role of the heterosexual gaze in unintended passing; the potentially transgressive nature of passing; the protections of the closet; and the deep fear that the idea of concealed homosexuals can engender in paranoid heterosexuals (see Inness, 1997: 158--177; Altman, 1993: 44--49; Eskridge, 1999: 6--9; Miller, 1998: 30--31). However, I would argue that the usage here throws useful light on the various ways one can think of

passing; on the ways in which heteronormative citizenship is constructed; on related issues of performativity and transgression; on issues of privacy and the politics of touch. The arguments here also throw light on why more progressive political attitudes towards gays and lesbians are still so strongly contested. Before beginning that discussion, however, it is necessary to say a little more about the concept of heteronormative citizenship being used here.

### **Heteronormativity and Sexual citizenship.**

In order to establish the heteronormative nature of traditional conceptions of citizenship, it is helpful to engage with feminist as well as gay, lesbian and queer literature. However, given that feminist theory is often itself heteronormative, one needs to draw out the implications of some common feminist arguments regarding the gendered nature of citizenship, particularly the traditional construction of the citizen as male head of household. For example, Carole Pateman argues that underlying liberal conceptions of the so-called Social Contract between citizens and government is another crucial contract, the Sexual (marriage) Contract, in which the husband is the citizen and the wife is constructed as subordinate (Pateman, 1988). Unfortunately, she does not point out that this involves the privileging of heterosexuality just as much as the privileging of a particular form of masculinity.<sup>[3]</sup> Pateman is implicitly indicating a central way in which the citizen is discursively constructed as heterosexual. Similarly, many feminist analyses of welfare, including Pateman's own, fail to note that welfare regimes, by traditionally reinforcing female subordination within marriage also reinforced heterosexuality (Pateman, 1996). The problem is further complicated by

the fact that some feminists who do recognise issues of gay and lesbian oppression, still privilege issues of sexism and feminism over gay and lesbian issues when analysing heteronormativity and heterosexism (see e.g. Jackson, 1998: 69; 1999, 2--6; for a critique of some feminists see Phelan, 2000). There are, of course, many feminists who do not do this (e.g. see Carabine, 1996; Arneil, 1999: 72; Richardson, 1998) and it needs to be acknowledged that some who do are themselves lesbian-feminists.

Nonetheless, feminist analyses, including Pateman's, are well worth engaging with because they draw into question Jeffrey Weeks' assertion that sexual citizenship is a relatively new phenomenon, related to 'the new primacy given to sexual subjectivity in the contemporary world' – an assertion that can only be sustained because Weeks is approaching the issue largely from the point of view of marginalised non-heterosexual identities, or dissident sexual citizenships, rather than the more traditional, dominant ones (Weeks, 1999: 35). In fact, conceptions of citizenship have traditionally been both gendered and heteronormative. Consequently, my own position is closer to that of Bell and Binnie when they argue that 'all citizenship is sexual citizenship' (Bell and Binnie, 2000: 10). Analysing and contesting heteronormative conceptions of citizenship is therefore particularly important because such conceptions can still underlie mainstream political systems and discourses, although this is rarely drawn attention to given political science's general neglect of gay, lesbian and queer issues (Blasius, 2001; Phelan, 1997a). As Diane Richardson points out, there is now a considerable body of literature which analyses the ways in which 'ideas of citizenship are based upon certain assumptions about sexuality, in particular hegemonic heterosexuality' (Richardson, 2000: 257). These ideas can influence a wide range of citizen rights and entitlements from issues involving welfare, superannuation, adoption, fostering, censorship, to those involving wills,

death benefits and medical access/decision-making by partners. Gays and lesbians can be excluded from rights and entitlements which heterosexuals have and/or those rights and entitlements can be conceived of in ways that are more appropriate to conventional heterosexual relationships than same sex ones (Richardson, 2000). Shane Phelan draws on Zygmunt Bauman's conception of the 'stranger' to include gays and lesbians as "passport citizens" of countries that do not account for them in their public life except as those 'others' who trouble the body politic' (Phelan, 2001: 4). Consequently, she argues that 'lesbians and gay men are not currently citizens in the full political sense' (Phelan, 2001: 5).

### **'Passing' and heteronormative constructions of the citizen.**

The argument in this article is that the privileging of heteronormative citizenship, and conceptions of citizen rights and entitlements, also often involve a politics of passing. The injunction to pass in certain circumstances can be a way of encouraging what Anna Marie Smith has characterised as forms of 'good homosexual' (as opposed to the blatant 'dangerous queer') behaviour. In such respects, governments can be involved in promoting a 'good homosexual' subject (Smith, 1994: 207). However, this is a homosexual subject that still reinforces heteronormative conceptions of citizenship since the politics of passing is an important way of asserting heterosexual privilege. That there is a relationship between passing and citizenship is suggested once one begins to examine politicians' discourse about how government should treat homosexual citizens. Consider the following quotation from a former Prime Minister of Australia, John Gorton, in a 1973 speech (ostensibly) in favour of male homosexual law reform.

We are concerned with one question and one question only....Should homosexual individuals who are adults, who both wish a homosexual relationship with each other, who do not flaunt it but who act in private, withdrawn from the public gaze, be dubbed criminals and be subject to punishment by the criminal law? I suggest to the House that they should not be treated in that way....

Let us put out of our minds what sometimes is in mine --- the thought of people walking hand in hand down the street or with their arms round each other or in other ways acting in ways which we find objectionable. Let us think instead of the thousands of men who are not like that, who could not be discovered in an ordinary glance at the population, who hurt no one, harm no one and yet have this hanging over them (Gorton, 1973: 2329--2330).

This is an Australian example here but very similar statements were made during the British parliamentary debates over the Wolfenden proposals (Jeffrey-Poulter, 1991: 43). In Foucauldian terms, Gorton's words are a classic statement of normalising discourse, encouraging self-regulating behaviour so intense that citizens are expected to police their most intimate feelings --- barring public expressions of affection which heterosexuals would not normally think twice about displaying. His comments clearly draw attention to a politics of passing. Gorton refers to men 'who could not be discovered in an ordinary glance at the population' and 'who act in private withdrawn from the public gaze'. Here Gorton is more or less explicitly saying that it is okay to be gay as long as you pass as heterosexual in public --- in this case as heterosexual friends, rather than same-sex lovers. You quite literally must not touch in public! No

wonder Australian gays and lesbians still see public parades/performances/displays such as the Sydney Mardi Gras as important political statements.

Comments such as Gorton's are often read as though they merely reflect the sort of public/private split that feminists subjected to much analysis in the nineteen seventies, or as though they just reflect liberalism's obsession with what is, or is not, an appropriate area for the state to intervene. Both these approaches have insights to offer but something more is happening --- the obsession with privacy also reflects a need for citizens to, in effect, perform heterosexuality in public, to pass.

Now, it might be objected that Gorton's statements are over twenty-five years old but his sentiments are still evident in much contemporary political discourse. Furthermore, many gays and lesbians still self-police their public displays of affection because even holding hands in public can commonly trigger outbursts of homophobic abuse and violence.<sup>[4]</sup> It may be relatively common to see gay and lesbian couples holding hands in Soho, London, Greenwich Village and Chelsea, New York or Darlinghurst and Newtown, Sydney. It is far less common in the outer suburbs of any of those cities, never mind in smaller towns in any of those countries.

It may also be argued that Gorton's comments are restricted to Australia, but as already mentioned, a very similar debate occurred in Britain. Furthermore, the injunctions against public same-sex touching reflect a broader emphasis on private homosexuality and public passing. As Labour MP David Borrow pointed out recently: 'The 1967 Act [decriminalising homosexuality] was not passed because MPs believed gay men should have equal rights. It was passed because MPs could see no reason to make criminals of gay men who have sex in private' (Borrow, 2000). The accuracy of Borrow's emphasis on privacy is confirmed by a statement by Lord Mishcon when speaking in the House of Lords against



the repeal of section 28, the Thatcherite measure banning so-called local government 'promotion' of homosexuality. Mishcon pointed out that he was the only surviving member of the nineteen fifties' Wolfenden Committee, which recommended to the Home Secretary that 'homosexual acts between consenting adults in private should no longer be a part of the criminal law'. Mishcon suggests that, had the members of the Wolfenden committee been sitting today, they would have been dismayed by the 'aggressive' public actions of homosexuals and some local authorities and might even have recommended legislative measures to discourage them (Hansard, House of Lords, 24 July 2000, cols 110--111). The emphasis on 'privacy' was common in arguments over section 28. Shadow Home Secretary, Ann Widdecombe, for example, argued that 'what people do in private is their business' but added that presenting homosexuality in the school curriculum as a normal occurrence and one that should be treated with respect was a totally different matter.<sup>[5]</sup> It is worth noting that even labour politicians speaking in favour of gay colleagues who had come out and/or been outed frequently supported them by arguing that it was 'a private issue' rather than making a stronger statement for gay rights (Gordon Brown cited in The Daily Telegraph, 9 November 1998). Indeed, some of the politicians argued their own cases in these terms (Nick Brown cited in The Daily Telegraph, 9 November 1998).

The emphasis on privacy is inherent in British law. The July 2000 Home Office Report on 'Setting the Boundaries: reforming the law on sex offences', noted that the law treats consensual same-sex adult male sexual activity differently from heterosexual activity in that 'only behaviour in private (which is defined as when no more than two people are present) is permissible'. This definition, criminalises behaviour 'which is within the law when the participants are men and women' (Home Office, 2000: 98, 102).

Indeed, even the most innocent forms of touching can be considered inappropriate. Let us consider an example from the woman who is both the British Monarch and still, unfortunately, the Australian Head of State. A Royal Household insider explained the Queen's decision to invite gay partners to the Royal Household Christmas Party on the grounds that 'it was felt that including gays was more realistic in this day and age, especially as some members of the [Blair] Cabinet and Privy Councillors are openly, and acceptably, gay.' However, it was made clear that it would not be considered appropriate for same-sex couples to actually dance together or to display 'overt gestures of affection' (Mail on Sunday, 26 December 1999).

As already pointed out, touching sexually may be the most obvious way of publicly displaying a same-sex relationship. However, obviously any form of public statement/recognition can be a problem. If one thinks that the British monarchy is not a fair indicator of contemporary trends, just remember the 'don't ask, don't tell' policy of passing for gays and lesbians serving in the American military, and its implicit, 'don't look, don't touch' (see e.g. Rayside, 1998: 215--48). Naturally, George W. Bush has endorsed the 'don't ask, don't tell' policy. It is only very recently that Britain, partly under pressure from the E.U., decided to let gays and lesbians serve in the military, a decision that had been made in Australia several years before. Once again, public displays of passion seem to be a problem. In the early nineties, a Conservative Minister argued that the ban on gays and lesbians needed to be retained because, unlike in civilian life, in the military one is not living 'totally in private but often in crowded barracks' (Aitken, House of Commons Hansard, 17 June 1992, col. 992). The Conservatives had signalled their intention to reintroduce the ban on gays and lesbians serving in the military if they'd been elected (Associated Press Newswires, 4 October 2000).

George W. Bush made it clear before the U.S. election that he thinks homosexuality should stay a private matter. In his words: 'An openly known homosexual is somebody who probably wouldn't share my philosophy' (New York Post, 18 December 2000). In other words, homosexuals should pass. During his second televised debate with Al Gore, Bush claimed that 'I don't hire or fire somebody based upon their sexual orientation... I don't really think it's any of my, you know, any of my concerns how you conduct your sex life. And I think that's a private matter. And I think that's the way it ought to be.' No wonder some Republican supporters felt betrayed by Bush's subsequent appointment of openly gay Republican, Scott Evertz, to head the White House Office of National Aids Policy (USA Today, 17 April 2001). Pat Buchanan, (the extreme right-wing presidential candidate that many Florida voters were horrified to discover they had accidentally voted for), reportedly stated that he'd be prepared to work with 'closeted homosexuals' in the White House, as he had during the Nixon years, but would not be prepared to appoint openly gay officials to his administration (Human Rights Campaign, 2000). Cheshire Calhoun has analysed numerous American examples of 'the pressure to closet gay and lesbian identities in the public sphere' (Calhoun, 2000: 82). Diane Miller has documented the extraordinary opposition faced by Roberta Achtenburg, the openly lesbian candidate for Assistant Secretary for Housing and Urban Development, nominated by Bill Clinton partly as a pay-off for his compromise on gays in the military (Miller, 1998: 39--82). Clinton went on to quietly appoint an estimated 150 gay and lesbian officials to his administration (The New York Times, 26 January 2001).

The continued conservative emphasis on keeping overt homosexuality and lesbians out of view also takes a variety of other forms. Australian Communications Minister Richard Alston argued, in a parliamentary

debate regarding homophobic demands for censorship sparked by a lesbian kiss in the soapie 'Breakers', that lesbian relationships are not 'normal' (The Australian, 26 May 1999: 5; Hansard, Senate, Australia, 25 May 1999: 5246--53). In other words, even screen representations of same-sex sexual touching are still a problem --- a point long made by lesbian media activists who have argued for more (and more diverse) representations of lesbians on television (Farrelly, 1998: 22--23; Wilton, 1995). This is despite the fact that sympathetic depictions of same-sex relationships in Australian soaps go back to the early seventies (Willett, 2000: 55). It is noticeable that lesbian kisses are still more likely to happen on television than gay male ones.

Public recognition of same-sex partners in any circumstances is a problem. The 'out' Australian High Court Justice, Michael Kirby, made an impassioned critique of the official South Australian memorial ceremony for Don Dunstan, that state's most famous Premier, which acknowledged neither his introduction of gay law reform (in a long list of reforms that were cited), nor his male partner of many years (The Advertiser 4 August 1999). A recent American example occurred during the Presidential election. Mary Claire Cheney, daughter of Bush's vice-presidential running-mate Dick Cheney, was very active as an aide in the election campaign. Her previous job had been as gay and lesbian liaison officer for the Coors Brewing company (New York Times, 1 October 2000). The Cheney family has responded to questions about Mary's sexuality by saying that the matter is a 'private' one, despite the fact that she has reportedly been relatively open about her personal life and lives with her long-term female lover (Newsday, 23 January 2001; The New York Times, 10 October 2000).

As Lauren Berlant points out, discourses of privacy are a site of huge contestation in contemporary America. The conservative emphasis on the

private sphere of family life, along with oppositional discourses and sexual scandals which threaten 'the privacy protection of heteronational culture', has led to an intensification of the need 'to preserve a boundary between what can be said and done in public, what can be done in private but not spoken of in public' (Berlant, 1997: 3, 60). However, while the intensification of conservative discourse over sexual behaviour, including attacks on homosexuality, may be extremely public, there is still considerable debate over whether same-sex relationships will be publicly/legally recognised. The argument here would be that such resistance not only reflects support for traditional, heteronormative conceptions of citizenship but also that recognition involves publicly rejecting the injunction to pass and would fundamentally undermine an important way of asserting heterosexual privilege.

Consequently, at the same time that conservative politicians extol the virtues of the (heterosexual) nuclear family and support it with a range of income tax and other measures, they decry recognition of same-sex relationships. Heterosexual relationships are legitimately public, and deserving of recognition, same-sex relationships are not. Hence, Australian conservative prime minister John Howard's strong opposition to any form of legal recognition of same-sex relationships at federal level, despite their partial recognition in several Australian states (Johnson, 2000: 45--6). Howard's opposition was re-stated when more enlightened politicians attempted to remove existing tax and superannuation discrimination against same-sex couples (Sydney Morning Herald, 10 December 1999). Yet, there is extensive documentation of the various forms of discrimination that still exist against gay and lesbian citizens in Australia today whether in terms of tax and superannuation or in the workplace ( Irwin, 2000; Johnson, 2000: 33, 40--48, 74, 81--2; Morgan, 1996; Johnson, 1996: 106--7; Parliament of the Commonwealth of Australia 2000:

4; Senate Legal and Constitutional References Committee, 1997). At the very same time as unprecedented numbers of British Labour politicians are 'out', the Australian Labor Party is being accused of deserting gays and Lesbians, because of fears of a conservative backlash (Sydney Star Observer, 2 December 1999). Admittedly, there are some notable Labor exceptions, particularly Anthony Albanese MHR, who has taken up the issue of gay and lesbian superannuation rights over a number of years (House of Representatives, Australia, Hansard, 26 March 1998: 1776--1780 and House of Representatives, Australia, Hansard, 11 February 1999: 2600--2604). Australian Labor now claims that it will pursue gay and lesbian law reform issues if elected, though politicians from other parties have expressed their doubts much will eventuate (Blaze, 20 April 2001). Much of the public running on gay and lesbian issues is being left to the only two 'out' Australian Federal politicians, Greens Senator Bob Brown and Democrat Senator Brian Greig (Senate, Australia, Hansard, 25 May 1999: 5246-53; Senate, Australia, Hansard, 1 September 1999: 8104--8108; Senate, Australia Hansard, 6 March 2001: 22611).

In Britain, more radical gay activists such as Peter Tatchell have argued that New Labour has actually opposed measures in regard to pensions, anti-discrimination legislation, equality at work, hate crimes and equal opportunity that were designed to ensure gay rights. Tatchell argues that the eventual introduction of some measures, after considerable delay, such as equality in age of consent legislation and gays and lesbians serving in the military were partly a result of pressure from the European Union (Tatchell, 2000). One example was Labour's original plan to introduce only an employer's voluntary code of practice opposing discrimination against gays and lesbians in the workplace, rather than proper anti-discrimination legislation --- a move that was years behind the situation in many other countries, including in many Australian states.

Fortunately, the European Union has now passed a directive that includes gay employment rights (*Diva*, January 2001). David Bell and John Binnie have pointed out that British Labour's courting of the populist vote and their emphasis on the (conventional) family has significant implications for their position on gay and lesbian issues (Bell and Binnie, 2000: 38--43).

George W. Bush has made it clear that he opposes same-sex marriage, so-called 'special rights' for gays (i.e. anti-discrimination measures), adoption by gays and lesbians, hate-crimes legislation that includes sexual orientation, and he has also opposed repeal of Texas's notorious sodomy law (Human Rights Commission, 2000; Dreyfuss, 2000). We need to remember that, despite some outstanding speeches opposing homophobic discrimination and hate crimes (Clinton 1999a, 1999b; White House, 1998), Clinton still had a somewhat patchy record on gay and lesbian issues, including his opposition to same-sex marriage (Clinton, 1999b).

The failure of many governments to embrace anti-discriminatory measures in areas such as taxation and superannuation reform provides further evidence of heteronormative constructions of citizen rights and entitlements and of the forms of heterosexism that see gays and lesbians still treated very much as second class citizens. Gays and lesbians have not been able to gain the same legal recognition and benefits for same-sex relationships as heterosexuals have for their relationships. In short, gays and lesbians who reject the politics of passing and claim recognition of same-sex relationships might have gained some successes but still have a long way to go.

**Politics of passing - some theoretical concerns.**

The arguments regarding passing have a number of theoretical implications. It is not surprising to encounter heteronormative constructions in political discourse given Michael Warner's point that 'themes of homophobia and heterosexism may be read in almost any document of our culture' (Warner, 1993: xiii). However, the politics of passing also raises issues regarding identity categories and the performativity of heterosexuality by people who do not primarily identify as heterosexual as well as by people who do. Are people necessarily being penalised just for being gay and lesbian or are they being penalised for being gays and lesbians who won't play according to the rules of the (heteronormative) game? Are people being penalised for being gays and lesbians who refuse to privilege heterosexuality in their own practices? Despite its useful insights, is existing theory, such as the work of queer theorists such as Judith Butler and Cindy Patton, fully adequate for explaining the construction of 'mainstream' identities such as heteronormative heterosexual ones? Exciting and informative as such theories are on many topics, can they adequately explain the politics of passing? [6] Do we need some additional insights?

Queer theory obviously has a great deal to offer. For example, Butler has written tellingly about forms of heterosexual performativity in everyday life (e.g. Butler, 1997a).[7] The problem arises in the following way. Both Patton and Butler tend to see identity politics in terms of claims for minority rights since 'what we call identity politics is produced by a state which can only allocate recognition and rights to objects totalized by the particularity that constitutes their plaintiff status' (Butler, 1995: 242). Patton puts forward similar views: 'the person who takes up a post-Stonewall gay identity feels compelled to act in a way that will constitute her or himself as a subject appropriate to civil rights discourse, and thus,



deserving of the status accruing to successful claims to minority status' (Patton, 1993: 174).

Butler's reservations about identity politics are well known. She points out that the constitution of the identity of the subject has wider implications since 'identity categories tend to be instruments of regulatory regimes, whether in the normalising categories of oppressive structures or as the rallying points for a liberatory contestation of that very oppression' (Butler, 1991: 13--14).<sup>[8]</sup> Nonetheless, both Butler and Patten have also engaged with the issue of how to tackle identity politics in periods of right-wing backlash. Both have argued that, despite the problems of exclusion that occur in any attempt to 'fix' identity, one may have to use identity categories. In Butler's words:

In the face of the prospective silencing or erasure of gender, race or sexual minority identities by reactionary political forces, it is important to be able to articulate them, and to insist on these identities as sites of valuable cultural contest. My own view is that it is imperative to assert identities, at the same time that it is crucial to interrogate the exclusionary operations by which they are constituted (Butler, 1995: 129; see further Butler, 1993: 226--230).

In short, Butler recognises the need for some forms of identity politics but still sees them as greatly problematic. However, she neglects analysing broader issues of the politics of identity, particularly how dominant identities are formed. The politics of passing suggests that the fixation of mainstream, heterosexual identity is more complex (and 'queer'?) than theorists such as Butler and Patton suggest. The construction of subordinate identities may sometimes not necessarily take the form of

constructing minority plaintiff identities so much as constructing plaintiff identities that still privilege, and indeed in a sense perform, dominant identities --- identities that pass. In other words, some gays and lesbians are being assimilated into a strange form of heterosexual identity and one that still privileges heterosexual norms. Admittedly, same-sex bodies not touching sexually in public is a strange form of passing as heterosexual. It is one in which heterosexual observers may well know from previous knowledge that people are in reality a same-sex couple. It is one in which gays and lesbians are being asked to perform not what heterosexuals do - -- touch the other sex sexually --- but to perform what heterosexuals do not do --- not touching same-sex bodies sexually. In effect, same-sex couples are being asked to pass as heterosexual friends, not as same-sex lovers. It is a performance of heterosexuality that is not ironic or potentially deconstructive. It is a performance of heterosexuality that is particularly oppressive for gays and lesbians since it involves self-policing and self-regulating of the most 'innocent' forms of sexual affection, such as holding hands or dancing together. In short, it is a particularly oppressive form of governmentality.

Such partial, late twentieth century and early twenty-first century forms of passing are often more subtle than a complete relegation of gays and lesbians to the closet. They can contrast, for example, with the widespread, more elaborate and fundamental forms of passing analysed by Ken Plummer in his 1970's research. There Plummer analyses forms of passing behaviour that are deeply closeted, in which only a very few, if any individuals may know of a gay man's identity, and certainly not work mates or family; where the gay man may avoid openly homosexual sub-cultures, train himself to avoid perceived 'homosexual' mannerisms and even build up an alternative fictional biography (Plummer, 1975: 178, 188--194). Plummer noted that, while 'at least until recently, most

homosexuals have worked hard to conceal their sexual identity from the public gaze', this situation was already beginning to change, not least because of the influence of gay liberation (Plummer, 1975: 194--5). Pat Buchanan and (some of) George W. Bush's statements might seem to be encouraging such deeply closeted behaviour. Steven Seidman's recent research also suggests that some American gay men still feel compelled to practise deeply closeted behaviour, despite the large numbers that now reject it (Seidman, 1999). Seidman also points out that while 'many individuals live beyond the closet...the institution of heterosexuality... remains embedded at the institutional level as manifested in law, social policy, civic disenfranchisement, institutional practices and public culture' (Seidman, 1999: 27). Much of the discourse discussed here also suggests a world in which homosexuals are increasingly visible in many spheres of life and in popular culture but still constrained at the level of institutional politics. If 'the closet' is taken to refer to 'a division between a private life where homosexuality can be expressed and a public life where one passes as heterosexual' (Seidman, 1999: 19) then a version of the closet is also alive and well in much institutional public life.

The other side of this argument regarding passing is that the acting out of lesbian and gay identities, including sexually explicit, public forms of touching, gazing and speaking may be more subversive than some queer theorists suggest. It is here that issues of 'recognition' of difference (and the refusal to pass) are crucial. For example, legal recognition of same-sex relationships challenges the legal privileging of heterosexual relationships. Gays and lesbians displaying sexual affection in public challenges heteronormative power to police acceptable forms of physical contact. In other words, lesbian and gay identities may indeed be subverting heteronormativity rather than merely producing fixed, dichotomous identities that not only risk policing the boundaries of 'gay'

and 'lesbian' but also risk producing the very 'other' identity that oppresses gays and lesbians, namely, heteronormative forms of heterosexuality. The fluidity of queerness is also, of course, potentially subversive of any attempt to 'fix' sexual identity as irredeemably 'straight' but perhaps we need to look a little more at how lesbian and gay identities can also be subversive. In other words, there is a need to assess the utility of multiple strategies rather than necessarily privileging one over the other. The politics of passing may make the situation more complex, and contradictory, than it originally appears.

To elaborate, we may need to go a little beyond those analyses of difference which are based on the argument that the meaning of a particular category derives predominantly from the construction of another category which it is opposed to. Influenced by linguists such as Saussure, such analyses emphasise the importance of dichotomous categories such as self/other, heterosexual/homosexual, white/black, man/woman and the consequent construction of privileged/subordinate groups (See Haber, 1994: 9--21; Johnson, 2000: 55--69).<sup>[9]</sup> ] Consequently, such analyses also advocate deconstructing dichotomous categories in order to undermine existing power relations. So, for example, queer theorists destabilise distinctly heterosexual and homosexual identities by critiquing fixed sexual categories and emphasising the fluidity of desire.

The insights of queer theory are extremely useful and have obviously influenced this article. Queer strategies can be very effective and should be part of our armoury (See e.g. Duggan, 1995). However, it would be unwise to rely on a mono-causal explanation for complex power relations, however fruitful such analyses of dualistic categories may be for understanding one set of contributing factors to power relations in our society. In particular, focusing too much on analyses of dichotomies can neglect the role which strategies of inclusion and assimilation (e.g.

passing) play in constructing the privileged position of powerful, mainstream identity categories such as heteronormative heterosexuality. So, passing can be assumed to be inherently transgressive without analysing its role in constructing mainstream categories. For example, Sherrie Inness, drawing on Eve Kosofsky Sedgwick's arguments in The Epistemology of the Closet, argues that 'the lesbian who passes as heterosexual calls into question the distinction between heterosexual and homosexual. Ultimately, she threatens to overthrow the whole homosexual order because heterosexuality can only exist in opposition to homosexuality'(Inness, 1997: 161). That may well be a valid point in the case of some discourses where passing can challenge what it means to be 'straight' or 'lesbian'. However, in the case of the political discourses analysed here, the categories of heterosexual and homosexual are not just being constituted through opposition to the 'other'. The 'other' is being incorporated in various ways, for example, as 'good' gays and lesbians who are prepared to pass as heterosexual citizens are distinguished from 'bad' gays and lesbians who do not (e.g. who demand legal equality or engage in public kiss-ins as a form of protest).

In short, the dominance of particular categories such as heteronormative heterosexuality can be constituted as much by the 'other' being incorporated in a subordinate position within the dominant category as by the 'other' being excluded. Mainstream identities are not being produced simply in a dichotomous way. Similarly racial and ethnic minorities can be assimilated. Black subjects passing as white can reinforce forms of social assimilation, rather than being transgressive (Ahmed, 1999: 93). Diverse ethnic groups can be assimilated by accepting/privileging anglo 'core values' and behaviours (Johnson, 2000: 38--69). Urvashi Vaid and Shane Phelan have explored the limited forms of acceptance for gay men and lesbians in the U.S.. They highlight the dangers of gay and

lesbian activists responding by using 'mainstream' assimilationist strategies, in which gays and lesbians are depicted as being people who happen to sleep with/love members of the same sex but are just like heterosexuals in all other respects. Phelan and Vaid point out that there is a consequent rejection of gays and lesbians who don't conform to heterosexual appearance/dress codes, and the rejection of arguably different values and needs in gay and lesbian communities and relationship structures (Vaid, 1995: 46; Phelan, 2001: 82--114). This is not to deny that 'equal rights' strategies can achieve some essential reforms to citizenship entitlements. However, although this article is analysing gays and lesbians who are constrained from being 'out', the analysis here strengthens aspects of Vaid's and Phelan's critique of overly assimilationist, normalising, strategies, by pointing out that forms of passing actually play a crucial role in the constitution of heteronormative citizenship. Muting gay and lesbian difference is therefore especially problematic.

Such issues of assimilation and incorporation demonstrate that the construction of mainstream categories in forms of political discourse can be far more complex and multifarious than dichotomous, and sometimes linguistically reductionist, theories would tend to recognise. Consequently, openly gay and lesbian identity categories can be more disruptive of privileged constructions of heterosexuality, particularly assimilationist ones requiring passing in public, than some queer theorists might allow. The situation is a very complex one, in which dualisms which resist incorporation can sometimes challenge relations of domination and subordination, rather than merely reproduce them. Furthermore, the reservations about focusing excessively on dualistic thinking, also imply that it may be particularly important to encourage non-heteronormative constructions of heterosexual identity, rather than

seeing heterosexual identity categories as inevitably producing their 'other', namely, subordinated lesbian and gay identities and vice versa. Non-heteronormative heterosexuality would be based on not privileging heterosexual identity over other categories such as gay, lesbian or transgendered identity. In this view, not all forms of non-heteronormative heterosexuality would have to be based on a conception of sexual fluidity.

Older gay liberation, identity-based, strategies of increasing 'out' gay and lesbian visibility (Plummer, 1975: 195) may therefore have been more effective, and less counter-productive, than some contemporary theorists suggest. However, this is not to deny the insights that can be drawn from queer theory; obviously this article is very influenced by it and by Butlerite concepts of performativity. Nor is it to deny that dualistic thinking can contribute to constituting dominant and subordinate identity categories. Similarly, it is not to deny that 'fixing' any identity, including minority ones, can be oppressive if it excludes and marginalises others. Nonetheless, it is to suggest that both the construction of mainstream heterosexual identity and 'acceptable' forms of gay and lesbian identity need to be examined in more depth and complexity. In other words, we need to recognise that there are a range of strategies that can disrupt constructions of heterosexuality, including emphasising the fluidity of sexual identities and desires. However, gay and lesbian identity politics may also be more potentially disruptive of some influential constructions of heterosexuality than some queer analyses have hitherto implied. Finally, this article also suggests that the disciplining of public bodily contact --- both in terms of the gaze and the touch --- can be a crucial feature in constituting citizenship identities and entitlements.<sup>[10]</sup>

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Endnotes

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- 1 For a detailed analysis of the Age of Consent debates see Epstein et al., (2000).
- 2 For examples of U.S. political coming out stories see Yaeger (1999).
- 3 I am using heterosexual in the modern sense here to mean an individual who is sexually attracted to members of the opposite sex. However, as Ned Katz points out, this is a relatively recent usage historically (Katz, 1995).
- 4 For Australian figures on homophobic violence see Mason and Tomsen (1997). For British figures see 1995 survey, [www.stonewall.org.uk](http://www.stonewall.org.uk); FBI figures on anti-gay hate crimes, can be found at <http://www.hrc.org/>
- 5 Widdecombe's comments are cited in "UK Tories Vow Return of Gay Military Ban" Wednesday, 4 October 2000. [http://www.capitalgay.com/news/data\\_lounge/index.html](http://www.capitalgay.com/news/data_lounge/index.html)
- 6 For a similar critique in another context see Johnson (1997). See Ahmed (1999: 89--92) for a discussion of Butler and issues of racial passing.
- 7 See also Plummer's account of role performance (Plummer, 1975: 176ff).
- 8 For a sympathetic but partially critical engagement with queer theory's rejection of gay liberation and lesbian-feminism see Phelan (1997b) and chapter eight of Jagose (1996). For a critique of queer



theory's treatment of identity which emphasises structural inequality/power relations see Rhaman (2000: 116--148).

- <sup>9</sup> Butler's linguistics and her conception of performativity are, of course, very influenced by J.L. Austin. See Butler (1997b: 41 and 145--51).
- <sup>10</sup> This is also an issue that seems to have been neglected in many other studies of sexuality and citizenship - see Carver and Mottier (1998); Evans (1993), Jackson (1999).