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Sexual Politics, Sexual Communities: The Making of the Homosexual Minority in the United States, 1940-1970 by John D'Emilio. Chicago, IL; University of Chicago Press

Summary

In order to more keenly understand the gay movement in the United States, one must first enhance their knowledge of how, why, and by whom did this movement—this establishment of a sexual minority—come about. With that said, the logic behind my decision to read John D'Emilio's *Sexual Politics, Sexual Communities: The Making of the Homosexual Minority in the United States, 1940-1970* was to develop an understanding of not only what being gay or lesbian meant in mid-20th century America, but to also trace the genesis of a movement, which today seems to be succeeding in its mission at an ever-alarming pace.

The essence of D'Emilio's argument is that in an attempt to build a new identity and a new form of politics based on sexual preference, the homophile movement helped establish a community that then sustained and today still animates the “gay liberation” effort.

WWII is a crucial catalyst in D'Emilio's description of how homosexuality as an identity began to develop in American society. Before the war, and even for a short time after it, “Condemnation of homosexuality,” according to D'Emilio, “so permeated the culture that gay men and women could not easily escape it. They too internalized negative attitudes about their sexuality¹” Yet, the massive disruption of traditional social patterns, the predominantly single-sex emotional attachments formed by the war, and the

reconceptualization of homosexual behavior within the medical profession all culminated in the formation of a rudimentary gay subculture based in the heart of urban-American society.

Despite the liberating nature brought on by the development of a distinct homophile community, these changes made gays more vulnerable to attack. Cold warriors, like Wisconsin Senator Joseph McCarthy, linked homosexuality with the communist threat, attaching stigma to a sector of American society that had not yet fully formed. Yet, even in the most repressive times membership in the pioneering gay and lesbian organizations of the Mattachine Society and the Daughters of Bilitis (DOB) grew slightly.

It was obvious to even the first gay activists that homosexuals were a minority with a false consciousness; thus, it became clear to people like Henry Hay and Del Martin (Mattachine and DOB co-founders respectively) that the first steps toward civil liberation had to be educational. And so, the succeeding generation of leaders in the Mattachine Society and the DOB promoted a broad-based, democratic structure to the organization that was more supportive of professionals in their study of homosexuality, encouraged good citizenship, and began a network of discussion groups. These changes helped to not only inform the conscious of homosexual and heterosexual individuals alike, but also provided a way for those questioning their sexuality to examine themselves in ways that they ordinarily could not.

In the 1960s, as President Kennedy championed an age of civil rights reform and the black civil rights movement came to the height of its political influence, a new gay militancy spawned as a reaction to the collective recognition that the pathway to

liberation was not by way of conforming to the structures of heterosexual society, but rather by claiming, or, dare I say, demanding equal treatment under the law. All throughout the country, the gay subculture that had existed as a sort of underground cult in major cities for almost twenty years began its political life. For example, in San Francisco the worlds of the gay bar and the gay political movement began to coincide. The harassment of gays, the Tavern Guild—a political organization of gay bar owners and employees—and the Stonewall riots of New York City broke the barriers that had existed between the social and political lives of the typical gay man or lesbian woman. In essence, sexual community and sexual politics began to sustain each other.

In closing, the key element to keep in mind is that the gay movement has developed from one in which its members suffered from a lack of true identity to one that has become wholly self-reliant and that promises formerly outcast individuals a community that allows them to express, rather than repress who they are. For example, in many cities the lesbian and gay communities expended their own resources to maintain separate, homophile newspapers and magazines. And in politics, activists achieved headway by getting gay rights added to the platform of the Democratic Party in 1980. Through its open and active expression, the gay movement had begun to make homosexuality less of a sexual category and more of a human identity, achieving far more than most activists, scholars, and even D’Emilio himself thought could be achieved in their lifetimes.

Interacting with Themes

There exists a tangential relationship between the gay movement and the fight of racial minorities and women for their rights. Like any sector of American society that has

dealt with some form of legal oppression—blacks, Hispanics, Native Americans, Asian Americans, and women—gays and lesbians have struggled to be treated as equals under the law. The distinction, however, between the gay movement and that of others like it is that being gay or lesbian is not as outwardly evident as, say, being black or a woman. In other words, to be gay is not to have an explicit, physical distinction that automatically qualifies one as part of that particular community; rather, to be gay, as is suggested by D’Emilio, is to act upon a different set of biological and neurochemical stimuli that cannot be helped by the structure of a society or the way one was raised.² Yet, the dominant view of the time at which the gay movement began was that homoerotic behavior was, by nature, an immoral act of sexual deviancy, and that it deserved to be punishable like any other lewd or “improper” behavior. The difference, therefore, between the gay movement and, say, the “civil rights movement” is that African-Americans did not have to prove that they were black, whereas gay activists had to both establish a new sexual identity, while pioneering a movement that had never truly entered the public view until the 1940s.

Yet, the connecting themes between the struggle for gays and other minorities for their civil rights is, perhaps, best encapsulated by Supreme Court Justice Oliver Wendell Holmes, Jr. in his essay, *The Common Law*. Justice Holmes makes the keen observation that “the life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudice which judges share with their fellow-men, have had a good deal more to do than syllogism in determining rules by which men should be governed.”³ In other words, the fact that American law seems to have historically done the

opposite of establishing a fairer, more equitable society when it comes to minorities and women, is not due to the invocation of logical thought or meticulous legalese; rather, the source of prejudice in the American legal system comes from a reflection of the moral and political precepts that happened to reign at the time. Throughout the 1800s, women were restricted in their freedom and denied their suffrage. Not until the 1950s did the Supreme Court recognize that racial segregation based on the principle of “separate, but equal” institutions was inherently unequal in *Brown v. Board of Education*. And, not until the case of *Lawrence v. Texas* in 2003 did the Supreme Court acknowledge the right of sexual privacy, striking down a Texas sodomy law that made same-sex sexual activity illegal. The underlying theme, therefore, is that American law has undergone a process of democratic incrementalism over time—a process that is not nearly over, but that is nonetheless observable in the day-to-day. It is this gradual march towards ultimate civil liberation that has marked and will continue to mark the success or failure of minority groups and women to garner true legal equality within American society.

Reviews

Rhonda Rivera of the University of Pennsylvania Law Review agreed with the *New York Times Book Review* in its summation of John D’Emilio’s book as “a sympathetic history rendered in a dispassionate voice.”⁴ Ms. Rivera would agree with D’Emilio that homosexuality was not even considered to be an identity before the 1960s. For example, she points to three pre-1950 Supreme Court divorce cases dealing with homosexual persons in which none mention “homosexuality” per se, but rather use terms like “unnatural love,” “unnatural practices,” “sodomy,” and “pederasty” to describe homoerotic behavior.⁵ There is absolutely no judicial recognition of the husband being

homosexual. The Court's only references are to the impropriety of his sexual behavior. These Court opinions collectively demonstrate both a lack of understanding by justices on the issue and a desire, as D'Emilio argues, that society remain silent on the subject—that the courts should somehow look the other way instead of recognizing homoerotic behavior for what it was and is, a physical expression of homosexuality.

Walter Williams of the University of Cincinnati poses certain critiques on D'Emilio's composition. Williams does not question content, but rather its presentation. For Williams, the book was "too compactly written," and needed "more quotation from the activists themselves...and the inclusion of photographs" as a way of personalizing the people.⁶ It is understandable why Williams would want a more in depth analysis of the history of how the gay movement was created, and D'Emilio probably could have written much more on the issue if he wanted. But, the mastery of the book, as mentioned by Rivera, emanates from its clear language and in its brevity. These features of D'Emilio's writing allow for the author to hold the reader's attention for the duration of the book.

Finally, writing for the *American Journal for Sociology* Ken Plummer highlights D'Emilio's focus on the shifting alignments within the gay subculture of the 1940s, 50s, and early 60s. Plummer rightly states that D'Emilio "focuses constantly on the significant ambivalences of and contradictions between those with the imagination to grasp a future, more emancipated world, and those whose vision of change is restricted to the present."⁷ To the reader, this should seem like the most glaring contradiction with the development of the gay movement because, while gay activists like Henry Hay, who actually founded the Mattachine Society, helped establish homosexuality as an identity they stopped short of demanding equal treatment under the law out of the fear that to do so would cause too

much bad publicity and threaten the delicate relationship between the esoterically known gay subculture and the broader heterosexual community. It was not until the following generation of gay leaders and activists, who joined in the broader movement for civil rights in the 1960s, that an establishment of true and distinct sexual communities and sexual politics was realized. Plummer's observation hits at the heart of D'Emilio's thesis, while carefully distinguishing the opposing schools of activism within the burgeoning gay community.

Opinion

I would recommend this book to any law or pre-law student simply because it is an interesting topic regardless of one's engagement, or lack thereof, with the gay rights movement. The book is well written, succinct, and informative; it tends not to use very complex language or tedious legal jargon, but rather reads somewhat like a conversation. Moreover, because Mr. D'Emilio focuses on the process by which prejudice and intolerant attitudes enter the legal system, his message transcends the plight of gays and lesbians in their fight for equal rights. In a way, therefore, the story of "gay liberation" is similar to the struggle for women's suffrage, immigrant rights, or the call by millions in the "civil rights movement" for the end of segregation and police brutality. D'Emilio makes a successful case for why gays and lesbians are too a part of the ever-unraveling civil rights cause in America; it is clear that he too understands the gradual, but steady progress towards equality that marks the pain-staking process of inclusion in American society. Of course, there is more research to be done. Succeeding generations of scholars have and will continue to develop our understanding of this unique minority group in the American experience, as well as how it has matured politically. D'Emilio, however, has

set a clear standard of scholarship and literary clarity that all his successors should emulate.

¹ D'Emilio, John. *Sexual Politics, Sexual Communities: The Making of the Homosexual Minority in the United States, 1940-1970*. 2nd ed. Chicago: University of Chicago, 1998. Print. pp. 241

² Ibid, 14

³ Hall, Kermit L., Paul Finkelman, and James W. Ely, Jr. "American Legal History." Oxford University Press, n.d. Web. 04 Feb. 2013. pp. 364

⁴ Rivera, Rhonda R. "Review of Sexual Politics, Sexual Communities: The Making of the Homosexual Community, 1940-1970." *JSTOR*. University of Pennsylvania Law Review, n.d. Web. 04 Feb. 2013. pp. 391

⁵ Ibid, 402

⁶ Williams, Walter L. "Review of Sexual Politics, Sexual Communities: The Making of the Homosexual Community, 1940-1970." *JSTOR*. Oxford University Press, n.d. Web. 04 Feb. 2013. pp. 1341-1342

⁷ Plummer, Ken. "Review of Sexual Politics, Sexual Communities: The Making of the Homosexual Community, 1940-1970." *JSTOR*. American Sociology Journal, n.d. Web. 04 Feb. 2013. pp. 1474-1476