

## Introduction

Is the United States a heterosexual regime? If it is, how might we understand the political position of those who cannot or will not align themselves with heterosexuality? Are such persons citizens, albeit stigmatized and embattled ones, or are they more fundamentally excluded from membership in the U.S. polity? What social and political institutions structure the regime of heterosexuality? Can sexual minorities refigure those institutions enough to make room for themselves in them, or will they find themselves continually stuck between the pressure to conform and rejection of their best efforts?

We live in a time of new challenges and opportunities. We are faced with global warming and environmental degradation, increasing dominance by international corporations and global media, and the weakening of the nation-state even as more peoples aspire to achieve statehood. In the United States, the last thirty years have witnessed massive shifts in politics and culture: Watergate; the end of the Vietnam conflict, inaugurating endless mourning; the New World Order in which, in place of the Soviet Union, we have everything and everyone to fear; the rise of the New Right; and, contrapuntally, of feminism, as well as racial and ethnic political movements and environmental movements.

Not the least important of these developments is the growth of lesbian and gay visibility. In 1968, homosexuals were barely a blip on America's radar screen. Aside from

their occasional utility in political campaigns and vendettas, in which one contestant accused the other of being “soft on perverts,” homosexuals were either ignored or laughed at. Since 1969, gays and lesbians have come to figure centrally in American debates about national identity, equality, and values. From news coverage that is increasingly balanced to the ubiquitous visibility of gays, lesbians, bisexuals, and transgendered people on tabloid talk shows, America gets a steady and varied diet of homosexuality (Alwood 1996; Bennett 1998; Cook 1999; Gamson 1998). AIDS put gay men in the spotlight, in a number of roles: promiscuous death-dealers, benighted individual sufferers, responsible activists, devoted lovers and friends. The activism generated by groups such as ACT-UP offered sharp contrasts to stereotypes of passive partygoers. Fights for access to the military and for the right to marry put lesbians and gays in the position of oppressed minorities seeking equal access to core institutions, solid citizens who want only to be included. The growth of mass markets for gay and lesbian studies and popular literature signals an increased ability and willingness to be “out.”

This new visibility has not, of course, been uncontested. The end of the Soviet Union and their need for a specter to fight led the New Right to focus on gays as a national threat (Herman 1997). Drives for legal protection have led to backlash movements to ban non-discrimination laws, most famously in Colorado’s Amendment 2 of 1992 but also in Oregon, Idaho, and cities across the United States. The Supreme Court’s ruling that Amendment 2 was unconstitutional did not eliminate these drives, and later rulings have made clear that laws barring non-discrimination are acceptable to the Court.

The fights over marriage and the military have increasingly defined “the lesbian and gay rights movement.” Another long-term battle, for a national bill to ban discrimination in housing and employment, has been conducted largely in the shadows of these two titanic struggles. On its face this is a curious situation. While most Americans now express support for employment non-discrimination, ambivalence rises for military inclusion and peaks into resistance to “gay marriage.” (Nor is this dynamic exclusive to heterosexuals. Gays, lesbians, and bisexuals have always had vigorous debates about whether marriage and the military were things to which we should aspire. Increasingly, however, mainstream movement leaders are calling for an end to such debates.

Whether or not one wants to enlist in either institution, they argue, we must fight for everyone's right to participate if they so choose. This liberal argument has proven very hard to resist in this liberal land, though some [e.g., Warner 1999] continue to do so.) An observer might then expect that the Employment Non-Discrimination Act would not only be at the top of the agenda for organizations, but would also be relatively easy to achieve. The obscurity and difficulty facing such a bill is explicable when we account for several factors. The first is the composition and funding base of the national gay and lesbian political organizations. By and large the constituency of groups such as the Human Rights Campaign, while often forced into "the closet" at work, live their work lives relatively unobstructed by their sexual orientation. Those most typically affected by homophobia at work—butch lesbians and fem men—are, as we will see, not only under-served by such organizations, they are implicitly disavowed. The issues of marriage and military service, on the other hand, do directly affect supporters of the national organizations. This is not the only reason for the centrality of these issues to 1990s organization and debate, but it is one major factor.

The second reason for the importance of these issues is their perceived link to citizenship. Indeed, citizenship is the central concept appealed to in calls for inclusion. This is not surprising. U.S. citizenship has always embodied dreams of living one's life as one chooses while also being gainfully employed and willing to serve if called (Shklar 1991; Smith 1997). More broadly, citizenship is about recognition and participation. Citizenship is not unique in this; all groups necessarily highlight recognition and participation as desirable goals. As membership in the modern nation-state, however, citizenship is unique for what recognition entails. Citizenship is supposed to guarantee both fair treatment at home and protection abroad. It implies that one's government, and one's fellow citizens, concern themselves with one's welfare and one's opinions. Such concern does not mandate a particular policy on farm or housing subsidies, for example, but it does require that the individual(s) in question not be denied the recognition embodied in central institutions and universal services such as police protection.

The press of contemporary events as well as recent developments in political theory have brought citizenship to the center of attention. A category that once languished has had a rebirth of astonishing vitality.

There are several reasons for this renaissance. The growth of communitarian challenges to liberalism (Barber 1984; Etzioni 1995; Sandel 1982; Taylor 1985) and the huge growth of interest in the work of Hannah Arendt (Benhabib 1992; Disch 1994; Hinchman and Hinchman 1994; Honig 1995), as well as feminist political theory's challenge to public/private divides, have mandated fresh examination of the public sphere (Phillips 1991; Mouffe 1993; Honig 1995). In the United States and throughout Europe, citizenship has become a pressing issue as immigrants are attacked and citizens of non-European heritage are denied equality in the name of ethnic nationalities. Simultaneously, gays and lesbians are demanding that the nation-states in which they hold legal citizenship offer them the same rights of citizenship offered to others.

As these fights intensify, it has become clear that the concept of citizenship has lost none of its power, but that its place in our common life is not a settled one. Citizenship is a powerful political ideal as well as a legal status. The debates in political theory have in many ways been irrelevant to these current struggles, because theorists have weighed the merits of republican versus liberal citizenship as modes of participation and identification while debates in policy and law have focused on legal status. All of these venues have important insights to offer about citizenship, and it behooves us to consider them together rather than in isolation.

Citizenship studies have also produced a new consideration of exclusion. Most political theory addresses itself only to those presumed to be "within" a given polity, considering how and whether citizens are equal, what citizens owe one another, what the state owes its citizens, and so on. Recent work has begun to acknowledge that modern states contain huge numbers of people who are not citizens, and that these people must be considered in some way other than as a "problem" for citizens. Conceptualizing these non-citizens is not always easy. Often they are treated as citizens of another state, as if reading their passports answers the question of belonging. But many today are "passport citizens" of countries that do not account for them in their public life except as those "others" who trouble the body politic. In his work on European Jews, Zygmunt Bauman (1991) has developed the concept of the "stranger," neither us nor clearly them, not friend and not

enemy, but a figure of ambivalence who troubles the border between us and them. The enemy is the clear opposite of the citizen, but the stranger is more fraught with anxiety.

I will argue through this book that lesbians, gays, bisexuals, and transgendered people in the United States are strangers. The category of the stranger enables us to better understand both the current citizenship status of lesbian, gay, and bisexual persons in the United States and the strategies of entry of the recent past. I will argue that lesbians and gay men are not currently citizens in the full political sense, and that this exclusion is at the core of contemporary American understandings and organization of common life. Understanding the extent to which heterosexuality is a prerequisite for modern citizenship illuminates the lives of all who value and aspire to citizenship.

Sexual minorities are not citizens of the United States even in the thin terms of liberal theory. As a category that is both legal and political, and whose political dimensions are multifaceted, citizenship is a matter of several elements. Laws guaranteeing equal protection and the right of participation are a *sine qua non* for citizenship, both because they enact or deny state acknowledgment of individuals and because such rights are a prerequisite for meaningful participation. The state's reluctance to protect lesbians and gay men from violence, although decreasing, continues to be quite stunning both at the level of individual police and, more tellingly, among politicians, many of whom are reluctant to endorse hate crimes legislation if sexual orientation is included. If individuals cannot rely upon the protection of the laws, they cannot fully participate in public affairs. Such laws signal the willingness of the state (and, in a democracy, the people) to accord equal respect even to those with whom they differ on crucial issues. Citizenship does not require the active approval and communion of others, but it does require an affirmation of one's place in the political community.

After delineating an idea of citizenship rooted not in formal equality but in acknowledgment, I argue that sexual minorities are better understood as strangers, not enemies but not friends or "natives" either. The stranger's strangeness may be formally denied in liberal regimes, but her distance from cultural membership makes her continually prey to renewed exclusion, scapegoating, and violence.

The contests over marriage and the military offer us a window into

citizenship and the construction of national strangers. Usually parties to the debate have presumed the importance of marriage and military service to citizenship and have argued about whether lesbians and gays should want to participate. Less often, however, have lesbian and gay writers turned to look the other way, to question critically the relation between these institutions and citizenship. That does not mean that no one has, however. Feminists have struggled over the last thirty years to clarify the linkages between the “public” institutions of citizenship and military service and the “private” ones of family and work. In order to see what citizenship implies and presupposes, and how sexual strangers are produced in political discourse, I turn in Chapter 2 to feminist discussions of citizenship, bodies, and passions. Chapter 3 continues this path by considering what anthropological work on kinship can tell us about the citizenship stakes of the marriage question. What is the package that some so desperately wish to keep from lesbians and gays, and that others want so much? Unwrapping it will help us understand both desires.

As important as these institutions are, they are not the sum of citizenship. Citizenship is about participation in the social and political life of a political community, and as such it is not confined to a list of legal protections and inclusions. It is just as much about political and cultural visibility. “Visibility,” of course, is not one thing, nor is it necessarily and always good. Assertions that visibility is essential to gay and lesbian citizenship, like arguments about the visibility of blacks and other minorities, introduce further questions: Who among these diverse groups is to be visible? Is all visibility good? Certainly, many gay activists are profoundly uneasy with the images they see on TV and in print media following any pride march, or any week on a talk show. Visibility as a goal is also potentially bound to consumption and advanced capitalism at least as much as to political membership (Hennessy 1995). Strategies such as kiss-ins, celebrated by some as radical infusions of queer desire into public space, serve to reinforce perceived distance between homosexuality and citizenship as they subvert notions of “appropriate” displays of sexuality. Public spaces are occupied not only by citizens, but also by enemies and strangers to the nation-state. Visibility is no guarantee of either citizenship or equality. Visibility is, however, essential on one level. A group that is consistently present only as

the opposite or the outside of the nation, that has no part in the national imaginary except as threat, cannot participate in citizenship, no matter what rights its members have come to enjoy. It is at this level of the national imaginary that gays, lesbians, and bisexuals are most thoroughly sexual strangers. By “the national imaginary” I do not mean to posit one way of thinking in which all members of a nation participate, but rather the persistent cluster of images and rhetoric that, however inadequately and imperfectly, signal to a population who and what it is. There are, in this sense, always overlapping and contradictory national imaginaries; yet some are hegemonic over others, carrying with them the weight of cultural, economic, and political dominance of certain groups. Thus, although most Hispanics in the United States see themselves as fully American, dominant discourses and imaginaries figure them as threats who must be contained via border patrols, immigration quotas, cutbacks on social services, and English-only schools. This threat is balanced, however, by the increasing visibility of Hispanics in government, culture, and business, forcing the image of the United States as “land of opportunity” to confront that of the United States as “white man’s empire.”

Many liberals (in both the classical and contemporary uses of that word) see the growth of visibility and participation by racial minorities and women as evidence of the inevitable progress of reason and tolerance in liberal regimes. They might justifiably expect the same for sexual minorities—indeed, many do. The heightened visibility of gays and lesbians in the United States suggests that a time will come when the image of the United States as God’s Christian nation will have to confront an image of inclusion. This does not, for many, mean that the United States will become less Christian, but that its Christianity will become kinder and gentler, focusing on Jesus’s message of love rather than Paul’s fear and vitriol. For others, the desired future will find religion to be a wholly private matter, governing individual actions but not policy. In that nation, diverse readings of the Bible, Torah, or Koran might shape views on sexuality, but those views will not spill over into one’s treatment of others in the market, workplace, or government.

I am not optimistic that such a solution is either desirable or possible. Chapter 4 examines recent forays into public discourse and media visibility and argues that they have largely operated by essentializing sexual

orientation, privatizing sex, and downplaying gender deviance. Thus, the growth of “respectable” public media, although an important advance, has simultaneously created secondary sets of strangers among lesbians and gays. This is in accord with Cathy Cohen’s thesis (1999) that “advanced marginalization,” in which groups begin to gain some access for elite members, intensifies “secondary marginalization” within stigmatized communities. Chapter 5 discusses this process in reference to the new stigmatization of bisexuals and transgendered people. This new stigmatization has several faces. One face openly scapegoats bi and trans people to claim the relative normality of lesbians and gays (Gamson 1998). The other appears to be inclusive, but continually subsumes bi and trans experiences and perspectives within the model of homosexuality. Neither strategy confronts the ways in which sexual strangeness continue to be generated, and so, I argue, they will not work in the end for even the most “normal” gay or lesbian people.

Instead of a flight from strangeness, a broad commitment to “queering” citizenship is in order. Rather than flee from strangeness, sexual strangers may offer one another and others new ways of questioning the current tight fabric of citizenship and national identity. Chapter 6 returns to the question of citizenship to examine recent suggestions for more democratic and inclusive regimes. These suggestions continue to be limited, in ways that are perhaps inevitable to institutional politics, by either failing to consider difference seriously enough or by treating it as neatly bounded and fixed. I argue that before political/legal citizenship can be achieved a thorough queering of public culture is needed. My suggestions for the nature of that queering are just a beginning, an outline that others are shaping and filling in practice. I hope instead to convince students of politics, both academic and activist, that strategies of equality (crucial as they are) must always be attuned to the difference between equality and sameness. The position of the stranger is not only difficult, it is rewarding. Let us not abandon it for a citizenship that abandons others and suffocates that in each of us that does not fit; instead, I hope to help imagine and enact a postmodern citizenship of solidarity from the inside(r) out, in which many bodies, many passions, many families, many workers, find a place.

As the attentive reader will find, my main inspiration for critical analysis is feminist theory. One way of describing the shortcomings of



contemporary movement politics is to say that the success of an autonomous “gay and lesbian” movement has come at the price of the loss of more thoroughgoing feminist commitments on the part of lesbians (and many gay men) in favor of a “me-too” liberal feminism that has always made the same mistakes described in this book. Feminist theorists are the ones who have most thoroughly pursued questions of the body (female, male, and other); of the role of passion in public life; of inequality within and through family structures; and of citizenship. Certainly some of these theorists and scholars are lesbian or queer, and certainly many heterosexual feminists have overlooked lesbian configurations of body, gender, and desire. Nonetheless, it is their continuing attention to women and gender that has provided so much insight. Certainly there is a growing body of work by men on masculinity and gender that is proving important, but much of that work is explicitly feminist or indebted to feminist scholarship as well. This does not mean that in the end there is nothing to queer theory or lesbian and gay studies that isn’t done better by feminist studies; it means that queer work that does not pay attention to feminist theory, that abandons feminist work as the boring essentialist mother of the postmodern queer, is fated to fall prey to the traps of liberal/republican citizenship outlined in this book.

For reasons that will become clearer throughout the book, I believe that sexual minorities will remain strangers in the United States for a long time to come. This is so not because the United States is a particularly Puritan country (although it is, in many ways), but because of the particular configuration of citizenship that we have conjured here. Moving toward citizenship for sexual minorities will require not just an expansion of some boundaries, but a wholesale rethinking of the relations among citizenship, family, masculinity, religion, and sexuality. Nor am I sanguine that such rethinking is on the horizon. This is not, I realize, a conclusion that will please most readers. It flies in the face of other quintessentially American values such as optimism, and it will sound to some like embracing victimhood. It is nonetheless the only honest answer I have at this point. The history of other strangers, most notably the painful dance of assimilation and annihilation of Jews in Europe, demonstrates that strangers cannot assume that history moves only in one direction. The re-ignition of hostilities between Serbs and

virtually everyone they define as a stranger, new waves of killings of Jewish children in Los Angeles, neo-Nazi renaissance in the United States and Europe, and the rise of anti-gay violence make clear that no gains are final or unequivocal.

Does this mean there is no hope? Hardly. But hope is not born of rational calculation of probable outcomes; it is a renewable resource that springs in defiance of such outcomes to move individuals to act as though success were likely. I am not, then, advising quiescence or the abandonment of political activism of all stripes. My aim here is to encourage readers to take seriously the task of becoming citizens, which means confronting the full weight of the barriers to that state. Strategies that bypass cultural institutions in favor of a thin liberal citizenship will inevitably prove as weak as thin liberalism has in motivating citizens to extend their privileges to those currently lacking them. We can—we must—do better.

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## Citizens and Strangers

Citizenship has a long history, both as a legal concept and as a political ideal. It is “a weighty, monumental, humanist word,” speaking “of respect, of rights, of dignity” (Fraser and Gordon 1998, 113). Yet, as Peter Riesenberg (1992, xvi) has observed, “there is no single office in which its essence is defined. It has no central mission, nor is it clearly an office, a theory, or a legal contract.” Despite its status as an “ambiguous institution” (xvii), however, citizenship is a primary, perhaps *the* primary, modern category of political membership.

The association of citizenship with democracy and self-governance is a modern phenomenon. From the Roman Empire to modern times, citizenship was not clearly distinct from subjecthood. Through the liberal and republican traditions, citizenship came to mean both the legal status of state membership and a specific claim to participate in public affairs as an equal; as J.G.A. Pocock (1998, 34) puts it, participants in modern liberal democracies “believe that the individual denied decision in shaping her or his life is being denied treatment as a human, and that citizenship—meaning membership in some public and political frame of action—is necessary if we are to be granted decision and empowered to be human.”

Interwoven with the empowerment of citizenship, however, has been the exclusion of those seen as outside the polity or unfit for membership: “it is no exaggeration to say that one of its principal functions has been as an agent or prin-

ciple of discrimination” (Riesenberg 1992, xvii). The stronger the presumed bond between citizens, the greater the need for exclusion to maintain cohesion and ways of life. This dynamic of membership and exclusion has continually presented challenges for those who would become citizens, as they are forced to explain why their membership claims are more worthy than those of others. In the United States, perhaps most famously and disastrously for later feminism, white female suffragists sought southern support by appealing to the threat of black males and other racial “invaders” and “polluters” whose votes needed to be balanced by the power of white womanhood (Davis 1983; hooks 1981). Post-colonial debates about citizenship have focused on attempts by former metropolises to define their members (Brubaker 1998; Smith 1994b) as well as the construction of a new European citizenship (Dubiel 1998; Habermas 1995; Lehning 1998; Preuss 1998; Tassin 1992). These debates remind us that the empowerment of citizenship is always bought with expulsion.

Feminist theorists have also considered the nature of citizenship throughout the past ten years (Alexander 1991, 1994; Curthoys 1993; Jones 1997, 1998; Lister 1997; Mouffe 1993; Vogel 1991, 1994). This work has moved from rejecting citizenship as an exclusive, hierarchical ideal to attempts to negotiate its dilemmas. The very real protections afforded by citizenship have become salient as women strive for voice and recognition within nation-states. Nonetheless, feminist work has been sharply critical of citizenship both as an ideal and as a practice.

I begin from these debates in order to discuss both the importance of citizenship and the conflicts encountered by groups trying to become citizens in polities that do not want them. In order to understand the ways in which sexual minorities are not yet citizens, or not fully such, in the United States, we must step back to consider the nature of citizenship itself. Doing so will enable us to see the ways in which official citizens may nonetheless be civic strangers.

## **Citizenship as Acknowledgment**

Citizenship embodies several elements, none dispensable, but each differently highlighted by different traditions. While the liberal tradition has focused on legal protection of civil rights, the republican tradi-

tion of citizenship, dating at least from Aristotle, locates citizenship in the activity of ruling and being ruled in turn (or, in Rousseau's ideal, simultaneously). Here the citizen is not simply the subject of a sovereign and its laws, nor just a consumer of rights and privileges, but is an active member in the public deliberation and decision-making that produces law and policy. In this understanding the citizen is not simply one whose passport says "Italy" or "Great Britain," but one with the right (indeed, the obligation) to participate in civic affairs. In the republican tradition, "citizenship is an activity or a practice, and not simply a status, so that not to engage in the practice is, in important senses, not to be a citizen" (Oldfield 1998, 79). Of course, one's ability and willingness to engage in the practice(s) of citizenship will be shaped by others' reception and acknowledgment of one's presence and participation. The republican tradition, with its admirable focus on activity and participation, has also historically offered grounds for the exclusion of many that liberal/legal thinkers might allow. From Aristotle's denial of citizenship to workers to land, property, literacy, race, and gender requirements for participation, the republican tradition has provided robust visions of participation inextricably bound to robust exclusions of those seen as unfit.

Even as we agree with republicans on the importance of practice for citizenship, we can question "what qualifies as the behavior of citizens" (Jones 1998, 223). Long conceived in terms of masculine prerogatives such as voting, holding office, and speaking in public, citizenship has been re-envisioned by feminist theorists as encompassing many of the activities of care and world-maintaining that had been relegated to "the private" (Jones 1997, 1998; Lister 1997; Mouffe 1993; Sarvasy 1997; Sparks 1997; Tronto 1993). Recent queer theory has also extended citizenship to stress public discourse about sexuality (Berlant 1997). Thus the category of citizenship seems to open up under the pressure of multiple desires to identify with its promises.

Whether we view citizenship as legal status or as practice, we might understand it as affording individuals a certain protection for their interests. The particular articulation of which interests count as public varies across place and time, but the capacity to articulate one's interests as a matter for public concern is a defining mark of citizenship. Citizenship is more than this protection, however; as Jean Leca (1992, 20) explains,

it “establishes a double relation in terms of interests. On the one hand, it is derived from interests. . . . But, on the other hand, citizenship is also a resource which permits more of the socially disempowered to acquire a greater political competence.” From the perspective of this “double relation,” citizenship is a crucial sign under which members mobilize for common interest and, in so doing, acquire more than private gains. As citizens, individuals make a particular kind of claim on other citizens even as they commit themselves to recognizing others as citizens. As V. Spike Peterson and Laura Parisi (1997, 8) put it, “in contemporary states the well-being of individuals is linked to citizenship claims that mark who is inside (and outside) of the state’s responsibility for protecting rights and providing welfare.” Citizenship status is the basic indicator of membership; the specific rights and obligations of citizens may vary from state to state, but recognition as members is prerequisite to a claim on any configuration of rights and duties.

The distinction between legal status and political membership is thus not the same as that between civil and political rights. Political membership is a matter of both civil and political rights, but it extends beyond those rights to inclusion in public culture. To capture the dilemma of stigmatized and marginalized persons within a society with few legal barriers to equality, we must examine rights, offices, and duties as aspects of a larger phenomenon of political membership. The question of citizenship does not concern only what rights, offices, and duties are to accrue to citizens, but also how the polity decides who is eligible for them; that is, it concerns the structures of acknowledgment that define the class of persons eligible for those rights, offices, and duties.

*Webster’s Third New International Dictionary* defines the verb “acknowledge” as follows: “to show by word or act that one has knowledge of and respect for the rights, claims, authority or status of”; “recognize, honor, or respect, esp. publicly”; “making known to others or recognizing to one’s self what might be kept back, suppressed, or left uncertain, esp. under the influence of stress, pressure, or persuasion.” These definitions lead us to an understanding of the role of acknowledgment in citizenship. Acknowledgment is not a right in itself, but the establishment of a particular political relation. The enactment of citizenship is itself the recognition that one has a claim to be heard and responded to—that one

should be acknowledged. Citizenship is embodied in one's access to rights and other institutions, but it is not identical to those rights and institutions. It is the emergence into publicity as an equal with other citizens.

What exactly is being acknowledged in citizenship, and how does this pertain to the position of sexual minorities? The first definition, demonstrating by word or deed the "knowledge of and respect for the rights, claims, authority or status of," seems tailor-made for citizenship. Insofar as we understand citizenship as a matter of rights, claims, authority, and status, acknowledgment as a citizen would seem to be a matter of acceptance and endorsement of these for the group in question. Such acceptance and endorsement need not extend to personal embrace, but it must include active willingness to defend those rights, claims, authority, and status; it must include willingness to "recognize, honor, respect" in public.

Current controversy over the position of lesbians, gays, and bisexuals in the United States makes clear, as perhaps few other controversies can, the relation between the first definition, what might be called "political acknowledgment" as many would understand it, and the definitions that follow. The idea of "coming out," and the closet to which it is contrasted, has become such a paradigm for "making known to others or recognizing to oneself what might be kept back, suppressed, or left uncertain" that people now use the phrase "come out" to describe virtually any revelation about themselves. In contrast with most women and racial minorities, sexual minorities have a varying ability to be hidden, to leave their difference "suppressed or left uncertain." And this is how many, if not most, heterosexuals would like them to remain. Many who express support for the legal rights of sexual minorities nonetheless voice the desire that "those people" keep their difference invisible (Gamson 1998, ch. 6). This demonstrates either a disjuncture between the first meaning of acknowledgment and the latter ones, or—as I will argue—the fragility and unworkability of the first without the latter. The classical liberal solution of support for rights without social acceptance fails to capture the dilemma of citizenship for all cultural minorities.

What exactly is being acknowledged in the acknowledgment of citizenship? Full citizenship requires that one be recognized not in spite of one's unusual or minority characteristics, but with those characteris-

tics understood as part of a valid possibility for the conduct of life. Emergence into publicity as an equal means that one appears on the terms by which one understands oneself—that one be an active co-constructor of one’s public appearance. In Dan Diner’s (1998, 300) words, the core of citizenship is “the values and grounds of communal loyalty and solidarity.” In addition to the legal acknowledgment by the state that is part of subjecthood, citizenship involves the “will and the capacity to participate in a common undertaking, i.e., to cooperate and to communicate with the other members, to recognize them as equals, and to be recognized by them as an equal” (Preuss 1998, 313). I may be discussed in public, brought into a certain visibility, without being acknowledged. Of course, emergence into publicity does not mean that I will be the sole constructor, or have final say over the constructions made of my appearance; citizenship cannot require simple endorsement of every identity that may emerge, and, as we will see, regimes define themselves partly by the range of identities and understandings that they will accept. But mere visibility is also not enough. Later chapters will address the variety of ways that lesbians and gays tried to emerge in American publicity in the 1990s and will find that many of them fail to recognize the dynamics of co-construction. For now, it must be enough to say that who is acknowledged and who is not in a particular regime is not only an issue for the groups who are left out, but provides clues into the constitutive assumptions of the regime, often unknown to or unacknowledged by its members.

An example of the role of acknowledgment in citizenship is the host of current elementary school programs operating under the name “Character Counts.” Such programs aim to instill certain social virtues through discussion and action. Among the seven virtues singled out for attention, along with responsibility, discipline, and others, is citizenship. In Character Counts, citizenship is not a status conferred by the law but rather a quality of the person that is manifested in certain actions. These actions extend beyond those available only to adults, such as voting, that have been held out as the quintessence of citizenship. Rather, they include a general concern and respect for others as well as participation in public affairs. Such respect is inseparable from acknowledgment of others as valuable, distinct members of a community. In turn, participation in the community presupposes the acknowledgment by others of



one's membership; without such acknowledgment one may force others to notice oneself, but one cannot claim membership. One may be noticed as an enemy, or an outsider; being a citizen requires not only notice but acknowledgment.

The Character Counts definition also suggests that citizenship is not something that is simply conferred on an individual, but is something that must be developed. It also points to the ways in which one person's citizenship is bound to another's. If one person fails to manifest concern and respect for others, that is by this definition a failure of her citizenship, not a reflection on others. Yet the centrality of acknowledgment to citizenship suggests that the failure of one person to act as a citizen makes the citizenship of others more precarious. This is indeed the case, as is recognized in much democratic theory. It is of particular relevance here because it points to the dependence of sexual minorities on the citizenship of majorities. If declining mutual concern and respect are an issue for the American polity in general, that will lessen the chances for minorities in particular to receive the acknowledgment that citizens require.

The laws and customs of countries flesh out the meaning of citizenship in a particular polity. To be deprived of the protection of those laws, or to be barred from meaningful participation in the institutions and practices of that country, is to be denied the acknowledgment that is the heart of citizenship. Sometimes individuals may be denied such protection and participation on the basis of ascriptive characteristics, such as when women are denied equal rights to those of men; at other times, denial occurs through (non)enforcement of the laws, as when African-Americans were denied voting rights through selective literacy testing. In such instances, rights claims are an effective way to articulate the failure of the polity and to demand inclusion. Still, the question of citizenship is not simply a rights question, but is rather one of a claim on the public attention and concern. Rights are not simply legal instruments; they describe a complex of social practices (Williams 1991). If those social practices are absent, the legal enunciation of rights is not simply empty, but is an active distortion.

Citizenship is not simply a legal category, but the law is one way of ascertaining the status of a given individual or group of persons. Laws embody (always imperfectly) dominant understandings concerning so-

cial goods and communal identity. In Rogers Smith's words (1997, 31), citizenship laws "literally constitute—they create with legal words—a collective civic identity. They proclaim the existence of a political 'people' and designate who those persons are as a people, in ways that often become integral to individuals' senses of personal identity as well" (cf. Curthoys 1993; Stychin 1998). When laws systematically deny some persons the opportunity to share in that communal identity, whether through explicit exclusion from citizenship or through denial of rights and duties considered central to that people's collective identity, we may say that those persons are either "second-class" citizens or are not citizens at all. Thus we may scrutinize laws and policies for the ways in which they enact citizenship, acknowledging some individuals and groups and rejecting others. Full understanding of their impact not only requires that we read the statutes and regulations, but also that we examine patterns of enforcement as well as the concepts and ideologies that dominate public discussion and policy-making. Only a full examination of these elements will determine whether exclusions are incidental, a matter of particular circumstances, or are in fact constitutive of the self-understandings of citizens.

Acknowledgment consists both in legal inclusion and formal rights and in active acknowledgment of individuals and groups as part of the polity. Indeed, we will see that hostility toward sexual minorities is often expressed by asserting their already-equal status; the claim that American lesbians and gays already enjoy full civil and political rights is often used to argue against more specific protections against discrimination. Here a recognition of the presence and legal status of gays and lesbians in fact is an avoidance of acknowledgment, as the grudging assertion of equality is used to harden hearts against them.

## **Marginal Citizens**

Examination of public policy, law, and law enforcement in the United States demonstrates the ambiguous citizen status of sexual minorities. Few states have laws that explicitly penalize lesbians, gays, bisexuals, or transgendered (LGBT) people. They are not barred from civil service positions or elective office (although the Senate's eighteen-month refusal to approve James Hormel as Ambassador to Luxembourg,

ended in June 1999 only by a presidential appointment during recess, comes close). No laws exist to pardon violence or fraud against them. They are not quarantined or differentially taxed (unless we include the penalties of exclusion from marriage). By most liberal definitions and understandings, lesbian or gay individuals in the United States enjoy full citizenship rights. This does not mean that no stigma is attached to sexual difference; it simply means that political membership does not require the elimination of all stigma.

When we expand our understanding of citizenship to include acknowledgment and inclusion in the national political imaginary, however, a different picture emerges. At both the legal and cultural levels, gays and lesbians are barred from full membership in the American polity. This is evident in the overt exclusion of "homosexuals" from the military and in immigration law; in sodomy laws; in legal interpretation that disallows same-sex marriage and the recent rise of explicit legal bans; and in the public toleration of discrimination and violence (Amnesty International USA 1994; Comstock 1991; Herman and Stychin 1995; Luibheid 1995; Rimmerman 1996; Wolinsky and Sherrill 1993). These are not the sole indicators of membership, but they are among the most salient and currently contested.

Scholars have recently shown how various New Right groups wrestle with ambivalence between suspicion of the state and desire to use political power to construct a Christian state (Herman 1997; Smith 1994b). For these groups, lesbigay persons are a threat to the integrity and health of the state. Metaphors of invasion, disease, degeneracy, and contamination are central to their rhetoric (Watney 1996). Because the acknowledgment of citizenship requires both "social recognition and legal support" (Kaplan 1997, 208), questions of public framing and support are as relevant to the question of citizenship as the letter of the law. When the law is expressly framed to exclude a group from recognition and participation in a central social institution, that group is being denied both legal rights and political membership.

For example, the U.S. military accepts the identity category of "homosexual" and uses it to bar membership to a distinct population. The military no longer claims that homosexuals are bad soldiers or security risks; several studies conducted between 1957 and 1993 have put the lie to this belief (Crittenden 1957; General Accounting Office 1992,

1993; RAND 1993). Instead, the 1993 congressional hearings relied almost exclusively upon the discomfort of heterosexual troops. Tours of submarines were calculated to evoke heterosexual fears of sharing tight quarters with (presumably predatory) gay men, and military fathers testified that they would ban their gay sons out of fear for their sons' lives.

The idea that the rights and membership of the minority should be enforced even when it makes the majority uncomfortable was largely absent from public testimony and debate. This absence was not due to argument (arguments, indeed, would have made it present) but to presumption and privilege. In order to carry the day, the presumption must conform with pre-existing stigma or exclusion that marks the targeted group as not part of "us," but a "them" to be managed by us. This presumption operated in 1948 when Congress held hearings on ending racial segregation in the armed forces, but it was noticed and challenged (Bianco 1996). Were this rationale used to exclude racial or religious minorities today, it would be seen as patently discriminatory. When used against women, it has become a hotly contested argument for precisely the same reason (Benecke and Dodge 1996; Katzenstein 1996). The argument presumes that the fears of the majority are a legitimate basis for exclusion; the success of such arguments has everything to do with the perception of the worth and importance of the group being excluded. As the status of groups improves, such arguments are less successful precisely because they presuppose the marginalization of the groups they target. Thus the debate over the military, as much as the policy itself, manifested a lack of acknowledgment.

The result of the controversy was a new policy that did not bar homosexuals but instituted a ban on "homosexual conduct" (including speech). This result has proven unsatisfactory. The attempts to distinguish "status" from "conduct" have only muddied the waters on this issue. The courts have not been able to reach agreement on either the nature or the validity of the distinction (Pacelle 1996). Such a distinction reinstates the demand for homosexual celibacy and the closet because it has little applicability in actual life. For the military, homosexual status is constituted by the desire to perform acts; these acts are not only sexual, but sexual acts are central. Banning "homosexual behavior" singles out certain acts that are central to community mem-