

# Queering Same-Sex Marriage: Gay Determinism, Queer Choice and the Determination to Love

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As we heard in the first session, at the heart of the debate on same-sex marriage is the question whether the restriction of marriage to opposite-sex partners is irrational or unfair to homosexual persons on the ground that homosexuality is genetically determined or innate. In this debate the tentative and qualified hypotheses of research scientists become transmuted by gay activists into firm settled conclusions. For example, a recent publication of the Human Rights Campaign<sup>1</sup> responds to the question whether sexual orientation is a choice with these words, “Sexual orientation and gender identity are not choices, any more than being left-handed or having brown eyes or being straight are choices”. Related HRC materials on same-sex marriage elaborate: “Decades of research all point to the fact that sexual orientation is not a choice, and that a person’s sexual orientation cannot be changed. Who one is drawn to is a fundamental aspect of who we are.”<sup>2</sup> I want to respond to these claims in the context of the question of marriage as a way of addressing the issues of this panel, and do so in two ways. First, I want to speak to the sociological plausibility of the claim that homosexuality is genetically determined. This presents an alternative scientific perspective to the biological research which undercuts, and in some ways helps us to understand, the biological claims for homosexuality. Second, I want to address the main rhetorical argument, and for many the most persuasive evidence, that homosexuality is determined, that is, the narrative reports of gay persons who have personally experienced or discovered their same-sex attraction to be innate and irresistible.

## A. Sociological objections to homosexual innateness

Unlike the other social sciences, the overwhelming consensus view among sociologists is that homosexuality cannot be genetic, but is clearly the product of socialized behavior. This understanding is emphatically not prevalent because sociologists tend to be politically conservative or religiously traditional in their views. Almost all sociologists, in fact, strongly support full gay rights, including marriage rights. Rather, the denial of determinism is simply a conclusion based on evidence: knowing what we know empirically about homosexuality, the claim that it is a genetically determined condition is implausible to the point of incredulity.

This conclusion is so widely accepted and non-controversial that it is routinely presented in introductory texts on social deviance. I propose, therefore, to enlist the help of some of these texts in presenting the same ideas and data to you.

1. *Unlike a true genetic trait, the rate of same-sex activity varies greatly according to culture and institutional setting.*

Alex Thio’s Deviant Behavior, now in its 7<sup>th</sup> edition, is one of the most widely used deviance texts in the United States. His discussion of theories of homosexuality is typical:

“A basic problem with biological theories is their assumption that same-sex orientation is universally the same. Were this true, we should expect different societies to have about the same incidence of gayness or lesbianism. The reality is that same-sex orientation varies greatly in form and frequency from one society to another.

Though relatively rare in many Western societies today, same-sex practices have been and are common in other societies, from ancient Greece to ancient Japan to the present-day Azande of Africa and various New Guinea societies. In some of these societies, male teenagers have sex regularly with older men as a normal way of growing up but later in the adulthood marry women and have children (Herdt, 1990). This suggests that society has much to do with the development of same-sex orientation. To most sociologists, then, same-sex orientation is just like heterosexuality, both developing from past social experiences. Only the specific nature of their social experiences differs.”<sup>3</sup>

*2. Homosexual identity and practice is too disparate, variable and transient to be a single “condition”, much less a genetic one.*

Many texts introduce this point with the work of Alfred Kinsey in the 1940s. McCaghy et al.’s *Deviant Behavior*, another popular deviance text, now in its 7<sup>th</sup> edition, begins by quoting Kinsey:

“A great deal of the thinking done by scientists and laymen alike stems from the assumption that there are persons who are “heterosexual” and persons who are “homosexual”. . . It is implied that every individual is innately—inherently—either heterosexual or homosexual” (McCaghy et al. 2003: 420).

“Life would certainly be considerably simplified if we could divide the population so neatly”, comments McCaghy. “But Kinsey, in studying the sexual history of white American males, discovered that the behavior of many is not an either-or proposition. . . A considerable proportion have combined both [heterosexual and homosexual] preferences. Some are heterosexual during one part of their life and homosexual during another. Still others are involved with both sexes at the same time—the same year, month, week, day or even moment.

“Consider these examples. [These are all examples from actual ethnographic studies, for which McCaghy provides citations in the text.] Joe is married, has three children, and enjoys regular intercourse with his wife. But he occasionally stops in a public lavatory (known as a “tearoom” among homosexuals) to be fellated. Fred has exclusively homosexual contacts between the ages of 15 and 23, then gets married and never has another homosexual contact. Pete has exclusively heterosexual contacts until he enters prison, where he engages in homosexual behavior; after his release from prison he returns to exclusively heterosexual behavior. None of these cases is consistent with the assumption that homosexuality is a “condition”.’

It is well known today that Kinsey’s samples were biased, inflating his estimates of deviant sexual behavior, but this basic finding of variability and transience in non-heterosexual sex has been replicated and confirmed by numerous subsequent studies, and is today a common and unremarkable finding. For example, on the most recent General Social Surveys, combining data

from 2000 to 2004, 8.8 percent of males reported having had at least one male sex partner since age 18. Yet only 40% of these same males reported having had a same-sex partner in the past year.

In the early 1990s a team of distinguished survey researchers lead by Edward Laumann published the first true national random sample survey of American sexual practices. This study, published in 1994 as The Social Organization of Sexuality, definitively documented the inconsistency and variability of sexual practices that depart from the heterosexual norm. The authors measured three dimensions of sexuality that are directly pertinent to our topic here. They asked people about their sexual practice, that is, who they actually had sex with; but also about sexual desire, who they were attracted to; and also self-identification—“Do you consider yourself to be heterosexual, homosexual, bisexual or something else?”. Figures 1 and 2 report the pertinent findings. What they found was that sexual practice on the opposite-same sex continuum was even more complicated than Kinsey thought, and certainly far more complicated than the genetic researchers who would reduce it to a condition. Contrary to Kinsey, they found that homosexuality, as a stable sexual preference, was extremely rare: Only six-tenths of one percent, that is, 8 of the 1334 male respondents in their sample, reported having had sex only with men since puberty. Only two-tenths of one percent of women, that is, 3 of the 1678 female respondents, reported having had exclusively same-sex partners. Almost all non-heterosexual sex, then, reflected various levels of experimentation, with most such experimenters settling in to a heterosexual relationship after a period of youthful flirtation with alternatives. About 40% of men who have a homosexual experience do so before age 18. Overall, one in ten males reported some component of non-heterosexual response based on the three measures above, but only 2.4%, that is, only a quarter of those with some same-sex response, considered themselves homosexual and actually had sex with men. Forty-four percent (of the 10.1 percent of males who were not exclusively heterosexual) reported some level of same-sex desire, but only had sex with women. Twenty-two percent reported having had sex with men but no same-sex desire. The proportions are similar, though smaller, for women. Laumann et al. note that their results “challenge . . . easy conclusions . . . [that] often treat any same-gender sexual behavior or interest and fundamentally the same” (309), and conclude that “In sum, homosexuality is fundamentally a multidimensional phenomenon that has manifold meanings and interpretations, depending on context and purpose.” (301) In a more popular presentation of the same findings, the authors, noting the politically sensitive nature of this finding, state more directly: “Our findings do not specifically address the nature-nurture question about homosexuality. But they strongly suggest there are major social influences on the prevalence of homosexuality” (Michaels et al. 1994: 170). And add “If any nature theory is based on a constant proportion of the population being “homosexual,” our findings suggest that proportion is very small, and that the status may change for individuals from one age to another” (Michaels et al. 1994: 183).

The persistent finding of variability like this presents an insurmountable problem for those who argue for a genetic basis for homosexuality. If homosexuality is not a condition, then it perforce cannot be a genetic condition. But it also has important implications for current legal discourse on same-sex marriage. If the term “homosexuality” is, at best, simply a convenient label for an otherwise disparate set of behaviors, then homosexuals cannot be considered a class—suspect, protected or otherwise. Something that is a behavior, not a predetermined characteristic like sex or race, cannot form the basis for unlawful discrimination.

Although interested in different theoretical questions, queer theorists echo these same arguments. “All [queer theorists]”, writes Max Kirsch in Queer Theory and Social Change (2000: 34), “would agree that the traditional “heterosexual/homosexual” dichotomy should be abandoned, and that a third or more ways of describing and analyzing sex should be proposed.” Like most queer theorists, Kirsch deconstructs the debate over the genetics of homosexuality from a Foucauldian perspective. He writes: “The argument that gender, often used interchangeably with sex, is either determined by “nature” or constructed by “culture” represents a continuation of debates about human nature that include assumptions about power in Western culture. The proposition that the body’s genetics determines behavior will continue until the ideologies of power that position the credibility of this argument are themselves replaced.” (Kirsch 2000: 50) For Nikki Sullivan, the variability and non-essential nature of sexual identity is so central that she begins her Critical Introduction to Queer Theory with these words: “Sexuality is not natural, but rather is discursively constructed. . . thus we could say that there is no true or correct account of heterosexuality, of homosexuality, of bisexuality, and so on. Indeed, these very categories for defining particular kinds of relationships and practices are culturally and historically specific and have not operated in all cultures at all times” (Sullivan 2003: 1).

In his book Queer Science, Simon LeVay, the researcher credited with finding the “gay hormone” and a strong advocate of homosexual rights based on genetic determinism, attempts to rebut scientific objections to that thesis. He reviews the data on cultural diversity and the difficulty of categorization and concedes the strength of both arguments against his position. “In taking a scientific approach to the study of sexual orientation,” he writes, “one is making the assumption that a certain sameness underlies the diversity observed in different cultures. . . But in large part, this assumption is one that remains to be tested.” (LeVay 1996: 60) In light of the complications raised by Kinsey, he admits “we do not know whether different form of homosexuality (e.g., age-disparate, transgenderal, and companionate) have developmental mechanisms in common, or whether they are better thought of as completely distinct entities arising from completely different programs of development.” In other words, he concedes Kinsey’s point that we don’t know if a discrete condition called homosexuality even exists.

Although he raises some complications, LeVay remarkably makes no attempt to refute these objections. Instead, he argues that they are “unscientific” considerations, since if they were taken seriously, it would impede the search for a genetic basis for sexual orientation. “Excessive splitting of entities,” he writes, “can be counterproductive. Science proceeds most easily when assumptions are kept simple. . . .A lot is being learned on the assumption that sexual orientation is the only important classification beyond sex, but eventually, the inadequacy of that classification will become apparent too. To try to take all this potential diversity into account right at the beginning would be a recipe for paralysis” (LeVay 1996: 65). A fair summary of this response might be, “Don’t complicate my research agenda with the facts”.

*3. Other forms of deviance have also been found to have genetic influences, at a level greater than homosexuality.*

Homosexuality is far from unique among deviant social behaviors in having its proponents that it is genetic. The genetic components of criminal behavior have been debated since the 1700s,

resulting in a body of twin and adoption studies that rival those for homosexuality. Figure 3 summarizes the major twin studies exploring whether a general propensity to criminality is genetically determined (Walker and White 1989: 467). This line of research was initiated when, in 1930, Lange examined samples of individual identical and fraternal twins from a German correctional institution. He found that for 10 of 13 identical twins, but only 3 of 17 fraternal twins, the corresponding twin also had a criminal record. As the table shows, subsequent studies, while not this clear-cut, have generally confirmed a sizable link between genotype and crime.

In sum, twin and adoption research on criminality has established a stronger evidential basis for genetic determination than has research on homosexuality. Yet no one argues, on this basis, that criminal behavior should not be sanctioned, or that criminals should be protected as a class, because of possible genetic influence on their criminal desires. The labor rights movements has yet to contend for burglar's rights to pursue their preferred occupation because they can't choose differently and can't change. If, on the basis of stronger genetic evidence, we don't think this way about criminals, then why, on the basis of weaker evidence, is it reasonable to think this way about homosexuals?

This argument can be broadly extended. As a society, we do not hesitate to reject the idea of accommodating many other compulsions that people experience, some of them much stronger and clearer than same-sex attraction, even if there is evidence of strong genetic influence. Many drug addicts, alcoholics or smokers report that, although they have struggled and tried, they are powerless to quit, even after being chemically detoxified. We do not thereby accept this as natural behavior to be accommodated, but sanction it in law and try to reduce or eliminate it in social policy. Pedophilia is widely recognized today as a form of compulsion, whose practitioners can't help themselves and can't be cured. Yet most persons, including most gay activists, do not argue that, because pedophiles do not choose and cannot change this behavior, pedophilia should be accepted as natural, the way God made them, or protected as a right. Why is homosexuality different?

One reason we may think of homosexuality differently is because of the compelling personal stories of the struggles of gay persons to come to terms with same-sex desires which they cannot deny or change.

#### B. Narratives of determination and choice

“If you ask most GLBT people, they will tell you that they did not choose their sexual orientation or gender identity any more than they chose to be right- or left-handed—it simply is how they were born.” So advises the “Straight Guide to GLBT Americans”, a joint publication of PFLAG and the Human Rights Campaign.<sup>4</sup> Many will also relate that they struggled and resisted their same-sex feelings, even tried to develop heterosexual relationships, until they were forced to admit that they were different. Don't such personal experiences provide presumptive evidence that sexual orientation and gender expression are innate or, as the “Straight Guide” says, “basic parts of who people are, like their eye, hair or skin colors”?

Actually, no. Such an account does demonstrate that that person experiences their same-sex desire as something they cannot control, and that experience should be respected and met with compassion, tolerance and acceptance on a personal and possibly therapeutic level. Church teaching has also stated that such a self-experience may have important implications for the moral status of their actions. But such a self-understanding actually says little about the innateness of same-sex desires, much less compels us to conclude that they are natural or moral, for at least two good reasons. First, the born-that-way account of same-sex desires is entirely consistent with a social, not genetic, origin for such desires. Second, such a self-understanding is not characteristic of most gay persons.

When gay persons relate discovering their same-sex desires as pre-existing and intractable, what they are describing is a common psychodynamic process that accompanies the core sociological process of social construction. Except possibly for the level of psychic struggle involved, it is little different from the way most persons experience most of the effects of socialization and enculturation. This correspondence is so close that such accounts, far from requiring us to agree with the subjective perception that same-sex desire is biologically innate, actually provide support for the notion that such desires, for those individuals, reflect the operation of sociocultural factors. To make this clear it is necessary to provide some background on the idea of social construction.

Social construction elaborates the paradox that the social world is a collective human product that nevertheless meets each individual in the world as an objective reality, which then powerfully forms her subjectivity.<sup>5</sup> Each of us is born into a world that we have not made and that meets us as objective or given, that is, something that could not be otherwise. Throughout our lives, but especially in the first years of life, social order imposes itself upon us, through the interactive process of socialization, in ways that we subsequently discover to be more or less indelibly impressed upon our character. Some of these given factors are biological, but most are not; and all of the biological realities are elaborated and specified through social structures. Thus, the fact that we discover something as an emergent property of the self does not in any way imply that it is biological.

Such emergent properties, while powerful, are also not inevitable or immutable. Gay rights rhetoric, as well as some legal reasoning, reflecting the dilemma in modern thought between the unconstrained agent of Enlightenment discourse or current rational choice thinking and the wholly socially determined actor of Marxist theory, seems to proceed on the false dichotomy that personal meaning must be either chosen with no constraint or wholly determined. Social construction proposes a sensible middle ground. Personal identity is the product of choice, but it's not as if we choose the characteristics of our person like items from a grocery store shelf. The forces of society and culture act powerfully upon individual identity—Durkheim called them coercive—but not with necessity. Individuals, in turn, are not simply passive recipients of their social identity, but constantly interact with, resist or conform to, the forces of socialization to clarify, express and individuate their own identity.

A couple of examples may be helpful. The most common example is language. Almost all humans, through early interaction with our parents, learned to speak the same language they do. For most of us here that is the English language, but the example applies to any mother tongue.

Most of us learned to speak English, by mimicking and responding to our parents' speech, before we knew what language is, or that there were other languages. In that sense, we were coerced to speak English, that is, to be forced into the English-speaking norm.

It's possible, of course, that when we learned there were other languages than English, we could have learned another language and stopped speaking English. Habermas points to this possibility, what he calls the possibility of taking a revisionist stance to the elements of our personal history, as what distinguishes social normativity from biological necessity. There are people who, for various reasons, like immigration or intermarriage, have stopped speaking their mother tongue and confined themselves to speaking another language, but such an action takes a lot of work and commitment, and is not likely for most of us. The possibility of doing so, however, and the fact that we haven't done it, means that each of us has, to some extent, ratified English-speaking as a component of our identity.

Many may even say, speaking loosely, that English-speaking comes naturally to them, while speaking another language is awkward and takes work. If you're raised in a Spanish-speaking household in this country, you may feel that Spanish-speaking is natural while English-speaking is awkward and feels forced. Just as someone may say, in response to similar forces, that same-sex desire comes naturally to them, while desire for the opposite sex is awkward and feels forced.

As an English-dominant society, some have proposed that we enforce legal sanctions to become an English-exclusive society. There's even social stigma in some places against non-English speakers. Just as, as a heterosexual-dominant society, we have until fairly recently had legal sanctions, and still have social stigma, against those who violate that norm.

If I were to ask you, "When did you make the choice to speak English?" you probably couldn't point to a distinct, conscious moment of decision; but that doesn't mean you didn't make a choice or series of choices about the matter. Many English-speakers, if you asked them that question out of a clear blue sky, might protest that they never had a choice, and that the question makes no sense, because the choices made are indirect and tacit, and don't feel like what we think a choice should feel like. In the same way, a gay person, who relates sexually to the same rather than the opposite sex, may not be aware of having made a choice in the matter, but that doesn't mean that a choice, however indirect or tacit, was not made.

As another example, consider religious identity, which illustrates the confusions in the genetic research. Many persons here today have a Catholic religious identity. The large majority of Catholics were baptized as infants, and socialized into the Catholic faith through family interactions during their formative years. Many such persons come to an awareness of Catholic identity as a distinct feature of their person at adolescence or later. They often resist this identity to some extent, maybe decide they don't believe some of Catholic teachings, maybe lose confidence in church leadership, or decide it's just not that important to them. A few may leave the faith at this point, but the vast majority doesn't. They find that Catholic identity is, for them, something ineluctable, in a way inescapable, a part of who they are. Such persons will often describe themselves as being "born Catholic" or say "being Catholic is in my genes". Some

might even say, “I struggled against my Catholicness” or maybe we could say “my same-religion desires”, but I eventually had to give in and accept them.

Catholic identity meets all of the requirements of the narrative of gay identity, but, so far as I know, no one has seriously proposed that people are Catholics because of genetic compulsion. No one is trying to find the “Catholic gene”. On the numbers, it’s not such an outlandish idea. Given the high rate of in-group marriage among Catholics, some genetic correlation with being Catholic is actually quite probable. If someone did heritability studies for Catholic identity, they could produce stronger statistical results than those studies that purport to show that homosexuality is genetically produced. Although only 25% of the U.S. population is Catholic, over 80% of persons who are Catholic had at least one parent who was Catholic. The familial concordance rate of Catholic identity, therefore, is 65%; and the sibling concordance rate is probably higher. This is far higher than any of the concordance rates in the gay genetic studies.

Yet, although the subjective experience is similar in structure, and the empirical evidence is stronger, than with gay identity, nobody thinks that religious affiliation is genetically determined while many claim that same-sex desire is genetic. We may, in an adversarial setting, properly ascribe this difference in interpretations to the assertion of political interests by gay activists in the face of evidence. We should recognize, however, that neither account is wholly disinterested. The rejection of the idea that religion could be genetic says as much about its dissonance with our commitment to freedom of conscience as a fundamental component of human dignity as it does about any objective evaluation of the evidence. Likewise, the commitment to the idea that same-sex desire must be innate says a great deal about how those who make that claim understand sexuality and marriage. This thought brings us to my second point.

Although, like ex-gays and studies debunking the genetic thesis, it doesn’t get much press, ethnographic research in this area has found that many, probably most, gay persons do not think of their sexual attraction or orientation as determined. Vera Whisman’s 1995 study titled Queer By Choice: Lesbians, Gay Men and the Politics of Identity provides an in-depth qualitative examination of the self narratives of a sample of 72 gay persons on the dimension from narratives of determination to narratives of choice. In Whisman’s sample only 15% of gay men and 10% of lesbians related a story of determination. (This was a volunteer sample, not truly random, so these proportions are in no way definitive; but they are generally suggestive. Note that this is the same kind of sample, only larger, as used in Hamer’s twin studies.) Whisman also found that most of the persons she interviewed told stories that were discontinuous, mixing elements of choice and determination. For example, many who, like most gay persons, had functioned as heterosexuals at some point, described their opposite-sex feelings as chosen but their same-sex feelings as determined.

Many gays, in fact, who identify as queers or feminists, strongly and derisively criticize the born-that-way narrative as a distorted, politicized understanding of gay identity that is implicitly homophobic. Queers see themselves, not as tragic victims of a determined fate, genetic or otherwise, but as free moral agents who have assertively chosen to be gay. The notion that someone is gay only because they can’t help it implies that, if they could help it, they would. This implication is often made explicit in the born-that-way account: “Why would someone be

gay if they didn't have to?" But the idea that gays and lesbians would choose to be heterosexual if they could implies that there is something defective or incomplete in being gay. The deterministic account of being gay, on this reading, is itself an instance of homophobic discrimination against homosexuals.

Queers have provided vigorous critiques of the social and financial pressure exerted by gay activists and the bias of the gay and popular media to silence or ignore alternative accounts. (These are strikingly similar to the complaints of ex-gays and homosexual therapists.) In recent years queers, with feminists, have tried to give greater voice to narratives of becoming gay that tell about choice, not coercion or discovery. This activism has borne fruit on the unregulated media of the internet in a number of loosely organized confederations, web sites, blogs, and discussion groups that go under the general label "Queer By Choice" or "Queer Choice". A list of some representative accounts and quotes, with sources comprising a small bibliography for this dynamic literature is appended to this report.

In their concern for narrative queer theorists make an important point. The way we perceive our life history has a lot to do with how capable we are of integrating the "given" components of our lives into our identity, since that narrative itself reflects components of our social formation as understood in the relatively unconstrained context of our current conceptions. It thus becomes interesting that, in the born-that-way narrative, gays choose to describe themselves as persons who had no choice in the object of desire. The bisexual theorist Marjorie Garber (1995) analyzes the scripted nature of such homosexual narratives on the analogy of religious conversion narratives that are designed to reinforce a false and rigid countercultural identity. Garber notes that narratives of determination, in their trope of tension between opposite and same sex desires, simply replicate the culturally dominant but empirically false either/or distinction between heterosexuality and homosexuality. The gay narratives, by the way, are mirrored by corresponding heterosexual conversion stories (which in themselves serve as counter-examples to genetic determination), in which a struggle with trying to be gay is resolved by assuming a normal heterosexual life. In both sets of narratives, the former desires are interpreted as being illusory or false, and the current ones as being authentic and natural, in light of the current identity of the narrator.

One of Garber's conclusions is especially pertinent to our topic today. For her, these gay narratives are striking not only for what they imply about sexual identity but also for what they say about marriage: "The apparent symmetry between the gay-to-straight and the straight-to-gay conversions is skewed by the institutions of normative heterosexuality, particularly marriage. People's erotic investment in the institution of marriage cannot be underestimated, whether that investment is positive or negative" (Garber 1995: 347).

What implications can a narrative of gay determination have for the possibility of gay marriage? We have already noted that such an account interprets same-sex desire as a compulsion to which the narrator submitted reluctantly. Understanding homosexuality as such a reluctant or default choice is significant for marriage, because marriage, whatever else it may be, is fundamentally about choice. Even in its most secular civil form, marriage entails, at minimum, the choice to pair oneself sexually with another person unconditionally, no matter how high the cost, for better or for worse. Yet someone who is gay by default must say, in effect, "I would marry an

opposite-sex person if I could, but since I can't, I'll marry you." "Marriage" enacted out of such an abridged sense of sexual choice can only be *for its participants* at best a pale imitation of the real thing.

In the Catholic understanding, marriage is the one institution of society that is not promulgated by government or Church. The ministers of each marriage are the partners themselves who exchange vows. Unlike any other sacrament, then, the Church does not enact marriages, but only witnesses them. In this the Church recognizes that marriage, like sexuality, is not something that exists in the abstract, above the heads of the participants, as it were, but only exists concretely in each marriage relationship. In view of the new human life that is the prospective fruit of marriage, the participants, in this relationship above all others, deal with God directly, mirroring his love in their love for each other, just as the fruit of their love will bear the image of God. For this reason the commitment of marriage can only be made in the fullest freedom and expresses the highest dignity of each participant.

The choice involved in marriage, therefore, like the love of God, is not the particular expression of a more generic tendency, but the intimate choice, the exaltation of a particular person. It is a choice for each to invest this person with irreplaceable dignity in my life, unsubstitutable for my sexual destiny. It is not that I (speaking as a man) say, I choose women, and so I choose you, but that I say, I choose you who are a woman. For me, you will be all women, and all I will know of women, for I will know you or die. In making that vow, I offer to the other, in the words of one of the most ancient forms of marriage, "all that I am and all that I have." And she reciprocates that commitment, thus creating the marriage.

On this view, the right to marriage is not something that can be conferred by government, but is a fundamental human right, that is, it inheres in the human dignity of each participant. Whatever else it may mean, to say that the participants choose in freedom and dignity means that they do not choose as mammals seeking a mate to match their desires, but as humans acting with reason and judgment. As a particular commitment, the fact that I may be a man who is not generally attracted to women, and/or she may be a woman who is not generally attracted to men, in no way obviates the possibility of that marriage, because, in the particular commitment of this love, for me there is no other woman, and for her there is no other man. For the sexual desires of married partners not to be in full harmony not only is not prohibitive to the relationship, it is not unusual. It's a common finding of married life that one may want to engage in sexual expression more or less frequently, actively, intently, and with different behaviors, than the other. Unless one partner dominates or controls the other, it is an inescapable feature of human sexuality that partners must control, adjust and adapt what may be their own native sexual desires or proclivities to those of their partner. Sex, after all, involves the co-ordination of two very different, unique individuals. The Christian religion expresses this idea in its teaching that sexual experience is not something we demand from the other as a right, but offer the other as a gift. If this kind of self-giving love that constitutes marriage is present, my particular desires, proclivities, inclinations, strengths and weaknesses form conditions, occasions, even present challenges for that love, but they cannot, by definition, preclude it.

On this understanding of married love and commitment, demands for same-sex marriage rights represent a form of moral special pleading. Manifold evidence documents that people develop

and express a wide range of sexual attractions, including attraction to feet, corpses, animals, children—and persons of the same sex. There may well be some genetic influence on all of these predispositions. Males, some biologists argue, are hard-wired for unfaithfulness to a single sexual partner. There is hardly an adult who has ever lived who has not at some time experienced sexual attraction to someone they are not currently married to. Yet nearly all moral systems, and in particular the laws of our country and the precepts of the Christian religion, preclude these desires as appropriate, proper, licit choices for a sex partner. In the application of laws and moral norms, we expect persons to be able to function as moral agents, to make decisions about their sexual behavior based on reason and principle, not desire, and to be responsible for those decisions. As many have pointed out, if it is unfair to say that persons attracted to the same sex may not act on that attraction with the same social legitimacy that attends marriage, by what rationale is it not equally unfair to stigmatize sexual relations with animals or corpses or children? If desire creates its own legitimacy, by what rationale can anyone insist on sexual fidelity?

I have presented, of course, an ideal view of marriage. Actual results may differ. But when we talk about the meaning of marriage itself, we are talking about ideals. Promoting more stable and loving gay relationships may be of benefit to our society. But same-sex “marriage”, as a concept, does not strive for the same ideals as Christian marriage, and fails to enact even the minimum ideal of civil marriage. Real marriage involves relinquishing to another those very desires which gays hold as necessary for their identity. This does not abridge their right, but it precludes their capacity, to marry while holding that identity. To affirm this one does not need to share my belief, or possibly bias, that the biosocial properties of men and women are complementary in a way that is only fulfilled in what we think of as heterosexual union. One only needs to recognize that the dignity of persons lies, not in fulfilling one’s preferences or orientation, but in giving and receiving love.

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Figure 1:  
Life-Course Prevalence of Same-Sex Partners

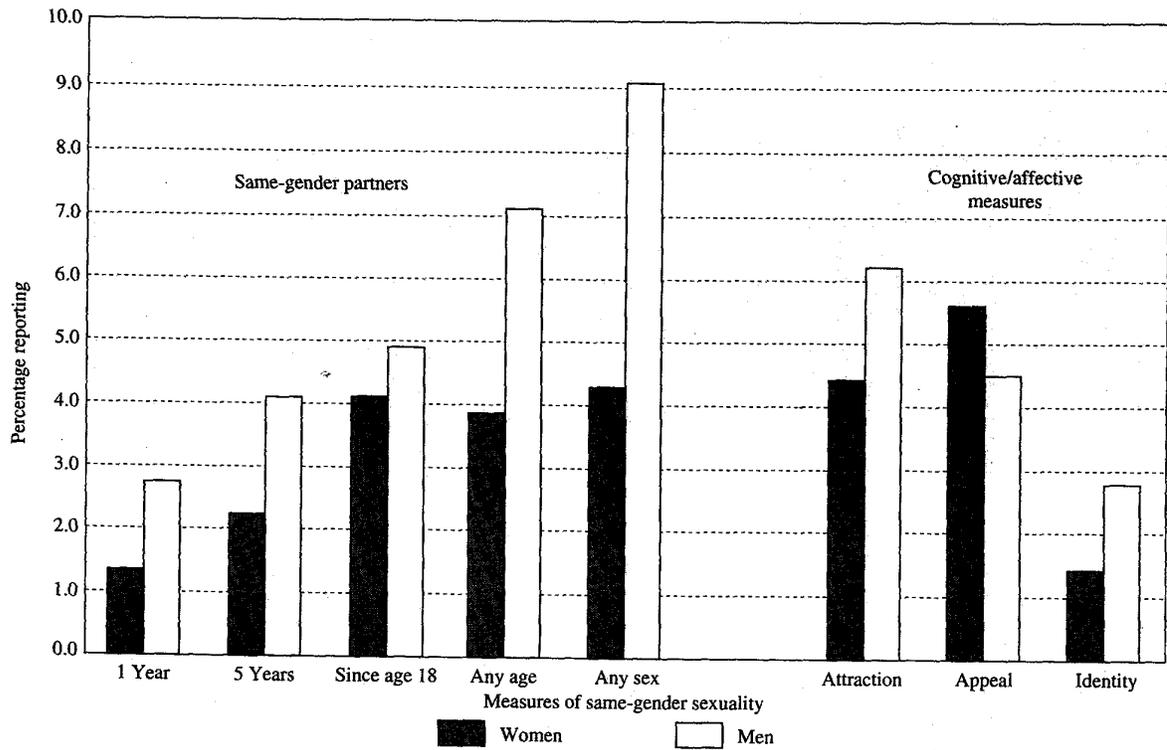


Fig. 8.1 Prevalence of various measures of same-gender sexuality, U.S. adults.

Source: Laumann et al. 1994: 295

Figure 2: Multiple Dimensions of Homosexuality

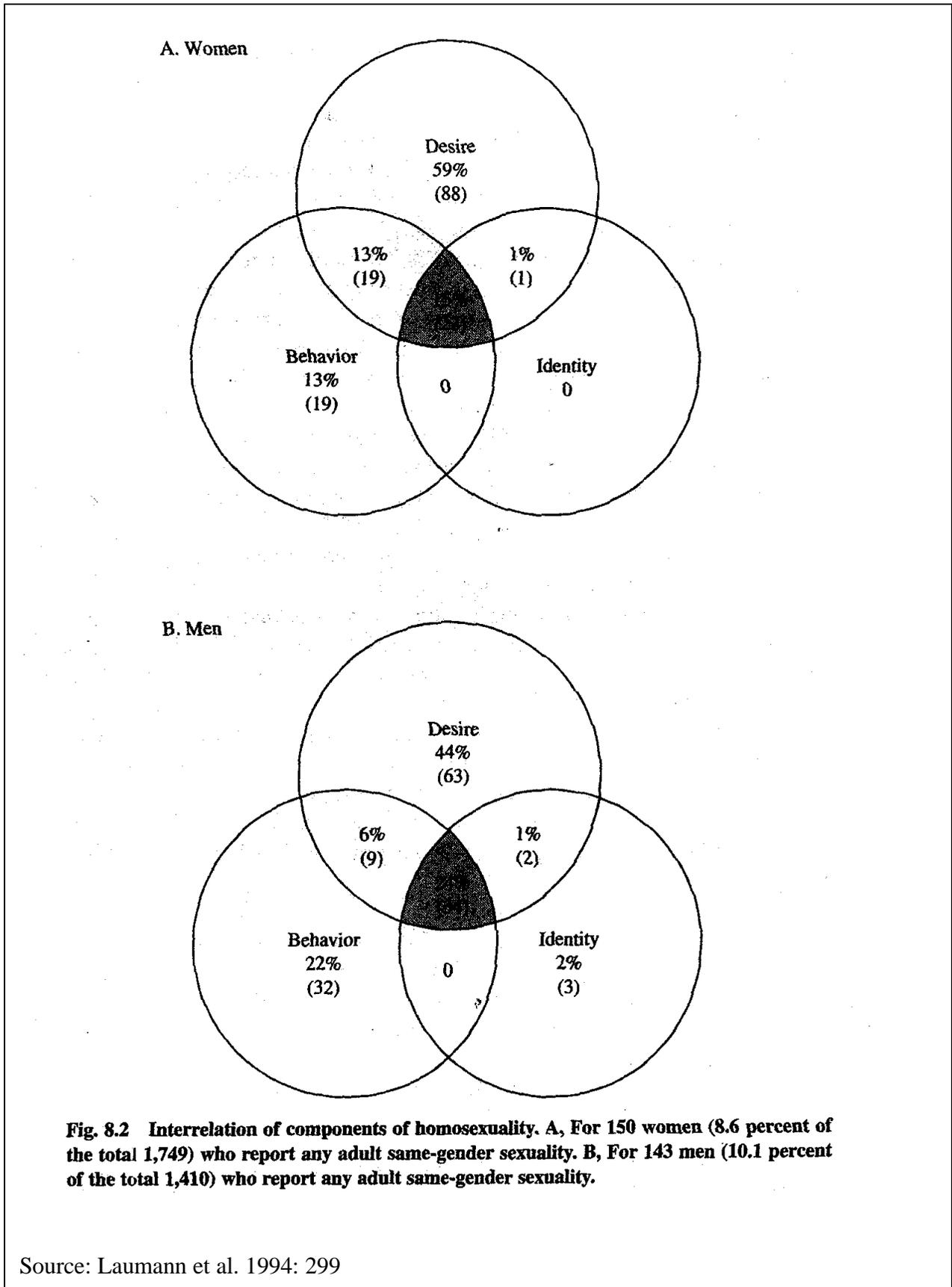


Figure 3: Twin Coherence Rates for Criminality

Table 2. Twin Studies on Criminality

Study	Location	BR*	Monozygotics <sup>b</sup>			Dizygotics <sup>c</sup>			Methodological Issues <sup>d</sup>											
			Pairs	Concord	r	Pairs	Concord	r	A	B	D	E	F	G	H	I	J	K	L	
Lange (1930)	Germany	10.0%	13	76.9%	.92	17	11.8%	.04	-	-	+	-	-	+	-	-	-	-	-	
LeGras (1932)	Holland	10.0	4	100.0	.99	5	0.0	.00	-	-	+	-	-	-	-	-	-	-	-	
Rosanoff et al. (1934)	United States	9.1	37	67.6	.88	28	17.9	.26	-	-	+	+	-	-	-	+	-	-	-	
Kranz (1936)	Germany	10.0	31	64.5	.86	43	53.5	.75	-	+	+	+	-	-	-	+	-	+	-	
Stumpff (1936)	Germany	8.6	18	61.1	.83	19	36.8	.59	-	-	+	-	-	-	-	+	-	-	-	
Borgstrom (1939)	Finland	7.9	4	75.0	.95	5	40.0	.65	-	-	+	-	-	-	-	+	-	-	-	
Slater (1938)	England	10.0	2	50.0	.72	10	30.0	.46	-	-	+	-	-	-	-	-	-	-	-	
Yoshimasu (1961)	Japan	10.0	28	60.7	.80	18	11.1	.03	+	+	+	+	-	-	-	+	-	-	-	
Tienari (1963)	Finland	10.0	5	60.0	.80				+	-	-	-	-	-	-	+	-	-	-	
Christiansen (1970, 1974) <sup>e</sup>	Denmark	10.0	73	33.3	.74	146	17.7	.46	+	+	+	+	+	+	-	-	-	+	-	
Dalgard & Kringlen (1976) <sup>f</sup>	Norway	10.0	49	22.4	.52	89	18.0	.46	+	+	+	+	+	-	+	+		+	-	
		10.0	31	25.8	.62	54	14.9	.41												

\* Base rate. This was derived using prevalence data collected by Christiansen (1970, 1974) on the Danish general population (10% criminality in males and 1.6% in females). Calculated on the basis of the percentage of males and females in the monozygotic group (if known).

<sup>b</sup> Monozygotic twins; pairs = number of twin pairs, concord = pairwise concordance for criminality, r = tetrachoric coefficient of liability (in the Christiansen and Dalgard/Kringlen studies the probandwise concordance rate was used to calculate r, but because the probandwise rate was unavailable for the other twin studies the pairwise concordance rate was used in the remaining investigations).

<sup>c</sup> Same-sex dizygotic twins; pairs = number of twin pairs, concord = pairwise concordance for criminality, r = tetrachoric coefficient of liability (see note above).

<sup>d</sup> See note f, Table 1.

<sup>e</sup> Probandwise concordance is 51.0% (MZ) and 30.2% (DZ).

<sup>f</sup> First row (n = 138) is based on a broad definition of criminality; second row (n = 85) is based on a much stricter definition of criminality. Probandwise concordance for broad definition is 36.7% (MZ) and 30.5% (DZ). Probandwise concordance for stricter definition is 41.0% (MZ) and 25.8% (DZ).

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## Appendix: Statements and Resources on Homosexuality as a Choice

Many women say it's a choice. They have chosen lesbianism because of positive experiences with women. . . . Why are we so afraid to say we chose it? It's so scary to take that chance and say, "I am choosing it. It's really what I want to do. It's not because my DNA is making me. DNA be damned, I think I'll be a lesbian."

—JoAnn Loulan, *Lesbian Passion: Loving Ourselves and Each Other*, p. 35

I personally don't believe I was "born this way." (In fact, when I'm feeling hostile, I've been known to tell right-wingers that I'm a successfully "cured" hetero.) Until I was in my early thirties, I fell in love with men, took pleasure in sleeping with them, and even married one. But like most women, I experienced most of my closest emotional relationships with female friends. The only thing that made me different was that at some point I got curious about lesbian feminist claims that it was possible to combine that intense female intimacy with good sex. The good sex part turned out to be vastly easier than I anticipated. Even so, there was no immediate *biological* reason to stop having sex with men or to start living as a lesbian. Coming out was, for me, a conscious decision—every step of the way.

—Lindsay Van Gelder, "The 'Born That Way' Trap," *Ms.*, 1991

I received an e-mail [that] basically said, "Queer by Choice is a double-edged sword. If people can choose to be queer, why can't queers choose to be straight?" This question pissed me off tremendously. Why, you might ask? Because, duh, I *chose* to be queer. That's the friggin' reality of it. If that has bad political ramifications well then so be it. We cannot friggin' change reality for goddamned politics. It angers me that someone could even *try* to deny me my own reality. I have yet to say of queers, "oh well, they just *can't* be born that way because that implies it's a disability." or whatever. Frankly, I don't really give a shit. But don't come shove politics down my throat like that will change the reality that I consciously chose to be queer when I was thirteen.

—Eve Shalom, "Common Sense (or Lack Thereof)," diary entry on [glass.poetess.org](http://glass.poetess.org), May 31, 2000

I'm not going to spend a lot of time forgiving myself or forgiving anybody else because I started out straight, damn it. Okay? I say to people, "You're going to have to take me as I am. I am converted, if you wish, okay? I used to be straight, now I'm gay. I'm sorry if it would make you happy that I was born this way, but I wasn't."

—a gay woman, quoted in Vera Whisman's *Queer by Choice: Lesbians, Gay Men, and the Politics of Identity*, 1996

A homosexual is someone who has chosen to let himself love a person of the same sex: and I made that decision myself. So the responsibility is all my own.

—Kenzaburo Oe, *Kojinteki Na Taiken [A Personal Matter]*, 1964; translated from Japanese by John Nathan, 1968

In itself, homosexuality is as limiting as heterosexuality: the ideal should be to be capable of loving a woman or a man; either, a human being, without feeling fear, restraint, or obligation.

—Simone de Beauvoir

Nature leaves undefined the object of sexual desire. The gender of that object has been imposed socially. . . . As kids, we refused to capitulate to demands that we smother our feeling toward each

other. Somewhere we found the strength to resist being indoctrinated, and we should count that among our assets.

—Carl Wittman, "Refugees From Amerika: A Gay Manifesto," 1970

For the last half century . . . a growing body of social science has suggested that homosexuality and heterosexuality are neither absolutes nor opposites but rather fall along a continuum, with individuals moving along that continuum at different points in their lives and falling at different points on the continuum depending on whether researchers measure sexual fantasies, experiences, self-identity, or some other aspect of sexual orientation. This research is reflected in [all] the sociology textbooks in print in 1995 (compared with 75% in print in 1980). [Yet] 69% . . . of the psychology textbooks in print in 1995 describe homosexuality in absolute terms—an increase from the 41% that did so in 1980.

—Rose Weitz and Karl Bryant, "The Portrayal of Homosexuality in Abnormal Psychology and Sociology of Deviance Textbooks," *Deviant Behavior: An Interdisciplinary Journal*, Vol. 18, 1997, pp. 40-41

There is no evidence that same-sex sexual acts per se are under direct [evolutionary] selective pressure any more than is masturbation, anal sex, bestiality, pedophilia, vaginal entry from the front or rear, or any other sexual practice. Sexual desire, arousal, orgasm (especially in men), and male ejaculation, all basic human capacities, are selectively maintained through production of offspring. But these capacities are not specific to reproduction . . . [The strong human] sex drive, maintained by its guarantee of reproduction, is available for elaboration in socially condoned, prohibited, or ignored forms for social, emotional, and physiological satisfaction. . . .

It is a common "Darwinian" fallacy to assume that all components of a behavioral act are under equal selective pressure. This leads to treating behavioral acts as discrete adaptive units when in fact they usually have both adaptive and nonadaptive or neutral components. Language, for example, aids in survival and reproduction, but not all linguistic acts provide direct reproductive gain. There is no direct selection for, nor are there genes for, the creation of poetry. The direct, genetically inherited components of homosexuality are those listed above, common to all sex acts.

—Jeffrey M. Dickemann, commentary on "The Evolution of Human Homosexual Behavior" by R. C. Kirkpatrick, from *Current Anthropology*, Vol. 41 No. 3, June 2000

I was in love with three different women over a ten-year period, and even imagined marrying two often. But after the Stonewall Uprising in 1969 . . . I revised my thinking entirely: I decided I was completely gay and was only making the women in my life miserable. Following a tendency that Garber rightly criticizes, I denied the authenticity of my earlier heterosexual feelings in the light of my later homosexual identity. After reading *Vice Versa*, I find myself willing to reinterpret the narrative of my own personal history.

—Edmund White, "Gender Uncertainties: Marjorie Garber Looks at Bisexuality" (review of Marjorie Garber's book *Vice Versa: Bisexuality and the Eroticism of Everyday Life*), from *The New Yorker*, July 17, 1995, p. 81

Most of the quotations above are taken from the website [www.queerbychoice.com](http://www.queerbychoice.com), with others entered directly from the source cited.

## NOTES

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<sup>1</sup> “A Straight Guide to GLBT Americans”, published jointly by the Human Rights Campaign (HRC) and Parents and Friends of Lesbians and Gays (PFLAG), available at [www.hrc.org/comingout](http://www.hrc.org/comingout) .

<sup>2</sup> Content at [www.hrc.org](http://www.hrc.org) /issues /marriage, as of December 4, 2006.

<sup>3</sup> Thio here glosses over some of the complexities of this argument. It is not claimed that there is no variation in genetic traits. According to the Human Genome Project, genomic variation between ethnic groups ranges from 5-15%. But the variation in rates of homosexual behavior is far greater than any possible genetic variation, and does not conform to a stable identification, as would a genetic trait. Among the Sambia of New Guinea, for example, to which Thio alludes, all boys have sex exclusively with men through adolescence, then exclusively with women after attaining adulthood.

<sup>4</sup> See citation at note 2 above.

<sup>5</sup> The classic statement of this theory is found in Berger and Luckmann’s The Social Construction of Reality (Doubleday 1966), which elaborates three fundamental theses: Society is a human product. Society is an objective reality. Man is a social product.