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The significance of being gay in Ghosh's *De-Moralizing Gay Rights*

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Abstract

Ghosh heralds Yoshino's concept of 'covering' as helping us to understand the frontier of civil rights for LGBT+ people. While Ghosh's analysis of covering brilliantly exposes the oppressive potential within the concept as Yoshino conceives it, Ghosh himself fails to fully avoid some of the criticisms that he advances. Moreover, he perpetuates a long and regrettable tradition of queer analyses of LGBT+ issues that privilege the experiences of gay men, say less about lesbians, and particularly neglect bisexual and trans* perspectives.

Keywords: LGBT Rights, Queer theory, covering, bisexuality, trans*

Cyril Ghosh's *De-Moralizing Gay Rights: Some Queer Remarks on LGBT+ Rights Politics in the US*, is a highly engaging and timely intervention into a set of interrelated issues that affect LGBT+ people. Ghosh suggests that the book may be read (a) as polemic, and (b) as a whole or as three stand-alone essays, depending on the reader's interest and stamina. It is certainly polemical at times, but all three of the central chapters make important contributions and demand our attention. A dissatisfaction with binary thinking runs through much of Ghosh's analysis. He is impatient with a tendency to see the world in binary terms and to therefore fail to understand the nuance in LGBT+ issues, and also at times to fall into straightforward errors of analysis. This impatience with lazy binaries underpins his critical dissection of Kenji Yoshino's groundbreaking work on 'covering'. It is on this that I will focus in this review. To conclude before I begin, I think Ghosh's analysis of Yoshino is devastatingly brilliant, but, I think he lays too much stress on the significance of being gay, in two completely different senses.

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Yoshino (2002, 2006) charts the evolving history of LGBT+ rights, describing an evolution from conversion to passing to covering. Yoshino's locates the contemporary threat to civil rights in a legally upheld demand to 'cover'. Unlike the passing person, the covering person will not lie, dissemble or pretend to be other than what she is, but at the same time she will 'disattend her orientation' (Yoshino 2002, 772). Ghosh agrees with Yoshino's assessment that covering may well be the next frontier of civil rights activism in the US, and endorses the conceptual identification of coerced covering as a form of marginalisation that has wider relevance. As is evident from Yoshino's analysis and the cases he considers, covering is a demand made of a range of minority groups, e.g., racial minorities, religious minorities, and it is clear that discrimination against those who refuse or are unable to cover is an unjustified continuation of earlier practices of oppression, but one that operates subtly and has yet to receive the systematic attention such an injustice should command.

Ghosh, then, heralds the significance of Yoshino's work, and rightly so. However, Ghosh also sees in Yoshino's analysis, especially as it necessarily engages with cultural norms as well as legal ones, potential for a deeply harmful assimilationist demand that is embedded in Yoshino's claims, and from which Yoshino's analysis may be unable to escape. To be able to understand the injustice of covering, we must be able to identify instances of covering that are coerced, i.e., that result from external pressure felt by the individual to inhibit her preferred way of expressing her sexuality or gender identity. But by understanding covering in the terms that Yoshino does, he seems to deny the possibility that when people act in ways that can be read as covering, they do so, not in order to avoid persecution, but to express some element of their authentic selves.

This problem in Yoshino's analysis arises in part because he presupposes that there is such a thing as *a* (singular) gay culture, to which LGBT+ people affiliate, or from which they disaffiliate, depending on whether or not they wish to cover. For Ghosh, this leads to an implicit demand that LGBT+ people assimilate to this gay culture: if they do not do so, they are read as covering, and insofar as covering is intrinsically related to oppression, it holds disvalue for LGBT+ people. Ergo, people should not cover, ergo, Ghosh reads Yoshino as implicitly demanding, people must assimilate (to gay culture).

This is deeply problematic, Ghosh argues, both because such a demand is clearly itself oppressive, but also because of the content of gay culture as Yoshino defines it. Yoshino identifies what he takes to be paradigmatically gay pursuits and pastimes, including gay music, TV shows, holiday destinations, and even sports. Ghosh is incredulous at the list that emerges: '*the entire description is dripping* with classism. Who actually plays golf? What on earth is rugby, and who, in fact, cares about it?' (Ghosh 2018: 85, emphasis in original)

Let me take the latter sarcastic question seriously for a moment. Rugby is among the most popular sports in Wales, the home country of two rugby greats: Gareth Thomas, at the time of his retirement from the game in 2010 the most capped player in Welsh history, and the world's first professional player to acknowledge, whilst still playing, that he is gay, and Nigel Owens, a world-leading rugby referee still playing today, and also the first in his role to acknowledge that he is gay. Among those who care about this and about rugby are the leading Australian rugby player Israel Folau, who in 2019 was sacked by Rugby Australia for repeatedly making anti-gay remarks on social media, to the chagrin of many supporters who see rugby as 'a proper man's game', and who therefore do not share Yoshino's perception of rugby as a gay sport.[2]

What are Thomas and Owens doing, when they play rugby? Are they affiliating to gay culture? If Yoshino is wrong and Folau is right about the gayness of rugby, were they (before they came out) disaffiliating from gay culture? At this point, Yoshino's conceptual framework begins to look ridiculous: it hangs on two points that defy certainty: (1) is rugby a marker of gay culture? (2) for what reasons are these gay men playing rugby?

For Ghosh, the narrowness of the field of experience that Yoshino's lists indicate is a serious problem, because it fails to pay attention to the intersectionality of gay identities and experiences that Yoshino himself alludes to but whose implications for his theory he seems not to realise. Both Yoshino's list and Ghosh's response to it firmly locate gay culture within an American experience of the world – but if there is such a thing as gay culture, its markers will likely be somewhat different in the US and in Wales, say, and different again in Uganda and other countries where LGBT+ people are persecuted.

[2] In the women's game, things are a little different. I will say more below about the implications of assuming the perspective of gay men speaks to the experience of all LGBT+ people.

But the deeper problem for Ghosh is the second one, namely, that Yoshino presupposes that all LGBT+ people's actions in relation to things that can be read as markers of a gay culture can and should be analysed in terms of covering.

As Ghosh writes:

> When gay men *disaffiliate* from "gay culture" they may be catalysed by a desire to be self-protective, self-affirming, politically subversive, or some combination of one or more of these motivations. They are not necessarily covering. (2018:88)

His concern is to point out that gay people (like other minorities), have agency, and will sometimes exercise it so as to resist oppression, and other times so as to avoid oppression. The latter is still (and importantly) an exercise of agency and should be respected as such. Yoshino's reading of disaffiliation from gay culture does not allow for this.

Ghosh calls into question Yoshino's construction of *a* gay culture, but at the same time much of his argument against Yoshino presupposes that there is something that could meaningfully be described as gay culture(s), even if he rejects the idea of there being just *one* gay culture. But although he berates Yoshino for paying insufficient attention to the implications of intersectionality in Yoshino's inadequately monocultural (white, affluent, male[3]) reading of a single gay culture, Ghosh still seems to give remarkable priority to gay culture in the alternative explanations he offers in understanding gay people's exercise of their agency.

He briefly discusses what he calls the 'being themselves' objection to Yoshino's thesis (Ghosh 2018: 76-77), and allows that a woman fixing her bike may do so not to affiliate to a butch lesbian culture, but simply because her bike needs fixed (i.e., there is no cultural motive). But he does not seem to allow space for the thought that, in the case of Thomas and Owens playing rugby, the simplest and the most coherent explanation of what they are doing is affiliating to their *Welsh* culture (i.e., there is a non-gay cultural motive). Ghosh cautions against reading motivations from the outside, but if the explanation of action is either to cover, *per* Yoshino, or to exercise agency through self-protection, etc.,

[3] Yoshino himself is Japanese-American, but Ghosh rightly notes that the icons of gay culture that Yoshino identifies are overwhelmingly white.

per Ghosh, then it appears that being gay is always at the root of the motivation, in a way that being Welsh, say, is not presumed to be.

This worries me for pretty obvious reasons. While the dominant in society have the luxury of understanding themselves to be defined by many things, marginalised people are typically presumed to be defined by some essence, and are by that means marked out and stereotyped, and potentially oppressed. Yoshino is undoubtedly more guilty of perpetuating this in relation to LGBT+ people than is Ghosh, but in his efforts to reveal the failure to perceive agency in covering behaviour, Ghosh nevertheless seems to fall into something like a pattern of defining things that gay people do in relation to their gayness.

There is a second sense in which I fear Ghosh gives too much significance to the 'gay' part of his 'Queer Remarks on LGBT+ Rights Politics'. The word 'gay' is used in different ways, e.g., as a shorthand for 'gay men', or to describe a broader group of people who experience same-sex attraction. Given Ghosh's subtitle, we might expect the broader reading to follow. But what we actually find in the overwhelming majority of the text are remarks on gay men's experiences. Although Ghosh mentions gays and lesbians together several times, the majority of the experiences discussed are either clearly or implicitly the experiences of gay men. Bisexuals and trans* people receive even less attention. Ghosh might argue that one could, perhaps, read gay men's experiences as having broader significance and where necessary generalise to gain an understanding of rights politics as it applies to lesbians, bisexuals, trans* people, and other people who have minority sexualities/gender identities. However, I am not entirely convinced that you can. Of course, there is only so much you can reasonably expect an author to cover in one book, and this objection may seem to be open to the *reductio ad absurdum* objection of caricature – i.e., is the analysis invalid because it fails to specifically address (say) the experience of second generation immigrant disabled lesbians living in rural communities, etc? Nonetheless, there are questions to raise here. Notwithstanding the legitimacy of Ghosh's criticisms of Yoshino on covering, it is noteworthy that Yoshino in his writing cites more examples of, and includes more explicit discussion of, lesbian women and bisexual people, than Ghosh does. Neither has much to say about

trans* people's experience of rights politics, and both seem for the most part to think of 'queer' people as being much the same as non-covering gay men.

These omissions are disappointing for two sets of reasons. The first is that this is rather a missed opportunity to develop the analysis of covering as a practice that raises civil rights issues for (more) marginalised communities. The second is that it perpetuates the dominance of gay men as emblematic of the wider LGBT+ community, which, I suggest, can be analysed in terms of what Ghosh has to say about cultural imperialism (in relation to straight cultures) earlier in the book, which has malign effects for those whose perspective is omitted from Ghosh's account. Let's begin with the example of bisexual people. Bisexual people face marginalisation in wider society – where stereotypes persist that bisexual people are either gay/lesbian but don't want to admit it, or that they are inherently and egregiously promiscuous (a claim that rests on the implicit judgment that promiscuity is a vice). But bisexual people also face marginalisation within the LGBT+ community – where bisexual people sometimes face rejection for not being properly gay/lesbian/queer, and not really belonging within the rainbow. It would be particularly interesting, for me at least, to think about the ways in which bisexual people sometimes face a social demand to cover within LGBT communities: i.e., to downplay their opposite-sex relationships. Yoshino's focus is on legal oppression, but Ghosh rightly notices that Yoshino slips at times into conflating this with cultural oppression. But in either context, we want to know, what does covering mean for bisexuals? Ghosh does not address this question. He does not even raise it.

Yoshino does in fact discuss some examples of bisexual people in the various legal cases that he cites, but his claims of covering in relation to the idea of a gay culture invite the interpretation that, insofar as bisexual people engage in romantic and/or sexual acts with opposite sex partners, they are *by definition* covering. At best, this position looks odd and undermines the conclusions that Yoshino wants his readers to draw in relation to the cases he recounts (i.e., that the legal judgments against bisexuals who failed or refused to cover when engaged in relations with same-sex partners were wrongful). So, there is certainly a tension here. But it is open to Ghosh to push further and say that Yoshino's account of covering, with its implicit assimilationist demand, is especially harmful to bisexual people because it says to them, 'you must choose, you must be either gay or straight and assimilate with the culture as appropriate'. And that, of course, implies that sexuality is a (binary) choice, an insidious claim that both

Ghosh and Yoshino would rightly resist, but that continues to enjoy legitimacy in many circles and has had deeply harmful effects on LGBT+ communities.

Why does Ghosh fail to make this move? A reviewer cannot know, of course, and I am mindful of Ghosh's advice not to assume motives, but it is hard to escape the suspicion that Ghosh falls prey to the practice of cultural imperialism, which, drawing on Young, he notes earlier in the book as having had a pernicious impact on the ways in which the equal marriage debate has played out in the US. Ghosh approvingly cites Iris Marion Young, who says,

> Cultural imperialism involves the universalization of a dominant group's experience and culture, and its establishment as the norm. […] The culturally dominated undergo a paradoxical oppression, in that they are both marked out by stereotypes and at the same time rendered invisible. (Young 1990: 58-59)

Bisexuality is too often rendered invisible in society at large, in scholarship, and is again pretty much invisible in Ghosh's queer remarks on LGBT+ rights politics. Young further notes:

> As remarkable, deviant beings, the culturally imperialized are stamped with an essence. The stereotypes confine them to a nature which is often attached in some way to their bodies, and which thus cannot easily be denied. (Young 1990: 59)

This seems particularly resonant when thinking about the kinds of hostility that trans* people face in contemporary rights politics in the US and elsewhere. 'Passing' has a different significance, a different resonance, for trans* people than it does for gay men. In light of the evolution of discriminatory laws from a focus on conversion to passing to covering, what does covering mean for trans* people? Yoshino does not tell us, and, moreover, Ghosh does not ask. Perhaps Ghosh is hesitant, as I am, to presume to speak for a marginalised community to which he does not himself belong. There are good reasons to be cautious in this regard. But the absence of any substantive acknowledgement of trans* issues in the book makes it one more in long series of contributions to 'LGBT+' politics in which the L gets cursory notice, the B less so, and the T is barely considered at all. As Susan Striker puts it:

> 'While queer studies remains the most hospitable place to undertake transgender work, all too often *queer* remains a code word for "gay" or "lesbian", and all too often transgender phenomena are misapprehended through a lens that privileges sexual

> orientation and sexual identity as a primary means of differing from heteronormativity' (Striker 2004: 214)

Yoshino seems to privilege sexual orientation as *the* primary means of differing from heteronormativity, and Ghosh doesn't take the opportunity to explore the ways in which more subtle oppressions like covering might be visited on trans* people, even as more overt oppressions are of course widely enacted.

This criticism perhaps undercuts the claims that I have made above about having a certain sexuality being presumed to entail an essence: Either it is true that people are defined by being LGBT+, or they need not be, but you can't have it both ways, Ghosh might want to say. Perhaps, but it does seem to me that both the concerns that I raise are valid and compatible. One can hold to the position that sexual orientation and gender identity are not determinative of one's essence in a larger sense, and hold too that the erasure of some experiences of sexual orientation and gender identity from important and insightful scholarship on LGBT+ issues (which I take this book to be), has the unfortunate and regrettable consequence of reinforcing and perpetuating the marginalisation of some voices within that community, and with it the imperialistic (in Young's sense) impact of prioritising already dominant voices. That is an odd thing for a *queer* analysis to do.

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