CREATING CONTROVERSY: ESSENTIALISM AND
CONSTRUCTIVISM AND THE POLITICS
OF GAY IDENTITY

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Although there have been, in many different times and places (including classical Athens), persons who sought sexual contact with other persons of the same sex as themselves, it is only within the last hundred years or so that such persons . . . have been homosexuals.¹

All those Greeks banging away had no idea they were having sex without sexuality.²

INTRODUCTION

EVER since Foucault separated sexuality from sex,³ we have struggled over how best to theorize gay sexuality. Is gay sexuality, like post-Foucauldian “sex,” a relatively simple matter, one of mere sexual-object preference? Or is it, like post-Foucauldian “sexuality,” a more complex matter of the particular social protocols, valorizations, and regulations we attach to sexual-object preference? Under the former approach, gay sexuality would be a transhistorical and transcultural phenomenon. It would be as timeless and ubiquitous as the same-sex desire that defines it. Under the latter approach, gay sexuality is necessarily specific to certain times and places, in particular modern Europe and America.

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At first glance, this controversy, known as the constructivist debate, appears surprisingly inconsequential. Is it anything more than a debate about the length of gay pedigree? What can now possibly turn on whether gay people have always existed or whether they are a recent social invention? To read the debate this way, however, is to misunderstand it. All the participants agree that taking a side in this controversy commits one to a whole set of positions on other issues of critical importance to gay theory and politics, issues like the possibility of gay history, the existence of gay community, and the very meaning of notions like gay identity. These are not arid, theoretical concerns but rather issues whose resolution would make a real difference to the way gay people—and many straights—lead their lives. How the debate ends, in other words, will affect significantly gay law, identity, and politics.

I do not plan to take sides in this debate. Rather, I hope to explore what the debate itself means and implicates, to separate out the different and often confused strands of argument, and to show where agreement, disagreement, and, most importantly, misunderstanding lie. At the end, I hope to persuade that the constructivist debate is not really a debate at all or, perhaps more helpfully, to show that, to the extent it is one, it represents a debate about something quite different than what we think now. In particular, I hope to show that it is not a debate about the causes of homosexuality, when homosexuality first “emerged,” or over the stability of the concept of homosexuality itself. If anything, it represents a debate about the content and character of gay identity. In other words, it seeks to answer such questions as: In what ways do gay people differ from straights? How important are these differences? What implications do these differ-

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5 See John Boswell, Revolutions, Universals, and Sexual Categories, in Hidden From History, supra note 1, at 17, 20 (“If the categories ‘homosexual/heterosexual’ and ‘gay/straight’ are the inventions of particular societies rather than real aspects of the human psyche, there is no gay history.”); Halperin, supra note 1, at 41 (“It may well be that homosexuality properly speaking has no history of its own much before the beginning of our century.”).

6 See Boswell, supra note 5, at 20 (“Whether or not there are ‘homosexual’ and ‘heterosexual’ persons, as opposed to persons called ‘homosexual’ or ‘heterosexual’ by society, is obviously a matter of substantial import to the gay community, since it brings into question the nature and even the existence of such a community.”).

7 See Steven Epstein, Gay Politics, Ethnic Identity: The Limits of Social Constructionism, in Forms of Desire, supra note 4, at 239.
ences hold, and how widely shared are they among gay people themselves? Ultimately, the constructivist debate seeks to answer a question very different from the ones the participants worry over. It asks, "What does it mean to be gay?"

My argument proceeds in several steps. First, I lay out the terms of the debate. Both the words "essentialism" and "constructivism," the battle standards for each side, carry many meanings, only a few of which are actually relevant to the debate itself. Only by distinguishing matters centrally at issue from other matters can we begin to make progress in the debate. Much of the debate's intractability, in fact, stems from confusing fundamentally different types of claims. In a sense, even the participants misunderstand what the debate is about. It is not, as many think, a debate even partly about the causes of homosexuality but rather one about the most appropriate descriptions of gay identity. The questions of how a person comes to have same-sex desire and of how that person is viewed are completely independent. One can match any of the common answers to the first question with any of the answers to the second—and people have. Accounts of cause and identity are separate and hold no important or interesting implications for each other.

Second, I explore the different accounts of gay identity that essentialism and constructivism offer and argue that their descriptions do not really conflict. They are different, to be sure, but not incompatible. In a sense, in fact, they are complementary: for some purposes, essentialism's description serves best; for other purposes, constructivism's description is more apt. Unless one sees each as a master description that can apply in all discussions of gay identity, no conflict arises between them. If one does see them as master descriptions, a conflict does arise, but then both descriptions fail their task. In other words, essentialism and constructivism conflict only if one demands a

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8 Edward Stein, whose ideas and distinctions guide the first part of my essay, has best discussed the independence of these two questions. See Edward Stein, Conclusion: The Essentials of Constructionism and the Construction of Essentialism, in Forms of Desire, supra note 4, at 325. Stein and I disagree primarily over the degree of these two questions' independence. He sees them as different, but only partially independent, questions. See id. at 326-31. I see them as completely independent. Richard D. Mohr has also suggested some degree of independence in distinguishing between what he calls the "antirealist" and "antiessentialist" strands of social constructivism. See Richard D. Mohr, The Thing of It Is: Some Problems with Models for the Social Construction of Homosexuality, in Gay Ideas: Outing and Other Controversies 221, 223-24 (1992).
single description of gay identity for all conceivable purposes. When seen this way, we should be less surprised by the conflict than by the demand itself. For gay identity, like most forms of human identity, is too variegated, contested, and complex for any single term to capture.

Third, I look at the constructivist debate as itself a social construction. We ourselves have created this controversy, and it is interesting to consider why this debate has arisen in the particular form it has in our time and culture. What does the structure of the debate and our obsession with it tell us about ourselves? It is here, I think, that theory becomes most relevant to politics. I will argue that the demand for and the fight over a single master description of gay identity largely reflects gay political needs. In this sense, gay politics has driven a philosophical debate.

I. THE INDEPENDENCE OF ETIOLOGY AND IDENTITY

First, a few definitions. Essentialism in this debate represents the belief that gayness is an intrinsic property, one that does not vary across history and culture.9 An essentialist would hold, for example, that a gay person transported from one time and place to any other would still be gay. In other words, the identity category does not vary with social context; homosexuality possesses a kind of stability. Essentialists in general define gay people as those who experience same-sex desire, believe that there have always been gay people everywhere, and hold that it makes sense to speak of people who experience same-sex desire as a single group regardless of where and when they lived.10

Constructivism, on the other hand, represents the belief that gayness is a property that has meaning only within certain times and cultures. Identity categories, constructivists believe, are social creations. They result from social belief and practice, are themselves complex social practices, and may be evaluated in terms of whose interests they serve. In this view, identity can operate as a means of both empowerment and social control. To constructivists, the gay identity category reflects not only late nineteenth-century Euro-

9 Stein, supra note 8, at 325-26.
10 See John Boswell, Categories, Experience and Sexuality, in Forms of Desire, supra note 4, at 133, 137 & n.8.
American attitudes toward family, gender, and sexuality, but also attitudes towards economic organization and medical science. Essentialists and constructivists alike often confuse the constructivist debate with two other debates: the nature/nurture debate and the determinism/voluntarism debate. The nature/nurture debate has played out for a long time in many fields. In general, it concerns whether and to what extent a particular behavior or behavioral disposition is either determined at birth or later acquired. In sexuality studies, it concerns the extent to which people are born with a particular sexual orientation or are raised into it. The primary nature accounts of sexual orientation are genetic and hormonal. These theories hold, respectively, that DNA and the levels of various hormones to which the fetus is exposed determine sexual orientation. The primary nurture accounts, by contrast, are psychoanalytic ones. They hold in various ways that the psychodynamics of the family determine sexual orientation.

The determinism/voluntarism debate concerns the extent to which people choose their sexual orientation. Determinism holds that a person has no power to choose sexual orientation. It is simply given to the individual through one process or another and cannot be changed, if at all, without great difficulty. Voluntarism, on the other hand, holds that one can choose one’s sexual orientation or that, if it is initially given, one can choose to change it without great difficulty. Sexual orientation, in this view, represents a voluntary choice.

The nature/nurture and determinism/voluntarism debates are closely connected. Nature and nurture, in fact, represent the two

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11 See John D'Emilio, Capitalism and Gay Identity, in Making Trouble: Essays on Gay History, Politics, and the University 3 (1992); David M. Halperin, One Hundred Years of Homosexuality, in One Hundred Years of Homosexuality 15 (1990).
12 Stein, supra note 8, at 326-27. For a good example of this confusion, see Epstein, supra note 7.
15 The term “debates” may imply too complete a division between nature, nurture, and voluntarism. Although they mark off very different kinds of etiological accounts, they are not mutually exclusive. Membership in a particular identity category may result from more than
primary forms of determinism. Both assume that sexual orientation is
given to individuals. In neither account can people choose desires;
they simply have them. The accounts differ only in what they attrib-
ute the cause of desire to—biology or upbringing.

Mixing up these other two debates with the constructivist debate
has two very adverse effects. It both confuses the different debates' 
claims and, more importantly, obscures how different the construc-
tivist debate's claims are from the other debates' claims. Both the
nature/nurture and the determinism/voluntarism debates primarily 
concern etiology. "What causes a person to have a particular sexual
orientation?" they ask. This is a very different issue than the one at
the center of the constructivist debate. That debate asks not how a
person comes to fall into a particular identity category but rather how
the identity category itself is formed. In other words, while these two
other debates concern how one becomes gay, the constructivist debate
concerns how gayness is given meaning.

These two types of claims are not only different but also completely
independent. Taking a position on how a person becomes gay entails
no commitment as to how gay identity is given meaning. In general,
one can combine any of the three accounts of individual etiology—
nature, nurture, and choice—with either the essentialist or the con-
structivist account of gay identity. Not a single one of the six possible
combinations of accounts is logically inconceivable. As the following
discussion of six familiar identity categories shows, we already have
combined accounts in all the ways possible in other areas.

First, consider the category of biological sex. It is clearly essential-
ist, for one can meaningfully speak of biological men and women in
every time and culture. It is also a natural category. Genetics deter-
moves one's biological sex,¹⁶ and it cannot be changed, if at all, with-

¹⁶ Chromosomes, of course, are only one among several possible markers of biological sex.
One could biologically sort people into sexes on the basis of body parts, hair patterns, or other
features. Each method would result in somewhat different groupings, confront different
borderline cases, and perhaps lead to a different number of sexes. The way in which we define
biological sex and whether we even do represent social choices, and those choices can vary
out great difficulty. No amount of nurture or simple willing will affect it. Biological sex is thus an example of an essentialist identity category with a natural etiology.

Second, consider the category of race. Unlike biological sex, it is socially constructed. While simple skin color and other physiological features may remain stable categories across time and culture, the roles, expectations, and meanings race typically implies are not. A black person enjoys a completely different social role in early modern Africa than in contemporary American society. Like biological sex, however, race has a natural etiology. Although genes do not determine the content of racial roles, they do determine which role one falls into.

Third, consider the category of biological eunuchs. This is another example of an essentialist category. Whether a man has been castrated or not is a property invariant across time and place. It is, moreover, a nurture category. Except in a very few cases, men are not born into this category and do not choose themselves to adopt it. For the most part, others—parents, emperors, songmasters, or vengers—choose for them.

Fourth, consider the category of Christian children. Although Christianity has always contained a few unchanging beliefs, like the divinity of Jesus, much of its central content has changed markedly over the ages. Comparing early Roman Christianity with current varieties shows how socially constructed it is. For children, more-
over, it is largely a nurture category. As the practice of infant baptism shows, children are neither born nor choose to be Christian.19 In most cases, the parents, not the children themselves, choose religious affiliation, and the family itself serves to transmit critical features of faith and belief from one generation to another. The family also makes it difficult for children to renounce Christianity. Few people leave their faith as children unless their parents lead them—another instance of nurture.

Fifth, consider the category of the biological mother.20 Because simply giving birth to a child defines the status, this category is purely essentialist. It is also largely voluntarist. Except in cases of coercion, ignorance, or contraceptive failure, a woman chooses to be a mother. The belief that nature itself dictates such a role, although once popular,21 is largely discredited now, and, although social expectations may still encourage many women to become mothers, pregnancy does require a choice.

Finally, consider the category of Republicans. It is purely a social construction. As the changes in the Republican platform from the time of Lincoln to the present indicate, Republicanism has varied much over the last 130 years. The much-publicized recent battles between social conservatives and moderates over the control of the party further illustrate the contingency of the party's content. Even those within the category recognize its constructedness. Like biological motherhood, moreover, Republicanism represents a voluntary choice. No genes determine one's political commitments and, although one's upbringing in the widest sense puts many values in place, political affiliation still represents a conscious decision.

The chart below organizes these six identity categories according to their causes and content.

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20 I am indebted to Edward Stein for this particular example. See Stein, supra note 8, at 328.
EXAMPLES OF SIX DIFFERENT KINDS OF IDENTITY CATEGORIES

<table>
<thead>
<tr>
<th>Type of Etiology</th>
<th>Nature of Content</th>
<th>Nature of Content</th>
<th>Essential</th>
<th>Constructed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determinist</td>
<td>Nature</td>
<td>Sex</td>
<td>Race</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nurture</td>
<td>Biological eunuchs</td>
<td>Christians youth</td>
<td></td>
</tr>
<tr>
<td>Voluntarist</td>
<td>Choice</td>
<td>Biological mothers</td>
<td>Republicans</td>
<td></td>
</tr>
</tbody>
</table>

As the chart indicates, cause stands independent of content. Neither essentialism nor constructivism entails any particular type of account of how an individual becomes a member of an identity category. Nor does any position on individual etiology entail a particular account of how the identity category itself is given meaning.

A different way of making this same point is to show a single identity category that under different interpretations combines these accounts in all possible ways. The identity category of the criminal illustrates these possibilities. The “criminal” has both essentialist and constructivist interpretations. Viewed as a formal lawbreaker, as someone who simply performs any number of perhaps arbitrary acts proscribed by whatever legal code happens to stand in force, the criminal is essentialist. He is simply a person who breaks rules specified by some authoritative political mechanism—whatever the rules may be. The particular rules, of course, may vary from time to time and place to place, but the criminal identity category itself remains unchanged. The category’s essentialism reflects its formality of definition.

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22 Because this description defines the criminal as a rulebreaker pure and simple, as someone who commits whatever acts the culture at any time around him happens to proscribe, a criminal transferred from one culture to another would still be a criminal even if the second culture criminalized completely different acts. Contra Calhoun, supra note 16, at 1863. If, on the other hand, we describe the criminal less formally—and more realistically—as someone who commits the particular acts his own culture proscribes, this would not be true. For example, a person who drives on the opposite side of the road from the side the law prescribes is a criminal in both the United States and Great Britain. On the other hand, an American who always drives on the left would cease to be a criminal while vacationing in England. Any disagreement between Cheshire Calhoun and me about the transportability of criminals, see id., is only apparent. Because she is referring to a different, less formal, and more realistic description of the identity category than I am, I believe we both are right.
Viewed, on the other hand, as someone occupying a particular social role, such as the South Central Los Angeles gang member, the Wall Street insider-trader, or the urban mugger, the criminal is almost purely a social construction. Insofar as a particular use of the criminal identity category involves these culturally specific images, as it often does in political rhetoric, for example, the category varies across time and place. In medieval England, for example, use of the category might have invoked images of the heretic or the sheep stealer. Now it is more likely to invoke images of Willie Horton.

With either the essentialist or constructivist view, moreover, one can tell any of the three causal accounts. Much criminology and sociology, in fact, concerns exactly this question: What causes a person to turn to crime? Some argue that genetics explains much of the propensity for crime. Others believe that upbringing and socialization are the major determinants. Still others, including many of the economic theorists of Anglo-American criminal law, believe crime is largely a matter of conscious choice. In deciding whether to become a criminal, these theorists hold, a person will weigh costs and benefits. For my purposes, adjudicating among these conflicting accounts is unimportant. My only point is to show that people can and do view the identity category of the criminal in all six possible ways. Nothing in the nature of either the cause or content accounts themselves forecloses any combination of views.

This entire discussion aims to support two arguments. First, participants in the constructivist debate have confused two very different kinds of questions: etiology and identity. How one becomes a member of a group is separate from how that group's identity is given meaning. Second, these questions are not just different but completely

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26 See id. at 1205-08.
independent as well. Nothing in the two questions prevents any answer to one being combined with any answer to the other. Only the particularities of the identity category itself restrict what causal and identity accounts can be combined. This complete independence of accounts refutes a claim that even the most sophisticated participants in the constructivist debate agree on: that "one cannot be a social constructionist and still think that sexual orientation is innate."27 One can, in fact, be a nature-constructivist. Such a view would just analogize sexual identity to race or to gender, two socially constructed identity categories whose membership is, for the most part, biologically determined.

II. ESSENTIALISM AND CONSTRUCTIVISM AS COMPLEMENTARY DESCRIPTIONS

Separating individual etiology from group identity is critical, for it allows us to focus on what the constructivist debate is really about: the transhistorical and transcultural stability of our notions of sexual identity. Posing the constructivist question in its most famous and debated form helps solve the difficulty. Were there gay people in ancient Greece or did gay people only emerge much more recently?28 The answer depends, I think, on what we mean by "gay." If we define gay people as simply those who experience same-sex desire, the answer to the first part of the question is yes. There is much historical evidence that such people existed in ancient Greece.29 If, on the other hand, we define gay people as not just those who experience same-sex desire but who in addition play a particular role in culture—for instance, the role of sexual transgressor or of subverter of traditional gender roles—then the answer to the first part is no. The available historical evidence indicates that people experiencing same-sex desire in ancient Greece did not also perform these other social functions.30 The answer to the constructivist question, in other words, depends

27 Stein, supra note 8, at 330.
29 The constructivists agree on as much. See Halperin, supra note 1, at 48; Padgug, supra note 28, at 54-55 (describing Polykrates' "passion for liaisons with males").
30 See Halperin, supra note 1; Padgug, supra note 28.
upon the content we give to gay identity. Under one view, the concept applies universally; under the other, it does not.

It is helpful for purposes of exploring the debate to view identity as description. This approach has the advantage of being neutral between internal and external descriptions, which refer respectively to self-descriptions and descriptions applied by others from outside the group. This approach also allows one to speak easily of a single group as having different kinds of identity or many different aspects of identity all at once—something the traditional constructivist debate makes difficult.

Women illustrate the usefulness of viewing identity this way. Think of sex and gender as descriptions. Both concepts serve to mark out and describe a group of people, but they mark out and describe the group very differently. Sex offers a biological description of people, whereas gender offers a purely cultural one. Sex marks off men and women in a biological way and does so very well. Gender, on the other hand, does not clearly delineate between these biological categories. Gender's description of women, for example, may not fit all biological women and may, in fact, fit some men. Gender, however, does possess some advantages. Despite its biological inaccuracies, it provides a much thicker and informative description of how many men and women live.

To understand the confusion in the constructivist debate, one need only ask whether women constitute an essentialist or constructivist category. On the one hand, one can meaningfully talk of biological females across time and cultures. Women have lived everywhere, and we would recognize a woman transported to a different time and place as a woman. Women thus represent an essentialist category. On the other hand, however, one cannot so easily, if at all, transfer concepts of contemporary gender roles to other times and places. Partly because of feminism and changing economic conditions, women's roles in late twentieth-century America are not the same as they were before. In this sense, the identity category of women is constructivist.

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31 I am thinking here only of "sex" as our particular culture uses it now to classify people according to specific body parts or genetic material. Of course, our concept of biology is itself culturally constructed. There are no body parts or bits of DNA that announce their own significance. On this, Cheshire Calhoun and I are in complete agreement. See Calhoun, supra note 16, at 1865-66.
32 See supra note 16 and accompanying text.
The answer to the initial question, then, turns largely on what one means by the category "woman"—sex or gender. Under the one description, women form an essentialist category; under the other, they form a constructivist one.

But which description—sex or gender—is the right way to view the category? It depends. One cannot answer in the abstract. For some purposes, sex is the better lens; for other purposes, gender is. To a doctor conducting a medical history, for example, sex is likely to prove the more helpful description. To an historian of the family, on the other hand, gender will likely provide the more useful lens. In fact, employing the alternative description in each of these particular contexts might obscure the inquiry. Although some knowledge of gender roles might help the doctor, relying on gender exclusively might also mislead because it could result in treating some biological women as men and biological men as women for purposes of medicine. Likewise, biological sex might help explain some features of traditional family organization and practice, but it would also tend to obscure quite a bit. For example, the question "who wears the pants in the family?" derives all its meaning from an understanding both of men's and women's "proper" roles within the family and of the possibility that particular men and women can subvert them. Whether sex or gender is the correct—in the sense of the more useful—description of women depends on the purpose of description in a particular situation.

The same holds true of gay identity. We can view the constructivist debate as a battle between two different descriptions of gay identity, one thin and one thick. The essentialist description, the thin one, describes sexual identity much the way sex describes men and women. Gay people, in this view, are simply those who experience same-sex desire—no more and no less. The constructivist description, on the other hand, is thick and views sexual identity much in the same way gender views men and women. It describes gay people primarily in terms of their social roles and their relationship to other features of social life, particularly the family, gender, and sexuality.

33 This is not to say that same-sex desire will always be a necessary element of gay identity—though that might be the case—but just that same-sex desire now plays this role in our own cultural identity games.

34 See Halperin, supra note 1; Padgug, supra note 28.
The constructivist debate comes down to which of these views of gay identity is the right one. As in the case of sex and gender, however, the answer is “it depends.” For some purposes, the thin description is more useful; for others, the thick description is; and for still others, it is most helpful to employ both together. To a researcher testing determinist theories of the causes of sexual orientation, for example, the essentialist description will probably prove more helpful. In fact, the other might just get in the way. To a cultural anthropologist exploring the meaning of and reasons for the ban on military service by gay citizens, however, the thicker, constructivist description will prove the better tool. In short, the right description depends upon the purposes for which we intend to employ it.

History writing, the actual site of much of the essentialism-versus-constructivism battle, shows just how useful it is to view the debate as a contest of descriptions. The debate, as commonly framed, pits historians like John Boswell, who believes there is a point to talking about gay men in ancient Greece, against others, like David Halperin, who believe that a recognizable gay identity emerged only in the modern period, particularly in the nineteenth century. This debate has run round and round now for years and consumed too much of the energy of gay and lesbian theory.

At issue, however, is really a simple question: Does mere same-sex desire “count”? Can that fact alone establish gay identity, or is the notion necessarily thicker and more complex? Seen this way, the debate concerns primarily which description of gay people is proper. Interestingly, each side, without realizing it, seems to answer “both.” The essentialists, of course, believe that same-sex desire establishes a fairly stable category whose history we can write, but, significantly, each stage of that history is remarkably thick and somewhat different from the rest. In fact, this seems to be the point of history telling.

The constructivists, on the other hand, think gay identity is so thick that one cannot speak of it very far into the past, often not past the nineteenth century. The fact is, however, that gay identity has

36 See Boswell, supra note 10; Boswell, supra note 5. Cf. Boswell, supra note 18 (examining gay history during the early Christian era).
37 See Halperin, supra note 11.
38 See Boswell, supra note 18.
changed in some remarkable ways since the end of the nineteenth century itself. Indeed, in the thick sense, gay identity may have changed at a much faster pace over the last thirty to fifty years than ever before.\textsuperscript{39} To tell even a constructivist history, then, an historian must have a thinner description to connect the thicker bits.\textsuperscript{40}

Thus, history writing from either an essentialist or constructivist perspective requires both thinner and thicker descriptions. The particular choice of each type depends only on what kind of history one wants to write. That in turn depends on one's purpose for writing a particular history. To show the contingency of contemporary homophobic attitudes—that is, to denaturalize heteronormativity—an essentialist history serves best. It can show that current hostile attitudes towards same-sex desire have not always been in place and, in fact, would have themselves appeared perverse in other times and places. On the other hand, to explore the significance of many contemporary features of gay life, a constructivist history serves better. It alone can show what relation such features have to other aspects of social life and the complex social meaning these features hold. An essentialist history would miss most of this.

Viewing identity as a matter of description also helps explain a different puzzle. As Teresa de Lauretis has remarked, mostly gay men, not lesbians, obsess about this debate.\textsuperscript{41} Lesbians obsess about another: the so-called essentialism/antiessentialism debate.\textsuperscript{42} The two appear to differ a lot. The constructivist debate concerns the transhistorical and transcultural stability of identity categories, whereas the antiessentialism debate concerns their contemporary reach. In feminism, the antiessentialist debate concerns the extent to which descrip-


\textsuperscript{40} An historian can also tell a history in exactly the opposite way by discussing which groups, thinly described, have filled a particular, thick cultural role at different times. See John E. Boswell, Jews, Bicycle Riders, and Gay People: The Determination of Social Consensus and Its Impact on Minorities, 1 Yale J.L. & Human. 205 (1989). In histories like these, the thick description provides the continuity, and interest resides in which thinly described group performed the particular social role at a particular time.

\textsuperscript{41} Teresa de Lauretis, Queer Theory: Lesbian and Gay Sexualities—An Introduction, 3 differences at iii, viii (1991).

\textsuperscript{42} Id.
tions of women actually fit all women, particularly women like lesbians, in subordinated groups.\textsuperscript{43} Essentialists here are those who ascribe certain qualities to all women, qualities that antiessentialists contest as to some women. The nub of their disagreement concerns the universalizability of particular descriptions across the category of all women.

The essentialism/antiessentialism debate is actually much the same as the constructivist debate—it has only shifted a dimension. Antiessentialists argue against notions of a common women's identity at any particular period of time. Different kinds of women's lives are so different, they believe, that speaking of a single overarching women's identity seriously misleads and threatens to subordinate further women in already marginalized subgroups. Similarly, constructivists argue against the notion of a common gay identity across different periods of time. They employ the same insight that the antiessentialists do but in a temporal dimension. Whereas the antiessentialists argue against a general women's identity in favor of more particular subidentities,\textsuperscript{44} the constructivists argue against a shared identity for all people who have experienced same-sex desire in favor of more historically specific subidentities. In both cases, though, the debate focuses on the scope and applicability of certain descriptions of identity.

That lesbians contest the application of identity descriptions imposed by other women while gay men contest the application of identity descriptions over time should not be surprising. After all, straight men have seldom applied to gay men the same descriptions that they apply to themselves, while, until recently, lesbian history, like much of women's history, was invisible. Lesbian theorists would thus have found temporally universalizing descriptions a less pressing matter, whereas gay theorists would have found little opportunity, except perhaps in responding to some feminists, to contest descriptions of themselves as just like other men. What is important is that both gay men and lesbians find themselves contesting universal


\textsuperscript{44} Each of which is necessarily essentialist.
descriptions of identity. That they find themselves in different debates reflects only the different corners from which the descriptions come.

All this discussion aims to show that the grand essentialism/constructivism debate is no debate at all. Rather, it represents a simple contest of descriptions where the victor turns upon the particular purpose involved. To the extent there is a constructivist controversy, it is pitched not on a single battlefield but on every particular site where sexual identity is at issue. On some sites, representing some purposes, one description will prevail; on other sites, representing other purposes, the other will; and on still other sites, like history writing, both descriptions of sexual identity are necessary. There is a grand debate only if one demands a single master description of gay identity to serve all purposes. But if that is the case, the debate has meaning but no victor. Our purposes of description are simply too various and complex for any single description to serve.

Much of the difficulty here reflects the recency of gay theory. Imagine reaction to a different constructivist claim—that women emerged only recently. Such a claim would puzzle and spark interest only until it became clear that women were being described in terms of contemporary cultural roles rather than in terms of biology. No debate between essentialism and constructivism would occur over women because it would be so obvious to everyone that the same identity category is being used under two very different descriptions. The constructivist claim is obviously true under a thick gender description and patently false under a thin sex description. Just the opposite is the case with respect to essentialism. Under a biological description, women have always existed, a fact that no one would attempt to deny. The concepts of sex and gender are so familiar to us that both the essentialist and constructivist positions would appear obviously true and noncontradictory. In other words, our familiarity with the two different descriptions forecloses controversy.

We have no such familiarity, however, with alternative descriptions of sexual identity. As titles like Before Sexuality,⁴⁵ One Hundred Years of Homosexuality,⁴⁶ and Sex Before Sexuality⁴⁷ suggest, constructivists have tried to create analogs to “sex” and “gender" to

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⁴⁶ Halperin, supra note 11.
⁴⁷ Halperin, supra note 1.
describe different aspects of sexual identity, but so far their efforts have proved unsuccessful. This is a great and pressing problem. Until we do develop a more nuanced and adequate vocabulary of sexual identity, one that permits us to describe gay people differently for different purposes, we are condemned to debates about the best master description. Such debates, I hope to have shown, are pointless, but until we better and more subtly theorize sexual identity they will never end.

III. THE POLITICS OF DESCRIPTION

The remaining issue is why the constructivist debate has assumed so much importance. Why has this contest of master descriptions obsessed gay theory? The answer, I think, turns on gay politics, the primary context in which gay theory has sought to describe gay identity. To my mind, the debate comes down to a disagreement over the best way to talk about gay identity for political and legal purposes. Does the essentialist or the constructivist account of identity best further gay political aims?

Consider gay life before Stonewall. There were a few thriving worlds where lesbians and gay men could meet, organize, and establish their own social networks, most notably in this country the Village in New York City and parts of San Francisco. The external descriptions of lesbians and gay men, however, were even more uniformly oppressive and silencing than now. Queers were demons—sexual perverts, child molesters, and gender inverters—both sick and unholy. Agreement with these descriptions was so widespread that gay persecution required little, if any, justification. The McCarthy hearings and the State Department purges of the 1950s were merely public eruptions of a pervasive attitude.

In a world like this, it is no accident that gay people viewed gay identity under a very thin description. Survival dictated as much. It

48 Paglia, supra note 2, at 174-75, suggests that such efforts will necessarily remain unsuccessful.

49 On the night of June 27, 1969, the New York City police raided the Stonewall Inn, a gay bar in Greenwich Village. A riot erupted, which continued until the following night. This event marks a watershed in gay history, for it represents a transition from submission to resistance. The above account, and the account of gay life prior to Stonewall, is drawn generally from the writings of John D'Emilio. See D'Emilio, Sexual Politics, Sexual Communities, supra note 39.
argued for a strategy of denial—not just of the particular difference that prevailing external descriptions imposed but of all difference. In other words, to overthrow the thick demonic descriptions of gay identity that others imposed on them, gay people came to describe themselves as just like everyone else. To survive, gay people adopted an assimilationist description. Their desire, of course, marked them as different but in an almost accidental way. The legacy of this survival strategy can still be seen in some gay political writing.50

The primary legal strategies gay advocates have employed also reflect this identity description. In *Bowers v. Hardwick*,51 the most significant and notorious gay rights case, gay advocates sought to overturn a Georgia statute criminalizing gay sex. Although the statute penalized both heterosexual and homosexual sodomy, the state had applied the law discriminatorily. Georgia had never—at least recently—brought the law to bear against straight consensual sex.

Hardwick, a gay man charged with engaging in oral sex with another man in Hardwick’s own bedroom, argued that the constitutional right to privacy, an implied right that the Court had previously interpreted to protect certain aspects of straight sexuality and of family life, should extend to consensual gay sex in the home. Just as privacy protects much straight sex, the argument went, so too it should protect gay sex. Its reach should be broad enough to encompass this different kind of sexual activity.

The actual strategy minimized the distinctiveness of Hardwick’s sexual activity. Instead of arguing that privacy should extend to something different, Hardwick and the members of the Court who would have struck down the Georgia law argued that gay sex was *not* really different from those activities privacy already covered. They sought to establish gay sex as a fundamental right by generalizing, abstracting, and sanitizing it. In short, they tried to offer a very thin, unthreatening, and largely desexualized description of gay identity.

Justice Harry A. Blackmun’s dissent, an opinion gay people widely celebrate, makes clear this strategy. Its first sentence denies what most people probably assumed the case was about: “This case is no more about ‘a fundamental right to engage in homosexual sodomy’


than [a leading obscenity case] was about a fundamental right to watch obscene movies. . . . "52 "Rather," Justice Blackmun continues, "this case is about 'the most comprehensive of rights and the right most valued by civilized men,' namely, 'the right to be let alone.' "53 At this point and in two other critical sections of the dissent, Blackmun abstracts and sanitizes the right at stake. At the very end of his discussion of decisional privacy, the more important of the two types of privacy discussed, Blackmun rejects the majority's description of the case as concerning whether "a fundamental right to engage in homosexual sodomy" exists and instead insists that it really concerns "the fundamental interest all individuals have in controlling the nature of their intimate associations with others."54 Later, Justice Blackmun concludes his whole dissent with an equally abstract description of the claim involved: "[T]he right [of individuals] to choose for themselves how to conduct their intimate relationships . . . ."55

Gay supporters on the Court, in other words, argued not that privacy should protect a different form of sexual activity because of its centrality and importance to gay identity, but rather that the case involved a general, not-specifically-sexual right shared by all humans. The argument worked, insofar as it did, by insisting that gay people are no different from straights. In particular, the argument completely desexualized gay identity. Whereas before gay people were largely defined by a type of sex, an activity much of society loathed and condemned, gay identity now became so thin that gay people did not even have sex, only "intimate associations."

This was probably the best strategy. The more the Court was reminded that the case involved sex, let alone gay sex, the less likely it was to find protection. Unfortunately, though, even this best strategy failed. Despite Justice Blackmun's efforts to paint the case as involving an abstract right to intimate association, the majority of the Court focused, indeed relentlessly focused, on the activity's particularity and distinctiveness. The closer the Court looked and the more thickly it described both gay sex and the sexual activities it had previously pro-

52 Id. at 199 (Blackmun, J., dissenting) (quoting id. at 191).
53 Id. (Blackmun, J., dissenting) (quoting Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting)).
54 Id. at 206 (Blackmun, J., dissenting).
55 Id. at 214 (Blackmun, J., dissenting).
tected, the less they had in common. After canvassing its earlier pri-
vacy cases, the Court stated: "[I]t [is] evident that none of the rights [previously] announced . . . bears any resemblance to the claimed con-
stitutional right of homosexuals to engage in acts of sodomy . . . . No con-
nection between family, marriage, or procreation on the one hand and homosexual activity on the other has been demonstrated . . . ."\footnote{56}

The majority's argument rested on difference. Gay sex bore "[no] resemblance" and had "no connection" to the forms of straight sex and surrounding institutions previously protected. Furthermore, as Chief Justice Warren E. Burger put it, "To hold that the act of homo-
osexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching."\footnote{57} Traditional descriptions of gay sex were so powerful that gay identity could not merge with straight. Gay sex was simply different—and, as the Chief Justice candi-
dly admitted, perverse.

Despite the strategy's failure in \textit{Bowers v. Hardwick}, assimilation-
ism has had some popular success. Some straight people have come to think of gay people as being like them. This awareness has blunted gay oppression, and, by making room for gay survival, it has allowed gay people to spin their own thicker identity descriptions. No longer so worried that difference would justify subjugation, lesbians and gay men have begun to explore notions of a distinctive gay identity, gay sensibility, and gay community. Although each of these notions is currently contested, the point is that gay people have begun to feel secure enough to assert their own distinctiveness. As before, gay peo-
ple are different, but now they themselves define what the differences are. No longer solely a tool of oppression, difference has become an important means of group identification and empowerment.

There are dangers of course. Any oppressed group trying to recreate an identity may do what is easiest: take all the old external descriptions and simply transvalue them without stopping to ask whether they really fit. Under this approach, gay people would accept much of the old, thick descriptions of identity but reverse their valua-
tions. Sex would still define gay people but now in a positive way. No longer sexual perverts, gay people would become bold sexual dissi-
dents; instead of gender inverts, they would be proud transgressors of

\footnote{56}{Id. at 190-91.}
\footnote{57}{Id. at 197 (Burger, C.J., concurring).}
gender boundaries. The old descriptions would still control, but their valences would switch.

One version of this approach accepts the old external description of gay people as largely defined by sexual promiscuity but celebrates rather than regrets it. Sex, instead of being an incidental feature of gay identity, moves center stage. Unlike the assimilationists, who sought to achieve gay rights by desexualizing gay identity, advocates of this other view aim to achieve self-identification and respect by resexualizing identity—but with sex now representing a positive rather than a negative value. The question, apart from this strategy's political usefulness, is whether resexualizing identity represents a form of liberation or merely a celebration of the traditional terms of gay oppression—or maybe both. To the extent it represents gay acceptance of outsiders' traditional descriptions, this view may only deepen those descriptions' reach. Not only outsiders but gay people themselves would come to view gay people as "slaves to sex." The only difference between the two groups' views might be that gay people would see themselves as happy slaves.

To a certain extent, the constructivist controversy reflects gay people's own needs. At one point, oppression led gay people to adopt very thin descriptions of their own sexual identity, whereas later, when this strategy had succeeded in creating space for survival, their needs led them towards thicker descriptions—albeit ones different from the thick external descriptions that prevailed before. In this respect, gay identity has developed in much the same way that racial and gender identities have. Internal descriptions of African-American identity have developed, as many commentators have noted, through several stages.58 Faced with great white hatred, black people first adopted an assimilationist strategy to achieve racial equality. "Because we are the same as you," they argued, "we should receive the same respect and treatment." Skin color, like desire, was described as an almost incidental feature of identity. This strategy was somewhat successful, as Brown v. Board of Education59 and the major 1960s civil rights acts attest.

Its success, though, created room for doubt. Once the yoke chafed less, some blacks questioned whether they were or wanted to be just

like whites. Some of them, most famously Malcolm X, came to believe that blacks enjoyed a distinctive identity and culture. They formed a nation within a nation and were due all the autonomy and respect that came with nationhood. Ever since, the assimilationism/nationalism debate has proceeded unabated, and today it appears most visibly in law in the contest between the so-called black "neoconservatives" and critical race theorists.

Women's self-descriptions have developed along similar lines. As historians of feminism have noted, feminist theory has moved from an assimilationist conception of women, to a particular difference conception, to a contest between the two perspectives. The first stage, so-called liberal feminism, viewed women as basically men in skirts. Except for their physical strength and capability of bearing children, many women described themselves as the same as men. This thin self-description helped undermine the legitimacy of traditional gender roles and, to the extent men accepted the description, some of women's oppression. Once a certain amount of equality created space, however, women felt freer to describe themselves as different from men. These feminists, most notably Carol Gilligan and other relational feminists, claimed a distinct identity, particularly a moral identity, for women. Their claims have provoked feminist controversy ever since.

My point is not that all internal descriptions of identity proceed through universal stages of development. That would probably be false. Rather, I want to suggest that much liberation politics has shared a strategy, a commonsensical and somewhat successful one, and that this strategy has driven much of the philosophical debate about the character and content of gay identity. In this sense, the whole constructivist debate is itself a social construction. The contest between single, all-purpose master descriptions—either thin or thick—reflects gay people's needs. For the purpose of combating a

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60 See Peller, supra note 53, at 783-94.
63 The major text here is Carol Gilligan, In a Different Voice: Psychological Theory and Women's Development (1982).
single monolithic external description, a thin master description may serve best. For the purpose of later empowering the group, new and positive thick master descriptions may serve even better.

Fortunately, as both the history of race theory and feminist theory illustrate, the instinct for single master descriptions may defeat itself. As a group describes itself in thicker and thicker terms, disagreement within the group invariably appears over the content of the self-description. Self-descriptions begin to proliferate, and battles begin to occur over the content of "true" group identity. Such identity wars are occurring with increasing frequency within the gay community. Indeed, the increased problematizing of the term "gay" itself reflects this process.

This process is, I think, a good one. It challenges simple, totalizing descriptions of identity and leads to more and more specific, complex, and subtle conceptions of community. Such conceptions need not be uniformly thick. Both identity and community can be thin in some respects and thick in others. We can describe general gay identity somewhat thinly and make thicker and more various claims as to certain aspects of it. Similarly, we can at the same time describe both a fairly thin gay community and fairly thick subcommunities. We can,

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64 A recent skirmish in these wars was a broadside entitled "I HATE GAY MEN" posted throughout Dupont Circle in Washington, D.C., in the fall of 1992. It read:

**QUEERS READ THIS**

I HATE GAY MEN!!! They stand around looking at the world through the rose-colored lens of a JR's Cape Cod [a drink at a local bar] while QUEERS DIE EVERY DAY!! They talk of television and discos while QUEERS FIGHT FOR OUR LIVES, and then GAY MEN CALL QUEERS RADICALS. BUT WITHOUT THOSE RADICALS, you FAGGOTS WOULDN'T HAVE A TRACKS [a D.C. disco] TO POSE IN!!! THERE'S A WAR AGAINST QUEERS AND NO PRETTY NEW SWEATER IS GOING TO SAVE ANYONE'S ASS!!!

I HATE GAY MEN because they think conformity is survival, because they think invisibility is a good substitute for happiness. BECAUSE THEY THINK SECOND CLASS IS CLASSY!!! I HATE GAY MEN because they care more about the gym and the party and brunch at Annie's [a D.C. eatery] then [sic] they do about THEIR OWN RIGHTS AS HUMAN FUCKING BEINGS!!! Because they drink their 75-cent drinks and go home and fuck unsafely in the dark and pretend it was safe in the morning on their way to their closeted lives at work where wearing a tie makes them think they have equality. I HATE GAY MEN because they WOULD RATHER PUT THEIR ASSES ON A BARSTOOL THAN PUT THEM ON THE LINE!!!

I HATE GAY MEN BECAUSE THEY THINK OUR LIVES AREN'T WORTH FIGHTING FOR!!!

for example, reject a thick universal description of gay identity and still believe that for some important purposes lesbians have something in common with gay men.

My hope is that the essentialism/constructivism debate will eventually take care of itself. Given time, an ever-increasing number of self-descriptions, and, most importantly, less oppression, perhaps gay people will no longer feel it necessary to totalize self-description in either thick or thin ways. At that point, gay identity and gay possibility will be most fluid and free.