

Abstract This article examines the circulation of heterosexist positions within several recent New Zealand media texts. It argues that a recent form of discourse engages liberal language and assumptions in ways that support the privileged position of heterosexuality and the marginalization of homosexuality. The examples given highlight not only the tenor of some recent representations of homosexuality, but also some problems within liberalism. Most notable of these are liberalism's individualism and its failure to recognize the systemic nature of hierarchical power relationships and the constituting of lesbian and gay subjectivities within these relationships. These problems allow liberalism to play an active part in processes of domination and subordination.

Keywords equality, gay, individualism, lesbian, liberalism

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Whose 'Special Treatment'? Heterosexism and the Problems with Liberalism

There is an impeccable liberal case for homosexual equality since liberal democracy is fundamentally limited to the public sphere and sexual relationships are regarded as private activity. Beyond a minimal role of the protection of others from abuse and as a guarantor of private freedoms, sexual behaviour should not, therefore, be a concern of the state. (Rahman, 2000: 165)

Liberalism looks like a friend to lesbians and gay men where they struggle under the weight of state regulation and public censure.¹ As a guarantor of private freedoms and a bearer of equality, a liberal perspective rules against the regulation of sexuality by the state or other social forces. And the importance placed by liberal thought upon individual happiness and self-direction appears attractive when one's selfhood and status as a citizen are threatened by the violence of heteronormativity.

However welcoming and useful they may seem, liberal assumptions and

language, and some of the uses to which these are put in respect of homosexuality, contain some barbed fishhooks. In the discussion that follows I will explore some of the means by which liberal assumptions and language can play a role in the reinforcing of the dominance of heterosexuality and the subordination of homosexuality. I employ an analysis of New Zealand media texts to explore not only the limits of liberalism for gay and lesbian struggles, but also the ways in which liberal thought enables active attempts to reinforce heteronormativity.

Some of liberalism's manifestations have been central to the ways in which New Zealand has imagined itself as a nation since the colonization by white settlers in the mid-19th century. The 'egalitarian myth', which imagines all New Zealanders to be given equal opportunities to participate in an essentially equal society, has held significant sway here (Ausubel, 1960; Consedine, 1989; Levine, 1979). This myth has, however, come under strain since the mid-1980s as processes of economic 'structural adjustment' have exacerbated income inequalities. While the incomes of the wealthiest have increased, those of others have remained static or declined (Kelsey, 1995). Public services and social assistance have been weakened, access to housing for those on low incomes has worsened and New Zealand has seen the re-emergence of formerly vanquished diseases such as rheumatic fever, diphtheria and tuberculosis. The widespread notion that New Zealand is a nation where all are offered a 'fair go' has been replaced by repeated references to the 'growing gap between rich and poor'.

The erstwhile national imagining of egalitarianism was never wholly accurate, despite the common and enthusiastic adherence to it. Our colonial and post-colonial past has been characterized by asymmetrical and contested constructions of 'race' and gender (Spoonley et al., 1996; True, 1996). Consedine describes how the expanding colonial wealth that permitted the emergence of the idea of New Zealand as a 'glorious country for a working man' was based upon the alienation of land from the indigenous Maori (1989: 174). Others have argued that New Zealand is a highly gendered society, with hierarchical male and female difference constructed particularly strongly throughout the culture (James and Saville-Smith, 1990; Phillips, 1996). The egalitarian myth, then, was highly gendered and racialized. Within this context lesbians and gay men were, until the 1980s, criminalized and/or rendered invisible unless publicized through scandal (McNab, 1993).

Liberalism has affected New Zealand lesbians and gay men in a complex way. On the one hand, some improvements in citizenship rights have been made in its name: (1) same-sex sexuality was decriminalized for men in 1986 (it was never illegal for lesbians); (2) laws preventing discrimination on the grounds of sexual orientation ('heterosexual, homosexual, bisexual

or lesbian') were passed in 1993; and (3) legislation proposing an equalizing of property rights for married, de facto and same-sex partnerships is currently being investigated. There are, however, several important aspects of what Richardson (1998) refers to as 'cultural citizenship' in which the dominance of heterosexuality remains entrenched. 'Public spaces' remain defined as heterosexual spaces, and as sites where heterosexuality is routinely naturalized and homosexuality tightly regulated (Brickell, 2000). Cultural production – many elements of which are imported from Britain and the USA – privileges, reinforces and naturalizes heterosexuality (Alice and Star, forthcoming, 2001). Much everyday interaction involves assumptions of heterosexuality and monitoring by lesbians and gay men of whether it is safe to make their sexuality known to others. Recent New Zealand work has highlighted the extent of homophobic bullying in schools which serves to reinforce compulsory heterosexuality for young people in often violent ways (Town, 1998).

New Zealand lesbians and gay men are in some ways caught in a pincer grip between national fears of a decline in egalitarianism and the often unrecognized ways in which heterosexuality remains dominant over homosexuality as a crucial part of its very construction. The egalitarian myth is reasserted through claims that the homosexual citizen has already achieved 'equality', and subsequent demands that he or she should not seek to 'go too far' and seek too much. The gay or lesbian citizen must not go beyond this 'equality' in search of 'special rights' or 'privileged treatment', for to do so would fracture this egalitarianism. Paradoxically, this approach invokes the egalitarian myth as if it remained operational, because the relationship of heterosexuality to homosexuality is taken to have become a neutral relationship, rather than one of domination and subordination.

Commentators who speak on behalf of heterosexuality thus regard something called 'equality' for the homosexual citizen as both desirable and already achieved. However, they seek to delimit the terrain of equality by defining it in particular, limited terms. Through this behaviour, the dominant/subordinate relationship, which still connects heterosexuality and homosexuality, is obscured and liberalism is utilized in the naturalization of heterosexual dominance. Those who utilize liberalism in this way attempt to position themselves as the reasonable bearers of a liberal tolerance, while characterizing their gay and lesbian opponents as illiberal fanatics who have gone 'beyond equality'.² Subordination and domination are coded as equality.

It would, however, be wrong to regard this as merely a problem in which the agents of heterosexism seek to 'cut short' an offer of liberal citizenship before lesbians and gay men have fully attained it. What is also significant is liberalism's complicity in reinforcing heteronormativity. This

complicity arises from liberalism's focus on the individual and its attendant oversight of the ways in which the social is structured through 'relations of ruling' (Rahman, 2000; Smith, 1990). An understanding of the structured and patterned power relations inherent in social relations is, therefore, beyond the purview of liberalism, and so liberalism can lead to conservative ends. Thus, a logic that denies the material realities of marginalization is able to be supported, while a chimerical rhetoric of equality can be proffered.

At the same time, liberal language is attractive to heterosexuality's supporters³ because overt statements about the inferiority of any social group are increasingly frowned upon within contemporary Western societies (Billig, 1991; Young, 1990). Instead, a rhetoric of 'rights' and 'equality' is permitted and even encouraged (Adams, 1998), and so opponents of homosexuality must strategize rhetorics which accommodate this shift.

In developing these arguments I draw upon a number of examples from various New Zealand media texts. I utilize textual material from four relatively recent events that have generated media controversy. These are: (1) the passing in 1993 of amendments to the Human Rights Act, which prohibited discrimination on the grounds of sexual orientation; (2) a so-called 'lesbian lunch' hosted by the Ministry of Women's Affairs in 1993; (3) an exhibition of work by US photographer Robert Mapplethorpe which was held in Wellington in 1995; and (4) the 1996 screening of a lesbian and gay television magazine show called *Express Report*. The debates on these events all involved (either implicitly or explicitly) the notion that lesbians and gay men are receivers of 'special treatment', 'special privilege' or 'special rights'; that they want to move 'beyond' liberalism. The term 'special treatment' has come to predominate over 'special privilege' or 'special rights' in New Zealand. This reflects in part the widening of the debate beyond the legal focus on 'rights' into a range of arenas of cultural contestation.

Liberalism and 'special rights'

The term 'special rights', and the synonyms 'special privileges' and 'special treatment', have arisen within a period of ferment which covers a wider cultural field than that of sexuality (Currah, 1997; Schacter, 1994). Segrest (1995) suggests that in the US context the idea that 'minority groups' are gaining power from 'special rights' at the expense of 'the majority' has arisen during a period of economic restructuring which has displaced white, male employment and created a need for scapegoats. Discourses of 'special rights' are also used in the context of 'race' within Australia and New Zealand, emerging in the Australian backlash against immigration and multiculturalism and in press coverage

of protests by New Zealand's indigenous Maori (McCreanor, 1993; Stratton, 1998; Stychin, 1998).

In some ways, the transfer of the trope of 'special rights' from the context of affirmative action and multiculturalism to lesbians and gay men, who are generally not subject to forms of affirmative action, makes little sense. How can *not* teaching that 'homosexuality is unnatural and perverse', or allowing someone to seek recompense for being discriminated *against* possibly be construed as 'special rights'?⁴ 'Negative' freedom (the freedom to do one's own thing without sanction) and 'positive' freedom (being provided with social benefits) appear confused here.

This apparent incoherence would explain why, in the US context at least, the term 'special rights' is used against lesbians and gay men in a broad and imprecise manner. It is implied that to refuse the notion that lesbians and gay men should be legally inferior is to support 'special rights'.⁵ In most cases the term 'special' functions as a code designed to engender a specific reaction in the audience, rather than a description (accurate or otherwise) of the nature of the rights referred to. In other words, 'special rights' means simply 'rights'. Schacter (1994) has argued that the rhetoric of 'special rights' constitutes an attack on civil rights law generally, as it is infused with anti-civil rights symbols. 'Special rights' works as a code that demonizes civil-rights approaches because it can activate wider concerns about rights, invoking images of affirmative action and quotas (p. 302). Rights and quotas are thereby conflated. The 'special rights' code may even activate the image of 'thought police' who discipline those who would disagree, thus tapping into wider moral panics around the tyranny of 'political correctness' (Weir, 1995).

Those who seek to protect heteronormativity's hold imply an acceptable level of 'rights' which precedes 'special rights', and thereby delimit lesbian and gay progress under a liberal rhetoric. One speaker for 'Colorado for Family Values' argued that 'homosexuals have the same civil rights as everyone else, but what they were seeking was protective class status' (cited in Currah, 1997: 243). The scope of 'rights' here is severely restricted, although the limits are not actually defined – presumably they fall prior to the legal remedy in question.

There is no doubt that lesbian and gay 'rights' to 'equality' have been a focus of much organizing by lesbian and gay activists, particularly in respect of legal provisions. Given the weight attributed to the concept of rights in public discourse, it has been considered potentially the most useful rhetoric for attempts to protect the dignity, integrity and safety of lesbians and gay men from the depredations of heteronormativity (Cicchino et al., 1995). Much time has thus been spent on rights concerns, with challenges to discriminatory laws and to gay and lesbian exclusion from various social benefits (Herman, 1993; Morgan, 1994a). The

New Zealand struggle in 1985 for the decriminalization of sex between men, and the then unsuccessful anti-discrimination legislation⁶, was often couched in ways which used liberal appeals (Lichtenstein, 1996). Supporters invoked liberal demands that the individual has intrinsic value and is hence worthy of respect, and they pressed the importance of freedom from the intrusion of the beliefs of others and from punishment for actions that do not harm others. For example, MP Helen Clark (now Prime Minister) expressed her views in this way:

Those who believe that homosexuality is a sin are entitled to hold that view, and I personally defend their right to hold it. What deeply concerns me – and has increasingly concerned me during the public debate that has followed the introduction of the Bill – is that some people would have the law enforce their moral viewpoint on into the twenty-first century, as it has done for the last 100 years. I believe that by doing that we would carry on a serious injustice and would continue seriously to impair the civil liberties of a minority in society (Hansard, v466: 7434).

Such arguments utilize the Kantian concept of ‘natural rights’, according to which the individual has a claim to freedom, justice, autonomy, self-control and protection from coercion by others (Gray, 1986). While as concepts, rights and equality are deeply embedded within national imaginaries, and are central to the construction of the human subject as a citizen (Herman, 1993; Stychin, 1998), the ways in which they have given effect to particular practices is not necessarily a matter of consensus, as the *furor* over ‘special rights’ shows.

There is a large body of lesbian and gay writing which recognizes that the liberal concept of rights is limited in its effectiveness. For instance, Cicchino et al. (1995) suggest that much human rights legislation is prophylactic, and although it may protect those who are fired or denied access to social services, it does not necessarily achieve much in terms of wider social change. Campaigns for decriminalization of same-sex sexual activity, for example, may be based on principles such as the liberal right to privacy, and this can reinvent the closet rather than allow for positive social transformation (Stychin, 1998: 181).

This limit on the usefulness of ‘rights’ stems in part from the reliance of rights discourse on notions of toleration. Toleration tends to rest upon a bed of disapproval, representing as it does the dominant ‘putting up with’ the subordinate (Mendus, 1989). It is, therefore, an ‘accommodating minimum’ rather than a transformative force (Wilson, 1993). Whereas approaches based on privacy can tend to reinvent the closet for lesbians and gay men, those resting on toleration tend to confirm the dualism between norm and Other (Herman, 1993). Such approaches make demands for heterosexuality’s privilege to be recognized unlikely, as

lesbians and gay men are constructed as 'less than the norm', as those who 'can't help being that way' (Cooper and Herman, 1995; Richardson, 1998). Rights approaches can position heterosexuality as the natural condition of equality, leading to the institutionalization and naturalization of heterosexuality remaining unquestioned (Rahman, 1998). Recognizing such problems, Morgan (1994b) suggests that debates over rights and legislation are perhaps most useful as sites for thoroughgoing cultural interventions, through which lesbians and gay men can dispute institutionalized discourses about homosexuality (p. 756).

Much lesbian and gay writing on liberalism focuses on rights rather than on the concepts of equality and individualism, which have an equally prominent place in liberal thought. These authors, therefore, tend to miss the equally important implications of equality and individualism for the relationship between homosexuality and liberalism. For example, while they write about 'special rights', they tend not to analyse the importance of the underlying notions of equality and individualism as they are deployed by the users of 'special rights' discourse. Exceptions to this are Herman (1993) and Cooper and Herman (1995). Herman (1993) argues that liberal conceptions of rights refuse to acknowledge the specificity of lesbian and gay identities and experience. While liberalism offers lesbians and gay men formal equality as asexual citizens, official recognition as homosexuals is denied. This is seen as a consequence of liberalism's individualism, with its failure to recognize the social relations that constitute subjectivity and citizenship (Cooper and Herman, 1995).

While protection of individuals who are said to have a particular, immutable sexual orientation is permissible within liberalism, sexuality is not understood as a social relation that constructs its subjects in ways which have profound consequences for their places within the social order. This failure to recognize social structures lies at the root of liberalism's ability to support conservatism. It is at this point that liberalism and communitarianism converge in their conservative potential.

In suggesting a convergence between communitarianism and liberalism I depart from those who relate conservatism to communitarianism, while positioning liberalism as supportive of gay and lesbian struggles. Currah (1997), for example, suggests that the discourse of 'special rights' is an attack on liberalism, as 'queer rights' are seen to put 'individual, even group rights, ahead of the common good' (p. 233). According to such a conservative communitarian viewpoint 'queer rights' are seen as an example of excess liberalism. Communitarians suggest that liberalism promotes erosion of a common culture in the name of individuals or 'special interest groups', by 'reifying identitarian categories, by making the political claims of identity-based groups non-negotiable' (Currah, 1997: 235). For conservative communitarians, identity separates citizens from each other.

While I agree with Currah that there are those who would oppose claims for lesbian or gay rights or visibility on these communitarian grounds, liberalism is in important ways not so very different from communitarianism. While communitarianism stresses a common culture of shared values over a recognition of the salience of identity, liberalism expresses a desire for a common culture of individualism.

Currah (1997) points out that while in theory communitarianism recognizes the embeddedness and social situatedness of the subject, it abandons this in the face of more radical claims that our identities are highly salient precisely because they are situated within particular, sometimes oppressive, social institutions. Lesbians and gay men become for the communitarian simply one more identity-based interest seeking to tear apart the commonality of citizens. However, liberalism suffers from a very similar problem that allows it also to serve conservative interests. Just as communitarianism fails to live up to its own theoretical promises of embeddedness, liberalism never even claimed to recognize embeddedness in the first place. Whereas communitarianism proceeds as if domination does not exist to disrupt the common culture, so does liberalism proceed as if individualism is unsullied by domination. For all intents and purposes where homosexuality is concerned, the communitarian catch-cry 'we are all one' and liberalism's 'we are all just individuals' function in much the same way.

Claims that lesbians and gay men seek 'special rights' can be seen, therefore, to reflect both communitarian and liberal notions. The alleged seeking of 'special rights' threatens individualism as well as commonality of culture. This congruence of complaints about 'special rights' within both liberal and communitarian positions highlights the dangers that both represent for full lesbian and gay citizenship in a world where heterosexuality continues to be privileged and at times violently enforced.

In light of my claims about the dangers of liberalism I use the following discussion to illustrate and interrogate the ways liberalism can support domination. Having suggested that lesbian and gay writers have for the most part discussed the impact of rights rather than equality and individualism, I place a focus on the latter two aspects of liberal thought. This discussion takes place through the examination of a number of New Zealand media incidents, lifted almost entirely from a range of 'quality' media sources, principally metropolitan daily newspapers.⁷

Many scholars of the media suggest that media texts tend to construct and reproduce dominant discourses. While not necessarily acting as instruments of ruling elites as such, those who write these texts do so within a context in which discourses that serve relations of ruling are privileged (Golding and Murdock, 1992; Hall, 1982). Dominant accounts of the world are often presented as commonsensical (Ericson et al., 1987). Fejes and Petrich (1993) argue that, in general, there has been a change over

time from overwhelmingly negative media portrayals of lesbians and gay men to a wider variety of representations. They suggest, however, that lesbian and gay identities are contained through the erection and maintenance of boundaries of acceptability and through controls on which representations are permitted and which are prohibited.

The media texts to which I refer in this article vary in the extent to which they reflect elite or popular sentiments, although I suggest that all support the dominance of heterosexuality and the subordination of homosexuality. They do represent reasonably well contemporary currents within heterosexist discourses in New Zealand, and they vary in the institutional weight carried. Some of the texts are excerpts from editorials, some are letters to the editor, and some are taken from opinion columns.

The problem of individualism

Individualism forms the 'metaphysical and ontological core' of liberalism, according to which the individual is more real or important than social structures and institutions (Arblaster, 1984: 15). 'Society' represents a collection of individuals who act within it, and is always reducible to those individuals (King, 1987: 12). Liberal individuals are in some sense disembodied, 'unencumbered by the mere accidentality of [their] particular history and context' (Johnson, 1991: 58). Individuals are, therefore, essentially the same as each other, even though they may have their own particular lives and histories.

This liberal conception of the individual can cause problems for lesbians and gay men, for it is invoked in ways which naturalize their marginality and render invisible their relationship to domination. These liberal ideas are then deployed in service of discourses about 'special rights' or 'special treatment'. The problems with liberal individualism became apparent in one New Zealand media controversy in 1993. In November of that year the Ministry of Women's Affairs in Wellington hosted a catered meeting for lesbians who work in the civil service. This meeting came to be known in the news media as 'the lesbian lunch'.

The 'lunch' was reported widely in metropolitan and provincial dailies under headlines such as 'Lesbians Invited to Lunch' (*Dominion*, 1993b: 3), 'Big Turnout at Lesbian Lunch' (*Dominion*, 1993a: 1) and 'Govt to Give Lesbians Free Lunch' (*Daily News*, 1993: 2). When the *Dominion* ran letters to the editor on the 'lunch', the headlines became more sensational. On one occasion, one-third of a page was devoted to letters on the issue, headed by the statement 'Readers Express their Views on the Lesbian Lunch' (*Dominion*, 1993c: 1). In another issue of the *Dominion* a letter to the editor headline shouted 'Male Wants Lunch Laid On' (Cronin, 1993: 16).

In these texts, lesbians were constructed as a strange, arbitrary category of persons. They were constructed as individuals – albeit somewhat odd and bizarre individuals – and given no recognition for their specificity within highly socially significant relationships. There was no awareness that these are crucial relations for those embedded in them. Lesbian existence was given little meaning except as an identifier for those individuals who would join with others to make a spurious claim on the state in order to reap rewards – in this case, ‘lunch’. One letter writer to the *Dominion* newspaper, for example, suggested that ‘some women employees “c[a]me out of the closet” when they heard that a free lunch was available’ (Forrest, 1993: 16).

An *Otago Daily Times* editorial considered lesbians to be laughable Others, on a par with apparently absurd occupational groups:

There are some weird and wonderful collectives in this world. One of the more unusual in our experience is the Canadian Association of Seed Crushers, though the British Society of Deep Fat Fryers would run it close. So there should be no surprise that the Ministry of Women’s Affairs has found another one. Lesbians working in government. . . . (*Otago Daily Times*, 1993: 8)

Similarly, an editorial in the *Sunday News* stated ‘[q]uite why working for a government should be any different for a lesbian as opposed to a homosexual, heterosexual, or a fork hoist operator isn’t made clear’ (1993: 18). The connection of lesbian experience with these other categories makes being lesbian seem ephemeral, arbitrary, improbable and laughable.

In these texts, the lesbian is a peculiar, particular type of individual who only constitutes a member of any type of ‘collectivity’ in a similar sense to those working with a particular type of machinery or a specific industrial process. Lesbian existence is compared to categories that are in no way comparable. No room is provided for a recognition that the lesbian is located in particular ways within a workplace which may well be hostile or difficult (Atmore, 1990). This failure has its antecedents within a liberal approach. The foundational status of the individual ensures that social collectivity is understood as nothing more than an aggregation of independent individuals who happen to share a particular characteristic (Young, 1990: 44). Such an understanding of collectivity does not permit an analysis of the power inherent in social institutions.

In the ‘lesbian lunch’ texts, the arguments about lesbians making illegitimate demands upon the state interweave with non-liberal arguments about homosexuality as a freakish abnormality. Although lesbians are positioned as individuals with no informing or constraining social context, they are ‘weird’ individuals. The texts also combine the trope of ‘special treatment’ and appeals to freakishness, abnormality and even criminality. One commentator suggests ‘[w]hat about breakfast for male homosexuals, a

morning tea with wife-bashers, a smoko for child molesters, and then invite all minorities to a barbeque?' (Harrison-Smith, 1993: 16). Another asks '[c]an we expect to read about functions for other kinky groups financed out of public revenue?' and suggests that there could be a similar 'lunch' for prisoners to allow them to 'swap stories about the best and easiest ways to succeed in their chosen careers' (Giffen, 1993: 6).⁸

The idea that lesbians and gay men seek to move beyond liberal individualism was also evident during the lead-up to the passing of amendments to the Human Rights Act in 1993. Auckland daily newspaper *New Zealand Herald* (1993) reprinted from the *Economist* magazine an article titled 'Homosexual Rights or Human Rights?' According to this piece, homosexuals have 'individual rights' as 'citizens', but have no claim on rights 'as a group' (p. A8). According to this writer, to allow recognition within a legal framework of collectivity, relatedness or situatedness is to 'single out' a particular 'group' and to constitute the 'vaunting of one lobby over another' (p. A8).

I acknowledge that the concept of 'group' can be problematic. As Young (1995) suggests, 'group' implies a boundedness and a commonality of purpose rather than a specificity of location in respect of objects or relationships. She suggests the term 'seriality' to denote this specificity of location. It is possible, and vital, to maintain a recognition of situatedness, relatedness and the construction of the subject through power relations. This is something that liberal individualism clearly fails to do.

The *Economist* article moves in a different direction from Young's academic critique. In suggesting that a recognition of the institutional situatedness of lesbian and gay citizens constitutes an unacceptable 'singling out', the article uses a liberal argument to preclude this recognition that our citizenship and individuality are constituted through and enmeshed within hierarchical, institutionalized relationships.

The problem of equality

A foregrounding of this enmeshment is also necessary when examining the ways in which a liberal language of equality relates to arguments about 'special treatment'. In late 1993 the following passage appeared in an editorial in the *Evening Post*, Wellington's daily evening newspaper:

[n]ot so long ago the catchcry of gay activists, not unreasonably, was that homosexuals should be treated no differently from anyone else . . . those in the vanguard of the gay rights movement seem to have progressed . . . to the point where they are in effect demanding special status and privileged treatment. Not content with the right to follow their natural sexual inclinations and to be protected from discriminatory practices, they seek greater 'visibility'. . . . (*Evening Post*, 1993: 6)

This text contains a conception of equality, explained as being 'treated no differently from anyone else'. Apart from the erasure of lesbian and gay agency expressed by the term 'treated', a highly significant implication underlies the use of the terms 'special status and privileged status' here. The editorial writer suggests that there was a period where all subjects had 'equal' rights, and that such a time existed before some ('gay activists') started seeking and being granted 'special' rights. According to this logic, such equality was acceptable, because it consisted of lesbians and gay men remaining in the private sphere or being invisible *as* homosexual in public rather than seeking 'visibility'. The permitted equality is one that guarantees a 'right to follow natural sexual inclinations and to be protected from discriminatory practices'. While a form of liberal equality is conceded, it is tightly circumscribed.

At this point in time 'gay activists' are said to seek more than this 'equality', and to move beyond it in search of 'special status and privileged treatment'. This reasoning could be characterized by the term *excess equality*: 'gay activists' are said to seek a state in excess of what is considered to constitute an acceptable 'equality'. One newspaper columnist suggests that 'homosexual activists' are 'not content, like other minority groups in society, to get on quietly with their lives. They parade in the streets and clamour to be seen more on TV and in the movies' (Du Fresne, 1995: 6). Such statements are clear in their privileging of heterosexuality, with the ways in which heterosexuality is naturalized in public spaces being rendered invisible (Duncan, 1996).

While the idea that something that can be called 'equality' is being surpassed by an insurgent minority is relatively recent, the discursive construction of homosexuality as excess is hardly new or liberal. Homosexuality has long been constructed in conservative thought as excess, be it in the form of degeneracy, contagion or a lack of restraint and regulation (Evans, 1995; Stychin, 1998). For the *Evening Post* editorial writer, however, the trope of excess is constructed through, and with the help of, liberalism rather than through a more traditional type of conservatism. The writer claims the liberal position on equality for him- or herself, whereas the 'gay activists' are constructed as illiberal and intolerant because they desire to move beyond 'equality'. Whereas for communitarian conservatism, liberalism is out of control in its granting lesbians and gay men 'too much', from the position taken in the editorial liberalism in itself is good, and lesbians and gay men want to subvert it by pushing beyond this liberal framework. This form of conservatism, then, sets itself up as liberal rather than communitarian.

There is a degree of necessity in the deployment of liberal concepts by those advancing conservative agendas. In New Zealand, overt forms of inferiorizing lesbians and gay men have become less acceptable over the last

decade, and attempts to contain homosexuality have required strategies which can be made to appear less overtly hostile. A Bill that seeks to prohibit discrimination must be portrayed as 'going too far' rather than as providing protection for a minority which is regarded as inherently disagreeable. Some Christian groups have advised their members not to use religious arguments to oppose homosexuality, suggesting that secular arguments are likely to carry more weight with decision-makers and the public (Rudman, 1994). An example of this is provided by responses to a 1996 proposal for *Express Report*, a new 'queer' magazine-style television show. Annetta Moran, on behalf of the (soon afterwards disbanded) political party Christian Coalition opposed the show on the grounds that it constituted a form of special treatment and moved beyond an acceptable equality:

I wonder why we need gay television, do we need heterosexual television, do we need television for other people with different sexual preferences. . . . I mean, their lifestyle is already protected, they are a minority of the population. . . . (TVNZ, 1996)⁹

Commentary on this television show repeated the opposition between an acceptable 'equality' and special treatment, but despite its superficial liberality it clearly reproduced a systematic privileging of heterosexuality and marginalizing of homosexuality. An us/them, norm/Other distinction was reinscribed in the wording of a television poll: 'Do you think homosexuals should have their own television programme?' (TVNZ, 1996). 'You', the audience, is assumed to be heterosexual, with an opinion on 'their . . . programme'. The narrator of the documentary programme that ran this poll asked the staff of *Express Report* a series of questions that clearly marked out the economy of norm/Other. He asked one of the show's presenters 'Would you rather be what they call normal, or straight?'; 'Do you mean [to] promote homosexuality?'; and suggested that 'it's an old argument, are you born that way, or can you be recruited?'

At the same time, the ubiquity of televised heterosexuality went unquestioned, for indeed it had become unquestionable within this discourse. The naturalization of heterosexuality ensured that the heterosexualization of television was placed beyond consideration. The construction of lesbians and gay men as a questionable collectivity that formed a focus in the 'lesbian lunch' debates reappears in the *Express Report* example. Implicit appeals to individualism are deployed at the moment when possibilities for cultural citizenship for lesbians and gay men challenge the ubiquity of heterosexuality.

The problem here goes well beyond an illegitimate occupation of a liberal ground by those who support the dominance of heterosexuality. The liberal ground *itself* aids and abets this dominance through its failure to recognize the institutionalization of heterosexuality. Arguments that

draw on the trope of 'excess equality' contain a claim, if only an implicit one, that before some seek 'special rights' the social order is free of power relations, hierarchy or relations of domination and subordination. In other words, at some point before 'special rights', society is egalitarian.

New Zealand's 'egalitarian myth' is critical here. Consedine (1989) suggests that the egalitarian myth is constituted through the notions that 'everyone in New Zealand has equal opportunity . . . that anyone can become wealthy if they work hard, that economic growth produces justice, that the unemployed are lazy and that people are poor because they don't budget properly' (p. 174). This aspect of the myth has provided a foothold for a similar neo-liberal rhetoric that has accompanied 'structural adjustment' in New Zealand, even if this 'structural adjustment' has (ironically) weakened the egalitarian myth. One writer of a letter to the editor alludes to the neo-liberal notion of the 'level playing field' in her discussion of the Ministry of Women's Affairs' 'lesbian lunch':

We would question why this particular ministry exists at all – millions of dollars spent for the benefit of women who feel they need a 'prop'. What about a Ministry of Men's Affairs? Some women, however, seem incapable of getting by without continually whining about discrimination. Others quietly get to the top – with determination, education and guts – achieving all their goals, and there are many of these in society. (Lorgelly, 1993: 23)

According to this text, the 'lesbian lunch' is an indulgence that illustrates the ways in which the 'lunch' and its hosting Ministry distort a desirable 'level playing field'. This 'level playing field' has been tilted by the creation of 'special treatment' for lesbians. The writer suggests that all subjects start the game identically placed in respect of power and resources, and they 'take control of their lives as free and equal actors' (Kelsey, 1995: 335). Accordingly, those who cannot 'get to the top' and 'achieve their goals' have only themselves to blame. Again, relations of dominance and subordination are erased and thereby naturalized. Notably, this text resonates with a more general take on feminism in which ostensible 'victim feminism' is taken to task by a liberal 'power feminism' which eschews analysis of the systematic effects of domination and determines to 'simply get on with it' (FitzGerald, 1998).

Gay men and lesbians are either excluded from or included within the national imaginary of the egalitarian myth according to which of the two serves the dominance of heterosexuality at the time. Historically lesbians and gay men have not been covered by the egalitarian myth precisely because they have been regarded as non-citizens. More recently, however, gay men and lesbians have been allowed to be included within the myth as long as inclusion under its rubric has been able to be deployed in recuperative ways. Heteronormativity and the exclusion of gay men and

lesbians from full cultural citizenship are coded as an equality that is not to be exceeded. Inequality is misrecognized as equality. Therefore, inclusion in this construct of 'equality' serves heterosexual domination, which can in turn be legitimated by liberal appeals to equality. Lesbian and gay *inclusion* is now a powerful tool of domination.¹⁰

The problem of the oppressed heterosexual

The construction in which lesbians and gay men move beyond equality is often taken further within discourses of 'special rights' and 'special treatment'. As I have established, the existence of relations of domination and subordination that characterize heteronormativity is denied. However, what does exist is a form of tyranny or oppression which arises when 'minorities' claim 'special treatment'. Within such a logic, domination is not a characteristic of the relations of ruling which sanction heterosexuality, but rather is something that is practised by lesbians and gay men. Commentators refer to 'the tyranny of the minority', the 'destabilized [lesbian and gay] mind Nazi[s]' who are busy 'ordering me what to think about them, or anything else', or 'gays', a 'force to worry about', who manipulate the truth in order to 'gain political power' (Duff, 1993: 6; Du Fresne, 1997: 10; Hall, 1996: 16). Heterosexuality is regarded as having no systematic and coercive effects upon lesbians and gay men, since only gay men or lesbians can effect coercion upon the body politic. A heterosexual social order is represented as 'equal', and challenges to that order are portrayed as tyrannous attempts to create *inequality*. Another opinion column restates some of these arguments:

The problem I have with homosexual rights activists is that they do not seem content with the equal rights which they spent years lobbying for and eventually won (after a nasty public debate characterised by scandalously dishonest propaganda from both sides). What they seem to want now is special, preferential treatment. They lobby for special recognition in the workplace, propaganda sessions in schools, support groups and special funding. (Du Fresne, 1995: 6)

Lesbians and gay men are individuals who are said to deserve 'equal rights' (or, rather, the rhetoric of such), but vigilance must be kept in case claims for these delimited 'rights' permit lesbians and gay men to exercise tyrannical oppression of heterosexuals.

A particular conception of the state is integral to the tropes of excess equality and special treatment. The state is seen to possess coercive powers that can be used against citizens (Else, 1992). It may levy rates or taxes, or raise laws that can restrain action or direct citizens to do particular things.¹¹ According to discourses of 'special treatment', these coercive potentials of the state may be captured by gay men and lesbians who seek

to use state power in an attempt to secure this 'special treatment'. The state is regarded as a tool which lesbians and gay men may co-opt into their service in the quest to go beyond an acceptable equality. Furthermore, the homosexual subject may have his or her heterosexual sympathisers within the state apparatus. One letter to the editor, printed in the national weekly newspaper *Sunday Star-Times*, foreshadows this possibility in its concerns regarding the Labour Party, its writer suggesting that it had been 'hijacked by the homosexual propagation machine. We now have about 2% of the population, and their hangers on, pulling the strings to further their cause' (Carter, 1995: C4). While the 'homosexual propagation machine' may seek to infiltrate the state, it also has its (presumably heterosexual) colluders or 'hangers on'.

The debate around the Wellington showing of an exhibition of work by US photographer Robert Mapplethorpe in 1995 provided an airing for concerns about an illiberal state that colluded to secure 'special rights' for homosexual citizens.¹² Many saw Mapplethorpe's work as artistically unworthy or depraved, with the local government-owned gallery practising 'special treatment'.

One writer of a letter to the editor asserted that the 'exhibition's not-so-hidden agenda . . . suggests that if he [Mapplethorpe] were not homosexual nor an Aids victim the exhibition wouldn't have received the approval of the gallery's ideologues' (James, 1995: 12); and newspaper columnist Frank Haden suggested that had Mapplethorpe been heterosexual, 'and his pictures heterosexual images, they would never have made it to the gallery walls here' (Haden, 1995: C3). Another letter-writer laid the blame for this exercise of favoured treatment directly at the door of the local state: 'the showing of the phoney Mapplethorpe exhibition is no more than a political stunt by the art bureaucrats of the Wellington City Council [the gallery's owners] and some of their councillor bosses' (Robertson, 1995: 8).

Haden (1995) alleged that art critics supported the Mapplethorpe exhibition solely because they were 'terrified of pointing the finger to expose an overrated exhibitor' (p. C3). He suggested that 'Mapplethorpe has struck just the right note. It is politically correct to be homosexual' (Haden, 1995: C3). Columnist Rosemary McLeod decided that she could 'afford to be seen' at the exhibition, given that '[g]ay is groovy, and an Aids death (the artist's) makes it even groovier' (McLeod, 1995: 10). These kinds of arguments about homosexuality being 'groovy' and 'politically correct' reinforce the notion that lesbians and gay men not only capture the state in an attempt to achieve excess equality, but that 'special treatment' operates as a form of moral suasion by defining what is popular and fashionable. One of the common arguments about 'political correctness', for example, is that a form of cultural orthodoxy is set up in which it is difficult to articulate a 'politically incorrect', and hence, 'unfashionable' view.¹³ The exhibition of

Mapplethorpe's paintings is transformed into illiberalism within the discourse of its opponents, through the allegation of 'special treatment'.

Ostensible lesbian and gay control of the state also caused concern for those commenting on the Ministry of Women's Affairs' 'lesbian lunch'. The heterosexual was regarded as marginalized by a state that acted in concert with lesbians. While the lesbians dined at the expense of 'the taxpayer' (understood, of course, as heterosexual), the heterosexual was 'left out' – and hence treated unequally and therefore illiberally. An editorial in the provincial *Timaru Herald* (1993) referred to lesbians as a 'selected group' and asked '[w]hy not all the many other thousands of groupings or personality types in the community?' (p. 4). Other writers were more specific about who these 'groupings' might be. In a letter entitled 'Heterosexuals would like lunch', one correspondent argued that

Among the 'other' [than lesbian] and 'targeted' lunches forecast are for Maoris, the disabled, Pacific Islanders, ethnic minorities and 'people with dependents'. . . . Noticeably and explicitly omitted are heterosexuals. Maybe, with the broad spectrum envisaged by the ministry, heterosexuals fall within their concept of 'minority groups'. Nevertheless, I think we are important enough to earn a separate mention and invitation (Johnston, 1993: 14).

The category of the heterosexual 'left out' is important. It is implied that this leaving out constitutes a move away from 'equality', as 'equality' would necessarily include the Ministry's recognition of (and providing lunch for) heterosexuals. However, there is an interesting irony in these pleas for the recognition of heterosexuality. Insofar as heterosexuality is an obligatory social institution, heterosexual identities are not accorded specificity. Instead, they become 'general' and unmarked expressions of 'sexuality' (Wittig, 1992); sexuality is heterosexuality. In the above excerpt, however, Johnston argues for the recognition of heterosexuality.¹⁴

Given the naturalization of dominant positions in a society in which inequality and hierarchy are institutionalized, this position of heterosexuality as *outside* is untenable because it disrupts the (ostensibly) 'natural' and neutral social order which heterosexuality is *inside*. When the marginalization of lesbian subjectivity is rendered invisible in this logic, it is implied that the only exclusion occurring in society is that of *heterosexual* women (and on the grounds of their heterosexuality rather than their being women as such). Ironically, heterosexuality must be temporarily named in order that its renaturalization can take place.

Conclusion

Throughout this discussion I have suggested that in New Zealand the discourse which constructs lesbians and gay men as a 'privileged minority' in

receipt of 'special treatment' relies on the language and assumptions of liberalism. Those who employ such discourse argue that as individuals lesbians and gay men deserve to be (and have been) 'granted' equality, but that collectively they exercise a disproportionate degree of influence and control and threaten to move 'beyond' equality. I have also documented some of the ways in which terms such as 'special treatment' or 'special privilege' have taken over from 'special rights', in New Zealand at least, as the arena of contestation has moved out from human rights law into a range of other cultural debates. Not only are 'special rights' considered matters of law, but also matters of moral suasion, hence the integration of these discourses with those about 'political correctness'.

Smith (1997) has argued that conservative movements resignify terms such as 'equality' and 'tolerance' from their liberal meanings into a set of 'reactionary' meanings, and that this is a part of the hegemonic project of such movements. Cooper (1994) states that some of those adopting conservative positions will (if begrudgingly) concede some conception of 'rights' despite ultimately desiring the containment of homosexuality. I agree that liberal language can be used within processes of containment of homosexuality and the privileging of heterosexuality. However liberalism itself warrants further interrogation. What is going on here is not solely a conservative *resignification* of these liberal or quasi-liberal terms. Although conservative positions may well be at odds with aspects of liberalism in some cases, particular impulses within liberal thought can also facilitate conservative positions in respect of sexuality. An example is liberal individualism and the constraints this has placed on an analysis of social institutions and structures. This prevents an analysis of the ways in which supposedly autonomous, abstract 'individuals' are constructed through their interactions with others and through their embeddedness within relationships of power (Frazer and Lacey, 1993). As Eisenstein has argued:

[the] liberal individualist conception of human life disconnects one person from another and from the economic, sexual, and racial relations that define his (or her) life. Instead of seeing connection and relatedness between people, between politics and economics, between ideology and actual social constraints, they separate all these. (Eisenstein, 1981: 191)

While our locations within the social order are often complex and even contradictory, they deeply affect the material existences of those who are positioned in respect of them (Jackson, 1998; Walby, 1992).¹⁵ While communitarian forms of conservatism do recognize relatedness and connection, and reify these into a 'common culture', they refuse to acknowledge that domination is often central to the subject's embeddedness within this culture. Both liberalism and communitarian conservatism regard demands to recognize the institutionalization of domination and the materiality of

lesbian and gay experiences as little more than attempts to subvert their respective versions of the good life.

Liberalism refuses to realize the materiality of subordination that operates on the grounds of homosexuality. This permits a position in which, as FitzGerald (1998) summarizes in respect of gender relations, 'assertions that discrimination and sexism are systemic forces are met with derision and accusations of victim consciousness and political correctness' (p. 9). At the same time, attention is directed away from these systemic forces by accusing lesbians and gay men of illiberalism.

The 'equality' offered by such liberal-inspired discourse is no equality at all, but is in fact an expression of existing heterosexist hierarchies. In other words, the 'equality' which is declared to exist before lesbian and gay tyranny takes hold is in fact characterized by the systematic, institutional privileging of *heterosexuality*. A hierarchical, heterosexist social order is represented as 'equal', and challenges to that order as tyrannical attempts to create *inequality*. Inequality is legitimated under the guise of equality.

It could even be suggested that the liberal notions of equality and individualism, which mask the realities of the marginalized positions of lesbians and gay men, have become the new ground on which gay and lesbian struggles are judged. The central concern is the deviation from a particular definition of equality that in fact incorporates a dualism of norm and Other and denies full cultural citizenship. While a formal, traditional construct of citizenship is granted, this is only partial, and a movement toward a wider 'cultural citizenship' (Richardson, 1998) is off the agenda. In such a logic, to reject an implicit subordinate status fully is to reject equality and to express a desire to go beyond it, even though what is counted as equality is in fact a state of subordination. 'Beyond' this chimerical equality lies the search for special treatment and the oppression of heterosexuals as the newly 'left out'.

New Zealand's 'egalitarian myth' is bound up in this process, with its hiding of structural inequalities. Gay men or lesbians can be situated within the myth's claims of equality or outside of them, but in either case relations of domination and subordination are reinforced. In the New Zealand instance such a movement 'beyond' the limits of egalitarianism is seen to constitute a fracturing of the egalitarian myth – which has, after all, been placed under quite enough strain in recent times. Within liberalism, and our contemporary liberal-inflected discourse, heterosexuality's dominance is placed well beyond challenge.

Notes

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1. I use 'liberalism' in the sense of the liberal tradition in the broadest sense (Adams, 1998: 35). While I recognize that this tradition has several, sometimes competing, strands, I focus on the uses of three liberal concepts that have a wide currency: 'individualism', 'equality' and 'rights'. For more detailed discussion of the antecedents of, and tensions between, different strands of liberal thought, see Adams (1998); Arblaster (1984); Lukes (1973); Sandel (1984); Williams (1997).
2. Those locating themselves in this way are situated within wider struggles over meaning, power and the particular ways in which social subjects are constructed within the social order. In other words, a form of hegemonic politics is at stake (see Smith, 1994).
3. By 'supporters' here I mean those who actively engage in hegemonic struggles, such as the authors whose texts are surveyed here. There are of course those who do not take part in such hegemonic struggles, but support heterosexuality by default on the basis that a refusal of heterosexuality is not imaginable or worthy of attention.
4. In the early 1990s conservative US Christian groups promoted law changes in Colorado and Oregon. The Colorado law sought to prohibit lesbians and gay men from being entitled to 'minority status, quota preference, protected status or claim of discrimination'; the Oregon measure demanded schools recognize homosexuality as 'abnormal, wrong, unnatural and perverse' (Segrest, 1995: 111). Claims about 'special rights' were used in both cases.
5. Another strategy used by conservative groups was to claim that homosexuality is not an immutable state like 'race', and therefore rights should not be granted. Schacter labels as the 'discourse of equivalents' this idea that homosexuality is not sufficiently 'like' other protected groups to merit protection (1994; see also Currah, 1995).
6. The Homosexual Law Reform Bill, which went before the New Zealand Parliament in 1985, had two sections. The first decriminalized sexual relations between men over the age of 16, the second was to prohibit discrimination based on sexual orientation. The first section was passed but the second was not. The anti-discrimination law was passed in 1993 in amendments to the Human Rights Act. I will return to discuss the 1993 debates.
7. The *Evening Post*, *New Zealand Herald*, *Dominion* and *Otago Daily Times* are broadsheet metropolitan dailies; the *Sunday Star Times* is the more prestigious of the national Sunday newspapers; and *Sunday News* is less prestigious although not quite tabloid. The *Daily News* and *Timaru Herald* are provincial dailies. Television New Zealand is the state-owned television network.
8. These arguments also contain traces of the idea that lesbians should not impinge on the 'public' world but should instead keep their disorder in 'private' (Brickell, 2000).

9. Although these two examples are Christian ones, this is not to say that those employing liberal arguments in an effort to contain homosexuality are all Christian. The anti-gay Christian movement in New Zealand is small and not particularly influential; it is often treated as a curiosity rather than a source of serious commentary.
10. There are clear similarities here with the ways in which 'equal rights for all' has worked to render invisible the ways in which colonized minorities remain subject to domination, thus hampering their further advancement. Stratton (1998) offers an analysis of such rhetorics of equality in the Australian context.
11. Different strands of liberal thought regard the state differently. While some see the state as coercive, others see it as a means of providing equal opportunities for individuals. The former conception predominates in the texts surveyed in this study.
12. Mapplethorpe's photographs and the debate that surrounded their exhibition raise many important questions about representations, sexual exploitation, racism, what constitutes art and pornography, and the ways in which these issues are articulated and debated (e.g. Jeffreys, 1993). An exploration of these issues lies outside the scope of this article.
13. Sanderson (1995) offers an account of the ways in which homosexuality has been constructed as 'politically correct' in the British context.
14. Of note also is the implicit exclusion of Maori and Pacific Island people from the construction of 'heterosexuals' in this text. This contrasts with the more usual sexualization of members of colonized ethnic groups (Hayes, 1998).
15. Note that I am not suggesting that social categories express 'essences' about those placed within them, as identity and categorization are fundamentally social processes. For a useful discussion of an anti-essentialist materialism see Jackson (1998).

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Biographical Note

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