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Military Service of Homosexuals in the American Army : A Scene of the Culture War

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Stanisław Woda*

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Patriarchy as a scene of the Culture war

Culture war is a phenomenon that takes place in the modern world, and defines its contemporary shape: this banal thought is frequently quoted in the context of the ongoing discourse around homosexuality. One could even say that the concept of homosexuality constitutes an inherent component of the narrative on the culture war, a necessary premise that organises the entire narrative and its array of concepts; for this reason, one may suppose that such a narrative does not exist without the presence of the “homosexual element”. And indeed, homosexuality is one of the standard distinctive factors in the process of the ongoing narrative that concerns the conflict between – competitive and parallel – values, with the term “values” actually establishing the core and the threads of the narrative. Therefore, the participants in this discourse on homosexuality are at the same time the actors of the narrative on the war of cultures. The notions can be identical in various contexts, as homosexuality provides one of the points of reference, while the attitude to homosexuality of the participants in the discourse allows them to identify their ideological positions as the vehicles of that narrative.¹ Naturally, the said discourse or narrative (further in the text, I shall use the two terms interchangeably) does not exist in a vacuum; its content is determined by the extensively perceived realm of being and – via feedback and sequence – defines this content anew. Therefore, it is difficult to separate these two realms: being and awareness mutually interact in a single process of unity of words, ideas, and ac-

* Mgr, prawnik, księgarz; absolwent Wydziału Prawa i Administracji Uniwersytetu Warszawskiego, doktorant na Wydziale Prawa i Administracji Uniwersytetu Jagiellońskiego.

¹ On the problem in Poland, see, e.g. A. Graff: *Rykoszetem*, Warszawa 2008, pp. 9–69; P. Leszkowicz: *Przełamując hetero-matrix. Wojna seksualna w Polsce i kryzys praw człowieka*, [in:] Z. Sypniewski, B. Warkocki: *Homofobia po polsku*, Warszawa 2004, pp. 115–123, showing the universal nature of the phenomenon.

tions conditioning the actual concept of life.² Whether the interested parties (and therefore, firstly, homosexuals themselves) like it or not, homosexuality has become incorporated into the discourse; as a consequence, it has become the subject in question. And if our Western civilisation (its essence and identity) is defined and permeated by the dialectics between these competitive and parallel values, the conflict between the patriarchal system – which simply and unavoidably entangles (potentially both destructively and constructively) the issue of homosexuality with “homosexual panic”, turning it into the central plane of the narrative concerning homosexuality within the patriarchal ideology – and non-patriarchal ideologies that are forced to deal with this issue (though possibly viewed downright indifferently by them) and that are bound by the constraints of the discourse, that require the presentation of counter arguments whenever a question is presented during a debate, as happened here. This is actually, generally speaking, the meaning of the culture war, and of homosexuality in this war, and a specific aspect of it, namely homosexual panic,³ which constitutes a powerful ideological weapon used in this war, although for different reasons – to convince opponents in a conclusive way. Referring, however, to the famous slogan, the motto of the movement of 1968, that the private is political – the scope of this war encompasses very extensive realms of life, frequently assuming purely total forms, being an important element of the superstructure in the legal space as well. It is worthwhile examining – on the basis of selected legal decisions that are examples of the activity of the superstructure at a practical level – how the law manages such situations that contain an embedded homosexual component.

The notion of “patriarchy” plays a key role in the culture war. Culture can be perceived very broadly and as such it aggregates both the base and the superstructure. A patriarchy is a system of managing the lives of people (and, frequently, all other living creatures as well), in which a heterosexual man (or at least a man claiming to be) provides the centre of the social organisation of life and wields power over all other creatures. This authority is encoded into and petrified in a variety of institutions of the superstructure, set up and coordinated into a coherent system. The goal is – at all the levels of awareness of the subjugated participants – to enforce obedience and engender a sense of inferiority, and, consequently, in the case of the managing participants, to assure supremacy for themselves at all the levels of this management and – as a result – a feeling of superiority. For this reason, by definition, a patriarchy is anti-egalitarian. As Carole Pateman, a feminist philosopher of politics, wrote: “the patriarchal construction of the difference between masculinity and femininity is the political difference between freedom and subjection.”⁴

If evaluated from a historical perspective, patriarchy is manifested at various points in time and space quite naturally with different intensities (although many examples where patriarchy simply has an all-encompassing dimension can also be quoted), and with different variations of its “ideal model” presented in a process of contemporary reflection on the concept, which (process) is sometimes considered a form of contem-

² M. Szyszkowska: *Granice zwierzęci*, Warszawa 2001, pp. 56–66.

³ <http://transfuzja.wroclaw.pl/homofobia,-czym-wlasciwie-jest.html>.

⁴ C. Pateman: *The Sexual Contract*, Stanford 1988, p. 207, quoted from: <http://en.wikipedia.org/wiki/Patriarchy>.

porary Marxism–Leninism by its opponents.⁵ Literally, “patriarchy” means “rule of fathers”, and the concept has its roots in all the largest religions – Judaism, Christianity, and especially Islam – that originated in a relatively limited area of the Middle East, their political centre and tinderbox being the city of Jerusalem.⁶ The idea of a personal God which emerged from these three great world religions became a permanent element of the superstructure. Many authors point to the fact that the prehistoric hunter-gatherer peoples were generally relatively egalitarian⁷ – despite the biologically determined greater physical strength enjoyed by males. Patriarchy emerges only with the emergence of forms of settled life, ensuing from the development of agriculture and domestication of animals (the symbolic dimension of making animals submissive to the male is worth mentioning), conditioned by the technological revolution defining the passage from the nomadic system to one of settled life.⁸ However, beginning with the 12th millennium before Christ, and definitely by around 4000 BC, a new patriarchal superstructure had developed on a new base, requiring a significantly more institutionalised toolbox: this is articulated very clearly in certain religious concepts originating at that time.⁹ An increasing need for control was developing at that time, something that was required by the gradual change in nature of the base – a transformation from the stage of primitive culture into a slavery-based system: with dramatically growing social stratification, the emergence of a powerful element of competition, and physical strength – which had been differently oriented in prehistoric times – becoming an important asset. The need to reinforce the status thus achieved also grew. What materialised in the slave-based system – determining strict specialisation of social roles – was the need for a powerful, organised authority, which consequently became the goal and fetish of the ideology of that system.¹⁰

Whether they like it or not, the sources of that power are women, thanks to their reproductive capacity, which is nevertheless too insubstantial when compared to the escalating aspirations and potential of heterosexual men, frustrated with the limited supply of that power, whose source is none other than women. Hence the need for institutionalised (enforced by universal violence in patriarchal conditions) regulation, submission and conquering of such a source, which resulted in its instrumentalisation and objectification. In turn, all the frustrations and obsessions related to the organisation of that source were perfectly channelled by homosexual males, who in the primitive culture were still a highly valued and esteemed group, who would at least be given the role of the spiritual leaders of the tribe and fulfil key cult functions. The process of managing the source of power – i.e. its inevitable subjugation – is (a thing absolutely obvious from the perspective of contemporary psychology¹¹), a depersonalising, irritating process, contradictory to human nature, which – as observed, by

⁵ See e.g.: J. Bartyzel: *Barbarzyńcy są już na Kapitolu*, *Nasz Dziennik* 2011, No. 242, quoted from: <http://www.bibula.com/?p=45906>.

⁶ O. Nydahl: *O naturze rzeczy. Współczesne wprowadzenie do buddyzmu*, transl. by W. Tracewski, Warszawa 2009, p. 16.

⁷ See e.g.: F. Engels: *Pochodzenie rodziny, własności prywatnej i państwa*, Warszawa 1979, pp. 204–220.

⁸ *Ibid.*

⁹ O. Nydahl: *op. cit.*, pp. 16–17.

¹⁰ *Ibid.*

¹¹ See e.g.: J. Gilligan: *Wstyd i przemoc. Refleksje nad śmiertelną epidemią*, transl. by A. Jankowski, Poznań 2001, *passim*.

e.g. Aristotle and Thomas Aquinas – is inclined towards living in harmony with other people. Yet the logic of patriarchy is different and forces men into entering into mutually antagonistic relationships.

Naturally, however, a state of permanent war would be unbearable for every human (men included); hence the institution of a scapegoat emerged as a tool for easing such relationships, and as a result, civilising the relationships between these pained, injured, and blocked heterosexual males. They were the homosexual males, who were made the scapegoats for (and by) the heterosexuals; thus homosexuals became objects onto which heterosexuals could project with impunity – even if not in a socially accepted manner – their unarticulated and even unconceived fears and anxieties: the anxiety that is encoded into the nature of patriarchy, the fear of man by man. Severely stigmatised, homosexuals became such a convenient, and at the same time actually highly hurtful and destructive, way of managing these fears, and are a mirror for the heterosexual male engaged in the process of the struggle for the resources of power: a mirror in which a heterosexual male may see himself reflected, so as to immediately gain appreciation and project his anxiety, converted into aggression capable of assuming culturally rich forms and subsequently escalating in a vicious circle of anxiety. In turn, the anxiety assumes the form of pure hatred: as a symptom of the fear of the object onto which they vent their fear in a culturally prescribed manner.¹² Let us quote Tacitus, who remarked how very much it is in human nature to hate the man you wronged. One could go further and, following the idea of Karl-Markus Gauß, say that these heterosexual men would very much not want to find themselves in that place, yet in a hierarchical society somebody must assume that shameful position, and let it only not be us.¹³ Hence the horror at the idea that we could find ourselves in such a place, and the obsessive flight from the materialisation of that vision. As a consequence, young heterosexual males (ones who pass themselves off as heterosexual) form the avant-garde of the patriarchy. It is in their vital interest to acquire the status of beneficiaries of values highly esteemed by culture, which they can potentially achieve. As Elliot Aronson claims, among all values, there are three basic ones: the need for respect, safety, and sexual needs, which need to be satisfied in every person.¹⁴ Unless they want to be brutally devoid of the potential to satisfy these needs, these young men are sentenced to the duplication of the patriarchal model and to becoming its producers in subsequent generations. The brutal initiation ceremonies, the strong emphasis on the relationship between authority and subjugation, and institutionalised homosexual panic – all these are constituents of the patriarchal system.

The Old Testament can be thought of as a typical patriarchal text: a reflection of the ideological superstructure catering for the needs of the social and economic base of life in Middle Eastern societies, defined by the permanent struggle for survival in circumstances of a deficit of basic natural resources and an advantageous physiographic background. In Judaism, women were excluded – as Robert Strozier, the late American academic, put it – from “the process of representing or constructing

¹² *Ibid.*

¹³ K. Gauß: *Europejski alfabet*, transl. by. A. Rosenau, Wołowiec 2008, pp. 48–50.

¹⁴ E. Aronson: *Człowiek – istota społeczna*, transl. by. J. Radzicki, Warszawa 1998, pp. 334–337, 396–397.

history".¹⁵ It is no coincidence that the societies of the Middle East were focused on male leadership, and to reinforce their position, they aimed at increasing the number of religious followers and safeguarded their existence by adopting laws perceived as given by God, a new concept of whom they created.¹⁶ Yet, as was mentioned earlier on, patriarchy does not manifest itself with equal intensity everywhere. Many academics have found a close proximity between the position of women in a society and the status of homosexual men in the same society. One can refer here to the concept put forward by Giambattista Vico and infer quite a strong correlation between patriarchy and the economic well-being of societies. Economic resources have the potential to perceptibly weaken the patriarchal superstructure. As an example, one can mention Herodotus' shock, caused by the social position and the resultant activity of women encountered during his stay in Egypt; his astonishment at women having full capacity to perform acts in law and carry out major trade transactions freely, and at them being in fact full-fledged participants in commerce, and even having seats in the organs of political power.

Obviously, in various conditions, patriarchy assumes (as remarked above) various cultural forms that are to a certain degree variable, and is present with varying intensity; with time, it assumes ever more civilised (in the contemporary sense), rationalised and camouflaged guises, yet its philosophical essence remains unchallenged. The goal is power, dominance, and the possibility for a heterosexual man (or a non-heterosexual pretending to be one) to demonstrate culturally sanctioned violence; in the patriarchal reality, the males culturally forced into it are sentenced to the attainment of these goals in conditions offering no alternative, else they risk ritual exclusion from the community of men: the ritual reduction to the role of a woman. A perfect testing ground for the operation of such processes is the reality of an entirely contemporary male prison in relatively patriarchal countries: for that reason organised, even on the grounds of formal solutions, into a patriarchal structure that is filled with equally patriarchal "content", adapting to the procedural structure. The phenomenon of the male prison is described in American literature, and even more often presented in popular culture texts, together with a representative symptom: the ritual of a gang rape performed on a fellow inmate. At the institutional level, a similar function of extreme degradation is fulfilled (or at least it was fulfilled until very recently) by the institution of the punishment cell for solitary confinement, being one of the disciplinary punishments.¹⁷

The process of humanisation of patriarchal relationships can be attributed to Christianity, as it furnished patriarchy with a new ideological formula: adjusted to the new social and economic structure emerging from the system of slavery, namely feudalism. Although Christianity included women into the spectrum of society from the paternalist perspective, it only allowed them to perform certain, ancillary and second-class, social roles¹⁸, in which way women acquired an individual identity. In

¹⁵ R. Strozier: *Foucault, Subjectivity, and Identity: Historical Constructions of Subject and Self*, Wayne 2002, p. 46, quoted from: <http://en.wikipedia.org/wiki/Patriarchy>.

¹⁶ O. Nydahl: *op. cit.*, p. 17.

¹⁷ J. Gilligan: *op. cit.*, ppp. 150–171.

¹⁸ See e.g.: J. Makowski: *Kobiety uczą Kościół*, <http://www.krytykapolityczna.pl/Teksty-pozza-KP/Kobiety-uczna-Kosciol/menu-id-129.html>.

turn, the introduction of celibacy in later centuries provided homosexual males with a relatively comfortable potential for accessing key social roles, in this way allowing their participation in actual power. From the point of view of Christianity, we could, therefore, observe an ambivalence towards the numerous phenomena of social life in which the gender factor is entangled. Examples of this ambivalence, including contemporary ones, can be perceived as clear symptoms of the pathological character of patriarchy itself as a social phenomenon (and of the pathological nature of the phenomenon) and at the same time of its grandeur: it would be difficult to deny that patriarchy exerted (as patriarchy itself, and as its dialectical opposite, in relation to which it is the source) a profound influence on the shape of Western civilisation – beyond doubt a *great* civilisation: an influence that it continues to exert. For example, condemnation of violence on the basis of Christianity – including violence against men – does not consistently encompass (apply to) all its manifestations. If a man is equal to a woman as a human being – although the stereotypical order of this comparison is naturally different – the situation of distinguishing the death of a man from the death of a woman can be treated as absurd, especially when it is a tragic case, e.g. full tolerance (until recently) for the popular phrase that, when listing casualties, emphasises the deaths of women and children. This is so as the numerous examples of tolerance of violence (as a rule real, and not necessarily doctrinal, violence) among Christians seem to concern sexual roles, both in the context of gender and sexual orientation. This is why social rules incorporating an element of violence and focused on the socialisation of boys are informal and extensively accepted, if not affirmed, by many Christians as individuals, and even by assorted Christian institutions. Thus, brawls between teenage boys can be considered a perfect tool for being introduced into manhood. The existence of consent for the use of violence, especially by adult men towards adolescent boys, and especially towards their own sons is further evidence of this – the whipping meted out by the father to the son can constitute a certain, unconscious, symbolical sealing of the anus preventing the entry of the phallus of another man, and in this way associating this fact with degradation, debasement, and disgrace. Among the various interesting justifications for beating sons by their fathers, the one that seems to be closest to the truth is the explanation emphasising the need to toughen them. And indeed, this ritual of administering corporal punishment is, in fact, such a patriarchal, tragic toughening of the sons' heterosexuality.¹⁹

Also, the Christian attitude to homosexuality is ridden with contradictions. On the one hand, homosexuals are charged with operating in a vague grey zone at the interface between the world of degenerate art and the debaucheries of a bordello, and on the other – unless one opts for their physical elimination, which one does not – one would not be eager to see homosexuals leaving that pathological ghetto into which they were thrust by the patriarchy and see them becoming presidents, generals, vice chancellors. In fact, however, the figure of a demoralised, depraved comedian from a miserable, disreputable theatre somewhere on the periphery of a town, an established town with respectable townsfolk – spitting out all this slime and abhorrence beyond its walls, in a healthy reflex as if it were phlegm – is highly convenient: the

¹⁹ In support of the claim, see: A. Golus: *Klaps a molestowanie seksualne*, <http://stopklapsom.pl/artykuly/klaps-a-molestowanie-seksualne>.

homosexual still remains the mirror in which the heterosexual can see himself, but with a sense of superiority, with the whole social system being programmed to create such a situation, in which, if one wants to function as a homosexual, one can do so only and solely in this manner. This narrative can be treated as a classical form of stigmatisation.

The potential for full emancipation of so-called minorities (although women and homosexual men constitute the majority of the population) emerged with the advent of the capitalist system. In the realm of the base, capitalism provided powerful emancipatory stimuli that cumulated in the realm of the superstructure in the mass contestation movement of 1968. And although the events of 1968 did not abolish the tensions present between the genders in various configurations (determined primarily by sexual desire), they did launch an unprecedented historical phenomenon providing opportunities – for all genders and sexual orientations – of an entirely level playing field on which everyone can operate, as a consequence realising the most primary value, something more primordial in relation to gender and sexual orientation: one's own humanity.

Thus, the nature of patriarchy resists attempts at questioning the legality of the paradigm. This resistance defines one of the scenes of the culture war. We should, however, be aware of the conventional nature of the concept: abstract division lines do not always correspond to realistic, personal attitudes and behaviours of participants, i.e. proponents (on abstract grounds) of a given paradigm; life proves richer and more complex than abstract ideological systems envisage. One could show that patriarchy is the basic, original factor in relation to other factors that constitute the narrative concerning values whose existence and materialisation make sense, and endows such an existence and materialisation with meaning. Thus, patriarchy constitutes a source of significantly more specialised discourse points in the war between cultures, and this discourse – a natural consequence of characterising patriarchy in this manner – in fact covers the reality of the entire universe. Every discourse, every dispute over even the tiniest issue can be a part of this discourse concerning the culture war: in other words, to make the meaning clearer, it actually builds such a discourse. For that reason, the complexity of various subjects, points and meanderings of the narrative, together with the changing situational background that provides a specific tinge to it, results in a multitude of individual attitudes towards specific issues in real-life situations and in specific configurations of numerous factors. The theatre of the culture war hardly resembles the classical battlefield, and it is a metaphor borrowed from the field of physics that proves far more precise: countless electrons following countless trajectories in the universe. Regardless of the degree of saturation by patriarchy, the form of this dialectics, nevertheless remains the same; only the result (or, to be more colourful and/or fatalist: the aftermath) is different, positioned somewhere else on the surface of the universal continuum. The craving for power, the power that seems to be – *pars pro toto* – an essential manifestation of all this world's corporeal urges, is inherently embedded in the nature of patriarchy. (It is obvious that this craving for power can manifest itself in non-patriarchal systems as an actual component with a similar intensity: only the forms of such manifestation would differ.) The striving for power, in its broadest sense, is the goal of every war: and it is not otherwise in the case of a cultural war, being the most primordial manifestation

of the dialectic nature of the universe; doubtlessly, authority can be envisaged as a highly useful tool for attainment of the three fundamental values mentioned above – the ones that demand to be fulfilled in every person – namely, the need for safety, respect, and satisfaction of sexual needs, and as a consequence, provide a source of meaning at the level of superstructure. However, the question remains as to whether homosexual men could act as obstacles to the satisfaction of those needs (identified in the institution of power) by heterosexuals.²⁰

Homosexual panic: an acute symptom of patriarchal oppression

It cannot be concealed that sexual tension exists in various configurations, including in the form of homosexual tension towards a heterosexual male. Sexuality constitutes an inherent element of the human identity, and homosexual tension towards the heterosexual man targets that element – however one construes the verb “to target” in this context – which truly and actually embodies the meaning of the word. Therefore, in a specific context, this tension may become the source of homosexual panic: in such a case, it is hard to define whether it should be considered the reason for or the result of patriarchy, or possibly simply its essence. It is worth studying how this tension is actualised in patriarchal conditions – both the base and the superstructure – among other things in the law and its cultural exemplifications. As this tension determines the conditions of the culture war, it would not be irrelevant to project it onto the military situation linked to the access of homosexuals to the US Army.

The precise definition of the term “homosexual panic” is “acute, brief reactive psychosis suffered by the target of unwanted homosexual advances”;²¹ however, this definition is too narrow, at least for the needs of this article. The range of behaviours and situations that may fall within the scope of this concept is very vague, unless we call all such behaviours and situations “homosexual advances”, which is surreally possible in patriarchal circumstances... For a heterosexual male, the sense (itself) and the awareness (itself) of being sexually attractive to a homosexual may be an acutely irritating life situation: in a purely patriarchal situation, it is tantamount to degradation to the position of a woman, as mentioned above: to symbolic de-masculinisation. This is a powerful superstructure above the base of heterosexual orientation that, by its definition, is not compatible with the capacity of reciprocating homosexual desires. A question arises here as to how such an inability can become manifested in both mental and material forms of reacting to that inherent tension. A ritual and ostentatious demonstration of violence that is to a greater or lesser extent symbolic (appropriate to the degree of patriarchal “saturation” and numerous more subjective factors) will be a model response (nevertheless, highly destructive for the heterosexual male in the longer term) to various expressions of homosexual interest. In an

²⁰ A highly representative, perfect sample of the phenomenon in belles lettres is present in the novel of a Finnish writer, Johanna Sinisalo (2000): *Ennen päivänlaskua ei voi* Published in Poland as *Nie przed zachodem słońca* (J. Sinisalo: *Nie przed zachodem słońca*, transl. by S. Musielak, Gdańsk 2005), known in English as *Not before sundown*.

²¹ http://en.wikipedia.org/wiki/Homosexual_panic.

egalitarian system, a heterosexual man has at his disposal a significantly broader range of culturally approved means of reaction. A heterosexual male, not bound by the cultural imperative of a violent reaction to a – real or no more than speculative – expression of homosexual interest (which may assume a variety of forms) can react in another way; homosexual panic reduces all these forms to a single phenomenon that calls for a single prescribed reaction. All the symptoms of homosexual interest are assessed negatively, as an attack on the masculinity of the heterosexual male. Yet the egalitarian environment provides the heterosexual male with the possibility of discerning a whole variety of such indications (not all of them boiling down to attempted rape, which, in specific circumstances, by all means demands a violent reaction); some of them can be considered not as an attack on his masculinity, but as a proof of his masculine attractiveness, which, however, in his case finds fulfilment in a sexual relationship with a woman. Thus the identification of certain expressions of homosexual tension as signs of affirmation and not degradation, carries the power to minimise patriarchal tension. Just as a heterosexual male does not enter into sexual interaction with every woman from whom he receives culturally valid signals of sexual interest, he will not become entangled in such an interaction with another male – by definition an uncomfortable scenario causing unhappiness. Yet in an egalitarian situation, signals of sexual interest coming from a homosexual male do not have to be uncomfortable and render the recipient unhappy. A heterosexual man can appreciate signals of sexual interest coming from women, even when they do not lead to a sexual interaction with these women; but these signs of sexual interest are capable of constructing a sense and awareness of his own attractiveness and therefore – in a more abstract sense – a sense and awareness of his own identity: in this case – a male identity; the sense and awareness of his own sexuality, his own gender that seems to be a very fundamental and primary sense and awareness of every human in the process of simply being in the world. The situational context defines the range of permissible signs of sexual interest (i.e. to be potentially received by a heterosexual man and to be potentially sent out by (an exclusively heterosexual?) woman), which is to a certain extent variable when a range of concepts including tact, empathy, etc. enter into the equation, and can be a source of ontological satisfaction. It cannot be otherwise in the case of formally equivalent signs of sexual interest sent by a homosexual man to a heterosexual man, if this case is situated in the context of an egalitarian situation, without a tinge of patriarchal fears, obsessions, and frustrations. The element of sexuality (simply sexuality, without connotations) is present in social interactions between people, and the source of this presence is simply in the nature of the human as a species, that is of a human being, or possibly – again, simply – of a being. These interactions between people can assume a variety of forms, including friendly and hostile, along the entire continuum of culturally possible reactions. The choice of one of these potential forms ultimately depends on the people themselves – the nature of humans as a species means that a variety of choices may be made. The law and the forms in which it is manifested must remain under the influence of these choices.

Homosexual panic is related to the legal institution known as “gay panic defence” (“homosexual advance defence” in Australia): “In the gay panic defence, the defendant claims that they have been the object of homosexual *romantic* [author’s emphasis] or sexual advances. The defendant finds the advances so offensive and frightening that

it brings on a psychotic state characterised by unusual violence."²² It is an institution designed as a classical means of alleviating or even releasing from criminal responsibility, equivalent to the so-called countertypes in Polish criminal law. In the context of this definition, it becomes apparent how versatile and flexible the formula of homosexual panic defence is – naturally, up till now as a proposal of such a legal institution put forward in court by lawyers, usually in criminal cases concerning an assault or murder. The field of interest of the lawyer is the legal interests of their client, and from this perspective, the quoting of such a definition should be treated as expected, fair, and rational. The roles of the parties in the trial, however, are different, while the key question and the key test is whether the view presented by the defence will be accepted by the other parties in the trial – as an abstract idea (after all, there are legal systems where this solution has a positive sanction).²³ There is a similar version of this institution known as “trans panic defence”, and – which is hardly surprising in the patriarchal reality – it is closely correlated culturally with homosexual panic defence: “The panic defense became a flashpoint following the 2002 slaying of Gwen Araujo, a Bay Area transgender teen who was beaten and strangled by three men. Defense attorneys for the suspects argued that their clients panicked after learning Araujo was a biological male and won a mistrial. When the suspects escaped first-degree murder convictions, legislators responded by passing a law designed to blunt the use of panic defense.”²⁴

Recognition of homosexual panic defence as an extenuating circumstance is an ideological choice, one of those crucial choices of a patriarchal (or, in other contexts, non-patriarchal) system, for which reason it entails far-reaching consequences that influence the entire legal system, and therefore – since law is an emanation from the entire social discourse and, as an idea, does not operate in social vacuum – the entire social system, the entire narrative. For that reason, law can be perceived as an efficient weapon that can be used in the theatre of the culture war, and as a consequence, lead to the victory of the advocates of a given paradigm at the level of the superstructure, defining the base by feedback. This question can (and at the same time, paradoxically, cannot) easily be tackled. Within the confines of an egalitarian system, in egalitarian circumstances, someone (including a lawyer) should ask themselves the question whether the institution of homosexual panic defence could be used during a trial, and whether it would be respected by the court. The intellectual process of answering this question provides a good litmus test of the respondent’s intentions and attitude. One can easily imagine the case of unwanted sexual – or romantic – advances made by a woman and experienced by a heterosexual man. What is interesting and significant is to ascertain whether, if a heterosexual male committed a crime on a woman who was the source of an unwanted sexual (or romantic) advance, an institution equivalent to homosexual panic defence could be invoked. While the other key question is as follows: if a heterosexual male were an object of sexual (or romantic) advances from a woman, could they be unwanted to the degree leading

²² http://en.wikipedia.org/wiki/Gay_panic_defence.

²³ See e.g.: A. Guest: *Priest fights for end to “gay panic” defence*, 11th January 2012, ABC News, <http://www.abc.net.au/news/2012-01-11/petition-calls-for-end-to-gay-panic-defence/3767446>.

²⁴ C. Saillant: *Prosecutor seeks to quash ‘gay panic’ defence in Oxnard slaying*, 21st July 2011, *Los Angeles Times*, <http://articles.latimes.com/2011/jul/21/local/la-me-0721-gay-panic-20110721>.

him to the commission of a crime, a crime that would justify mitigation of or even release from criminal responsibility.

Following in the footsteps of Marx, being defines awareness. Applied to a specific level, this idea brings us to the ascertainment that the awareness of the unwanted nature of sexual (or: romantic) advances is defined by the social system in which the individual recognises certain unwanted elements in a certain behaviour. If we were to believe Aristotle that the human is by nature a social animal, we could ascertain the fact that people tend to stick together: males do it as well – including heterosexual males, for example, to corroborate and affirm one another mutually in certain symbolic, culturally prescribed conventions. The sense of community established on the basis of uniformity of elements can therefore provide a fantastic psychological driving force, making it possible to satisfy the needs of the human species, yet in patriarchal conditions, the attainment of such satisfaction is inherently twisted: patriarchy does not provide its patrons with appropriate means resonating with their human nature; patriarchy may provide no more than a surrogate for these means, for that satisfaction, even though patriarchal conventions as such may have a certain powerful potential for the achievement of such a satisfaction. For patriarchy is a source of great culture and great cultural institutions that possess the formal frameworks necessary for that satisfaction potential – as long as they are filled with a different, egalitarian content. For that reason, it is an issue of the highest import to ensure that a heterosexual male should have such a social and cultural environment that could liberate him from patriarchal oppression – an oppression of which he is both the source and victim at the same time. Cultural war, as by definition any war, is waged for peace. For the advocates of the egalitarian paradigm, peace is denoted by the state of liberty from oppression for all people, i.e. human beings. These are the stakes in this war. Cynthia Lee, an American professor of law dealing with the issue of gay panic defence states: “There is no question that when murder defendants argue gay panic, they seek to tap into deep-seated biases against and stereotypes about gay men as deviant sexual predators who pose a threat to innocent young heterosexual males.”²⁵ If a homosexual is reduced to the role of a dangerous predator, against whom heterosexuals should defend themselves, he becomes in this instant an outlawed public enemy, who should be eliminated on whatever grounds – for example of unwanted romantic advances. The term may mean everything and nothing at the same time, and in a tragic way evokes the species-specific needs of the heterosexual man that are impossible to satisfy fully in patriarchal circumstances – impossible to the degree that many a heterosexual male would like to forget about their existence by the ritual elimination of the carriers of these needs. As a consequence, these carriers, i.e. homosexuals, have no other option apart from self-defence; they must fight in the face of the annihilation of the potential of having their fundamental needs fulfilled: needs that in a way are a mirror image of the principle that forces heterosexual males to wage war with homosexual males – treated as a source of deprivation of what in turn are their fundamental needs, and thus the *casus belli*; they simply cannot see that the source of that deprivation can be situated somewhere else, the place from which the combating parties derive the motivation and will to fight.

²⁵ Quoted from: *ibid.*

The institution of homosexual panic defence is one of the hotbeds of the culture war. Indeed, it focuses the main topics, the main motifs of the public discourse, and – as shown by the statements of American homosexual activists – in the USA, it is not only a virtual, purely theoretical issue: homosexual “panic strategies have been used in more than 45 cases nationwide, according to Equality California, a San Francisco group that sponsored the 2006 Gwen Araujo law and advocates civil rights for gay and transgender people. Prosecutors sometimes agree to reduced charges because of the difficulty of facing a ‘gay panic’ defense in certain parts of the country, especially in the Bible Belt, the group said.”²⁶ For example, in February 2006, a man from Kentucky succeeded in obtaining a lighter sentence having used the argument of homosexual panic, as reported by Equality California. Ultimately, however, the actual status of a specific case should be relevant to the solution (decision) that is issued in the process of legal analysis of the unique circumstances defining the nuances of the event in question, and providing colour to the abstract legal background. But are homosexual males entitled to gain benefits from their own lack of cultural accommodation to egalitarian standards? And, for that reason, are homosexual males condemned to being deprived of legal protection to which heterosexual men are entitled? In many countries of Anglo-Saxon culture, the institution of “homosexual panic defence” has been liquidated, either through official legislative action (e.g. in New Zealand in 2009) or by means of secondary legislation. There remains the question as to whether any state has the right to maintain such an institution that can potentially legitimise violence of any type against homosexuals. Professor Lee argues that, despite the corrosive effects of this (legal?) institution, no attempts to outlaw it should be made. Instead, instructions for the jury should be introduced to remind them that the sexual orientation of the victim provides no credible defence in criminal cases. As Professor Lee states: “Suppression of gay panic claims, like suppression of bad speech, will not eliminate the underlying stereotypes and assumptions that make such claims persuasive. (...) Open discussion and debate is a better way to combat those assumptions.”²⁷

Homosexual panic versus the cohesion of the team in (American) military circumstances

No state of panic serves well in the cohesion of a team, defined as “the bonding together of soldiers in such a way as to sustain their will and commitment to each other, the unit, and mission accomplishment, despite combat or mission stress”²⁸ – a concept that builds what many interested parties believe to be an inalienable component of army operation. The history of the military service of homosexuals in the US, or – to put it more precisely – of access of homosexuals to military service is also connected with this concept. It is quoted (at least currently) as the key argument against, in general terms, homosexuality in the armed forces. Until 1993, homosexuals

²⁶ Quoted from: *ibid.*

²⁷ Quoted from: *ibid.*

²⁸ Quoted from: http://en.wikipedia.org/wiki/Unit_cohesion#cite_note-manning-0.

were officially banned from military service in the US. Homosexuality disqualified a candidate from joining the army, yet, obviously, many undeclared homosexuals served in the army, hence the spectacular disclosures. It might have been this very fact which motivated the army to research the phenomenon of homosexuality in the armed forces (the very fact of conducting such studies was confidential, much like their results). The general findings of this study provided strong legitimation for the general – hostile, patriarchal – attitudes that at the time were common and strongly implanted by numerous institutions (firstly: by the pure criminalisation of homosexual behaviours) in the cultural awareness of American society. The general sense of these studies therefore boils down to the fear of homosexual males displayed by heterosexual males, the omnipresent anxiety that is the key component of their attitude towards (especially male) homosexuality. Although secret until 1976, the so-called Crittenden Report was written in 1957, and concluded that the presence of homosexuals in the army does not pose “a security risk”. Rejecting – openly and clearly – any rational grounds for justification of the exclusion of homosexuals from this hub of public life, the report quotes a different reason that could be treated as the essence of patriarchal schizophrenia: “Homosexuality is wrong, it is evil, and it is to be branded as such (...). Homosexuality is an offense to all decent and law-abiding people, and it is not to be condoned on grounds of ‘mental illness’ any more than other crimes such as theft, homicide or criminal assault.”²⁹ Yet when the question was discussed publicly, there was no transparency in the arguments against the inclusion of homosexuals, or at least the real reasons were not and are not discussed so openly (as in the quotation above): the argumentation concerning this question is rationalised (sanitised). In 1981, the US Department of Defence (DOD) issued a new regulation on homosexuality, known as the DOD policy, and the phrasing of the justification of the exclusion of homosexuals provides a good example of the above: “Homosexuality is incompatible with military service. The presence in the military environment of persons who engage in homosexual conduct or who, by their statements, demonstrate a propensity to engage in homosexual conduct, seriously impairs the accomplishment of the military mission. The presence of such members adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among service members; to ensure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of service members who frequently must live and work in close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security.”³⁰

In the improving legal and social situation, the rationalised reason for exclusion discussed above is exhibited in place of openly emotional and superstitious argumentation of patriarchal origin. The new official policy of the United States concerning homosexuals serving in the army, known as “Don’t Ask, Don’t Tell” (acronym: DADT) was approved in 1993: it was a laboriously worked out compromise that was to provide but a temporary armistice. This policy provided homosexuals with the opportunity to

²⁹ Quoted from: http://en.wikipedia.org/wiki/Crittenden_Report, see also: <http://www.palmcenter.org/files/active/1/evans1.pdf>

³⁰ Quoted from: *Homosexuals in the Armed Forces: United States GAO Report*, http://www.fordham.edu/halsall/pwh/gao_report.asp.

serve in the army in a limited and discriminatory manner. The policy prohibited people who “demonstrate a propensity or intent to engage in homosexual acts” from serving in the US Armed Forces as their presence “would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability”.³¹ The act also required that the Army should discharge a member(s) who “has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts (...) [or if] the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding (...) that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts (...) [or if] the member has married or attempted to marry a person known to be of the same biological sex”. One could demonstrate the purely pathological nature of these solutions, which becomes clear when compared to the status of heterosexual service. The standards of service for homosexual soldiers have been slowly catching up with the latter since the repealing of DADT, which finally took place in 2011. The entire process of repealing DADT was a major battle during the (continuous -?) culture war. It thus defined the successive phase of this (never-ending?) dialectical process, inherent to human nature, at least under the rule of non-egalitarian social systems – such as patriarchy, or, although not from the perspective of this text, matriarchy – which induce an entire complex of destructive emotions that are later institutionalised in the realm of the superstructure.

The existence of such a legal solution was considered by many Americans as an obvious insult. DADT was successfully questioned before courts of various levels, and the complaints were dismissed, as in *Andrew Holmes vs. California National Guard* of 1998. The Supreme Court examined the issue in *Rumsfeld vs. Forum for Academic and Institutional Rights*, decided in 2006. The case had an academic background: the Supreme Court decreed that the federal government could constitutionally withdraw financing of universities, if they refused military recruiters access to the school's resources. Legal schools were reluctant to let recruiters onto their campuses, as in their opinion the “Don't Ask, Don't Tell” policy was a discriminatory one. The Supreme Court issued a unanimous (8-0) decision corroborating the constitutionality of the so-called Solomon Amendment of 1996, an American federal law that allows the Secretary of Defence to refuse federal subsidies (including research grants) to institutions of higher education if these prohibit or hinder military recruitment at the campus, and in an implicit manner confirmed the constitutionality of DADT. However, another judgement was issued in 2011 in *Witt vs. Department of the Air Force*, and did not find DADT unconstitutional, but narrowed down the possibility of its application, requesting that authorities proved the actual harm in a specific military unit being the subject of the investigation. In this way, although it did not constitute a watershed case, the decision anticipated the change in policy, both at the level of the judiciary and legislation. The ruling stated that DADT was an attempt to intervene in the personal and private lives of homosexuals, due to which it should be subject to heightened standards of scrutiny, which means that the authorities “must advance an important governmental interest, the intrusion must significantly further that interest,

³¹ Quoted from: quoted in: http://en.wikipedia.org/wiki/Don't_ask,_don't_tell.

and the intrusion must be necessary to further that interest".³² However, ultimately, another case exerted a significantly stronger impact on DADT repeal, although the final solution involved the legislative path of derogation. A case initiated in 2004 by Log Cabin Republicans (LCR) was adjudicated in 2010. Operating since 1977, the LCR is the largest homosexual organisation functioning in the Republican Party and advocating the equal rights of American homosexuals. The key sentence from the programme of the organisation is "We stand for the proposition that all of us are created equal – worthy of the same rights to freedom, liberty, and equality".³³ The trial was held before Virginia Phillips, a judge of the United States District Court for the Central District of California, and the LCR argued that DADT violated the constitutional guarantees of due process and freedom of speech. Judge Phillips ruled in favour of the plaintiffs, finding the prohibition in question unconstitutional, and claimed that DADT violates the first and fifth amendments to the US Constitution. Repealing Don't Ask, Don't Tell on the legislative path deprived that case of legal power, and the decision of the court stating the unconstitutionality of DADT was vacated. Formally, the above was motivated by the legislative repealing of DADT: after plenty of turmoil, in December 2010, Barack Obama signed the Don't Ask, Don't Tell Repeal Act, which finally came into effect in September 2011. The above, however, has a symbolic and legal dimension, as it weakens the expression of the legislative act, suggesting that there are probably no constitutional obstacles to bringing back DADT policy via the legislative path, which has an influence on the uncertainty of the legal status of homosexuals in the army, – which, however, is not restricted to this issue. This is so because (on the basis of the ground-breaking decision of the US Supreme Court in the *Lawrence vs. Texas* case (2003), which on the national scale resulted in decriminalisation of homosexual behaviours undertaken between two adults – i.e. brought about what happened in Europe, or to be more precise in France, in 1791, at the time of the French Revolution) there is still doubt as to whether consensual sexual acts – entered into in circumstances of freedom of homosexual expression in the Armed Forces, which, once DADT had been repealed, was identical to the freedom of heterosexual expression – are currently permitted in the military environment. In the light of the Supreme Court recognising that "the military is, by necessity, a specialised society separate from civilian society", the US Court of Appeals for the Armed Forces (the last court of appeal in the system of military judicature before the Supreme Court) confirmed the opinion that *Lawrence vs. Texas* applies to Article 125 of the Uniform Code of Military Justice of 1950, which prohibits an entire range of various behaviours defined as "sodomy": "(a) Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. (...) (b) Any person found guilty of sodomy shall be punished (...)". Yet after the decision in the *Lawrence vs. Texas* case, the court twice upheld the proceedings conducted on the basis of Article 125 in *United States vs. Marcum* (2004) and *United States vs. Stirewalt* (2004), stating that the Article is "constitutional as applied to Appellant" and when it is applied as necessary to maintain appropriate order and discipline in the Armed Forces. In this way, Article 125 could still be retained in

³² <http://caselaw.findlaw.com/us-9th-circuit/1244629.html>.

³³ http://www.logcabin.org/site/c.nsKSL7PMLpF/b.5468127/k.A241/Our_Mission.htm.

cases where “factors unique to the military environment” exist, which could situate the behaviours in question beyond any protected liberty envisaged in *Lawrence vs. Texas*, such as fraternisation with the enemy, public sexual behaviour, and/or anything that could have a negative impact on proper order and discipline. Thus, the official judicial interpretation of the wording of the regulation (the wording envisages both homosexual and heterosexual types of so-called sodomy) seems to remain neutral, independent of sexual orientation, since heterosexual intercourse in the military environment – in specific individual circumstances linked, for example, with fraternising with the enemy or the public nature of the sexual behaviour – may also threaten proper order or discipline. It is, however, interesting why the said article lists descriptions of “sodomy” in the following order: first homosexual and only then heterosexual. Such a sequence is supported neither by alphabetical order nor by the proportion of the homosexual population in relation to the heterosexual population; the reason is more symbolic and historically defined, and by the same token describes the socio-cultural background to the reading of this regulation, in a manner that – at first glance – evokes a vision of homosexual (and not heterosexual) sodomy. In the practical dimension, the above may determine the broader scope of actual criminalisation of homosexual intercourse in the military environment, and more broadly formulated criteria for deciding about the nature of an individual case, in which homosexual components are entangled. Ultimately, however, it can be said that for a heterosexual starting military service, it is not sexual intercourse that should constitute the main goal, but the good of the Armed Forces and the forces’ own goals; nevertheless, under the auspices of DADT, one could present a similar argument, namely that for a homosexual who joins the Armed Forces, it is not the expression of his own (homo)sexual identity that should be the main goal, but the good of the Armed Forces and the forces’ own goals. The substance of that good and goals is compatible both with heterosexual and homosexual orientation. In actual fact, when patriarchal limitations weaken, homosexuals prove perfect soldiers, joining the ranks of the best strike forces. This is no new social phenomenon, as was shown in ancient Greece (the Sacred Band of Thebes, Thermopylae), a model example of exploiting homoerotic or homosexual relations between soldiers in a military unit to increase the *esprit de corps*, and therefore – something that may be treated as the very “cohesion of the team”. Despite DADT being repealed, partners of homosexual soldiers are not treated on a par with spouses of the opposite sex of service personnel.³⁴ The question arises, therefore, as to whether such a differentiation serves the cohesion of the unit.

The opinion that every person who aspires to be a soldier – independent of race, gender, sexual orientation (heterosexual, homosexual, bisexual) – should be characterised by an identical set of attributes that are required of a soldier, including, for example, physical and psychological strength, (self)discipline, a specific type of reflex and assessment of dynamic conditions, the capacity to cooperate in an environment focused on attainment of team goals, readiness to subjugate own individual interests to collective ones, does not seem to be extravagant. There is a certain set of positive qualities that every person who wants to serve in the army should have. This complex

³⁴ See: P. Jelinek: *Leon Panetta, Secretary of Defence, Salutes Gays In The Military*, 15th July 2012, *Huffington Post*, http://www.huffingtonpost.com/2012/06/15/leon-panetta-gay-troops-pride-month-dadt_n_1599642.html.

set is inherent in a universal manner to all sectors of society for individuals, whose virtues – independent of e.g. sexual orientation, in conditions of an egalitarian, liberal society, which creates an identical amplitude of ontological experience for every individual, and the same opportunities for developing these virtues – should be used to an equal extent for the attainment of constructive goals of that society, corresponding to individual preferences, freely developed in such conditions.

Undoubtedly, in certain other circumstances, characterised by the presence of the relics of patriarchy, the state of homosexual panic may constitute a difficult component and stimulus for military service. One can, however, pose a question as to whether – even if the causes of such homosexual panic are justified as being objective results of a long-term patriarchal tradition that cannot be immediately eradicated in a single concentrated act – a heterosexual male (a social category that is most prone to such reactions, as presented in the first part of the text), who is a soldier, can be justified in expressing such “objective” symptoms of homosexual panic. There is no reason to establish lesser requirements in relation to one of the many categories of soldiers, for example, heterosexual males as being the highest risk group for a homophobic reaction, while expecting the same standards of good service as in the case of the remaining categories of soldiers – women and non-heterosexual men, are required of heterosexual men, namely (for example), physical and psychological strength, (self)discipline, a specific type of reflex and assessment of dynamic conditions, the capacity to cooperate in an environment focused on the attainment of team goals, readiness to subordinate own individual interests to collective ones. The need for tolerance (in the original sense of the word) of the presence of homosexuals in military conditions, which assumes the same form and intensity as the corresponding heterosexual presence, constitutes a stress test of these attributes as an inherent part of the characteristics of a soldier in the military, in the American army. If an American soldier (for example, a heterosexual male being the most typical category of soldier, vulnerable and exposed to the risk of an outbreak of homosexual panic) cannot stand this type of presence of homosexuality in military service, what can be said about the countless and far more severe stimuli embedded in the nature of military service, especially in conditions of military action, with which participants of such military actions must cope in quite standard military actions.

In fact, the question should be posed in a different manner that would allow all members of the Armed Forces to convert the entire potentially harmful energy of homosexual panic into a highly constructive force as the – actually sole – core and foundation of team cohesion. It is a very well-known fact that homosexual panic develops most intensively among heterosexual males operating in a single sex environment: in patriarchal circumstances, in actual fact, the patriarchy is capable of aggravating this state into a highly drastic tension, as the example mentioned earlier in the article shows – that is the example of a male-only patriarchal prison, which provides a highly acute illustration. The patriarchal tension may assume a complex of harmful forms, which often – seemingly paradoxically – concern just heterosexual males, and not homosexual ones, if only for statistical reasons. One way or another, homosexual panic ruins the entire complex set of relationships between soldiers (independent, essentially, of sexual orientation, although there is no doubt that in patriarchal circumstances, institutionalised frequently into structural solutions, the presence of a true

and not just imagined homosexual in any team would actually draw focused heterosexual aggression onto that person) and/therefore, consequently, something that is defined as the *esprit de corps* or unity of the team. On the other hand, the presence of homosexuality under an egalitarian, non-patriarchal system – which assumes the same form and the same intensity as the equivalent expression of heterosexuality in the reality of military service, both in times of peace and in times of war – holds a powerful potential for the subversive undermining of patriarchy. One can note that for what is broadly construed as the health of single sex teams – which assumes the same form and the same intensity as the equivalent expression of heterosexuality in the reality of military service, both at the time of peace and war – a much better way of coping with sexual tension, inherent for single sex environments and dominant for heterosexual people as the result of heterosexual deprivation (especially for men), is open articulation of the existence of that tension. All attempts to hide or camouflage this tension, and also/especially formal attempts at establishing a tight system of protection against the results of such attention seem to lead directly to pathology, with the most symbolical manifestation of what that pathology may constitute being the example of a homosexual rape committed on another (for statistical, if not any other reasons) heterosexual male. And, conversely, the state of openness in the military environment can exert a highly constructive influence on the cohesion of the team, obviously if we assume that the intentions and motivations of all the people aspiring to join the military service are coherent with the objectives (teleology) of that service.

The disclosure of the presence of sexual tension in a team of soldiers where homosexuals are present may create highly constructive and safe strategies of coping with the tension, which (tension) has a great potential for destruction of relationships within the team. An open discourse or narrative concerning that tension (whose release in conditions of military service is rendered more difficult and which generates the broad realm of pathologies described above) vis-a-vis the specific situation, which – as such – is a source of powerful frustration (a phenomenon extensively discussed above) can alleviate this tension to a highly significant degree and shape certain specific forms of expression of such tension in a manner that can be assessed as the embodiment of objectives and teleology of military service. Like it or not, a state of open discussion, and an open narrative concerning sexuality – in conditions where the release of sexual tension is rendered more difficult, possibly even unattainable in the regular form of the sexual act – causes the following: first, the awareness itself of sexual deprivation and its harmful consequences for the cohesion of the team. The consequence is homosexual panic, leading to situations (signalled above) in which it is heterosexual soldiers who become scapegoats on whom the results and symptoms of this phenomenon (so characteristic of the patriarchal system) are focused. Furthermore, such a discourse (or narrative) makes it possible to discharge sexual tension in a constructive manner, which supports, or perhaps even builds a sense of cohesion of the team as the resultant force of various individual experiences that become synthesised at a certain abstract, universal level of human sexuality into something that can endow such an abstract universal experience with a sense of community, contributing to an increase in cohesion and collective spirit between members of a military unit.

President Barack Obama signed the Don't Ask, Don't Tell Repeal Act on 22nd December 2010. It eventually went into force on 20th September 2011: yet another

battle in the culture war had been won by egalitarianism for the happiness of all living, sentient creatures.³⁵ The American mass media broadly reported that “basic changes have come rapidly since repeal; the biggest is that gay and lesbian soldiers, sailors, airmen and Marines no longer have to hide their sexuality in order to serve. They can put photos on their office desk without fear of being outed, attend social events with their partners and openly join advocacy groups looking out for their interests.”³⁶ More good examples of these processes exist: at West Point, Knights Out, a homosexual alumni advocacy group, for the first time held what is intended to be an annual dinner in recognition of homosexual graduates and army cadets, and homosexual students at the US Naval Academy took same-sex dates to the Academy’s Ring Dance for third-year midshipmen. “I don’t think it’s just moving along smoothly, I think it’s accelerating faster than we even thought the military would as far as progress goes,”³⁷ were the words of Air Force 1st Lt. Josh Seefried, a finance officer and co-director of Out-Serve, a formally clandestinely occupational association of homosexual service members. “We are seeing such tremendous progress in how much the military is accepting us, but not only that – in how much the rank and file is now understanding the inequality that’s existing right now”, he added.³⁸

On 15th June 2012, Secretary of Defence Leon Panetta, thanked homosexual members of the army for their service: “Now you can be proud of serving your country, and be proud of who you are”.

³⁵ Still, as the press reports, see e.g.: P. Singer, A. Belkin: *A year after DADT repeal, no harm done*, <http://edition.cnn.com/2012/09/20/opinion/singer-belkin-dadt-repeal-anniversary/index.html>: “Only one year in, the policy could easily be overturned or mismanaged into something less successful. Indeed, there are still some who appear interested in returning to the past and forcing troops back into the closet. The 2012 Republican National Convention platform called for a ‘review’ of such policies, while Mitt Romney has sent mixed signals on his personal position.” which certainly is a significant reminder.

³⁶ Quoted from: P. Jelinek: *op. cit.*

³⁷ Quoted from: *ibid.*

³⁸ Quoted from: *ibid.*