

of lifelong stigmatization, but, rather, a basically respectful form of deterrence and/or retribution, preferably coupled with programs aimed at reform and reintegration. The public will to support such programs does not exist because in the United States we have not yet acknowledged the full and equal humanity of our racial minorities.

III. Shame and "Moral Panics": Gay Sex and "Animus"

Shame at oneself can all too quickly become stigmatization of a deviant group. We have seen some examples of this dynamic in chapter 4, section V, examining the connection between shame and aggression. And Theweleit's study of the Freikorps (discussed in chapters 2 and 4) shows how shame at weakness, which is identified with the feminine, converts itself into aggression against groups (communists, Jews, sexual minorities) who come to symbolize a threat to a controlling male identity. The officers in question came to believe sincerely that these groups were threatening their health, their values, their very being, and their panic at the "red flood," et cetera, turned into a campaign of aggression whose ultimate results are all too well known.

These phenomena are hardly *sui generis*. Indeed, there is by now a burgeoning literature in sociology on the phenomenon of "moral panics"—situations in which deviant groups become targeted for aggressive treatment at the hands of police and other authorities because they are believed to pose a grave and immediate danger to society—but the danger is in large measure constructed, as are the danger-bearing characteristics of the targeted group. The classic work that coined the term "moral panic" and elaborated the key concepts is Stanley Cohen's *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (1972). Cohen's account, which can be closely connected to Goffman's work on stigma, has implications for some controversial contemporary issues, so it is worth summarizing in some detail.

Clacton, a small holiday resort on the east coast of England, was the scene of the event that began the "panic." Easter Sunday was cold and wet. Many shops were closed. Irritated and bored, some young

people roared up and down the street on bikes and scooters, broke some windows, and wrecked some beach huts. One boy fired a gun into the air. The young people wore clothing that popular lore began to distinguish into two groups, one called the Mods, and the other the Rockers.

These events were, by themselves, not very alarming. The news media, however, having little else to distract them at the time, sensationalized the incident. All national newspapers but one bore headlines such as "Day of Terror by Scooter Groups," "Wild Ones Invade Seaside." This type of coverage spread across Europe and on to the United States, Australia, and South Africa. The news stories that accompanied these headlines exaggerated the number of people involved and the extent of the damage, primarily through the use of suggestive language such as "orgy of destruction," "battle," "beat up the town," and "screaming mob." They alluded to "deserted beaches" and to "elderly holidaymakers" trying to escape the violence—all without mentioning that on the day in question the beaches were deserted anyway because the weather was so bad.

Similar overreporting greeted later minor incidents. Typical was a paragraph in the *Daily Express*: "There was Dad asleep in a deckchair and Mum making sandcastles with the children, when the 1964 boys took over the beaches at Margate and Brighton yesterday and smeared the traditional postcard scene with blood and violence." Papers continued to publish rumors as fact, and even to publish already discredited stories. Over time, the public got a picture of events that was in all key respects false: instead of loosely organized and disparate gatherings of mostly working-class youths looking for something to do, they got a picture of tightly organized gangs of affluent young men from London who swooped down on holiday resorts with the express intent of terrorizing and inflicting violence.

Although the initial culprits were the media, at this point public perception begins to take off on its own. Folk mythology constructed images of the two "gangs," Mods and Rockers, and of their characteristic clothing. "Symbols and labels," writes Cohen, "eventually acquire their own descriptive and explanatory potential" (41). In all parts of British society, the danger was discussed, and the inventory of the characteristics of the allegedly dangerous group further refined. Summarizing the errors that were thus further perpetuated, Cohen

concludes that here, as in other inventories of characteristics of deviant groups, "are elements of fantasy, selective misperception and the deliberate creation of news. The inventory is not reflective stock taking but manufactured news" (44). Rapidly the inventory is connected to the idea of a crisis of values: all that we hold dear is threatened by the group, and the group becomes of interest less in its own right than as a symbol of what is wrong with modern society. As in the case of Theweleit's Freikorps, so here: the key idea is that of civilization under threat from something amoral and atavistic, as "restraint normal to civilized society was thrown aside."⁴⁹ Terms such as "wild ones" and "hooligans" enter the account of the situation, serving, as Cohen argues, "to provide a composite stigma attributable to persons performing certain acts, wearing certain clothes or belonging to a certain social status, that of the adolescent" (55).

The next stage in the process is an attempt at social control. Not surprisingly, given the widespread misreporting and misattribution, and the public hysteria about civilization under threat, the reaction was poorly calibrated to the nature and severity of particular offenses. Discussing the roles played by the police, the courts, and local civic bodies, Cohen demonstrates that there were all too many cases in which individual rights were violated. Many juveniles accused of relatively minor offenses were held in custody for up to three weeks, as the refusal of bail came to be seen as a tough measure to restore societal boundaries. In one case two juveniles, eventually fined five pounds each for obstruction, spent eleven days in Lewes Prison. Tough sentencing was another way in which the legal system tried to respond to public fear. A young student, a first offender with a good school record, was sentenced to three months in a detention center for "using threatening behavior": he had thrown a make-up case at a group of Rockers. In Margate, a magistrate gave fines of fifty to seventy-five pounds to youths arrested for "threatening behaviour," and to one of them a three-month prison sentence. He accompanied these remarkably tough sentences with a speech designed for the gallery and the news media:

It is not likely that the air of this town has ever been polluted by the hordes of hooligans, male and female, such as we have seen this weekend and of whom you are an example.

These long-haired, mentally unstable, petty little hoodlums, these sawdust Caesars who can only find courage like rats, in hunting in packs, came to Margate with the avowed intent of interfering with the life and property of its inhabitants.

Insofar as the law gives us power, this court will not fail to use the prescribed penalties. It will, perhaps, discourage you and others of your kidney who are infected with this vicious virus, that you will go to prison for three months. (109)

The imagery of this speech, in which youths are compared to vermin, to a virus, and to air pollution, is uncannily similar to imagery of German anti-Semitism and anticommunism, as Theweleit and others document these diseases. Notice that it evokes disgust at the same time as it shames.

Panic was not satisfied by mere toughness. The demand was for public humiliation of the offenders. "Deviants must not only be labelled but also be seen to be labelled; they must be involved in some sort of ceremony of public degradation" (95). These shaming ceremonies ranged from the requirement that offenders' fathers take time off work to appear publicly in court with their sons to the practice of removing the belts from suspicious young people's pants before they had done anything wrong. "They complain that they cannot keep their trousers up, but that is their problem entirely." Interestingly enough, that last comment, reporting on the crisis in Britain, was made by a British constable, but then admiringly cited by Judge J. Edward Lumbard, then chief judge of the U.S. Court of Appeals for the Second Circuit, in a speech addressing the Chicago Crime Commission on the need for U.S. police to seek broader powers of search and seizure.⁵⁰ Notice that the penalty (or deterrent, since no offense preceded it) is exactly the same one that Amitai Etzioni has recommended for first-time young African-American drug offenders.

Cohen's analysis shows graphically that many wrongs were done to individual young people through the regime of panic. Interestingly enough, even the proponents of harsh measures do not deny this. They justify the inappropriately harsh sentences they impose by pointing to the gravity of the social danger they have been facing. A crime is not just a crime, it is *part* of a dreadful social threat. As the chief judge at Hastings puts it:

In considering the penalties to be imposed, we must take into account *the overall effect* on the innocent citizens of and visitors to the Borough. Though some of the offences committed by individuals may not *in themselves* seem all that serious, they form *part and parcel* of a *cumulative series* of events which ruined the pleasure of thousands and adversely affected the business of traders. The Hastings Bench has always taken a stern view of violent and disorderly conduct and we do not propose to alter that attitude. In pursuance of that policy we shall impose in these cases penalties—in many cases the maximum—which will punish the offenders and will effectively deter other law breakers.⁵¹

This response would not exactly be consoling to individuals who have been singled out for a sentence wildly disproportionate to other sentences typically meted out for that type of offense. Nor does it even touch on the (obviously widespread) phenomenon of railroading the innocent, or the even more widespread phenomenon of targeting and harassing youths who were pursuing perfectly lawful activities (as with the belt-removal scheme, so much admired in Chicago).

The concept of the moral panic has been used to analyze a number of different social issues. Nachman Ben-Yehudah has put it to work analyzing the reaction to youthful drug offenders in Israel.⁵² Philip Jenkins's *Moral Panic* focuses on the fear of psychopathic sexual predators.⁵³ In *Policing the Crisis*, Stuart Hall and his coauthors study the creation of the term "mugging" and related issues about the fear of urban crime in Britain.⁵⁴

Cohen's concepts are fruitful in themselves, but we can take them further if we combine them with Goffman's work on stigma and with our causal hypotheses about the roots of shame. Goffman's work helps us to see the moral panic phenomenon as an instance of a more general pattern in which unpopular and "deviant" groups are stigmatized. And our causal hypothesis helps us to understand why such panics tend to recur. Indeed, Theweleit's material about German aggression against communists and Jews, which he analyzed convincingly in terms of narcissism and misogyny, is, as I have already suggested, an instance of the phenomenon Cohen identifies, since the stigmatized groups were believed to be dangerous sources of cultural decay, subverters of cherished social values.

My analysis of primitive shame and narcissism suggests that narcissistic anxiety and aggression are very likely to produce a herd mentality in which "normals" find a surrogate safety by bonding together over against a stigmatized group. What Cohen's analysis helpfully adds to this picture is the fact that this bonding often takes a moralized form. The category of the "normal," as we have seen, is already heavily normative. In many circumstances, this normativity is *moral* normativity. Condemnation of the "deviant" group is particularly effective if it takes the form of invoking cherished moral values, to which the deviant group is allegedly a threat. Portraying one's normal group as under siege from a menacing group of devils is, as Cohen shows, one very potent way of organizing hostility and energizing the struggle to preserve one's own safety.

In contemporary American society, few issues are as fraught as our struggles to come to terms with the presence of same-sex attraction and conduct in our communities. Such struggles exist in many societies, but the United States has had a particularly difficult time with this issue—more so, in almost all respects, than the nations of Europe. In chapters 2 and 3, I have already suggested that gays and lesbians are, to many Americans, a revolting source of contamination, a threat to the safety of (male) American bodies, but those chapters, focused on revulsion, left a lot of the terrain of contemporary anti-gay feeling uncharted. Animosity to gays and lesbians does not always take the form of disgust. In chapter 2, indeed, I suggested that disgust is most likely to be a male reaction to gay men. Lesbian sexuality is greeted with a rather different range of emotions, and women typically do not respond with disgust to the sexuality of gay men. But the absence of disgust does not mean the absence of intense hostility, however. We can now fill in another piece of the picture by seeing the operations of primitive shame at work, in converting the encounter with homosexual men and women into a classic moral panic.

Moral judgment about homosexuality is ubiquitous in American society, and much of it takes the form suggested by Cohen's analysis: gays are seen as a threat to all that Americans hold dear. In particular, as the trial of Amendment 2 in Colorado showed, they are routinely portrayed as enemies of the family and dangers to children. The state, defending the amendment, argued that it had six different

"compelling interests" in maintaining the law in question. These included an alleged compelling state interest in protecting family privacy, and a separate alleged compelling interest in "promoting the physical and psychological well-being of children." Furthermore, the state alleged that a compelling interest in "public morality" pervaded all the other compelling interests: thus, for example, the interest in protecting the family was to be understood as pervaded by an interest in public morality.⁵⁵

More recently, the "Defense of Marriage" Act, passed by an overwhelming majority in Congress, defines marriage (for purposes of federal law) as the union of a man and a woman, and tries to ensure that no state will be under pressure to recognize same-sex unions celebrated in states that might decide to legalize them. This law suggests in its very title the idea that the institution of heterosexual marriage is under threat from the possibility of same-sex unions and their public recognition. The debate surrounding the law contained a high level of rhetorically expressed anxiety about the alleged dire threat to cherished values and to the very survival of American society. Consider, for example, a speech made in the floor debate regarding this act by Senator Robert Byrd of West Virginia:

Mr. President, the time is now, the place is here, to debate this issue. It confronts us now. It comes ever nearer . . . Mr. President, throughout the annals of human experience, in dozens of civilizations and cultures of varying value systems, humanity has discovered that the permanent relationship between men and women is a keystone to the stability, strength, and health of human society—a relationship worthy of legal recognition and judicial protection. . . .

[After reading a long list of Biblical passages mentioning marriage] Woe betide that society, Mr. President, that fails to honor that heritage and begins to blur that tradition which was laid down by the Creator in the beginning. . . .

[After describing a trip to the ancient city of Babylon] I stood on the site, or at least I was told I was standing on the site of where Belshazzar, the son of Nebuchadnezzar, held a great feast for 1,000 of his lords. Belshazzar took the cups that had been stolen from the temple by Nebuchadnezzar. He and his wife and concubines and his col-

leagues drank from those vessels, and Belshazzar saw the hand of a man writing on the plaster of the wall, over near the candlestick, and the hand wrote "me'ne, me'ne, te'kel, uphar'sin" and the countenance of Belshazzar changed, his knees buckled, and his legs trembled beneath him. He called in his astrologers and soothsayers and magicians and said, "Tell me what that writing means," but they were mystified. They could not interpret the writing. . . . Daniel interpreted the writing:

God hath numbered thy kingdom and finished it. Thou art weighed in the balances and art found wanting. Thy kingdom is divided and given to the Medes and Persians.

That night Belshazzar was slain by Darius the Median, and his kingdom was divided.

Mr. President, America is being weighed in the balances. If same-sex marriage is accepted, the announcement will be official—America will have said that children do not need a mother and a father; two mothers or two fathers will be just as good.

This would be a catastrophe. Much of America has lost its moorings. Norms no longer exist. We have lost our way with a speed that is awesome. What took thousands of years to build is being dismantled in a generation.

I say to my colleagues, let us take our stand. The time is now. The subject is relevant. Let us defend the oldest institution, the institution of marriage between male and female, as set forth in the Holy Bible. Else we, too, will be weighed in the balances and found wanting.

Many other speeches, if less colorfully, referred to a grave threat to America's survival, to the very existence of family as its oldest and most important unit, to "homosexual groups" bent on carrying out a subversion of traditional standards. Representative Asa Hutchinson of Arizona said, for example, that "I am convinced that our country can survive many things, but one thing it cannot survive is the destruction of the family unit which forms the foundation of our society." Representative Tom Coburn of Oklahoma stated that "the fact is, no society . . . has lived through the transition to homosexuality and the perversion which it lives and what it brought forth." Speaking

very near to a national election, many politicians seemed eager to whip up a storm of fear around the issue of same-sex marriage.

We must move cautiously here because many people of religious conviction sincerely hold that homosexual acts are immoral. We should not suggest that in and of themselves such beliefs are an instance of moral panic. What does hook up with the phenomena investigated by Cohen, however, is the special urgency and salience given to this judgment and to dire threats rhetorically associated with it, especially when we inspect the whole range of the moral values of the religions in question. One sentence in Leviticus condemns some (male) homosexual acts. Hundreds of sentences in both Testaments condemn greed. And yet we do not hear that the greedy, or those who perform greedy acts, are an infestation in our community, that they are subverting our cherished values, and that a compelling interest in public morality leads us to deny them equal civil rights.

Nor does the condemnation of same-sex relationships and even unions seem to be an issue peculiar to religious believers. Indeed, the largest single body in the United States today that officially recognizes same-sex marriage is a religious body, the Reform Jews; and every major religious denomination in the United States contains a wide range of positions on this and related issues, as do secular groups.⁵⁶ All this being so, the highly rhetorical and aggressive singling out of same-sex conduct and same-sex unions for condemnation in the name of values and Judaeo-Christian religion does seem problematic, especially when the nature of the threat posed by these instances of alleged immorality is left so vague.⁵⁷

Why, in fact, should it be thought by anyone that the presence of gay men and lesbians living openly without discrimination in our communities is a threat to families or to children? As Judge Bayless said in his opinion in the bench trial of Colorado's Amendment 2, it seems logical that a "compelling interest" in the family would be pursued by action that was profamily: "Seemingly, if one wished to promote family values, action would be taken that is profamily rather than anti some other group." And in particular, why should it be thought that recognition of same-sex marriage would ruin heterosexual marriages? It is difficult even to identify the logic behind this

thought. Is the idea that heterosexuals are so unhappy with the institution of marriage that they will all rush out and choose same-sex unions if they are made available? Surely that is highly unlikely. Or is the idea that in some nebulous way the institution will be degraded or demeaned, made shameful, by contact with that which is shameful? This seems the more likely reading of the "defense of marriage" idea, and yet the mechanism by which something "good" becomes shameful by proximity to something allegedly shameful is reminiscent of the magical thinking involved in disgust, with its core ideas of contamination and contagion. Similar thinking is often at work with stigmatization and moral panics.

If the public debate about gay marriage sometimes seems like a case of moral panic, we still need to ask what the panic is really about. Cohen's research suggested that at a time of social change, people fear for the stability of their lives; the immediate occasion becomes a way of expressing a more personal and general unease. We may conjecture, similarly, that if gay marriage seems threatening to so many heterosexuals, it is likely to be because of some anxiety about changes in their own lives that is somehow associated with the growing toleration of same-sex relationships. The debate focused on this connection: something is going wrong with heterosexual marriage, and gays and lesbians are somehow to blame. What, then, is this connection likely to be about?

If there is a connection between same-sex relationships and trouble for the institution of heterosexual marriage, it appears to be the indirect connection that is described by legal thinkers Andrew Kopelman, Sylvia Law, and Cass Sunstein. Discrimination against gays and lesbians, they argue, is a form of sex discrimination, because what it is all about is shoring up traditional heterosexuality, including the patriarchal nature of traditional marriage. Gays and lesbians are a symbol, in much of the public imagination, for sex without reproduction, for the decoupling of marriage from commitment to raising a family in the traditional way, which has certainly been a male-dominated way.⁵⁸ (Never mind that many gay and lesbian couples do in fact have and raise children, whether their own from previous marriages, or conceived within the relationship through artificial insemination, or adopted; many more do not and would like to in the

future.) The connection between recognition of gay unions and the erosion of traditional marriage is that if sex is thought to be available outside of the marriage bond, women will have fewer incentives to embark upon marriage and child rearing, and may not wish to do so if marriage continues to be a largely patriarchal and unequal institution. In much of Europe, the birth rate has been falling alarmingly, largely, it is thought, because women have other opportunities in life and are unwilling to enter unions that will work to their disadvantage. For many Americans, gay marriage is scary because it is a symbol of sex, and therefore women, eluding patriarchal control. This sort of anxiety about change that eludes control, and the loss of control over cherished values, can easily awaken narcissistic fear and aggression. We may tentatively conjecture that the panic about gay marriage is at least in part a panic about women eluding male control.

If the institution of marriage is indeed in trouble, as divorce statistics in many modern democracies suggest, there are many things that could be done to come to its assistance, many of which would involve making marriage more attractive for women who have other options. As Senator John Kerry said during the Senate debate on the Defense of Marriage Act:

The truth that we know, which today's exercise ignores, is that marriages fall apart in the United States, not because men and women are under siege by a mass movement of men marrying men or women marrying women. Marriages fall apart because men and women don't stay married. The real threat comes from the attitudes of many men and women married to each other and from the relationships of people in the opposite sex, not the same sex. . . . If this were truly a defense of marriage act, it would expand the learning experience for would-be husbands and wives. It would provide for counseling for all troubled marriages, not just for those who can afford it. It would provide treatment on demand for those with alcohol and substance abuse, or with the pernicious and endless invasions of their own abuse as children that they never break away from. It would expand the Violence against Women Act. It would guarantee day care for every family that struggles and needs it. It would expand the curriculum in schools to expose high school students to a greater set of practical life

choices. It would guarantee that our children would be able to read when they left high school. It would expand the opportunity for adoptions. It would expand the protection of abused children. It would help children do things after school other than to go out and perhaps have unwanted teenage pregnancies. It would help augment Boys Clubs and Girls Clubs, YMCAs and YWCAs, school-to-work, and other alternatives so young people can grow into healthy, productive adults and have healthy adult relationships. But we all know the truth. The truth is that mistakes will be made and marriages will fail. But these are ways that we could truly defend marriage in America.

Such practical steps to support marriage were not even on the table. The law was entirely negative in orientation, aimed at injuring an unpopular group rather than at giving real support to traditional values. So even if we bracket the deep moral issues involved for many people when they think about issues of same-sex conduct, we have strong reasons to think that the panic surrounding the debate over this particular law is not just about morality and family—that it expresses, at least in part, the more primitive aggressive feelings we have been exploring.

Sex, as I argued in chapter 4, is an area of great human vulnerability and anxiety. It is thus a likely locus for shame, even if, as I have argued, it is not *the* (only or even primary) locus. People are extremely anxious about their sexuality, and feel threatened with shame in that area, especially in an America in which ideas of sexual perfection suffuse the popular culture, promoting unrealistic and inflexible norms for all. Because sex is both intimate and in its very nature not susceptible of full control, it is likely that in this area people who experience difficulties with lack of control and with the very idea of intimacy (which entails lack of control) will feel particularly threatened. All this leads us to expect that "moral panics" will crop up with particular frequency in the area of sex.⁵⁹ Freud long ago observed that Americans appear to be particularly fearful and shame-ridden about their sexual lives; he added that they convert their libido into moneymaking, which is easier to manage. A similar observation was made by philosopher Theodor Adorno, an emigré to the United States from Germany, who observed that Americans

are preoccupied with norms of health in the area of sex, and spoke often of a "healthy sex life." "Sexuality is disarmed as *sex*," he continued, "as though it were a kind of sport, and whatever is different about it still causes allergic reactions."⁶⁰

The family is also an area of great anxiety and lack of control. Families often contain our most intimate relationships, through which we search for the meaning of life. And yet there is much hostility, ambivalence, and anxiety involved in many, if not most, family relationships. Thus shame once again enters the picture: the roles we assign ourselves in the family, as "the good father," "the good mother," are cherished and comforting norms, and precious aspects of people's attempts to define themselves as normal, precisely because there is so much at stake when control is lost and something unexpected happens. People are typically aware of deficiency in their family roles, and thus they need all the more anxiously to shore up their purity.

We have many reasons to suppose, then, that a good deal in the aggressive public campaign against same-sex marriage and nondiscrimination laws for gays and lesbians is not about religion at all, but contains elements of a primitive narcissistic type of aggression, desirous of reasserting control over family and sex by stigmatizing gays and lesbians. In the debate over the "Defense of Marriage" Act, several participants referred usefully to the climate of panic and hatred that once surrounded interracial marriage, which was legal in some states and illegal in others until the U.S. Supreme Court declared the state bans unconstitutional in 1967. The possibility of interracial marriage was a related, deeply upsetting challenge to the structure of the "normal" family, which made white men, in particular, sense a potential for shame about their masculinity. The need to draw boundaries rigidly expressed the desire to keep this threat of shame at bay.

As evidence of the sort of thinking involved in our "moral panic" over gay marriage, let me mention one more rather alarming example. In July 2001, a letter came to my home. Although I usually throw away most mass mailings unopened, this one caught my eye because the envelope announced, in red letters, a "National Campaign to Stop the American Civil Liberties Union" (ACLU). I looked again, and saw that, unlike most commercial solicitations, it was addressed

to me as "Professor Martha Nussbaum," which seemed to indicate some personal acquaintance. So I opened it. The letter inside, signed by a coalition of Christian groups and leaders called the Alliance Defense Fund, and backed by a warm testimonial from former U.S. Attorney General Edwin Meese, addressed me as "Dear Christian Friend"—a double irony. The letter described a legal challenge by the ACLU to a referendum recently passed in Nebraska that amended the state constitution to bar legal recognition of same-sex "marriages" and "civil unions" (scare quotes as in letter). First, the letter accused the ACLU of hypocrisy, on the grounds that the organization had insisted, apropos of the Florida election recount, that it was extremely important that each person's vote should be counted. And yet, here they are holding, at the same time, that the votes of the citizens of Nebraska, who had passed the referendum by 70 percent to 30 percent, ought not to count. This use of clever rhetoric to obscure the distinction between fundamental constitutional rights, which cannot be overturned by a majority vote, and the election of a president, where a state's electoral votes are determined by a majority vote, was just one instance of a Cohen-like rhetoric of distortion that filled the letter.⁶¹

The letter then continued by documenting all the bad things that would allegedly happen in our communities if the ACLU were successful in its campaign. The catalogue of horrors began with imagery reminiscent of descriptions in both Cohen and Theweleit: "*If the ACLU wins in Nebraska, it will set a dangerous national precedent. The floodgates will be opened for extremists to overturn marriage laws in every state. If that happens, you won't recognize America.*" One of the alleged horrible consequences was that "pastors" would be "forced" to perform same-sex unions, as if the existence of a civil marriage right could ever force a religious leader to perform a religious ceremony. (Has the Alliance forgotten that First Amendment rights of non-establishment and free exercise do not currently force Catholic priests to marry Jews, or indeed to marry anyone whose commitment and background they do not approve of?) The culmination of all the horrors, however, was especially revealing: it was that "activists will be given immense power and boldness to pursue the rest of their agenda, including so-called 'hate crime' and other laws that could actually criminalize much public opposition to homosexual behavior."