

THE NEW POLITICS OF SEX

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ABSTRACT

Sexual politics has grown rapidly in recent years not only in importance but also in complexity. It has replaced socialism as the vanguard ideology of the left. Yet the larger unity of its many manifestations has never been critically scrutinized as a whole, nor the interconnections between its various features understood. Liberal scholars generally endorse and promote the entire agenda. Various conservatives (religious, secular, libertarian, men's rights) criticise some aspects but often approve others. Few have tried to understand the larger phenomenon in its entirety or the dynamic driving it. Sexual politics today is driven by a dialectic of freedom and authority. The libertarian side includes demands to remove legal restrictions and moral inhibitions on sexuality generally, particularly on abortion, homosexuality, same-sex marriage, divorce, and cohabitation, and to allow changeable 'gender identity' to replace fixed biological sex in legal documents. Against this, an authoritarian side seeks to replace the discarded prohibitions with new prohibitions of its own. The principal manifestation is criminal and quasi-criminal accusations (with unclear lines of demarcation separating these categories) of rape, sexual assault, 'sexual harassment', domestic violence, child abuse, nonpayment of child support, 'bullying', sexual 'misconduct', sexual 'abuse', sexual 'aggression', bigotry, 'misogyny', 'sexism', 'hate speech', 'hate crimes', and more. These alleged infractions often have no fixed definitions and include both acts and beliefs (ideological, political, or religious), leading to restrictions on freedom of expression and religion. Often these accusations are adjudicated by irregular and even non-judicial tribunals through innovative rules of procedure and evidence, wherein due process protections for the accused are ignored or bypassed. Other manifestations include massive growth in the welfare state, with attendant problems of crime, substance abuse, and truancy, sexualisation of the military and foreign policy in unexpected ways, new roles for international organisations, especially development policy, and connections with the Islamic world.

I INTRODUCTION

With astonishing speed, the public agenda of the Western world and beyond has come to be dominated by what *Newsweek* magazine calls ‘the politics of sex’.¹ Demands to liberalise abortion or recognise same-sex marriage are only manifestations of this trend, which entails much more than the familiar sexualisation of culture. What we are seeing is the emergence of an expansive political agenda and a new political ideology that derives its power from claims to control and change the terms of sexuality.

Demands for new forms of sexual freedom – what Helen Alvare calls ‘sexualityism’ and what some are calling ‘gender ideology’ – increasingly dominate left-wing politics, though elite opinion has been remarkably slow to recognise this new form of ideology, both feminist and, to coin a term, homosexual-ist. ‘There has been a massive expansion of “sexual liberty”,’ Alvare writes. ‘The federal government is seeking to expand sexualityism.’

Much more is involved in the new sexual politics than simply sexual license. Ubiquitous demands for ‘power’ and ‘empowerment’ reveal that what has emerged is a true ideology, reminiscent of the older ideologies of Communism and Fascism (and even, more recently, Islamism). Unlike its predecessors, however, this ideology uses *sexual* leverage as its main political instrument and weapon. One sympathetic scholar terms it ‘the ideology of the erotic.’² This ideology reformulates the older battle cry of ‘social justice’ into more ambitious demands for what is now being called ‘erotic justice’.³ The means of achieving this involve the criminal justice system.

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¹ See <<http://www.rojaksite.com/newsweek-politics-of-sex/>>.

² Richard G Parker, *Bodies, Pleasures, and Passions: Sexual Culture in Contemporary Brazil* (Vanderbilt University Press, 2009) 111.

³ Sonia Corrêa, Rosalind Petchesky, and Richard Parker, *Sexuality, Health, and Human Rights* (Routledge, 2008) 4-5.

Both feminism and the newer homosexualist ideology that adopts its methods began with apparently modest claims: feminists to legal equality with men; homosexuals to be left alone in private. It is now apparent that these agendas encompass far more than meets the eye and that we have opened a Pandora's box of demands and urges that, like sex itself (and political power), are virtually insatiable.

'Sex is always political', the radicals proclaim, because some are said to be perpetrating 'sexual oppression' by denying others their 'sexual rights'. To procure these rights, the oppressed are organising 'movements of resistance' to claim their 'sexual citizenship' and 'sexual self-determination'. Sexual rights are said to be 'inextricable from economic, social, cultural, and political rights', and these are 'rights that are protected by the state'. Sexual oppressors use 'hierarchies of sexual value' such as religion and traditional sexual morality that 'function in much the same ways as do ideological systems of racism'. What is demanded now is 'a more radical sexual politics capable of calling into question inequality or oppression in sexual relations or in articulating a vision of sexual self-determination and freedom' and launching a full-scale 'cultural revolution'.⁴

We have heard this language before. With updated grievances, it expresses a hatred of restraint, and authority and thirst for unrestricted freedom and revenge reminiscent of the ideologies of the last century. Palpable in these manifestos is the emotion that feeds all violent political movements: resentment. The resentment is directed not at named individuals – who could be formally charged and tried for recognised crimes using established procedures and tangible evidence – but against groups of unnamed transgressors *en masse*, against whom new crimes and new justifications for punishment must be devised. For the resentment rationalises the desire to rebel against the existing order, 'to restructure society', to overthrow existing institutions and institute a new order with themselves in command, and to use their new power to punish people who they believe have harmed them, and who in this case – even more than in the past – are most often simply ordinary people minding their own business.

⁴ Ibid 4-5, 24, 26, 27, 29-30, 93; Richard Parker, Rosalind Petchesky and Robert Sember (eds.) *Sex Politics: Reports from the Front Lines* (Sexuality Policy Watch) <<http://www.sxpolitics.org/frontlines/book/pdf/sxpolitics.pdf>> 9, 20. This publication and book cited in the previous note are funded by major foundations, including Ford, MacArthur, and the Open Society Institute.

This is no longer the rhetoric of marginal extremists. The agenda of sexual liberation (and sexual resentment) now pervades virtually all social and political institutions: the media, universities, schools, charities, medicine, corporations, foundations, judiciaries, churches, governments, international organisations – with hardly a word of challenge, all have become thoroughly saturated with the politics of sex. No other matrix of issues exercises remotely as influential an impact on our culture, politics, and daily lives, and yet none has been so astonishingly exempt from critical examination by journalists or scholars.

II SEXUAL LIBERATION AND POLITICAL IDEOLOGY

Both feminism and the newer homosexualist ideology that adopts its methods began with apparently modest and limited claims: feminists to legal equality with men; homosexuals to be left alone in private. These minimalist demands have gained widespread sympathy. The liberal assumptions we all share today lead us to understand the radicals' demands as a matter of means and ends: The goal, we are told, is sexual freedom, and political activism and agitation is simply a means to that end. Once the minimal demands for freedom are met, we will return to stability, peace and quiet.

Yet it is now apparent that these agendas encompass far more than meets the eye and that we have opened a Pandora's box of demands and urges that, like sex itself (and political power), are virtually insatiable. When one understands the dynamics of radical ideology, it becomes more difficult to separate the substance of the sexuality from methods of the politics. It also become difficult to see where it will all end. Sexual freedom is inseparable from *radical* politics, because (as any parent of an adolescent knows) sexual freedom is itself a form of rebellion and one easily politicised. Breaking sexual restraints and 'taboos' is an end in itself because it defies convention and authority and therefore provides 'power'. 'Your abortion can be a rebellious and empowering act,' declares one feminist:

It is an act through which you can assert yourself ... My hope is that ... you will use your abortion to connect with women everywhere. You will connect your very special personal with the very important political, and you will begin to know your own power.⁵

Not all self-identified homosexuals necessarily understand their sexuality in expressly political terms. Yet homosexuality too has itself become a political statement. Lesbianism is more obviously political and for many constitutes the personal dimension of feminist ideology: ‘Feminism is the theory, lesbianism is the practice,’ in words attributed to Ti-Grace Atkinson. ‘For many of today’s feminists, lesbianism is far more than a sexual orientation ... It is ... “an ideological, political, and philosophical means of liberation of all women from heterosexual tyranny.”’⁶

The means and the ends are thus parts of an internally coherent whole, intertwining the sexual and political drives as mutually reinforcing forms of rebellion. The result is open-ended revolt for its own sake – or what revolutionaries like Trotsky and Mao called ‘permanent revolution’.

E Michael Jones has shown how sexual radicalism has coincided historically with political radicalism, including the most violent upheavals such as the French and Russian revolutions. ‘Sexual revolution is, if not synonymous with revolution in the modern sense of the word,’ he observes, ‘then certainly it is contemporaneous.’⁷ Feminists have long had intimate associations with Bolshevism and before them with Jacobinism. Likewise, homosexualists have longstanding involvement in Fascism, including Nazism. ‘Gay men have been at the heart of every major fascist movement ... – including the gay-gassing, homicidal Third Reich,’ writes Johann Hari. ‘Mainstream elements of gay culture – body worship, the lauding of the strong, a fetish for authority figures and cruelty – provide a swamp in which the fascist virus can thrive.’⁸

⁵ Rebecca Walker, ‘She’s Come for an Abortion. What Do You Say?’ *Harper’s Magazine*, November 1992, 51, quoted in Charmaine Crouse Yoest, ‘The New Feminist at 50: Women Alone’ (2013) 27(1) *The Family in America*, 18.

⁶ Rene Denfeld, *The New Victorians* (Simon and Schuster, 1995) 45, quoting Cheryl Clarke, ‘Lesbianism, an Act of Resistance’ in Cherrie Moraga and Gloria Anzaldúa (eds), *This Bridge Called My Back: Writings by Radical Women of Color* (Women of Color Press, 1983) 129.

⁷ E Michael Jones, *Libido Dominandi: Sexual Liberation and Political Control* (St. Augustine’s Press, 2000) 20.

⁸ Johann Hari, ‘The Strange, Strange Story of the Gay Fascists’, *Huffington Post* (online), 21 October 2008 <http://www.huffingtonpost.com/johann-hari/the-strange-strange-story_b_136697.html>. See also Scott Lively and Kevin Abrams, *The Pink Swastika: Homosexuality in the Nazi Party* (Founders Publishing Corp, 1995).

In short, sexual radicalism demands not simply static sexual freedom. It is an ideology that uses sexual release to encourage open-ended rebellion by adolescents and resentment by adults. As we saw in the ideologies of the last century, this is a prescription for authoritarian government and determined, systematic persecution of ‘oppressors’. This is precisely what we are now seeing on both the religious and secular fronts.

Throughout the world, sex is now the polarity, more than any other, that defines our ideological alignments. ‘Most of the reasons’ for differences between the Christianity of the affluent countries and the poor ‘involve disputes over gender and sexuality,’ writes historian Philip Jenkins. ‘These have proved the defining issues that separate progressives and conservatives, ecclesiastical left and right.’⁹ Something similar could be said of the secular political left and right, though Jenkins’ focus on religion provides a good place to start.

III RELIGIOUS FREEDOM

Increasingly we see the direct confrontation between sexual liberty against religious liberty. In the Western democracies, almost all major restrictions on religious freedom now come from the expanding sexual agenda:¹⁰

- street preachers arrested for expressing convictions about sexual morality;
- government clerks and registrars losing their positions for refusing to officiate same-sex marriages;
- business owners and professionals sued and put out of business for refusing business that violates their consciences;
- Catholic adoption agencies closed because of their religious principles;
- Christian firemen ordered to participate in political demonstrations that mock their religion and police to display political symbols in police stations;

⁹ Philip Jenkins, *The New Christendom: The Coming of Global Christianity* (Oxford University Press, 2011) 246.

¹⁰ Stephen Baskerville, ‘The Sexual Agenda and Religious Freedom’ (2011) 4(2) *International Journal for Religious Freedom* 91.

- homeschoolers have lost their children to school authorities implementing an increasingly sexualised curriculum;¹¹
- directives from the European Union would allow private citizens to be punished financially for expressing their religious and political convictions about sexual issues.¹²

In the US, the ‘Obamacare’ program was much more about sex than it was about health – financing not only abortion and contraception, but also single motherhood, whose advocates were the foremost constituency and promoters of the program.¹³

Even the United Nations recognises the threat. ‘Christianity is ... under pressure from a form of secularism, particularly in Europe,’ according to the United Nations Economic and Social Council. ‘Prejudice against Christians or ideas based on religion, which exists both in Europe and in the United States, mainly concerns questions relating to sex, marriage, and the family, on which the Catholic, Muslim, and Orthodox churches have taken stands.’¹⁴ If expressing moral convictions now constitutes ‘discrimination’ against sexual radicals, it is hardly an exaggeration to suggest that sexual freedom and religious freedom now stand in a direct, eyeball-to-eyeball confrontation in which no compromise appears possible.

Advocates of sexual liberation – some with official, taxpayer-funded positions – themselves openly describe Christian and other religious beliefs as direct impediments to their freedom. ‘Cultural and religious values cannot be allowed to undermine the universality of women’s rights,’ declares a United Nations committee. Another UN body reports that no middle ground is possible and that religious freedom is simply incompatible with sexual liberation. ‘In all countries, the most significant factors inhibiting women’s ability to participate in public life have been the cultural framework of values and religious beliefs,’ it states. ‘True gender equality

¹¹ Mike Donnelly, ‘Religious Freedom in Education’ (2011) 4(2) *International Journal for Religious Freedom* 61.

¹² Paul Coleman and Roger Kiska, ‘The Proposed EU ‘Equal Treatment’ Directive’ (2012) 5(1) *International Journal for Religious Freedom* 113.

¹³ *Unmarried Women on Health Care: Unmarried Women Driving Change on Leading Domestic Issue*, Greenberg Quinlan Rosner, 8 August 2007 <http://www.greenbergresearch.com/articles/2066/3853_wvwv%20_health%20care%20memo_%200807m9_FINAL.pdf>.

¹⁴ Quoted in *Shadow Report, 2005-2010* (Vienna: Observatory on Intolerance and Discrimination Against Christians in Europe, 2010) <<http://tinyurl.com/2wvteq5>>.

[does] not allow for varying interpretations of obligations under international legal norms depending on internal religious rules, traditions, and customs.’¹⁵

Sexual radicals are not increasingly bold in their demands that sexual freedom must be permitted to replace religious freedom. As predicted by a lesbian attorney in 1997, ‘the legal struggle for queer rights will one day be a showdown between freedom of religion versus sexual orientation.’¹⁶ Today, as the two do come into direct confrontation, freedom of religion is almost always the one that must yield. ‘I’m having a hard time coming up with any case in which *religious* liberty should win,’ says homosexual activist Chai Feldblum, who, as federal Commissioner for the Equal Employment Opportunity Commission, is sworn to uphold the US Constitution’s First Amendment. ‘There can be a conflict between religious liberty and sexual liberty, but in almost all cases the sexual liberty should win.’¹⁷

The aggressive, ideological quality of the new sexual demands suggests a connection to another global ideology – also a major threat to religious freedom – which likewise places sexuality at its core: Islamism, or Islam as a radical political ideology. Islamist militancy is not usually seen as a sexual ideology, and its theoretical incompatibility with the rights of women and homosexuals is obvious and frequently commented upon. But less obviously, it too bases its aspirations to political power on its claims to control the terms of sexuality and the family.

‘The centrality of gender relations in the political ideology of Islam’ is widely acknowledged by scholars,¹⁸ whatever difficulty they may have making sense of it. ‘The issue of women is not marginal,’ write Ian Buruma and Avishai Margalit; ‘it lies at the heart of Islamic [radicalism].’¹⁹ Whatever may be the various sources of grievance and resentment fueling Islamist ideology, the

¹⁵ *United Nations Division for the Advancement of Women, General Recommendations Made by the Committee on the Elimination of Discrimination Against Women. No. 19, 11th sess (1992),* <<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>>; *Report of the Committee on the Elimination of Discrimination Against Women, 13th sess, A/49/38 (1994)* 39.

¹⁶ Quoted in Teresa Wagner and Leslie Carbone (eds) *Fifty Years After the Declaration: The United Nations' Record On Human Rights* (University Press of America, 2001) 121. I owe this reference to Benjamin Snodgrass.

¹⁷ Quoted in Maggie Gallagher, ‘The (Gay) Public Intellectual’, *CBS News* (online), 8 May 2006 <<http://www.cbsnews.com/news/banned-in-boston-part-two/>>.

¹⁸ Parvin Paidar, *Women and the Political Process in Twentieth Century Iran*, 232, quoted in Masoud Kazemzadeh, *Islamic Fundamentalism, Feminism, and Gender Inequality in Iran Under Khomeini* (University Press of America, 2002) 4.

¹⁹ Ian Buruma and Avishai Margalit, *Occidentalism: The West in the Eyes of Its Enemies* (Penguin, 2004).

responses largely distill down into Islamic sexual regulation. Muslim radicals understand that controlling sex and claiming sexual purity translate into political power. ‘The *hejab* has been identified by the [Iranian] regime as the very cornerstone of its revolution,’ notes Haideh Moghissi. ‘It is described as basic to Islamic ideology and prescribed by God himself as a “duty” for women.’ And as these scholars attest, women often figure prominently in radical Islamist movements.²⁰

Conservatives often express perplexity because feminists and homosexualists seldom criticise radical Islamism, but the reason is plain: Insofar as radical Islam threatens their rights, conservatives will carry the radicals’ water for them.²¹ Meanwhile Islamists and feminists/homosexualists pursuing political power at the expense of Western and Christian values can become formidable allies, furthering each other’s agendas by playing their critics off against one another.

IV SECULAR FREEDOM

But religious freedom is only the most recent and visible point of contention. The sexual agenda’s implications for freedom extend well beyond religious expression – though here as elsewhere religious freedom comprehends other freedoms. Following its predecessors, the Sexual Revolution’s promise of a new age of freedom is already manifesting itself in new forms of authoritarianism.

By far the most draconian punishments meted out by the new sexual gendarmes – and the most repressive government machinery ever created in the modern English-speaking democracies – is the unilateral and involuntary divorce *apparat*, government’s purpose-built mechanism for dismembering families, seizing control over the private lives of innocent people and their children, summarily confiscating property, and criminalising the embodiments of the hated

²⁰ Haideh Moghissi (ed) *Women and Islam* (Routledge, 2004) 77-78. I have argued this at greater length in ‘The Sexual Jihad: The Global Rise of Sexual and Religious Radicalism’ (2008) 7(1) *New Male Studies* 1.

²¹ Kay Hymowitz, ‘Why Feminism is AWOL on Islam’, *City Journal* (online), Winter 2003 <<https://www.city-journal.org/html/why-feminism-awol-islam-12395.html>>.

‘patriarchy’: fathers. This creation of the feminist bar associations²² was enacted throughout the Western world, with little public debate, at the height of the Sexual Revolution. The oxymoron of ‘no-fault’ justice allows legally unimpeachable citizens – completely innocent of any legal infraction – to be summarily evicted from their homes, separated from their children, expropriated of all they possess, and if they fail or refuse to cooperate, they can be incarcerated without charge or trial.

Simply by filing for divorce, a discontented spouse acting without any legal grounds instantly places the lives of her entire family under government supervision: the father is summarily placed under the supervision of the penal apparatus; the children become effective wards of the courts and social service agencies; and the mother becomes a paid functionary-in-residence of the state (which can remove the children from her as well) – all without anyone having committed any legally actionable offense. There are no formal charges, no indictments, no juries, no trials, no acquittals, and most strikingly, no records of the incarcerations.²³

It is impossible to overestimate the importance of the divorce system. It is in many ways the epicenter of the entire Sexual Revolution. Almost all of its most drastic innovations, including same-sex marriage, and the recent outbreak epidemic of quasi-criminal and semi-criminal accusations over various forms of sexual ‘misconduct’, ‘harassment’, and ‘abuse’ follow logically from the divorce dynamic and often adopt the *modus operandi* pioneered in the divorce courts.

V NEW GENDER CRIMES

The divorce machinery is only one example of how sexual radicalism dramatically expands police powers and criminalisation. Since the inception of their revolution – and well beneath the media radar screen – sexual militants have been creating a vast panoply of new crimes and expanded redefinitions of existing crimes – all of them involving sexual and family relations:

²² National Association of Women Lawyers <<http://www.abanet.org/nawl/about/history.html>>. I am grateful to Judy Parejko for this reference.

²³ Stephen Baskerville, *Taken Into Custody: The War Against Fathers, Marriage, and the Family* (Cumberland House, 2007) ch 1. For only one striking example, see Rebecca May and Marguerite Roulet, ‘A Look at Arrests of Low-Income Fathers for Child Support Nonpayment: Enforcement, Court and Program Practices’, Center for Family Policy and Practice, January 2005 <<http://www.cpr-mn.org/Documents/noncompliance.pdf>> 6, 9, 11, 41, 42, 43, 44.

‘rape’, ‘sexual assault’, ‘sexual harassment’, ‘domestic violence’, ‘stalking’, ‘child abuse’, ‘bullying’, ‘sex trafficking’, and more. These witch hunts bear almost no relation to what is suggested by the inflammatory language: ‘rape’ that clearly includes consensual sex and in most instances is no more than that;²⁴ domestic ‘violence’ that involves no violence or physical contact or threat of it;²⁵ ‘child abuse’ that is routine parental discipline or homeschooling or devised altogether to win advantages in divorce court;²⁶ ‘bullying’ that is so vague as to be meaningless or involves criticism of the homosexual political agenda or other differences of belief and opinion; ‘stalking’ that is involuntarily divorced fathers trying to see their own children; and much more.

In a rare scholarly investigation, Marie Gottschalk found that exploding prison populations in the United States resulted not from conservative law-and-order campaigns but from aggressive feminist campaigns in the name of rape and domestic violence. ‘The women’s movement became a vanguard of conservative law-and-order politics,’ she writes. ‘Women’s organisations played a central role in the consolidation of this conservative victims’ rights movement that emerged in the 1970s.’²⁷

These new and loosely-defined crimes have politicised law enforcement and criminal justice, rendered both the civil and criminal law vague and subjective, by-passed and eroded due process protections for the accused, and criminalised and incarcerated vast numbers of men and some women who had no inkling that they were committing a crime. Until recently, few had ever heard of most of these crimes and even now no one can really understand what they mean because no fixed definitions exist.

²⁴ Stephen Baskerville, ‘Feminist Gulag: No Prosecution Necessary’, *The New American* (online) 7 January 2010, <<https://www.thenewamerican.com/culture/family/item/549-feminist-gulag-no-prosecution-necessary>>, and Stephen Baskerville, ‘Julian Assange’s Political Honeytrap’, *The American Conservative* (online) edition, 25 February 2011 <<https://www.theamericanconservative.com/articles/julian-assanges-political-honeytrap-and-ours/>>.

²⁵ Baskerville, *Taken Into Custody*, ch 4; David Heleniak, ‘The New Star Chamber: The New Jersey Family Court and the Prevention of Domestic Violence Act’ (2005) 57(3) *Rutgers Law Review* 1009.

²⁶ Baskerville, *Taken Into Custody*, ch 4.

²⁷ Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge University Press, 2006) 115-116.

Seldom are these quasi-crimes adjudicated by trials or juries in standard courts.²⁸ Instead guilt (but seldom innocence) is summarily pronounced by specialised judges or, increasingly, various quasi-judges: ‘judges surrogate,’ lawyers, social workers, school administrators, campus tribunals, welfare officials, and other petty functionaries and political operatives with a vested interest in acquiring quasi-judicial power. Accusers are identified as ‘victims’ in official documents, and the accused are publicly labeled not only by media but even by law enforcement officials themselves with terms that presume guilt – ‘perpetrators’, ‘abusers’, ‘batterers’, ‘bullies’, ‘harassers’, ‘deadbeats’, ‘traffickers’, and more – even before they are tried (if they are tried at all). Distinctions between crime, tort, and everyday disagreement are blurred or eliminated by ‘the glorification of feeling,’²⁹ with clear acts of criminal violence (for which existing criminal law has always provided) intermixed with open-ended terms like ‘abuse’ and ‘exploitation’ to suggest that anything that might fall under these vague but opprobrious terms is likewise a crime demanding that someone be arrested. The crime is often defined subjectively, according to ‘feelings’ rather than deeds, and guilt is determined not by the objective act of the accused but by the subjective state-of-mind of the accuser – not only whether she gave ‘consent’ but whether she felt ‘fear’. Guilt can also be defined by the accuser feeling ‘offended’, making the accused guilty by definition.³⁰

Convictions and high conviction rates are presented as goals to be pursued for their own sake, regardless of the merits or evidence in particular cases.³¹ Proceedings are rigged with paid ‘victim-advocates’ (usually professional feminists) hired to testify against defendants they do not know and about whose alleged guilt they have no first-hand knowledge in order to secure conviction and maximum punishment.³² Yet the accused are given no equivalent advocate-witnesses to testify for them and often no opportunity even to speak in their own defense. Throughout, the presumption of innocence has been inverted into a presumption of guilt, and

²⁸ ‘We mean [by the rule of law], in the first place, that no man is punishable or can be made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner *before the ordinary courts of the land.*’ A V Dicey, quoted in John Laughland, *A History of Political Trials* (Peter Lang, 2008) 7 (emphasis added).

²⁹ Paul Nathanson and Katherine K Young, *Legalizing Misandry: From Public Shame to Systemic Discrimination against Men* (McGill-Queen’s University Press, 2006) 202-203.

³⁰ Coleman and Kiska, ‘Proposed EU Directive’.

³¹ Christina Patterson, ‘It’s Miliband, Not Clarke, Who Should Be Ashamed’, *The Independent*, 19 May 2011.

³² Stuart Taylor and K C Johnson, *Until Proven Innocent: Political Correctness and the Shameful Injustices of the Duke Lacrosse Rape Case* (Thomas Dunne, 2007) 377.

knowingly false accusations are unpunished and even encouraged.³³ Government campaigns claim to ‘raise awareness’ of unnamed nonviolent malefactors said to be guilty of nebulous new crimes which no one really understands. Government statistics purporting to quantify the existence of these crimes are based not on verifiable convictions but on ‘reports’ that are ‘confirmed’ not by convictions in jury trials but by the decree of judges and sometimes simply by civil servants such as social workers. The statistics and reports are also based on definitions so vague that it is not clear what if anything is being reported.³⁴ Accusers are officially ‘certified’ as ‘victims’ by civil servants, such as welfare agencies, with no judicial proceeding, implicitly entitling the officially certified victim to have her or his alleged (or quasi-certified) victimiser punished. For many incarcerations, government statistics and documentation, which in the United States and other free societies are required by law, are not published and do not exist. In many cases, there is not even a record of the incarcerations.³⁵ Accusers can profit financially by their accusations, by looting the accused with lawsuits, even without supplying any proof of a crime, as can third parties such as law firms and feminist or homosexualist ‘nonprofit’ groups.³⁶

The innocent are easily railroaded into prison because the alleged crimes and the accusations arising from them encounter almost no challenge. Few are willing to place themselves in a position of appearing to defend ‘sex crimes’ or accused ‘sex offenders’. One-sided ‘awareness’ campaigns vilify groups *en masse* – ‘abusers’, ‘batterers’, ‘harassers’, ‘deadbeats’, ‘bullies’, ‘stalkers’, (all reminiscent of Communist campaigns against ‘counter-revolutionaries’ and ‘anti-social elements’) – and intimidate anyone who dares question the government line and generate public hysteria that makes fair trials impossible for those actually accused of belonging to these categories. Accusations quickly become available as weapons to be used in personal and political vendettas. Patently false and petty accusations are processed because they rationalise budgets of

³³ Baskerville, *Taken Into Custody*, ch 4.

³⁴ *Ibid* ch 3.

³⁵ May and Roulet, ‘Look at Arrests’.

³⁶ Coleman and Kiska, ‘Proposed EU Directive’.

feminised and sexualised law-enforcement agencies by turning law-abiding citizens into safe, nonviolent criminals for the police to arrest.³⁷

The result is a spiral of silence by journalists, scholars, and other presumed watchdogs. Far from questioning the accusations, conservative moralisers credulously hasten to tag along with the radical mob in condemning ‘crimes’ of which they have little understanding. One need only observe the zeal with which conservative political operatives abandon traditional stigmas against quaint, old-fashioned concepts like adultery or fornication and adopt sexualised agitprop jargon, whose full implications they cannot possibly understand, when they accuse President Bill Clinton of ‘sexual harassment’ or Muslims of ‘homophobia’. The net result is that on the right as well as on the left, traditional morality is replaced with radical ideology.

VI THE POLITICAL HONEYTRAP

These new gender crimes have been created not despite the new sexual freedom but as the inseparable corollary to it. For what is striking about the new crimes is that they operate alongside and in concert with the new freedoms. What may be the most significant – and again, the least noticed – feature of gender crimes is how smoothly they combine expanded sexual freedom with diminished civic freedom: sexual liberation with political repression.

Many have observed the paradox of feminists promoting and offering easy sex coupled with simultaneously searching for new ways to punish men for sexual acts. Yet few understand the dynamic that connects the two. ‘While women’s studies professors bang pots and blow whistles at anti-rape rallies,’ observes Heather MacDonald, ‘in the dorm next door, freshman counselors and deans pass out tips for better orgasms and the use of sex toys.’³⁸ This anomaly is no accident: It is the sex that provides the weapon, and with it the political power.

The crime usually begins as some new sexual freedom demanded in strident terms as necessary to liberate women from some form of ‘oppression’ – though crucially, the new freedom is also

³⁷ ‘Wrong Arm of the Law’, *Daily Telegraph* (online), 31 July 2012 <<http://www.telegraph.co.uk/comment/telegraph-view/9432252/Wrong-arm-of-the-law.html>>; ‘Christian Preacher Vows to Fight...’, *Daily Mail* (online), 2 May 2010 <<http://www.dailymail.co.uk/news/article-1270650/Christian-preacher-trial-public-order-offences-saying-homosexuality-sin.html#ixzz0n9nOnTGZ>>.

³⁸ Heather MacDonald, ‘The Campus Rape Myth’, *City Journal* (online), Winter 2008 <http://www.city-journal.org/2008/18_1_campus_rape.html>.

enticing to men, especially young men with strong libidos and few responsibilities. This then degenerates into a corollary criminal accusation against (usually) the man who takes the bait by indulging in the newly permitted pleasure:

- Insisting that women can enjoy casual and recreational sex as they perceive men do, which then turns into accusations of ‘rape’ for sexual encounters to which a woman consented but later regretted. (This is now rampant in universities and the military.)³⁹
- Demanding access to workplaces, universities, the military, and other previously male venues then invites accusations of sexual ‘harassment’ against the men when sexual relations inevitably develop (and often turn sour), regardless of who initiates them.
- Demanding cohabitation and ‘no-fault’ divorce to liberate women from ‘patriarchal’ marriage, but which quickly generates accusations of male abandonment (even when the woman severs the relationship), as well as domestic ‘violence’ and ‘child abuse’, in order to procure custody of children and the financial awards and assets that accompany them.
- Defiantly declaring that women do not need men for financial support but then demanding men who do not provide women with income in the form of alimony or child support be arrested and incarcerated without trial.
- Asserting that women do not need men for protection soon produces hysterical outcries for intrusive police powers, innovative punishments, and expanded penal institutions to punish ever-proliferating and loosely-defined forms of ‘violence against women’, even when no physical contact or threat of it has taken place.

³⁹ Campus tribunals are the only example that has received substantial attention, though they constitute a tiny part, and the ‘nightmare’ that the accused face there is very mild compared to what takes place in courts that can incarcerate. The term is from Judith Grossman, ‘A Mother, a Feminist, Aghast’, *Wall Street Journal* (online), 16 April 2013 <<http://online.wsj.com/article/SB10001424127887324600704578405280211043510.html>>. Likewise, ‘The Rape “Epidemic” Doesn’t Actually Exist’, *US News* (online), 24 October 2013 <http://www.usnews.com/opinion/blogs/economic-intelligence/2013/10/24/statistics-dont-back-up-claims-about-rape-culture?src=usn_tw>. For a scholarly treatment, Stephen Henrick, ‘A Hostile Environment for Student Defendants: Title IX and Sexual Assault on College Campuses’ (2013 40(1) *Northern Kentucky Law Review* 49.

- Proclaiming the right to raise children outside wedlock and without fathers to protect and discipline them soon turns into demands to prosecute adolescents and even children for ‘bullying’ one another and eventually for real crime.
- Demanding the right to engage in homosexual acts and public sexual displays translates almost automatically into the power to arrest or otherwise stop the mouths of preachers, ‘bullies’, and anyone else who objects or ridicules or impinges on activists’ ‘feelings’ or ‘pride’.
- Legalising prostitution then feeds hysteria to find and prosecute unnamed ‘sex traffickers’.
- Granting the right to breastfeed publicly without government restriction becomes the power to punish employers who try to impose limits in private workplaces and individuals who privately express discomfort.
- Demands for unisex bathing and toilet facilities in university residences lead to ... – well, any young man lacking the intelligence to detect the trap awaiting him there may not belong in a university in the first place.

Here as elsewhere, progressive political doctrines have not eliminated a ‘gender stereotype’, as promised; whether by accident or design, they have merely politicised it – in this case that of the temptress, the seductress who lures men into a ‘honeytrap’ by offers of sexual pleasure before springing a trap that today can mean decades in prison.

Here too, we also see the familiar pattern of how radical political movements create the very problems they then re-package as grievances, and which then serve to rationalise increased ‘empowerment’ and repression against opponents.⁴⁰ ‘Utopians are actually multiplying the social problems they claim to be solving,’ notes Bryce Christensen. ‘Gender-neutering utopians adroitly turn the social problems they cause into a justification for seizing yet more power.’⁴¹ In each case, what is presented as an individual’s right to exercise a new sexual freedom without

⁴⁰ The classic treatment is Milovan Djilas, *The New Class* (Praeger, 1958) 37.

⁴¹ Bryce Christensen, ‘The End of Gender Sanity in American Public Life’ (2007) 49(4) *Modern Age* 412.

restriction by the state quickly translates, by a sleight-of-hand that few perceive or question, into a government power to punish – including arrest and incarceration – anyone who falls afoul of the new freedom. This is precisely the logic that transforms the Rights of Man into the Reign of Terror. The fanatical Antoine de St Just could have been speaking for the Sexual rather than the French Revolution when he declared, ‘*Pas de liberté pour les ennemis de la liberté.*’ ‘No freedom for the enemies of freedom.’

VII BRAVE NEW WELFARE STATE

This creeping criminalisation of the population – including much of the government machinery described above – originated in a larger increase in government scope and power, also created and administered in the name of both sexual liberation and family well-being: the ever-expanding welfare state – that vast and open-ended experiment in government growth whose existence is rationalised by the very problem it creates: the proliferation of single-parent homes. These fatherless communities are breeding grounds for crime, substance abuse, truancy, and virtually all of today’s major social pathologies – including, most recently, terrorism.

But the welfare state also now administers its own specialised gendarmeries – a vast underworld of unaccountable quasi-police power that most people find too dreary to scrutinise until they discover it reaching into their own lives: social work, child protection, child and family counselling, child support enforcement, juvenile and family courts, forensic psychotherapy, plus public schools. These plainclothes quasi-police are largely ignored by conservative groups who describe themselves as defenders of the family. Yet they are assuming ever-more intrusive control over the private lives of people with children – starting with the poor and expanding to the middle class.⁴² The welfare machinery directly encourages both criminality and criminalisation.

The social pathologies bred by welfare communities are also the very problems that account for most domestic government spending, including budgets for law-enforcement and incarceration, education, health, and other ‘social services’. The welfare state is not only hugely expensive and unproductive in itself, in other words; it is also government’s self-expanding engine for creating

⁴² Stephen Baskerville, ‘From Welfare State to Police State’ (2008) 12(3) *The Independent Review* 401.

social ills for itself to solve. Gargantuan welfare expenditure in itself is relatively minor compared to the multiplier effect on spending it necessitates. For it spends money to turn children into criminals, addicts, drop-outs, shooters, and terrorists – precisely the problems that then rationalise more government programs, government spending, and government powers. This is why many have located the West’s financial ills largely in the welfare state.⁴³ History’s most affluent societies are voluntarily bankrupting themselves financially as well as morally by underwriting sexual indulgence.

Sexualisation is rapidly transforming the armed forces into its own enormous welfare state whose generous benefits, intended for traditional families, act as a magnet for single mothers and, now perhaps, homosexuals whose partners have sexually transmitted diseases.⁴⁴ Divorce courts see soldiers as sitting ducks for plunder, and military budgets are consumed by childcare and abortion.⁴⁵ As in universities, a feminised military makes military men a favorite target for accusations of ‘sexual harassment’ and ‘sexual assault’.⁴⁶

Sexualisation also transforms military power in unexpected ways. On the one hand, sexual radicals appear to be at the forefront of ‘peace’ and ‘anti-war’ movements and of efforts to diminish military power in favor of expanded domestic programs. Yet infiltrating the military is a high priority for feminists and homosexualists, who seek not only to assume combat roles but also propose aggressive military action as an instrument of women’s liberation and of a foreign policy devoted to the demands of a homosexualist agenda.⁴⁷ Henry Kissinger’s choice of words is significant: ‘Military missions and foreign interventions are [now] defined as a form of social work.’⁴⁸

⁴³ Wall Street Journal, ‘Europe’s Entitlement Reckoning’, *Wall Street Journal* (online), 10 November 2011 <<http://online.wsj.com/article/SB10001424052970204190704577026194205495230.html>>; Tom G. Palmer (ed), *After the Welfare State* (Atlas Network, 2012).

⁴⁴ Elaine Donnelly, ‘Constructing the Co-Ed Military’ (2007) 14 *Duke Journal of Gender Law and Policy* 815.

⁴⁵ Stephen Baskerville, ‘The Fathers’ War’, *The American Conservative* (online), 24 October 2005 <<https://www.theamericanconservative.com/articles/the-fathers-war/>>.

⁴⁶ See Brian Mitchell, *Women in the Military: Flirting with Disaster* (Regnery, 1998); Martin Van Creveld, *Men, Women, and War* (Cassell & Co, 2001).

⁴⁷ William Lind, ‘War for Women’, *The American Conservative* (online), 3 January 2011 <<http://www.theamericanconservative.com/articles/war-for-women/>>.

⁴⁸ Henry A Kissinger, ‘Power Shifts’ (2010) 52(6) *Survival* 205, 206. See also Michael Mandelbaum, ‘Foreign Policy as Social Work’ (1996) 75(1) *Foreign Affairs* 16.

With Marxist-Leninist ideology largely discredited since the fall of European Communism in 1989, the left has also turned to feminism and homosexuality as the dominant ideological approach to problems of poverty and underdevelopment. Foreign aid programs are increasingly designed and administered according to feminist doctrine, resembling domestic welfare programs and breeding similar problems. These programs disrupt families, marginalise men, and turn women and children into dependents on Western aid officials. Increasingly too, foreign aid is used as leverage by wealthy countries to pressure traditional societies to compromise or curtail their religious principles and traditional values by implementing principles of women's and homosexual liberation.⁴⁹

Also in the global South, the AIDS epidemic has been dominated and politicised – and also exacerbated – by sexual ideologues, who sabotage effective campaigns for abstinence and fidelity in favor of ideologically inspired but ineffective condom distributions, resulting in further spread of the disease and millions of needless deaths. ‘This approach was the most egregious backfire in the history of public health,’ writes Edward Green, of the Harvard School of Health, ‘wasting billions of tax dollars and shouldering aside low-cost, low-tech, community-based, culturally grounded strategies ... that had saved millions of lives.’ Green calls it ‘the greatest avoidable epidemic in history,’ which he attributes to ‘sexual ideology’.⁵⁰

Organisations like the United Nation and the European Union operate very differently from what appears on the media radar screen. It is no exaggeration to say that the UN is now dominated by sexual programs and that the highest priority of many UN functionaries is promoting sexual ideology worldwide. The Obama administration likewise made sexuality the cornerstone of its foreign policy during its final years.

The politicisation of sexuality also involves the politicisation of its product – children – and the use of children as instruments and weapons for adults to acquire and distribute political power. This is often presented in the name of ‘children’s rights’, with corollary abridgements of parental

⁴⁹ Kathryn Balmforth, ‘Hijacking Human Rights’, speech delivered at the World Congress of Families, 14-17 November 1999 <http://www.worldcongress.org/wcf2_spkrs/wcf2_balmforth.htm>; Sharon Slater, *Stand for the Family* (Inglestone, 2009) 3; Dale O’Leary, *The Gender Agenda* (Vital Issues Press, 1997) 48.

⁵⁰ Edward Green, *Broken Promises: How the AIDS Establishment Has Betrayed the Developing World* (PoliPoint Press, 2011) x, 199.

rights. Homeschoolers are one target, but the confiscation of children from legally innocent parents by government officials continues throughout the West, despite many exposes of the violations of parental rights.⁵¹ If one wishes to enact measures to control the intimate private lives of adults, the way to neutralise opposition is to present them as being ‘for the children’.

The blending of sexual liberation with political ideology is also seen in open-ended ‘sexuality education’ programs, which combine instruction in sexual technique with indoctrination in the politics of ‘gender relations’.⁵² This illustrates one of the most dynamic features of the new sexual ideology: combining the lust for sex with the lust for power, both of course being major drivers of adolescent rebellion. Political activism is not simply a means to the end of procuring greater sexual freedom, as liberalism superficially understands it; rather, the sexual and political drives are intertwined and mutually reinforcing.

VIII CONCLUSION

Throughout the world, virtually every item on the public agenda is now sexualised and feminised. Even issues that seemingly have no connection with sex and ‘gender’ and the family are now cast in terms of its impact on ‘gender equality’ and ‘gender identity’: health, taxation, immigration, development, war – all, we are told, involve some ‘special hardship’ for women, ‘women and children’, or alternative ‘gender identities’. ‘Women would suffer most from congressional budget cuts,’ reports *The Hill*, where such headlines are routine.⁵³ (As satirised in *The Onion*: ‘World Ends – Women, Minorities Hardest Hit.’)

When every source of fear is designated a crime, when every claim of oppression is a claim to wield some new governmental or police power – the result is predictable: Everything oppresses, because every grievance is ‘empowering’. Even problems that are consequences of sexual and

⁵¹ Stephen M Krason, ‘The Mondale Act and Its Aftermath: An Overview of Forty Years of American Law, Public Policy, and Governmental Response to Child Abuse and Neglect’ in Stephen M Krason (ed), *Child Abuse, Family Rights, and the Child Protective System: A Critical Analysis from Law, Ethics, and Catholic Social Teaching* (Scarecrow Press, 2013).

⁵² *International Guidelines on Sexuality Education* (UNESCO, 2009); Family Watch International, *Comprehensive Sexuality Education: Sexual Rights vs. Sexual Health* <http://familywatch.org/fwi/documents/fwipolicybrief_CSE.pdf>.

⁵³ 29 July 2011.

leftist ideology itself oppress women and therefore empower them.⁵⁴ ‘Is multiculturalism bad for women?’ ask feminist scholars.⁵⁵

All of this is so wildly successful because it exploits and politicises the natural concern of every society to protect and provide for women and children. The condition every civilized and stable society demands in return for this protection and provision is sexual restraint: the restriction of sex and childbearing to married families. But sexual restraint and its religious regimen are precisely what politicised western women, adolescents, and homosexuals are now in open revolt against.

What has changed is not that these groups are any less protected or provided for; on the contrary, they are the safest, least restrained, and most affluent people in history. Indeed, they have achieved levels of economic, political, and sexual freedom that allow them to demand ‘empowerment’, also without limit or restraint – enjoying the privileges specific to both sexes while claiming exemption from the responsibilities specific to either. This is true of both feminists and homosexualists, who demand the prerogative to alternate between male or female norms as it suits their advantage. Thus the paradox that the more free and powerful these groups become, the more constrained they feel and the more rationalisations we hear to incarcerate heterosexual men under whatever pretext is available.

But women, adolescents, and homosexuals do not need power in order to protect and provide for families. To the extent that they become heads of ‘families’ (for example through welfare or divorce) their authority is in collusion with the state, rather than a limitation upon its power, and the state becomes the substitute protector and provider – all in contrast to families headed by

⁵⁴ Feminists are shameless, for example, in posing as victims of the divorce revolution they themselves created and which is administered entirely by – or under pressure by – their operatives: ‘It is in families,’ writes Martha Nussbaum, ‘... that the cruelest discrimination against women takes place.’

[T]he patterns of family life limit their opportunities in many ways: by assigning them to unpaid work with low prestige; by denying them equal opportunities to outside jobs and education; by insisting they do most or all of the housework and child care even when they are also earning wages. Especially troubling are ways that women may suffer from the altruism of marriage itself ... [A] woman who accepts the traditional tasks of housekeeping and provides support for her husband's work is *not likely to be well prepared to look after herself and her family in the event (which is increasingly likely) of a divorce* or an accident that leaves her alone.

‘Justice for Women’, *New York Review of Books*, 8 October 1992, 43 (emphasis added).

⁵⁵ Susan Okin, in Joshua Cohen and Matthew Howard (eds), *Is Multiculturalism Bad for Women?* (Princeton University Press, 1999).

heterosexual men. These groups are therefore free to crave power, like they can crave sex, purely for pleasure – both of which cravings their political literature expresses very forthrightly. But the lust for power, like the lust for sex, can never be permanently satisfied. Both can only be limited and controlled. The radicals have already thrown off the controls on sex, and it is the argument of this paper that they are likewise now throwing off the controls on political power.⁵⁶

The mechanisms – mostly religious – by which societies traditionally encourage and enforce sexual restraint vary significantly, and those variations also seem to make a huge difference in the economic prosperity and political freedom of the society. Historically, Jewish and Christian societies have been the most successful, though Confucian societies have recently imitated their success.

The other alternative today for organising both family life and sexual energy (and with them political power) is radical Islamism, which is itself as much a political ideology as a religious movement. It is therefore a rival to sexual radicalism and far more likely to increase state power further, where it can.⁵⁷ It is no accident that the other major alternative for ordering sexual and family relations, Christianity, is now under attack by, simultaneously, sexual militants in the West and Islamist militants in the South.

‘Religion is central to sexual regulation in almost all societies,’ writes Dennis Altman. ‘Indeed, it may well be that the primary social function of religion is to control sexuality.’⁵⁸ This is simplistic: other important social functions of religion include controlling childhood rebellion and adult resentment – as well as political power generally. But it does point to one very concrete avenue by which the decline of faith in the West leads directly to the erosion of both social order and civic freedom. It is hardly surprising that increasing sexual militancy has resulted in today’s

⁵⁶ See the foul-mouthed gloating of a Harvard law professor that radicals can now use courts to legislate policy as they please, because “the war’s over, and we won.” Mark Tushnet, ‘Abandoning Defensive Crouch Liberal Constitutionalism’ *Balkinization*, 6 May 2016 <<http://balkin.blogspot.com/2016/05/abandoning-defensive-crouch-liberal.html>>.

⁵⁷ Baskerville, ‘Sexual Jihad’.

⁵⁸ Dennis Altman, *Global Sex* (University of Chicago Press, 2002) 6.

central political fault line emerging as a confrontation between sexual freedom and religious freedom – along with every other one.⁵⁹

⁵⁹ The points in this article are documented further in Baskerville, *The New Politics of Sex: The Sexual Revolution, Civil Liberties, and the Growth of Governmental Power* (Angelico, 2018).