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## What The Hell Just Happened In Kansas?

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The bill that just overwhelmingly passed the Kansas House of Representatives is quite something. You can read it in its entirety [here](#). It is premised on the notion that the most pressing injustice in Kansas right now is the persecution some religious people are allegedly experiencing at the hands of homosexuals. As Rush Limbaugh [recently noted](#), "They're under assault. You say, 'Heterosexuality may be 95, 98 percent of the population.' They're under assault by the 2 to 5 percent that are homosexual." As its sponsor, Charles Macheers, [explained](#):

Discrimination is horrible. It's hurtful ... It has no place in civilized society, and that's precisely why we're moving this bill. There have been times throughout history where people have been persecuted for their religious beliefs because they were unpopular. This bill provides a shield of protection for that.

The remedy for such a terrible threat is, however, state support for more discrimination. The law empowers any individual or business to refuse to interact with, do business with, or in any way come into contact with anyone who may have some connection to a gay civil union, or civil marriage or ... well any "similar arrangement" (room-mates?). It gives the full backing of the

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law to any restaurant or bar-owner who puts up a sign that says “No Gays Served”. It empowers employees of the state government to refuse to interact with gay citizens as a group. Its scope is vast: it allows anyone to refuse to provide “services, accommodations, advantages, facilities, goods, or privileges; counseling, adoption, foster care and other social services; or provide employment or employment benefits” to anyone suspected of being complicit in celebrating or enabling the commitment of any kind of a gay couple.

If the Republican Party wanted to demonstrate that it wants no votes from anyone under 40, it couldn't have found a better way to do it. Some critics have reacted to this law with the view that it is an outrageous [new version of Jim Crow](#) and a terrifying portent of the future for gays in some red states. It is both of those. It's the kind of law that Vladimir Putin would enthusiastically support. But it is also, to my mind, a fatal mis-step for the movement to keep gay citizens in a marginalized, stigmatized place.

It's a misstep because it so clearly casts the anti-gay movement as the heirs to Jim Crow. If you want to taint the Republican right as nasty bigots who would do to gays today what Southerners did to segregated African-Americans in the past, you've now got a text-book case. The incidents of discrimination will surely follow, and, under the law, be seen to have impunity. Someone will be denied a seat at a lunch counter. The next day, dozens of customers will replace him. The state will have to enforce the owner's right to refuse service. You can imagine the scenes. Or someone will be fired for marrying the person they love. The next day, his neighbors and friends will rally around.

If you were devising a strategy to make the Republicans look like the Bull Connors of our time, you just stumbled across a winner. If you wanted a strategy to define gay couples as victims and fundamentalist Christians as oppressors, you've hit the jackpot. In a period when public opinion has shifted decisively in favor of gay equality and dignity, Kansas and the GOP have decided to go in precisely the opposite direction. The week that the first openly gay potential NFL player came out, the GOP approved a bill that would prevent him from eating in restaurants in the state, if he ever mentioned his intention to marry or just shack up with his boyfriend. Really, Republicans? *That's* the party you want?

As for the allegedly Christian nature of this legislation, let's not mince words. This is the inversion of Christianity.

Even if you believe that gay people are going to Hell, that they have chosen evil, or are somehow trying to subvert society by seeking to commit to one another for life, it does not follow that you should ostracize them. The entire message of the Gospels is about embracing those minorities despised by popular opinion. Jesus made a point to associate with the worst sinners – collaborating tax-collectors, prostitutes or lepers whose disease was often perceived as a sign of moral failing. The idea that Christianity approves of segregating any group is anathema to what Jesus actually preached and the way he actually lived. The current Pope has explicitly opposed such ostracism. Christians, far from seeking distance from “sinners”, should be engaging them, listening to them, ministering to them – not telling them to leave the store or denying them a hotel room or firing them from their job. But then, as I've tried to argue for some time now, Christianity is not Christianity. In some practical ways, it is Christianity's most tenacious foe.

If I am confident that this law is, in fact, a huge miscalculation by the far right, I do not mean to discount the very real intimidation and fear that many gay Kansans and their friends and



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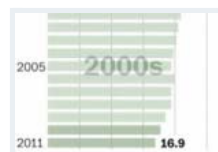
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families are experiencing right now. It's appalling that any government should seek to place itself institutionally hostile to an entire segment of society. But in civil rights movements, acts of intemperate backlash are also opportunities. If this bill becomes law, and gay couples are fired or turned away from hotels or shown the door at restaurants and denied any recourse to the courts, the setback to the anti-gay movement could be severe, even fatal. Yes, of course this bill should never have seen the light of day. But now it has, that light will only further discredit the discriminators. Even they know this, hence the unhinged rationale for the entire bill: "Discrimination is horrible. It's hurtful ... It has no place in civilized society."

It sure doesn't. And that's why the predictable silence on conservative blogs and news sites is so telling. This is about Kansas, but it is also about the Republican party. Are there any Republicans willing to oppose this new strategy? Do the GOP's national leaders support it? As for Democrats and the left more generally, they are lucky in their enemies. But the gay rights movement, it seems to me, should tread a careful path. We should be wary of being seen to trample on religious freedom and be defined as discriminators of another sort. Allowing space for those in society whose religious convictions make homosexuality anathema, even Satanic, is what true liberals do. And to my mind, a better approach for gay couples and their families is not to try and coerce fundamentalist individuals and businesses into catering to them, but in publicizing the cases of discrimination and shaming them – and then actively seeking out and rewarding individuals and businesses who are not so constrained.

You counter rank discrimination with economic and cultural freedom. Because the side that tries to use the power of the state to enforce a single answer is the side that will seem to have over-stepped its bounds.

(Photo: [lunch counter sit-in](#), Richmond, Virginia, 1960. Painting: Parable of the Good Samaritan, by Jan Winants.)

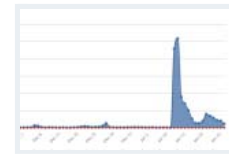
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