

by amending the law to add the term "sexual deviation" to the roster of excludable medical afflictions, and the Supreme Court, in *Boutilier v. Immigration & Naturalization Service* (1967) ruled that Congress intended the expression "psychopathic personality" to exclude homosexual aliens, stating that Congress had used the expression not in any clinical sense, but as a term of art designed to achieve its goal of exclusion. Case law further established that an integral part of the statutory scheme is the issuance of a "class A" certificate—a medical determination of "sexual deviation," and the Supreme Court held that an order of exclusion could not be issued unless the alien had been labeled with the requisite Public Health Service certificate. It did not raise the procedural issue of whether the INS could simply bar homosexuals who had not been so certified.

The Legal Impasse. In the wake of the decision of the American Psychiatric Association to drop homosexuality from its nomenclature of mental illnesses, the United States Surgeon General in 1979 notified the INS that the Public Health Service would no longer furnish the medical certification required for the exclusionary procedure, and instructed Public Health Service medical officers that they should not certify homosexual aliens as psychopathic personalities or sexual deviates solely on the basis of their homosexual orientation. The INS, in response to legal advice from the Justice Department that it was still required by law to enforce the exclusion of homosexual aliens, adopted the practice of excluding only those aliens who are identified as homosexual by a third party arriving at the same time, or who offer an unsolicited, unambiguous admission of homosexuality and repeat that admission in a second interview. An affirmative answer at the second hearing will result in a formal exclusionary hearing that may result in a denial of entry. This procedure allows for exclusion

in the absence of the medical examination and certificate.

Faced with a new situation in administrative practice, the appellate courts have split over the issue of whether Congress has the power to exclude homosexual aliens under the new, non-medical procedure. The ultimate solution of the dilemma rests with Congress itself, but when the issue of homosexual rights became clouded by the problem of AIDS, support for repeal of the measure denying admission to the United States of aliens suspected of being homosexual became politically far more difficult. In practice most immigration officials and consuls attempt to avoid any direct confrontation with a law that bars any and all homosexuals by ignoring it rather than excluding homosexual celebrities on the basis of an absurd statute.

In 1985 the Committee on Immigration and Naturalization Law of the Association of the Bar of the City of New York formally reported that "The United States, alone among all the nations of the world, statutorily excludes homosexual persons from admission into the country for any purpose whatsoever, from casual visitor to would-be permanent resident. It is now time to correct that anomaly by removing homosexuality as a ground for exclusion from the United States."

BIBLIOGRAPHY. Peter N. Fowler and Leonard Graff, "Gay Aliens and Immigration: Resolving the Conflict between Hill and Longstaff," *University of Dayton Law Review*, 10 (1985), 621-44; "Committee Report: The Exclusion of Homosexuals Under the Immigration Law," *Record of the Association of the Bar of the City of New York*, 40 (1985), 37-51.

Warren Johansson

IMPERSONAL SEX AND CASUAL SEX

"Impersonal sex" refers to intercourse between two or more human beings who, for the sexual act considered, treat

each other simply as a means to the goal of sexual pleasure. What makes sex impersonal is not the individuals involved, nor their relationships outside the sex act. A sex act is impersonal when it omits any expression of the traditional romantic attraction and longterm commitment expected of such acts in conventional Western society. Outside the designated sexual activity, individuals involved in impersonal sex may range, in familiarity, from lifelong partners to mere acquaintances to absolute strangers. There may be special pleasure in impersonal sex with someone who, at other times, is an intimate friend. A number of slave–master scenarios revolve around play-acting that an intimate partner is to be treated purely as a sexual outlet.

Impersonal sex is not the same as “casual sex.” The distinctive element of casual sex, as in casual labor (for instance, temporary office help), is uncertainty about whether there will be another encounter with the same partner, and if so when. Casual sex can be quite personal in the intimacy of encounter between personalities as well as bodies. Impersonal sex, by contrast, avoids intimate personal exchanges (e.g., conversation is minimal or nonexistent) and total bodily interaction (e.g., elaborate and affectionate foreplay).

Comparative Perspectives. Impersonal sex occurs in heterosexual relationships where there is no expression of endearment, commitment, or love, but merely the purpose of consummating marriage, conceiving children, or solidifying property, nobility and other social bonds. But its most frequent heterosexual occurrence is for the same purpose as among homosexuals: the attainment of sexual release. A couple married for years may no longer take any pleasure from sexual congress, yet continue it. Foreplay may be entirely absent, and intercourse resented, yet conceded as a marital duty.

The institutional facilities of both casual and impersonal heterosex range through history—from ancient Roman

baths and Renaissance bordellos to the warehouses of the American gold rush, mobile prostitution units of armies in World War I, and Plato’s Retreat, operating in New York in the 1970s, where men and women could meet each other for sex. But both impersonal and casual sex occur with greater frequency, per capita, among homosexuals, for an obvious reason: there is no possibility of pregnancy. For almost all of human history, women have had few means or opportunities to prevent pregnancy. In addition, most religions have treated sex as primarily a way of “making babies,” and some have even treated enjoyment of sexual activity for its own sake as a sin. The history of sexual mores would certainly be different if men got pregnant. Males have had to bear much less of the burden of third-party consequences (child-bearing, child-raising, punishment by others for illegitimacy) arising from sex outside marriage.

Third-party consequences of sexual acts are significantly reduced in homosexual sex, so it can be enjoyed for its intrinsic pleasure, if allowed to go unpunished. Each participant may enter the activity with no desire for relationship beyond that required to enjoy and complete the sex act. These facts make many moralists determined to punish homosexual sex even more severely than heterosexual illegitimacy.

Wherever in history and society homosexual activity has been condemned as wrong, it has been sought in covert encounters among networks of those who are “wise” to the activity. Fear of detection has thereby discouraged long-term relationships among homosexuals. Thus, a combination of factors has in many western societies produced a type of homosexual activity in which each partner behaves, and expects the other to behave, in a noncommittal manner.

Lesbians, as women, are more likely to be socialized into the conventional morality that sex is for making babies in a lifelong, monogamous relationship.

Gay males are more likely to share the heterosexual double standard of sexual behavior, which requires male conformity to the conventional morality in marriage but tolerates (and in locker room talk, often encourages) casual and impersonal sex. Thus, more impersonal sex occurs among gay men than lesbians, and the remainder of this discussion applies largely to males.

Territorial Aspects. The development of specific gay territories in which homosexuals could locate each other also tended to facilitate both casual sex and impersonal sex, since participants would often be drawn there for sexual outlet, without expectation of meeting a partner for a longer relationship. In casual sex, anonymity is not necessary or facilitative, but for impersonal sex, anonymity is a safety element in participation, and the anonymity of sex partners obviously contributes to the impersonal quality of the sexual intercourse. Prior to AIDS, some gay bars and bathhouses included "orgy rooms" where patrons engaged in sex with numerous strangers in pitch-dark and crowded rooms.

Activities and Attitudes. Impersonal gay sex is more likely to include a higher proportion of activity of a less physically joining kind, such as oral sex and masturbation. Participants will often remain fully clothed, and physical barriers to body contact add to the impersonal quality: the toilet "glory hole" in a partition is a prime example. Danger of discovery often means that sexual outlet has to be reached quickly, with a minimum of foreplay and special preparation, and with postures least likely to prove compromising should discovery occur.

It is entirely possible for two (or more) people to have intimate and very pleasurable sexual intercourse without revealing anything about their social identities—and to repeat this pleasure again and again over time, while still remaining anonymous. Once a quality of personal encounter develops (conversation not di-

rectly related to intercourse, formal arrangements for the sexual locale) such a sexual relationship may continue to be casual but often ceases to be impersonal.

The 1960s and 1970s were the modern "golden age" of impersonal gay male sex, since they came after penicillin and before AIDS. With the possible exception of some instances of hepatitis there was no significant sexually-transmitted disease during those decades which could not be treated, and usually cured. The first scholarly study to use the term "impersonal sex" reflects an ethnography obtained in a gay bathhouse (Weinberg and Williams, 1975).

As this and subsequent studies have noted, impersonal sex requires both psychological and sociological structures. The participants must have sufficient self-direction to break free of sex-negative, sex-restricting mores. They must be capable of adopting the same attitude to the consumption of sexual pleasure which one would normally adopt to eating. No sane person expects to limit eating to one food source for a lifetime, to eat only in formal personal settings, and to eat only to avoid starvation. We often eat food quickly, casually and for sheer pleasure, not to reduce any real hunger. Adopting the same attitude to sex is not easy in our society.

We are conditioned to associate sex with romantic love and long-term relationship. Impersonal sex requires the detachment of sexual excitement from personal identification with others, especially if many partners are to be enjoyed and jealousy is to be avoided (it greatly spoils the fun). The pursuit of impersonal sex requires considerable knowledge about and concern for sexual health, if one is to avoid contracting and passing on sexually transmitted diseases, but conventional morality has often opposed "sex education."

Even if an individual acquires the necessary psychological and health information and attitudes, impersonal sex will not be enjoyed widely in the majority of North American communities. Its practice

by one community member would be regarded as threatening and immoral by other members, unless extremely discreet and covert, and therefore restricted in frequency. But in the modern era, and especially after the *Stonewall Rebellion* (1969), the gay male population of large urban centers became the base for development of a system of sexual marketplaces where impersonal sex was both welcomed and frequently facilitated.

These places offered relative safety from view and harassment by the forces of conventional morality, as well as opportunities for encounter on a basis of casual entry and exit, without the need to identify oneself or seek the permission of others (as would be required, for example, in a private heterosexual "swinger's club"). Preeminent among such social facilities were the gay bar and the gay baths, but these were soon joined by the gay disco, where dancing with strangers was a means of recruiting new partners for both casual and impersonal sex.

These and similar social institutions of the emerging gay community differed importantly from earlier facilities for impersonal sex such as the public toilet, cruising park, movie theatre back row, and highway rest area. The gay bar, disco, and bath are businesses with an economic base and linkages, thus providing an infrastructure with vested interest in the facilitation of impersonal sex, within an organized and institutionally complex gay community.

"Ideology." It was only a short step to the development of ideology arguing the legitimacy of such institutions, and of impersonal gay sex. But it should hardly be assumed that the voices for legitimation are only of modern origin. The first "handbook" for guidance of those seeking the right attitudes and favorable opportunities for casual and impersonal sex was published by Ovid in the year A.D. 1: *The Art of Love*.

The modern gay ideology of impersonal sex spilled over into the heterosexual culture, and even produced publi-

cations on "how to pick up men" for women readers. But casual heterosexuality was almost always linked with negative moral outcomes. Alfie and his male peers might seek sex merely for pleasure, but were condemned to the same fate as their patron saint, Don Juan. Women might pick up Mr. Goodbar, but were sure to be injured or murdered.

The social structures of impersonal sex have been affected dramatically by the onset of AIDS. Indeed, much of the moralistic sentiment that AIDS is a punishment of homosexuals can be traced to conventional morality's outrage at the earlier sexual liberation ideology of impersonal sex.

BIBLIOGRAPHY. John Alan Lee, "The Social Organization of Sexual Risk," in *Studies in the Sociology of S and M*, Kamel and Weinberg, eds., New York: Prometheus, 1984, pp. 175-93; idem, *Getting Sex*, Toronto: General, 1977; Martin Weinberg and Colin Williams, "Gay Baths and the Organization of Impersonal Sex," *Social Problems* 23 (December 1975), 124-36.

John Alan Lee

INCARCERATION MOTIF

This term refers not to literal incarceration or confinement but to an aspect of gender dysphoria—the idea that a human body can contain, locked within itself, a soul of the other gender. In their adhesion to this self-concept, many pre- and postoperative transsexuals unknowingly echo a theme that has an age old, though recondite history.

The pioneer in the struggle for homosexual rights Karl Heinrich Ulrichs (1824-1895) formulated the notion that the Urning, as he called the male individual attracted to his own sex, was endowed with *anima muliebris corpore virili inclusa*, "a female soul trapped in a male body." He took the notion from *Eros: die Männerliebe der Griechen* (Glarus and St. Gall, 1836-38) by Heinrich Hoessli. This Swiss homosexual writer had in turn pur-