

Sexuality in the Public Sphere: Reflections on the debate on Sexual Orientation Discrimination Ordinance (SODO)

Sociologists often disagree each another for about the nature of the Society. There are three main axis of debates throughout various Sociologists. The first among them is the debate between Scientific Sociology and Interpretative Sociology, while the former stress on the importance of treating “Social facts as thing” and highlighted on the objectiveness of Social phenomenas[1], the latter stress on Verstehen (sympathetic understanding) of the subjective feeling of the social actors under study[2]. The debate between Conflict theory and Consensus theory is the second axis, in which the former stress on the effect of conflict while the latter stress on the effect of consensus. For example, Conflict theorists would conclude that Social stratification is the result of Power and domination, while the Consensus theory would explain the same matter in terms of Social consensus on the importance of a particular function[3].

The third axis of debates is relatively new, as it is the debate started by the rise of Post-Modernism in 1970's. There are two main stands within this debates. Some Social theorists questioned on the value of Modernity, they questioned the Modernist emphasis on Rationality as well as other derivatives of the Enlightenment[4]. Despite of the fact that these theorists are better to be called as “a group of thoughts” rather than “a school of thoughts”, they are often being called Post-Modernists. They reject the notion of Modernity as a Universal goal of humans, claiming that it is a source of oppression. On the other hand, their opponent would stress that it is not the end of Modernity. Modernity is still a Universal goal worth to be pursued, and the problems of Modernity are caused by their under-development. They would like to describe the contemporary era as Late-modernity, and would even claim that Modernity is an uncompleted project while reject Post-Modernism as a kind of Neo-Conservatism[5].

A. The rising importance of the Modernity debate

Despite of the difficulties to tell which axis of debate is Sociologically more important, I would like to highlight the importance of the Modernity debate. It is not because this debate looks more trendy, and personally I don't think that the other debates declined in importance. The reason behind my point is the changing emphasis in Socio-political issues.

To illustrate this point better, I would like to introducing the characteristic of Socio-political movements in 19th and 20th Centuries, which we could call them “Modern” Socio-political movements. Modern Socio-political movement believed in Universalism, which included Universal Rights and Justice. It believed in some kind of absolute normative values[6], say, Progress, Equality, Democracy, etc. For example, at the end of The Communist Manifesto, Marx and Engels yelled, “Working men of ALL COUNTRIES, unite!”[7] These Modernist movements believed in the existence of a center, which is usually the State, and they believed that reforms could be started from the Center to the peripheral, from the State downwards to the Society[8]. As a result, while talking about Society and Politics, most theories at that era would focused on Grand Social structures. This included Karl Marx's analysis on Classes, Max Weber's theory on Bureaucracy, Emile Durkheim's notion on Division of Labor, Talcott Parson's Grand Theory on Social Systems, and so on.

The situation changed in last decades. People talked less on Grand Social structure[9], and they concern less on concrete Political structures. Identity is the key Socio-political issues in the contemporary world. Political movement on issues about Gender and Sexuality are increasingly popular, and all these are related to identity. Fairly speaking, Identity was an issue during the Modernist era. Feminist movement and Nationalism are all related to identity. However, they concentrated more on Universalism rather than the particular identity of a person[10]. Feminists in the last Century would like to stress on their Universal right as a human, while the newer

Feminists would stress that it is women who have to face Patriarchy particularly[11]. In the case of Black Feminism, Feminists expressed a situational concern on a specific group (African-American in this case) of women[12]. While Chinese Nationalism, a Classical Nationalism developed in late 19th Century, emphasized on the similarity and the Universal uniqueness of all ethnic groups of China[13], the newer Taiwanese Secessionist Nationalism simply reject this notion of “Universal Chinese-ness” and stress on the particular identity of being a resident of “Formosa”[14].

In the field of Identity Politics, the relative importance of the first two axis of Sociological debates would not be as significant as in Modernist Politics. Debates on Identity Politics seldom divided into Scientific Camp and Interpretative camp. Both sides of these debates would treat social facts as things, and both of them would made interpretations on human thoughts, provided that such arguments would be favorable to their camp. For example, Moral Conservatives would use Scientific Social facts to justify their stand by claiming Homosexuality as pathological[15], Homosexual activists would not hesitate in using other Scientific facts to argue that “therapies” are even more pathological[16]. Some may argue that Homosexuals tends to use interpretative methods for their stand, as in the case of Queer theory. Homosexuals used to keep their identity secret as they are being viewed negatively. However, Queer theorists suggested that homosexuals should come out, and re-interpret their “strangeness” as a sign of an identity that they would be proud of. While “queer” was a negative term imposed by the majority, Queer theorists re-interpreted the term and used the term to call themselves to develop a “Queer identity”. In the theory, Homosexuals who were once rejected as shameful queers are now evolved into brave, revolutionary Queers who challenged the rules of the Majority[17]. However, being interpretative are not the monopoly of the Homosexual activists. Moral Conservatives also treated Social and Cultural phenomena in an interpretative manner. Some Conservative Psychiatrists would claim that Homosexuals actually feel anxious about their Sexual orientation despite of their strong and confident outlook, in this case they did not treat their clients at face value and made their conclusions via interpretations[18]. Some Moral Conservatives would also like to downplay the experience of same-sex attraction, claiming that may be the result of misery on sex during puberty, the sense of loneliness and the desire for friendships, etc[19]. These conclusions would not be possible without Interpretative methods.

Different camps in the debate of Identity Politics could not be divided into Conflict Theorists and Consensus Theorists, either. It is known that while the Pro-Homosexuals would claim that Heterosexuality is full of conflict as a result of the oppressive Patriarchy[20], the Moral Conservatives believed that the establishment of Heterosexuality and the Family are the consensus of the Society and the prerequisites of Social harmony[21]. It would be premature to conclude that the former are Conflict Theorist while the latter are Consensus Theorists, however. Some sympathizers of Homosexuals would stress on the importance of equal and truthful discussions[22], and in this sense they are Consensus Theorists. On the other hand, many Moral Conservatives have Fundamentalist views believed in ultimate conflicts between the moral upright and those Homosexual sinners. As the view on Sexuality is an absolute moral requirement, these Conservatives would stand firm on their view and considered consensus as a breach of their moral duties[23]. What I want to illustrate here is that both Consensus Theories and Conflict Theories could be used in the construction of an identity. A particular camp of Identity Politics could be using Scientific theory, Interpretative theory, Consensus theory and Conflict theory at the same time, which would be the same in their enemy.

So the first two axis of Sociological debates may not be applicable in describing these new and rising Identity Politics. In identity Politics, the key debate would be around the establishment of a particular Identity. In these debates a question would have to be asked: Is a particular new

Identity justifiable? Are they really particular, or are they just refuse to recognize their Universalness? In short, these are debates between Particularism and Universalism. In this sense, debates about the new Identity Politics are in parallel with the Modernity debate.

B. The Modernity debate on the Controversy on SODO

After all we could enter the main theme of this article: the controversy on the Sexual Orientation Discrimination Ordinance (SODO). In fact SODO is an ordinance that never exists, and there are not even a time table for its legislation. The debate started when The Home Affairs Bureau of the Hong Kong SAR Government planned to start a survey for opinions on SODO. Before the actual survey was conducted, the Home Affairs Bureau interviewed several Pressure groups. The groups being interviewed included various Religious group, and among them there are The Society of Truth and Light (STL) as well as Hong Kong Sex Culture Society (SCS), two prominent Protestant Moral Conservative Pressure Groups in the territory[24]. This provoked a debate on an ordinance that never existed.

The tension between the Moral Conservatives and the Pro-Homosexuals was elevated since the end of 2004. In the Election of Legislative Council, Cyd Ho, a Pan-democratic candidate lost the election in a dramatic manner, as Martin Lee of the Democratic Party received increasing support just before the polling begins. Curiously, The Hong Kong Alliance for Family (HKAF), a Moral Conservative Group with overlapping memberships with STL and SCS, announced a finding just before the election saying that Cyd Ho is a supporter of Homosexual Right, while Martin Lee of the same borough is not. As a result the Moral Conservatives were being criticized for the losing of Ho, despite the announcement by HKAF would be an unlikely cause[25]. The debate settled very soon, but the tension remained and everyone was ready for the next debate.

The issue about SODO would be a good excuse to start a new debate. Beside the ordinance in imagination, some actual incidents aided in escalating the tension. On 10th April 2005, a group of Lesbian Activists demonstrated in a 2nd floor bookstore Elmbooks. According to an unwritten norm of 2nd floor bookstores in the city, a shelf would be placed beside the cashier to allow the placement of pamphlets and free magazines. It was reported that Elmbooks discarded 200 copies of Lesbo Puzzle, a free Lesbian magazine[26]. The resulted protest needed to be settled down by the Police, which made the event attracted Media attention. As it was known that one of the owner of the bookstore is a Conservative Protestant[27], the incident ignited a series of debates.

It would be over-simplified to call this a debate between Religious Enthusiastics and Liberals. There were 3 types of opinions within this debate: The Moral Conservatives, Supporters of Homosexual Rights, and the "Third Way". Despite most involved in the debate belonged to the first two camps, the third option could be a possible way to solve the controversy. As I would demonstrate below, the division of these camps could be seen as paralleled to different stands within the Modernity debate. The Moral Conservatives are actually Modernists, and they did not totally relied on Biblical arguments as many imagined. (And a point to add is that they interpreted the Bible in a Modern manner[28].) Their view on Homosexuality would be similar to Functionalist's account on the Family. On the other hand, Post-modernist ideas, especially the idea of Michel Foucault, molded the mentality of many activists for Homosexual Rights. The "Third way" are then equivalent to Late-Modernists, and their main concern is about Communicative Rationality and The Public Sphere. In fact, the proposal of the "Third way" was inspired by Habermas' theory on Public Sphere[29].

1, *Moral Conservatives as Functionalists*

In this section I would like to find out the similarity between the claim of Moral Conservatives and Functionalism. It does not mean that Moral Conservatives are Functionalists[30], or based their claims on Functionalist ideas. What should be in our mind is that as Functionalism once enjoyed a hegemonic status in Anglo-Saxon Sociology, its influence could be reached to many who did not even heard of a subject called Sociology.

To find out the link, we have to understand the Functionalist's analysis on the family. A simpler version of Functionalist analysis was given by G.P. Murdock, who claimed that nuclear family is a universal phenomena, and the sexual difference between men and women is functional in making the nuclear family to become an efficient co-operating unit[31].

A more comprehensive Functionalist account was given by Talcott Parsons, using his theory on Social System. In Parsons' theory, there are four functional prerequisites, including Adaptation, Goal-attainment, Integration and Latency (i.e. Pattern maintenances), for a Social System to survive[32]. These prerequisites could be classified into two dimensions: Instrumental vs Expressive i.e. whether activities concerned with means or purposes, and External vs Internal i.e. whether they are related to environment or the internal structure. The following table summarized how these functional prerequisites could be classified[33]:

	Instrumental	Expressive
External	Adaptation	Goal Attainment
Internal	Pattern Maintenance/Latency	Integration

This is the famous AGIL grid of Parsons' System Theory. In a Social System, subsystems would be needed to carry out these vital functions. And these subsystems have their own Functional prerequisites in term of AGIL as well. And again, there will be subsystems within the subsystem to carry out these functions, and so on[34]. In Parsons' theory, Family carry out the function of Latency, and is a mean to express and perpetuate the Cultural heritage of the Society[35]. As in other parts of the System Theory, Family could also be divided into different subsystems which carry out their specific functions.

To determine the function of different Familial subsystems i.e. family roles, Parsons used Psychological theories as resources. According to Sigmund Freud's theory of Oedipus complex, an infantile male would have erotic desire on his mother, and finally he would gave up this desire in fear of being castrated by his father, and in this process the boy developed into a Psychically normal man[36]. In an infantile female this process would be more complicated, in which she will accuse her mother for the fact that she do not have a penis. In both cases feeling on a Female parent was involved. Beside seeking for Freudian opinion, Parsons developed his own Psychological experiments with Bales, and found that while the dominant leader in the family concerned with the problems in tasks, and the less dominant leader would concern on the problems about expression[37]. Based on these theories, Parsons plotted the AGIL grid of the Family in the following manner[38]:

	Instrumental	Expressive
Superior Power	Father	Mother
Inferior Power	Son	Daughter

Needless to say, the theory basis of Parsons was highly controversial. As it linked itself with Freudian Psychoanalysis, it was being attacked, especially by Feminists who would denounce the male-centeredness of Freudian theories. Its methodology would therefore be unacceptable in today's standard[39]. Nevertheless, Parsons' theory on the Family was extremely influential. Despite of the complicated rationale behind the theory, the conclusion would be simple: Families are stable subsystems vital to the Society, in which different family members carry different roles which provide functions which enable the family to exist. And the roles are dependent on their gender.

Despite few Moral Conservatives know much about Parsons, the conclusion would definitely be the music of their ears. Most of their arguments are Functionalist in nature, despite they may not notice about that. Moral Conservatives would claim that Heterosexual Monogamy would be the only functional system of the Family. They blame that the interruptions of this order would have disastrous effect on the Society. They emphasized on the adverse effect of divorce on children, and would claim that the chaos after the Russian Revolution was related to the radical sexual liberation proposed by the Bolsheviks[40]. They would associate the rise of poverty, domestic violence, suicidal rate and poverty with the decline of nuclear family[41]. They would even claim that the decline of the family would lead to crisis in Democratic and Liberal values: as the family carries the function of guarding the value of the Society, how could those ideals be defended if family ceased to exist[42]? Family is functional, and the roles of different genders in it is also functional, and as they claimed our Society will be over without them.

In the eyes of the Conservatives, Homosexuality is a threat to the Nuclear Family. Despite Homosexuals may not want to scarp Heterosexual Monogamy, it was claim that they are themselves the destructive factor once they could get married. Even if many Homosexuals only claimed for their own rights, Moral Conservatives would believe in conspiracy theories which claimed that the Homosexuals would eventually challenge the system, say, by proposing Threesome Marriage[43]. The Homosexuals are not only denied the right of getting married, legislations protect them from discrimination are also unwelcomed. While a draft or a proposal of SODO was never available, the Moral Conservatives argued that such kind of legislations would result in "reverse discrimination", handicapped their right to made any moral judgment on the Sexuality issues[44]. They would also use Elmbrooks incident as an example to reveal the violence and the aggressiveness of the Homosexuals[45]. In short, Homosexuals are not only different from us. The difference itself is already violations of the Family values, not to mention that they are aggressive crazy men. In conclusion, the Family is in danger, and the doomsday is coming. And so, Conservatives of the world, unite!

These kind of Functionalist accounts are not without its blind spots. Are Families really as harmonic as they claimed? And if family is functional, it is functional to who? These Functionalist accounts ignored the existence of conflicts within the Family[46]. It is well established by the Feminists that Conflicts as a result of Patriarchal domination are prevalent in families[47]. In Statistical terms, Family is the most dangerous place in the Society. Physical attacks are more common in one's home than on the Street[48]. These dark side of the family cannot be attributed to the recent decline of the Family, as these conflicts exist for a long time. By emphasize on the

Family functions and ignoring all these injustices, Moral Conservatives did nothing positive in protecting the Family values. Probably they are just blaming on the scapegoats, while allowing the long-lasting injustice which corrupted the Family to go on undisturbed.

These are not the only pitfall of the Moral Conservatives. There are something even more dangerous: the stubborn insistence on the harmony that never existed. The Functionalist account give us a harmonic picture. Everything are in equilibrium, and so if something existed for a long time, it must be something good. Stability and order is everything, and we deserved to guard this orderly and harmonic World. However, our World is not like that. Our World is full of differences. And what we could do is simply eliminating these aliens, so that the harmonic and orderly picture could be kept.

As a result, we cannot tolerate any people who looks alien. These aliens are germs, they are the pathogen of the Society, and the scum of the World. Thou shalt not tolerate the germs, and thou shalt remove thy compassionate upon thy enemies. This is the basis of those slope theories: as these theories claimed, once we give Homosexuals some favors, they will soon strike for the next goal, and we will perish eventually just because of this small compromise[49].

Zygmunt Bauman pointed out that Holocaust was not caused by a few mad or evil people. It was not the problem of Germans alone, it is the problem of Modernity. When we see our World as a orderly place, we lost our tolerance. A gardener would regard a garden as a orderly place with beautiful bushes and flowers, all other plants are considered as weeds and would be eliminated. Germans could massacre the Jews in an indifferent attitude, just because the Jews were outside their imagination of an ideal Society, i.e. they are weeds to be removed[50]. Bauman's analysis could definitely be applied to the Moral Conservatives, who would also have a orderly and harmonic world-view on moral issues. By the way, we should not forget that the Jews were not the only victims of the Holocaust. Homosexuals were also their main target.

2, Pro-Homosexuals under the shadow of Foucault

The Activists fighting for the Right of Homosexuals are usually Post-Modernists. The influence of Michel Foucault was prominent. The first reason is that Foucault himself was interested in the issue on Sexuality, probably owe to his Homosexual experience. This concern was expressed in the writing of *Histoire de la Sexualité*. Besides, Foucault's criticism on the dominant discourse could easily gain support, as Homosexuals are a minority which are being rejected by the majority in moral grounds.

The Initial works of Foucault was called an "Archeology" of Human history. While most historian in his time considered History as a continuous process, Foucault proposed the otherwise. He suggested there are many disconnections in the Human History. The role of a historian is to discover these disconnections, rather than to find out their continuity[51]. The structure of the Societies in different time have different structures, as a result of these disconnections. As the meaning of symbols relied on the structure, this implies that the meaning of the same symbol changes with time despite of the resemblance of the appearance[52]. Foucault used these point to attack against Modernity: those things which are taken for granted in Modernity are not Universal Truth. The terms and practice of the Modernity are not as stable and universal as it seems[53].

Under the basis of "Archeology", Foucault developed his "Genealogy". In this series of works, Foucault suggested that knowledge was neither Power-neutral nor Self-liberating[54]. Knowledge, or discourse, is the exertion of Power. However, we should realize that Foucault have a special perception on Power: He criticized the traditional view which link Power with the concept of Sovereignty, which see Power as something exerted from above, as described in Thomas Hobbes'

Leviathan[55]. When there is Society, there is Power. Power is something exists in interpersonal relationship, and it is dispersed throughout the network without the center[56]. Power should not be treated as bi-polarized conflicts, as it also come from below. Foucault also disagreed with Marx's notion of Class struggle, as he would believed Class-conflict is only a part of the Power: Foucault would concern about the Power of men over women, of parents over children, of Psychiatry over the mentally ill, etc[57]. In short, Power is an omnipresence Web in the Society[58].

Foucault's Genealogy was illustrated in his *Histoire de la Sexualité*. Foucault rejected Sigmund Freud's notion of a Sexually repressive Victorian period. Instead, Foucault stressed that the education of that period didn't repress sexual discourses at all, as these discourses became more complicated and differentiated in this period[59]. At the end of 18th Century, the Church and Clergymen started to control sexual practices[60]. Extra-martial sexual practices with purposes other than reproduction was accused of being unnatural and sinful[61]. However, such control was not fulfilled by the restriction of sexual speeches. The fact is the opposite. Confessions was encouraged, people were forced to confess[62]. Confessions of Catholics before the priest was one of the ways of such confessions[63]. These kind of confessions are in fact Power relations[64]. Paradoxically, while people talked about sex, social control on sexuality was exerted.

Religious influence declined since 19th Century[65]. However, the Power control through confessions was continued. The rationale of such control shifted from Theology to Science. Sexual acts which was considered as unnatural was then considered as Pathological. For example, Masturbation was then considered as an illness[66], and many well known myths like "masturbation causes blindness" was proposed by Medical Practitioners in that period[67]. Classification was used as a means to formalize sexual practices[68], and institutions was set up to limit the Sexual Experiences[69]. Foucault stressed that these "Scientific" notion were neither Scientific nor rational. Academic was in fact the avoidance of truth, the cover up of the truth in a scholarly manner[70]. In short, these Scientific discourses resulted in mandatory confessions, which enabled those enjoyed Powers could have pleasure by analyzing them[71].

From the analysis of Foucault, we could see that the relation between Power and discourses could keep on changing. However, the end result would be the same: Power could exert its influence via the dominant discourse, via discourses Social control became possible. However, if Power is omnipresence, so would be Resistance. When there is Power, there is resistance[72]. Power is an integral part of the Society, so would be Resistance: it is impossible for the Power to get rid of Resistance. From this perspective, Foucault was optimistic on the possibility to resist the oppression via dominant discourse.

Foucault's theory did have great impacts on the Pro-homosexuals. Activists would stress that Homosexuality is nothing abnormal or wrong, as these are only labels imposed by the strong majority on the weak minorities[73]. There are no absolute basis behind the notion which criticized Homosexuality as immoral[74]. Acts which tried to impose morality on others and attempts to legislate according to morality are being considered as hegemonic and violent, and the Social value of morality was being questioned[75]. Majority views could be equally oppressive. As a result, SODO would be necessary as a means to protect Homosexuals[76]. Trace of Foucault's influence could be found in these arguments: there are no absolute truth, at least in the area of morality, and those moral truth are only means of oppression. The oppressive Power may not come from above, it can be sourced from the Majority.

On one hand, we have to appreciate the effort of Foucault and his followers to reveal the nature of truth. "Truth" may not be as true as it claims, while it can be a discourse constructed by those

have Power. "Truth" was liable to change, was a means to exert Power. On the other hand, these efforts may be too successful. Relativism is a common criticism on Foucault's work, especially on his "Archeology". If the disconnectedness of the History is emphasized, we could then get an obvious conclusion: comprehension between different rules of the word-games, or discourses, would unlikely be possible[77]. However, if communication between different discourses is impossible, then what should the oppressed do? The remaining option would be Power struggles with bare fists. Would it be desirable for these struggle to happen? By the way, we should not underestimate the impact of these struggles on the oppressed. Who said that they would win[78]? While Foucault correctly pointed out that Power is not monopolized by the Sovereign State, he definitely ignored the powerfulness of these institutionalized Power by over-concentrated the microscopic aspect of Power[79]. Foucault talked little about how to organize Resistance. It would be too optimistic for him to say "Where there is Power, there is Resistance". As the oppressed are not organized, Power struggles with bare fists would inevitably ended in their disaster.

3, Hopes for the "Third Way": Habermas' theory on Public Sphere

If the Moral Conservatives' opinion was too oppressive, while the suggestions by the Pro-homosexuals are not practical, what should we do? Norris Wong, writer's personal friend who teaches Philosophy in Webster University in St. Louis, suggested the "Third Way" on the SODO debate. As mentioned in the earlier part of this article, Norris' suggested was influenced by Jurgen Habermas theory on Public Sphere. In fact, he quoted articles related to debates on Public Sphere to support his standpoint. In short, this "Third Way" theory suggested that as the issue of Homosexual discrimination is complicated, it risk oversimplification by being fully pro-SODO or anti-SODO[80]. For the sake of both camps of the debate, a well-designed and well-negotiated legislation is better than no legislation at all[81]. As a result, both side should discuss the issue together in the Discursive Public Sphere[82].

It is obvious that Norris' suggestion was inconclusive. The theory have room for further development, and this theory could be a valuable guide if the SODO debate recurs. In the rest of this article, we would discuss Habermas' theory on the Public Sphere, and from that perspective we could find out the way for this "Third way" theory to develop.

One of the most significant contribution by Habermas is his notion on the Public Sphere. The Public Sphere is the Public of Private Individuals who would join in debate of issues about the State[83]. It is independent of the State, and is somehow similar to the contemporary notion of Civil Society: on one hand it is independent of the State while on the other hand its concern goes beyond domestic interests. It was not only a place for public participation, it also encouraged the use of reason[84]. In short, The Public Sphere is a platform for the people to use their reason in a Public manner[85]. Habermas claimed that the Public Sphere is not something in the Utopia, it was something which once existed at the beginning of Capitalism. The Social Development of the United Kingdom served as Habermas' model case. After the Glorious Revolution, the British political opposition shifted from the use of violence to persistent critical Public debates[86]. Coffee houses in London was the meeting point of Businessmen, it was the venue when they would discuss about matters of trade and news related to commerce[87]. The discussions quickly extended into Political issues[88]. This marked the beginning of the Public Sphere, despite it members was confined to the Bourgeoisie.

However, the Public Sphere was shrinking since late 19th Century, in a process which Habermas referred as the Re-feudalization of Society[89]. The State and the Society became interlocked again[90]. Negotiation for private interest replaced the Rational discussions on Public goods[91], while there are increasing demands for intervention by the Welfare State[92]. The expansion of

access into the Public Sphere also replaced Rational discussions by the Consumption of Mass Culture[93]. The importance of Political debates was diminished in the Press, and was replaced by Culture-consumption[94]. Eventually the Public Sphere became a place for advertising rather than rational discussions.

On the other hand, the State had also increased its control over the Society. This was linked to Habermas' concern on the domination of Instrumental reasons[95]: While the Capitalist Economy increasingly depends on Science and Technology, there would be increasing State interventions, and Instrumental reasons would reign as well[96]. The emphasis of Politics would then shifted from the realization of practical goals towards the solution of Technical Problems[97]. The increasing of this technocratic eroded the institutional framework of the Society, and even the value system would become invaded by technical rationality[98]. Eventually, decision making would be removed from Humanity's control[99]. In Habermas' term, it is called the Colonization of the Life World by the System[100]. Eventually this would lead to a series of crises in the Capitalist Society[101]. The State would eventually failed to manage the contradictions developed from various problems of Capitalist Economy and the State's intervention, resulting in Rationality Crisis[102]. The Structural strain between the democratic demand of income redistribution and the demand on State's income (which is the interest of the Capitalists) would eventually lead to Legitimation Crisis[103]. While the State's alternation of the Socio-cultural system would lead to Motivation Crisis[104].

According to Habermas, the only way to prevent such catastrophe is the revival of the Public Sphere. Therefore Habermas investigate for the solution for successful Communication, resulted in his theory of Communicative Competence. Habermas suggested that there are four types of Validity claims in a speech: Comprehensibility, Truth, Appropriateness and Sincerity. All these validity claims are needed to ensure Communicative interaction could go on[105]. While Comprehensibility would be required in all speech acts, different Mode of Communication would have different Validity claims as its main theme[106]. These complicated theoretical discussions could be summarized in the following table[107]:

	Mode of Communication		
	Cognitive	Interactive	Expressive
Types of speech action	Constantives	Regulatives	Avowals
Implied validity claim	Truth	Appropriateness	Sincerity
Theme	Propositional content	Interpersonal relation	Speaker's intention
Obligation to provide	Grounds	Justifications	Confirmations

Under the risk of over-simplification, we could say that Habermas is an advocate of Communicative Rationality. The reconstruction of the Public Sphere by the development of Communication Rationality would likely to be the aim of Habermas' intellectual project. Unlike the Post-Modernists, Habermas pointed out the Universality behind the plurality of human discourses: the Communication Rationality, and the possibility to Communicate.

The insights of Habermas are significant in the discussion on contemporary Politics. He successfully described the nature of the Public Sphere, and he have also analyzed on its recent

decline. His warning on the possible adverse outcome upon the failure to revive the Public Sphere worth our attentions. His theories pointed at the possibility of Communication in an age of plurality, and gave us the hope that peaceful settlement of injustice and conflicts are possible. Despite of these strengths, however, there are some drawbacks in Habermas theories. His theory was frequently criticized as Utopian, as those ideal speech situation never exists in the reality[108]. Of course we could argue that what Habermas proposed is an ideal type, however we have to ask one question: In what way could the Public Sphere be reconstructed? It would be impractical if Habermas pointed out the direction of Public Sphere without providing a route-map. It also sounded odd while Habermas neglected Social Movements and only concentrated on the Bourgeoisie Public Sphere[109]: obviously it is the contemporary Social Movements in the Civil Society which would benefited most from Habermas' theory. He also ignored the obstacle of inequality on the development of Communicative Rationality, where the Lower Class would not have enough Educational and Cultural resources for such development[110].

In writer's opinion, the last problem would possibility be fatal. In fact, it is the most important obstacle in the development of the "Third Way" theory on SODO. From an indirect personal contact with a leader of SCS, the writer know that SCS had rejected any possibility of the "Third Way" at the very beginning. The reasons behind this decision is that they believed the threat of Pro-Homosexual movement is so severe that they cannot believe in any non-hardliner stands. We could interpret such response in two way: first of all, it would be impossible for the oppressive side to abandon its oppression spontaneously. And secondly it would be hard for any camp to give up its defense or offense once a Conflict had taken place. How could we persuade the Moral Conservatives and the Pro-Homosexuals to go back into the Public Sphere, and have rational discussion using Communicative Rationality? I would not say it is impossible, but certainly this would be difficult, and the deployment of diplomatic skills would definitely be needed.

Nevertheless, it would not be wise for us to prematurely abandon Habermas' theory, as well as the "Third way" theory. The difficulties in reconstructing the Public Sphere alone should not be a reason to reject the whole project. If the crises mentioned by Habermas are real dangers, would there be any easy exit beside the reconstruction? We have to be reminded that similar to Habermas' notion on Modernity, Habermas' theory is also an uncompleted project. The writer would suggest that we should give Habermas a chance, so as those theories inspired by him. And personally I would believe such patience would be fruitful.

C. Conclusion

At the beginning of the article, the writer had demonstrated the relative importance of the Modernity debate. Such importance is related to the rise of Identity Politics, which included Secessionist Nationalism, Radical Feminisms and Homosexual Movements. The debate on SODO in Hong Kong would be a local example of such kind of Politics, and I have demonstrated that this local debate was linked with the debate on Modernity.

In the discussions the writer shown the link between the Moral Conservatives, Pro-Homosexuals and the "Third Way" with the Modernist theory of Functionalism, Post-Modernist theory of Foucault and Late-Modernist theory of Habermas. The fact that Functionalism would have the danger of producing oppression, and the endless conflicts ensured by Foucault's theory are also being discussed. According to the standpoint of the writer, Habermas' theory on the Public Sphere and its "Third way" derivative would be the only viable options, despite of its unsolved problem.

The debate on SODO settled down temporarily since the Government did not perform anything practical in the issue. However, as the controversy between the Moral Conservatives and the Pro-

Homosexual continues, further debates and conflicts would be expected. Probably it would be wise to prepare for it in this period of relative peace. With more rational reflections, hopefully the debate could be developed into a more fruitful direction.

[1] Jones, R.A., *Emile Durkheim: An Introduction to Four Major Works* (Newbury Park: Sage, 1986), pp. 62-5

[2] Weber, M. 著：《經濟與社會》(Economy and Society) (北京：商務印書館，2004)，頁3-6

[3] As an example, we could read about a debate between Melvin Tumin, a Conflict theorist, and Kingsley Davis, a Functionalist proposed a Functionalist theory of Social Stratification. Tumin, M.M., "Some Principles of Stratification: A Critical Analysis", *American Sociological Review*, Vol. 18(4)1953, pp. 387-94

[4] For example, Jean-Francois Lyotard, a prominent Post-Modernist, rejected Modernity as it is a Metanarrative. Lyotard, J.F., *The Postmodern Condition* (Minneapolis: University of Minneapolis, 1984), p. 80

[5] Habermas, J., *The Philosophical Discourse of Modernity: Twelve Lectures* (Cambridge, Mass.: MIT Press, 1987)

[6] Best, S., Kellner, D., *The Postmodern Turn* (New York: Guilford Press, 1997), p.271

[7] Marx, K., Engels, F., *The Communist Manifesto* (London: Penguin, 1985), p.121

[8] 常士閻：《政治現代性的解構：後現代多元主義政治思想分析》(天津：天津人民出版社，2001)，頁78-9

[9] When the writer told Rose Wu, a personal friend who is a prominent Feminist in the city, that I would like to specialize in the field of Social Stratification, she simply replied, "Oh, isn't it too old-fashioned to talk about Class? I think gender issues are more important nowadays."

[10] Calhoun, C., "Social Theory and the Politics of identity", in Calhoun, C. Ed., *Social Theory and the Politics of Identity* (Oxford: Blackwell, 1984), p. 23

[11] Walby, S., *Theorizing Patriarchy* (Oxford: Blackwell, 1990) In this work Walby discussed on various aspect of Patriarchy and different theoretical aspect on these issues. While Liberal Feminism fight for Women's universal human rights, Marxist Feminist claimed that oppression on women are the result of Capitalist exploitation. These two perspectives could be considered as an Universalist and Modernist Feminist theories under the terms used in our discussion. Radical Feminist stressed on the particular difficulties faced by women as a result of Patriarchy, and the Dual theory which Walby advocates is a Radical Feminist theory which considered the effect of Capitalism, i.e. women faced dual oppression from Patriarchy and Capitalism.

[12] *The Combahee River Collective Statement*, 1986 (<http://www.buffalostate.edu/orgs/rspms/combahee.html>)

[13] This is the concept of Zhonghua Minzu, which stress that all 56 ethnic groups in China are belonged to a single nation of Greater China i.e. Zhonghua Minzu. Despite initially the definition excluded Manchu for obvious political reason, these was soon ceased to be the rule after the 1911 Revolution.

[14] 黃英哲：〈一手做台獨運動，一手做台灣研究：日本昭和大學黃昭堂教授〉，《扶桑書劍記》(台北：前衛，1991)，頁15-24。In this conversation, Ng Yuzin Chiautong expressed that while most

history of Taiwan was written in the perspective of Han Chinese, Taiwanese should have the history of their own, written in the perspective of a Taiwanese.

[15] 洪子雲：〈同性戀是否病態的爭議〉，明光社網頁(<http://www.truth-light.org.hk/>)，2003年9月1日；葛琳卡：〈同性戀的健康問題及性傾向改變〉，明光社網頁，2002年9月13日

[16] Homosexual activist would like to use the findings from the American Psychiatric Association (APA), a professional institute in the field of Psychiatric Science, as counter arguments against those Pathological theories. For example we can see: Perspex：〈歧視「科學化」〉，《Lesbo拼圖》，第三期，2005年4月15日。In this article of a Lesbian magazine (which was involved in the Elmbooks incident described later), they have quote several Scientific reports and the new-release of APA to support the claim that “therapies” on homosexuals are without Scientific stand, and thus the Pathological theory could be challenged. Please also read the quoted materials: *Just the Facts About Sexual Orientation & Youth: A Primer for Principals, Educators and School Personnel* (USA: APA et al., 1999) (<http://www.apa.org/pi/lgbcfacts.pdf>)

[17] 卡維波：〈甚麼是酷兒〉，《性/別研究》，第三、四期合刊，1998年9月，頁34，36-7

[18] 康貴華：〈輔導同性戀者的感想〉，明光社網頁，2004年11月16日

[19] 〈同性戀是甚麼？〉，明光社網頁，2003年1月30日；〈究竟我是不是女同性戀呢？〉，明光社網頁，2003年1月30日；〈究竟我是不是男同性戀呢？〉，明光社網頁，2003年1月30日。Most of the information in these articles come from FreeToBeMe.com, a Canadian Christian organization provided services to those who wanted to leave Homosexuality. (<http://www.freetobeme.com/>)

[20] *Theorizing Patriarchy*, pp. 109-27

[21] 〈維護家庭約章及呼籲〉(香港：維護家庭聯盟，2004) (<http://www.hkchurch.org/family/sub/3.htm>)

[22] 瓶情：〈諸神之爭或是坦誠對話——榆林事件的啟示〉，《時代論壇》網上版(<http://www.christiantimes.org.hk/>)，2005年4月14日

[23] 蘇穎智：〈反對「性傾向歧視條例」立法〉，《四月份家書》(香港：播道會恩福堂，2005)；陳國華：〈光明的道理〉，《時代論壇》網上版，2005年6月24日

[24] 〈民政事務局四月開始就性傾向歧視立法展開民調〉，《時代論壇》，913期，2005年2月27日

[25] 蔡志森：〈由何秀蘭落敗說起〉，《時代論壇》，891期，2004年9月26日

[26] 〈榆林書店嚴正聲明〉，《時代論壇》網上版，2005年4月18日；瓶情：〈諸神之爭或是坦誠對話——榆林事件的啟示〉

[27] 〈榆林書店多新聞〉，《時代論壇》，921期，2005年4月24日

[28] As some critics of Biblical Inerrancy (a core value of Conservative Christians) pointed out, those supported Biblical Inerrancy actually defined inerrancy by seeing the Bible as a text which could fulfill the standard of contemporary Science and Academics. From this perspective, we could see these Conservative Christians as Modernists who would pursuit for the Modern values while paradoxically denounced it. 古斌：〈聖經無誤的模式之爭〉(香港：建道神學院，基督教研究碩士學期論文，1999)

[29] 黃繼忠：〈再思反性傾向歧視立法的第三條進路：公民社會與同性戀問題〉，《時代論壇》，928期，2005年6月10日

- [30] In fact, most of them received Philosophical or Theological training and are not Sociologists at all. When the writer told a personal friend, who is a prominent member in the SCS, that I am now studying Sociology, he simply reminded me that Sociological theories could be dangerous for their “Moral Relativism”.
- [31] Murdock, G.P., *Social Structure* (New York: Free Press, 1949), p.7
- [32] Lee, D., Newby, H., *The Problem of Sociology* (London: Hutchinson, 1983), p.269
- [33] *Ibid*, p.270
- [34] *Ibid*.
- [35] *Ibid*, p.288
- [36] Freud, S., “Totem and Taboo”, *The Complete Works of Sigmund Freud* Vol. 13 (London: Hogarth, 1912)
- [37] Parsons, T., Bales, R.F. Ed., *Family, Socialization and Interaction Process* (London: Routledge, 1956), Chapter 1
- [38] *The Problem of Sociology*, p.289
- [39] Edgell, S., *Middle Class Couples* (London: Allen & Unwin, 1980), p.21
- [40] 黃潤珍：〈一夫一妻制的優點〉，香港性文化學會網頁(<http://www.sexculture.org.hk/>)
- [41] 翟耀棠：〈現今香港家庭狀況〉，香港性文化學會網頁
- [42] 關啟文：〈教會應如何關心社會？——後九一二選舉的反思〉，《時代論壇》網上版，2004年9月20日
- [43] 關啟文：〈同性婚姻與我何干〉，《號角》加東版，2003年8月
- [44] Of course they could use foreign examples to support their claim, and they did. What they could not realize is that these examples pointed to the question of “how to legislate”, rather than that of “legislation or not”. 香港性文化學會：〈誰在搶佔道德高地？——回應對「反對性傾向歧視立法運動」的道德批評〉，《時代論壇》網上版，2005年4月27日
- [45] 洪子雲：〈對信仰和良心自由的踐踏——同性戀團體衝擊榆林書店的啟示〉，《時代論壇》網上版，2005年4月14日
- [46] To be fair, we have to notice that Parsons did not ignore the possibility of conflicts. There would be conflicts between different Functional Prerequisites. However, it would not be sufficient to account for all conflicts in these terms, as not all conflicts happened between different functionaries.
- [47] *Theorizing Patriarchy*, pp. 61-89
- [48] Giddens, A., *Sociology* (Cambridge: Polity, 1993), p. 417
- [49] 香港性文化學會：〈疑慮未消——回應淡化性傾向歧視立法的危機的論調〉，《時代論壇》網上版，2005年4月27日
- [50] Bauman, Z., *Modernity and the Holocaust* (Cambridge: Polity, 1989), pp. 91-3
- [51] Baert, P., *Social Theory in the Twentieth Century* (Cambridge: Polity, 1998), p. 120
- [52] *Ibid*, p. 121

- [53] *Ibid*, p. 122
- [54] *Ibid*, p. 123
- [55] Foucault, M., *Dits et Ecrits, 1954-1988* Vol. III (Paris: Gallimard, 1994), p. 184
- [56] Foucault, M著，余碧平譯：《性經驗史》(Histoire de la Sexualité)(上海：上海人民出版社，2002)，頁63-7
- [57] Smart, B., *Michel Foucault* (Sussex: Ellis Horwood, 1985), p. 135
- [58] 《性經驗史》，頁69-70
- [59] *Ibid*, p. 21
- [60] *Ibid*, p. 27
- [61] *Ibid*, p. 28
- [62] *Ibid*, p. 43
- [63] *Ibid*, p. 45
- [64] *Ibid*, p. 46
- [65] *Ibid*, p. 30
- [66] *Ibid*, p. 31
- [67] Tissot, S.A.D., *L'onanisme, dissertation sur les maladies produites par la masturbation* (Lausanne: Marc Chapuis, et compagnie, 1769)
- [68] 《性經驗史》，頁34-5
- [69] *Ibid*, p. 32
- [70] *Ibid*, p. 40-1
- [71] *Ibid*, p. 49
- [72] *Ibid*, p. 71
- [73] 卡維波：〈誰說喜歡異性才是自然〉，台灣國立中央大學性/別研究室(<http://sex.ncu.edu.tw/>)
- [74] 李慧玲譯：〈什麼是同性戀〉，台灣國立中央大學性/別研究室
- [75] 邵國華：〈誰來決定什麼是道德〉，《明報》，2005年9月27日
- [76] 邵國華：〈假如同性戀雙性戀者是大多數〉，《明報》，2005年7月29日
- [77] *Social Theory in the Twentieth Century*, p. 130
- [78] We should also consider that once we claim that there are no “truth”, it would be difficult to define common good of all people. If it is the case, then it would be difficult for us to talk about justice, and we would lost the moral ground to resist oppression. Once upon a time writer talked with a M.Phil student of our department, who was a follower in Institutionalism. We debated on the issue about Social justice (Somehow it was because the writer is a follower of Conflict theory while she was a Institutionalist). At the beginning she argued in a Functionalist manner, claiming that all existing systems, no matter how injustice it is, have their irreplaceable functions (simply because of their successful existence). Then she shifted to a Post-modernist tone, saying that since there are no absolute truth, we should not condemn on these “injustice” systems as there are no

such thing as universal ethics. Despite of the merit she got in our department (she won the Sociology Prize of our department), I would not hesitate in criticize such theory as an illogical nonsense. However, this absurd theory clearly showed the possible danger of Post-Modernist theories included that of Foucault: if we denounce the possibility of “truth”, it would be an ethical disaster, and we would not have a solid basis for any Resistance.

[79] *Ibid*, p. 131

[80] 黃繼忠：〈性傾向歧視問題的複雜性：論歧視與性傾向歧視〉，《時代論壇》，915期，2005年3月13日

[81] 黃繼忠：〈走出劃一與豁免的思維困局：探討反性傾向歧視立法的第三條進路〉，《時代論壇》，924期，2005年5月15日

[82] 黃繼忠：〈再思反性傾向歧視立法的第三條進路：公民社會與同性戀問題〉

[83] Calhoun, C., *Habermas and the Public Sphere* (Cambridge, Mass.: MIT Press, 1992), pp. 6-7

[84] Habermas, J., *The Structural Transformation of the Public Sphere* (Cambridge, Mass.: MIT Press, 1989), p. 24

[85] *Ibid*, p. 27

[86] *Ibid*, p. 64

[87] For example, The London Stock Exchange initially sited in a Coffee House owned by Jonathan Miles. In 17th Century, John Castaing started to post a list of stock and commodity price in this Coffee house, and marked the beginning of the Stock Exchange. (<http://www.londonstockexchange.com/en-gb/about/cooverview/history.htm>) The foundation of Lloyd's of London, a British Insurance Market, originated in a Coffee House. (http://www.lloyds.com/About_Us/History/)

[88] *Habermas and the Public Sphere*, p. 12

[89] *The Structural Transformation of the Public Sphere*, p. 175-6

[90] *Habermas and the Public Sphere*, p. 21

[91] *The Structural Transformation of the Public Sphere*, p. 176

[92] *Ibid*, p. 144

[93] *Ibid*, p. 166

[94] *Ibid*, p. 169

[95] Held, D., *Introduction to Critical Theory: Horkheimer to Habermas* (Berkeley and Los Angeles: University of California Press, 1980), p. 254

[96] *Ibid*, p. 263

[97] *Ibid*, p. 264

[98] *Ibid*, p. 265

[99] *Ibid*, p. 266

[100] Habermas, J., *The Theory of Communication: Reason and the Rationalization of Society* Vol. 1 (Boston: Beacon Press, 1984), p. xxxii-xxxiii

[101] *Introduction to Critical Theory*, p. 287

[102] Dunleavy, P., O'Leary, B., *Theories of the State: The Politics of Liberal Democracy* (London: Macmillan, 1987), p. 265

[103] *Ibid*, p. 266-7

[104] *Ibid*, p. 268

[105] *Introduction to Critical Theory*, p. 333

[106] *Ibid*, p. 337

[107] *Ibid*, p. 338

[108] *Social Theory in the Twentieth Century*; p. 148

[109] *Habermas and the Public Sphere*, p. 36-8

[110] *Social Theory in the Twentieth Century*, p. 149