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Experiments in Living Together

In June 2020, the U.S. Supreme Court barred workplace discrimination on the basis of sexual or transgender identity. The 6–3 majority decision was authored by Neil Gorsuch, a Trump appointee previously regarded as a “conservative’s dream.”¹ Reflecting on the decision a few days later, the prominent gay writer Andrew Sullivan wrote:

Every single goal the gay-rights movement set out to achieve in my lifetime has now been won. Gays can marry; we can serve our country openly with pride; we are categorically protected from discrimination in employment and public accommodations in every state. Many once thought it would happen in reverse order, with employment discrimination barred before civil marriage was extended to gays and lesbians, but history has its surprises. Nonetheless, it’s done. Finished. Accomplished.²

“[D]one. Finished. Accomplished” seems an overstatement given that anti-gay discrimination persists in many corners of American society. Still, the Court’s ruling was arguably the last major step to formal institutional equality, one that seemed far beyond reach until very recently. The ruling also coincides with a period of remarkable change in social opinion about gay rights more generally. The defining issue in this respect is same-sex marriage, which was nationally legalized by the Supreme Court in the 2015 *Obergefell*

¹ Savage 2020.

² Sullivan 2020.

U.S. Support for Gay Marriage

Do you think marriages between same-sex couples should or should not be recognized by the law as valid, with the same rights as traditional marriages?

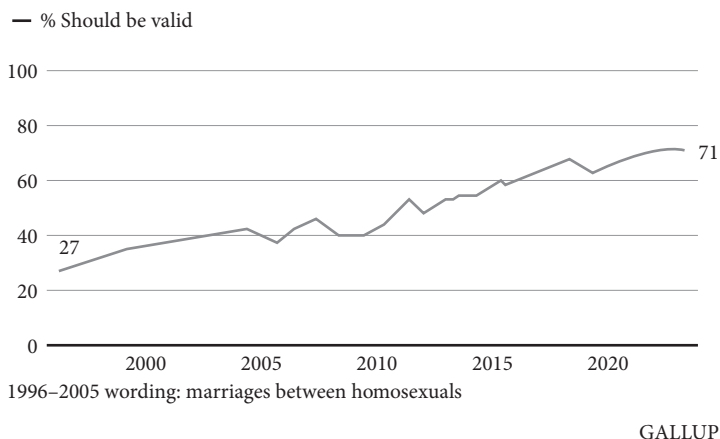


Figure 4.1 Reproduced with permission from McCarthy (2023).

v. Hodges case, and later fortified by bipartisan passage of the Respect for Marriage Act in 2022.

Between 1988 and 2023 American support for same-sex marital rights rose from 11% to 71%.³ Figure 4.1 shows the trend beginning in 1996. The magnitude of this shift is similar across generational cohorts and genders, and is strong (though not surprisingly different) among both Democrats and Republicans.⁴ About half of Republicans now support same-sex marriage.⁵ Among 18- to 29-year-olds overall, 83% support same-sex marriage, which is about as close to social consensus as a pluralistic society gets.⁶

³ The first of these two numbers comes from Rosenfeld (2017) and is based on General Social Survey data. Since his analysis was published in 2016, I have used 2023 Gallup polling for the second number (McCarthy 2023). Gallup's data only start in 1996.

⁴ McCarthy 2020.

⁵ McCarthy 2021.

⁶ McCarthy 2019.

There appears to be no other major social issue on which American attitudes have changed at such combined magnitude and speed.⁷

These observations raise the same sort of puzzle that we began with in Chapter 2: What explains this change? And what, if anything, does that explanation teach us about the democratic ideal? In Chapter 3 I proposed joint flourishing as a regulative ideal of democratic social progress. The validity of regulative ideals, I have argued, depends on whether they set aspirations which establish reliable pathways to improvement. To complete the argument, we need to better understand what sort of pathway to progress the joint flourishing standard establishes. What does it mean to aim at joint flourishing in a democracy, and how well does democracy support that ambition?

To address these questions, I turn in this chapter to social history, looking closely at how American society came to embrace same-sex marriage as a core moral commitment. Although my observations about same-sex marriage could easily be extended to the gay rights movement more broadly, a narrower focus will allow for a more illuminating look at the details.⁸ Taking same-sex marriage as a paradigm example, I explain the idea of *experiments in living* and identify the essential role they play in driving social progress. Thus joint flourishing is the standard against which progress is to be assessed, and experiments in living are the primary mechanism through which democracies enable progress by that

⁷ Rosenfeld 2017.

⁸ I should also note that, in adopting this focus, I have deliberately chosen to set aside issues raised by the transgender rights movement, along with the rights of other gender non-conforming people. While these issues are (obviously) important and worthy of extended treatment, they are also distinct, and it is not practical to address them here. It is also important to note that the fight for transgender rights and acceptance is, in general, much more recent as a large-scale phenomenon. From a scholarly standpoint, this is important because the historical documentation of public attitudes on marital rights overwhelmingly employs a family of terms and ideas from the gay rights movement. Thus, for example, all of the major polling data (that I have seen, anyway) on this issue frames things in terms of attitudes toward “gay people” and “gay marriage” or “same-sex marriage.” Attitudes on transgender rights have only been measured relatively recently, and are distinct.

standard. The crucial feature of experiments in living, I will show, is that they create moral learning through experience. More than anything else, that is what differentiates the Deweyan picture of democracy from alternatives.

Of course, no single episode of history can show decisively that this or any other model of progress is correct. But it can help identify which factors are critical in a way that a priori reasoning, psychological studies, or intuitive reflection alone cannot. In this chapter I do not consider how my model generalizes to other instances or non-instances of social change. I take on that task in Chapter 5, where I introduce two more historical cases.

4.1. The History of Same-Sex Marriage: An Overview

I begin with an overview of key historical developments in the movement for same-sex marital rights. My focus is the general arc of social change, and I therefore put off discussion of some important complexities—and, in particular, key internal conflicts within the gay rights movement—until later on.

Systemic hostility to homosexuality in the United States developed in tandem with the idea of homosexuality itself, an innovation in social identity. The historian John D’Emilio describes the status of homosexuality in the nation’s early days:

For the North American settlers who migrated from England in the seventeenth and eighteenth centuries, the imperative to procreate dominated the social attitude toward and organization of sexuality. . . . Under such conditions the existence of lesbians and gay men was inconceivable. Though criminal records, church sermons, and other evidence reveal homoerotic activity among the residents of the colonies, nothing indicates that men or women thought of themselves as “homosexual.” Same-sex

erotic behavior remained sporadic and exceptional. . . . Nor did they conceive of homosexual acts as different in essence from other sexual transgressions—such as adultery, fornication, or bestiality—that occurred outside the sanctioned bonding of husband and wife.⁹

In other words, while homosexual activity certainly existed in 17th- and 18th-century America, “homosexuality” as a distinctive social identity did not. That is, sexual relations with members of the same sex were not thought of in connection to some durable set of characteristic behaviors, dispositions, beliefs, or cultural affinities. This began to change toward the end of the 19th century, as industrialization, urbanization, and the expansion of wage-labor increased opportunities for social interaction outside the family or traditional community. That, in turn, afforded greater opportunities for gay romantic relationships, particularly between men. In the early decades of the 20th century, a recognizable gay subculture began to emerge in urban areas, where gay men would congregate for social and sexual connection in particular bars, parks, and bathhouses. Private events and organizations such as drag balls and literary societies helped fortify social networks, and a self-conscious gay identity began to emerge.¹⁰ At the same time that men and women were beginning to see themselves as bearers of a distinct homosexual identity, the scientific community likewise began to understand sexual attraction between members of the same sex as a distinctive “condition.”¹¹ Physicians, psychologists, and Freudian psychoanalysts replaced the frame of individual acts of sin with an idea of systemic disorder: “perversion.”

Throughout this period, the same factors that facilitated the rise of homosexuality as an identity—primarily urbanization

⁹ D’Emilio 1983, 10.

¹⁰ D’Emilio 1983, 10–13.

¹¹ D’Emilio and Freedman 2012, 255–56.

and industrialization—also created a massive expansion in opportunities for heterosexual sex and romance outside of marriage. This, along with the growing availability of birth control, led to an important liberalization of sex and the marriage ideal itself. Against the traditional model of marriage as an economic and procreative endeavor, “companionate marriage” framed sex, sexual attraction, and sexual pleasure as healthy and valuable independently of procreation.¹²

Thus, by the mid-20th century, two basic trends had set the stage for the gay rights revolution. First was the emergence of homosexuality as a core aspect of personal identity, deeply structuring people’s aspirations, personal relationships, social standing, and sex lives. And, second, the practice of marriage became increasingly oriented toward personal and sexual fulfillment. The convergence of these trends explains why the right to marry would become a morally significant demand, and also why homosexuality would come to represent such a threat to the traditional marital ideal. The institution of same-sex marriage represents a public avowal of a new understanding of the place of sex, sexual attraction, and sexual pleasure within the familial unit.

World War II was a turning point in the coalescence of homosexual identity and in the stigma surrounding it. The war effort drew millions of young Americans away from their communities, both in the service of the military and into the factories which served the wartime economy. Sex segregation in these environments fostered new opportunities for homosexual experimentation and community. In urban centers, the post-war period saw a boom in gay bars, which functioned as *de facto* community centers and supported the further development of a shared gay consciousness.¹³

At the same time, the post-war obsession with Communism proved an accelerant to anti-gay sentiment. In the era’s paranoid

¹² D’Emilio and Freedman 2012, 255–56.

¹³ D’Emilio 1983, 31–32.

political environment, homosexuals were cast as national security threats in virtue of a supposed propensity to blackmail. As the medical and psychological community converged on a view of homosexuality as disordered, concerns about blackmail were easily conflated with a more general moral corruption: Communism and “perversion” went together.¹⁴ The consequence was mass purges of government employees perceived to be gay. On the streets, meanwhile, “vag-lewd” laws were used to crack down on gay bars and to entrap homosexuals. Real or perceived violation of sodomy laws could result in multiple-year prison sentences. Here there was a feedback loop between gay persecution and gay identity. Systemic persecution was only possible because of the coalescence of gay identity during the first half of the 20th century, and the increasing visibility of homosexuality that resulted. At the same time, persecution fueled the sense of a common gay identity since, if nothing else, homosexuals shared in a sense of fear and frustration.

Out of that feedback loop, an explicit conception of the gay plight began to emerge. In 1950 Harry Hay, Chuck Rowland, and a few others founded the Mattachine Society in Los Angeles, one of the earliest gay rights organizations in the country. In the beginning, the founders had to develop a cohesive interpretation of their struggles to rally around. The discourse of minority oppression and rights began to crystallize:

[W]ith no socially approved models for their life-style, homosexuals “mechanically superimposed the heterosexual ethic” on their own situation “in empty imitation of dominant patterns.” The result was a daily existence predicated upon “self-deceit, hypocrisy, and charlatanism” and a “sense of value . . . disturbed, inadequate and undesirable.” Victimized by a “language and culture that does not admit the existence of the Homosexual Minority,” homosexuals remained “largely unaware” that they in

¹⁴ Faderman 2015, 17–22.

fact constituted “a social minority imprisoned within a dominant culture.”¹⁵

The quotations are excerpted by D’Emilio from the Mattachine’s early internal documents, where the group is in effect working out its self-conception. As the movement further matured throughout the 1960s and 1970s, the self-understanding of group oppression solidified, and along with it the discourse of group rights. To a large extent these notions were fueled by explicit parallels with the contemporaneous fight for racial equality.

Through the 1950s and 1960s the social presence of gay cultural and political organizations steadily increased. The activism of these groups slowly began to confront discriminatory practices and policies on numerous fronts, including stigmatization by religious leaders, censorship on grounds of “obscenity” and “indecent,” the characterization of homosexuality in the medical community, and the ban on homosexuals in the armed and civil services.¹⁶ Famously, a 1968 police raid of The Stonewall Inn—a popular New York bar and hub of the gay community—precipitated a major round of protest and civil disobedience that spread to other urban areas nationwide and catalyzed a new level of organization and assertiveness within the movement.

In the 1970s, the gay rights movement began to see major victories at the level of law and practice.¹⁷ In 1973, under strong pressure from gay rights groups, the American Psychiatric Association removed homosexuality from its list of disorders, and the government formally lifted its prohibition on the employment of homosexuals. In 1974, Elaine Noble became the first openly gay person elected to statewide office, serving two terms in the Massachusetts House of Representatives. By the late 1970s, several

¹⁵ D’Emilio (1983, 65), with excerpts from the personal papers of Jim Kepner.

¹⁶ Faderman 2015, 91–114.

¹⁷ Except where specifically noted otherwise, the next three paragraphs are based on Faderman (2015).

dozen civil rights ordinances barring discrimination on the basis of sexual orientation had passed at the county and municipal level.¹⁸ Likewise, for the first time, the protest movement in support of homosexuals began to attract meaningful numbers of heterosexual allies.

For the gay community (and especially gay men), the 1980s was defined by the AIDS crisis. The AIDS crisis proved crucial to the advancement of gay rights in three respects: First, the disease's rapid spread effectively outed large numbers of gay men all at once, rapidly raising the visibility of the gay community and the cause of gay rights. Second, the desperation of the situation initiated a major upgrade in the scale and scope of gay organizing, with groups such as Gay Men's Health Crisis and ACT UP taking on a major presence in American politics and, at the same time, providing a source of community and support. Third, the highly visible suffering of AIDS victims elicited new sympathy from some parts of the American public. The AIDS crisis also stoked angry denunciations from social conservatives, some of whom cast AIDS as divine payback. Nonetheless, their reactions—which in some cases bordered on revelry in death and suffering—took on a newly cruel valence in this context.

While the gay rights movement was finding new allies and building up its organizational capacity through the 1970s and 1980s, public opinion polls do not show net positive momentum on attitudes toward homosexuality until the 1990s. Between 1973 and 1991, the percentage of Americans who agreed that "gay sex is always wrong" went from 73% to 77%, evidently reflecting a backlash to the newfound prominence of homosexuals.¹⁹ In the 1990s, homosexuality became an increasingly durable presence of mainstream culture. Ellen DeGeneres made the cover of *Time* magazine when she came out, both in real life and as the character "Ellen" on

¹⁸ D'Emilio and Freedman 2012, 346.

¹⁹ Rosenfeld 2017.

her popular TV show. *Will and Grace* came on the air not long after that, completing the first paradigm for sympathetic gay characters in popular culture. In 1994, Bill Clinton put in place the “Don’t Ask Don’t Tell” policy in the military. Though the policy was derided from all sides, it was a crucial symbolic and practical step toward integration (it was formally repealed by legislation in 2010). By the late 2000s, sympathetic and explicit representations of homosexuality had established a meaningful presence in TV and film. At the same time, homosexuals continued to come out of the closet in growing numbers: between 1985 and 2010, the percentage of Americans reporting that they had a homosexual friend or acquaintance went from 22% to 68%.²⁰ And public polling begins to show rapid positive movement on attitudes toward homosexuality: between 1991 and 2000, the percentage of Americans who believed that “gay sex is always wrong” dropped from its high mark of 77% to about 55%. Approval of gay marriage went from about 11% to 25%.²¹

Throughout the 1990s and 2000s this trend in public opinion continued at a fairly steady pace. The number of openly gay elected officials continued to climb, and the 2000s saw a series of state laws legalizing same-sex civil unions and marriages. In 2003, the Supreme Court ruled in *Lawrence v. Texas* against sodomy laws. In 2009, federal hate crimes protections were applied to homosexuals, and, in 2015, the Supreme Court ruling in *Obergefell v. Hodges* definitively avowed same-sex marital rights. Justice Anthony Kennedy’s opinion consecrated homosexual identity as a valid source of rights claims on a par with other legitimate dimensions of personal liberty:

Many who deem same-sex marriage to be wrong reach that conclusion based on decent and honorable religious or philosophical premises, and neither they nor their beliefs are disparaged here.

²⁰ Rosenfeld 2017.

²¹ Rosenfeld 2017.

But when that sincere, personal opposition becomes enacted law and public policy, the necessary consequence is to put the imprimatur of the State itself on an exclusion that soon demeans or stigmatizes those whose own liberty is then denied. Under the Constitution, same-sex couples seek in marriage the same legal treatment as opposite sex couples, and it would disparage their choices and diminish their personhood to deny them this right.²²

By the time of Kennedy's decision, public opinion was decisively in favor of same-sex marriage, with support edging up to 60%. Expressions of hostility to homosexuals had become unacceptable in many social contexts, and protections of gay identity were by then a common (though not universal) aspect of institutional culture. The 2018 mid-term elections resulted in a record number of victories (over 150 combined in state and national offices) for gay candidates,²³ and in 2019, Pete Buttigieg, an openly gay former Naval Reserve Officer, emerged as a top candidate for president in the Democratic field. Remarkably, his sexuality never became a major consideration in mainstream public discussions of his candidacy. In 2020, the Supreme Court ruled that anti-gay discrimination was barred by the Civil Rights Act. Finally, in 2022, the Respect for Marriage Act made federal recognition of same-sex marriages a legislative requirement, pre-empting any potential rollback from the Supreme Court.

4.2. Experiments in Living Defined

As I noted in Chapter 1, the phrase “experiments in living” is adapted from John Stuart Mill, who saw deviations from social convention as a driver of social progress. As I also noted, however,

²² *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) at 19.

²³ Caron 2018.

my most direct influence is John Dewey. The theme of experimentation runs prominently through Dewey's work, and serves as a key bridge in integrating moral and scientific inquiry:

The scientific revolution . . . began with recognition that every natural object is in truth an event continuous in space and time with other events; and is to be *known* only by experimental inquiries which will exhibit a multitude of complicated, obscure and minute relationships. Any observed form or object is but a challenge. The case is not otherwise with ideals of justice or peace or human brotherhood, or equality, or order. They too are not things self-enclosed to be known by introspection, as objects were once supposed to be known by rational insight. Like thunderbolts and tubercular disease and the rainbow they can be known only by extensive and minute observation of consequences incurred in action.²⁴

Dewey's comparison between inquiry about "ideals of justice" and inquiry about "thunderbolts and tubercular disease" is a bit flamboyant, but he is careful to recognize the analogy's limitations. The important idea is that we learn something vital from the experience of acting on moral norms that we cannot learn just by thinking about them or deliberating about them with others. Put in more philosophical terms, there is something epistemologically essential about experimenting with our moral goals. And so the only way to learn how to live well together is to try things out and make revisions as we experience the consequences. Dewey suggests that this approach is critical to democracy:

The alternative method may be called experimental. It implies that reflective morality demands observation of particular

²⁴ Dewey 2002, 56–57.

situations, rather than fixed adherence to *a priori* principles; that free inquiry and freedom of publication and discussion must be encouraged and not merely grudgingly tolerated; that opportunity at different times and places must be given for trying different measures so that their effects may be capable of observation and of comparison with one another. It is, in short, the method of democracy, of a positive toleration which amounts to sympathetic regard for the intelligence and personality of others, even if they hold views opposed to ours, and of scientific inquiry into facts and testing of ideas.²⁵

My own view is a way of understanding and developing this unusual suggestion that experimentation is the “method” of democracy. Many other contemporary thinkers have also picked up the idea of “experiments in living,” though the precise meaning it is given varies quite a bit. The interpretation below is not offered as a theoretical rival to their approaches. Instead, I propose to illuminate, in a novel way, how the idea functions in tandem with democracy to propel social progress.

Interpreting Mill, Elizabeth Anderson suggests that experiments in living test “conceptions of the good” through the “experience of living them out.”²⁶ We experiment by trying out practices and objectives that cut against prevailing social norms, evaluating in turn whether “one will experience one’s life as flourishing.”²⁷ This frames experiments in living as something that individuals do in pursuit of their own well-being, but we can also conceptualize them on a social scale. Thus, Philip Kitcher sees “experiments of living” as innovations in social rules, goals, and institutions through which we learn how best to live together.²⁸

²⁵ Dewey and Tufts 2008, 329. See also Dewey (1954, 202–3).

²⁶ Anderson 1991, 4.

²⁷ Anderson 1991, 16.

²⁸ Kitcher 2011, 104–37.

Likewise, Gerald Gaus describes experimentation in “social worlds,” in which we see how various “principles, sets of rules and institutions, work out under certain background conditions.”²⁹ In a similar vein, Ryan Muldoon suggests that we can improve our principles of distributive justice through experimental evaluation over time.³⁰ My own concern is with these more social conceptions of experiments in living, or, as this book’s title puts it, “experiments in living together.” In some discussions of social experimentation, the idea seems to encompass almost any kind of institutional or policy reform.³¹ Without quibbling over definitions, I am interested in changes that enable us to appraise “conceptions of the good” (as Anderson puts it) in social life. That is, they are (at least implicitly) attempts to try out values or moral ideas that challenge the status quo.

So, in my usage an *experiment in living* is an alteration (or set of related alterations) of practice that tests the moral values and principles which constitute the social order. Thus, they enable us to evaluate claims about the rights and privileges people should have in social life, the way that they ought to treat each other in public settings, how resources should be distributed, and the forms of well-being that institutions should promote. Successful experiments generate moral learning that leads to social progress, defined here as improvements in joint flourishing. Unsuccessful experiments fail to generate such improvements. In the scientific context, experiments involve interventions that test hypotheses about the natural world. In the social context, experimental interventions test the (at least implicit) hypothesis that there is a better way for us to live together.

²⁹ Gaus 2016, 89.

³⁰ Muldoon 2016.

³¹ Barrett 2020; Robson 2021.

4.3. The Epistemology of Experiment 1: Unforeseen Consequences

There are two primary reasons why we need to act on moral ideas in order to evaluate them. The first is that experimentation reveals unforeseen, and at times unforeseeable, consequences that bear on the justification of moral objectives. This is what Dewey is talking about above when he suggests that “ideals of justice” are like “thunderbolts and tubercular disease.” The key similarity, he says, is that they all require “minute observation of consequences observed in action.”

The story of same-sex marriage illustrates why this is so. Going back to the 1950s, same-sex marriage was a fringe idea even within the burgeoning gay rights movement, in part, one presumes, because it really was unclear what it might look like and what its broader consequences might be. As the idea began to get significant traction in the 1990s, opponents focused on the potential for harm to children and on the threat to the “institution” of marriage as a pillar of social organization. Undoubtedly, many of those arguments were disingenuous fronts for gut antipathy or dogma. Still, no one in 1955 could have said with warranted confidence exactly what, for better or worse, the normalization of gay families would mean for children and society. Learning that required actually testing the waters—extending a sequence of increasingly robust rights to gay parenting and partnership—and studying the results. This is but one example of the fundamental complexity of the social world. Such complexity derives from the fact that, as Gaus puts it, “outcomes are dependent on multiple, interconnected variables” and are therefore extremely difficult to predict with any degree of precision.³² The opportunity to marry interacts with the dispositions of same-sex couples toward the family ideal,

³² Gaus 2021, 10–11.

which interacts with the welfare of their children, which interacts with the self-conception of their children, which interacts with the dispositions of same-sex couples, which interacts with the expectations of others surrounding same-sex families, which interacts with institutional norms, etc.

By the late 2000s, there was a strong body of evidence about childrearing: the children of same-sex couples are, in general, not substantially better or worse off than the children of different-sex couples.³³ And while the marriage rate among heterosexuals in the U.S. has been going down steadily over many years, there has never been any evidence that the rise of same-sex marriage is a cause or, indeed, that it has meaningful effects on any other trends cited by social conservatives, such as divorce or abortion rates.³⁴ There simply was no way of gathering sufficient evidence about such matters prior to extending marital and other related rights to gay couples.

The discourse of “rights” in relation to same-sex marriage may suggest a kind of absolute moral requirement that would make these empirical contingencies irrelevant. The right not to be enslaved, for example, is a matter of foundational moral principle. There seems something perverse in making the status of this right contingent on the consequences that follow from implementing it. If the right to marry is a fundamental dimension of human freedom, then don’t the same considerations apply in this case?

Setting aside for the moment the particulars of slavery, note that most rights are contingent in some way or another. The right to free speech, for one, is famously contingent on the potential for harmful consequences, as evidenced by hate speech laws in some countries or “yelling ‘fire’ in a crowded theater”-style exceptions. The right to vote is contingent on age, and so is, notably, the right to marry itself. In these cases, our interpretation of rights is sensitive to the consequences of granting them. In a world defined by one singular

³³ American Psychological Association 2007; Cowl, Ahn, and Baker 2008.

³⁴ Langbein and Yost 2009.

value, perhaps, consequences would only be relevant to instrumental rationality, that is, the question of how best to pursue *the one true good*. But they would not bear on the question of what ultimate goods to pursue and how properly to weight them. In a world of disparate goods, however, there are inevitable conflicts among the things worth caring about. And that requires ongoing adjustments to our understanding of different goods and the priorities we set among them.³⁵

Free speech is contingent on the prospect that it might incite violence, and likewise the prospect of vital government secrets being revealed. Freedom of religion is contingent on the potential exclusion of minorities in public spaces and the potential for private oppression in the family. And freedom of marriage is reasonably contingent on how it affects individual well-being. This explains the restriction of marital rights by age. It also explains why the institutional implications of marriage—the particular set of rights and privileges that it entails (concerning child custody, material property holdings, spousal citizenship, etc.)—reasonably vary across different societies. Those variations reflect reasonable differences in judgment about the good of marriage and its relationship to other things worth caring about. In all of these cases, the precise trade-offs involved depend on the complex, evolving particularities of social context. And therefore in order to understand the scope and meaning of the right to marry there is no choice but to experiment—to try things out, observe the consequences, and then reevaluate priorities.

For a small set of rights—such as the right not to be enslaved—the values in question may be so critical that there is no plausible scenario in which sacrificing them would be justified. And perhaps, for at least some fundamental moral principles, the consequences of pursuing them are strictly irrelevant to their justification. My argument does not require rejecting that possibility. For the great

³⁵ Richardson 1997.

majority of moral goods, however, the world's complexity makes their status and interpretation contingent on consequences, and experimental action reveals those consequences to us. This is why, as Dewey puts it above, "reflective morality demands observation of particular situations, rather than fixed adherence to *a priori* principles." The same-sex marriage case illustrates this as well as anything else.

4.4. The Epistemology of Experiment 2: Transformative Experience

All of us find, at some point or another, that something we thought we wanted is actually pretty disappointing, while the outcomes we resist most can turn out to be quite fulfilling. This simple observation turns out to have some important implications for our moral beliefs.

Allow me a brief autobiographical diversion to illustrate the key point. At age 15 I developed the ambition to become a professional jazz saxophonist, and then spent about eight years practicing doggedly in pursuit of this goal. I envisioned an economically modest but creatively ambitious existence in New York City. At age 23, I was living a life which largely fit that description and yet, by 25, I was ready for a change. To a point, this change of heart was prompted by unanticipated or un contemplated circumstances. For example, I hadn't really thought through the problems of securing reliable health insurance on a jazz musician's income. But I also found jazz saxophone to be creatively confining. I was unable to branch out musically as I wished, or to engage with audiences beyond the narrow world of modern jazz. The problem wasn't simply unanticipated consequences. It was that even the consequences I anticipated were unsatisfactory in unanticipated ways. Roughly 20 years later, the saxophone remains an important part of my life, but it is much less central to my pursuits than I ever would have expected.

You can think of this case as an example of what the philosopher L. A. Paul calls “transformative experiences.” According to Paul, experiences can be transformative in two respects: An experience is “epistemically transformative” when there is no way of knowing what it is like to have that experience except to have it yourself. An experience is “personally transformative” when it changes your “subjective value for what it is like to be you,” including the “core preferences” that make us the particular people that we are.³⁶ Paul cites parenthood as an experience that is transformative in both respects: It is epistemically transformative because the relationship that parents have with their children is so different from any other kind of relationship that it is impossible to anticipate the experience that goes with it. It is personally transformative because of the numerous ways in which parenting tends to reshape our desires and priorities. In an important sense, the person judging their lifestyle after parenthood begins is very different from the person judging that lifestyle before it begins.

Notably, the personally transformative quality of something like parenthood contributes significantly to its epistemically transformative quality. That is, the difficulty of anticipating what it’s like to be a parent is enhanced by the fact that parenthood transforms one’s fundamental priorities (“what is it like to be the kind of person who is happy to trade Saturday night dance parties for barrels of soiled diapers?”). For me, being a jazz musician was epistemically transformative, because there was no way of knowing in advance whether/how the experience would be satisfying. And it was probably personally transformative as well, because leading the life of a creative musician unlocked material desires—for a larger income, nicer living quarters, more economic stability—that my 18-year-old self would have derided as bourgeois “selling out.” But the unlocking of those material

³⁶ Paul 2014, 16.

desires contributed in important ways to the unsatisfying quality of the experience, and therefore to the unknowability of that experience in advance.

Thinking about big social changes such as the gay rights movement, the point is that the actual, in-the-flesh attempt to pursue social objectives is both epistemically and personally transformative for those living through the change. This kind of transformation is critical to moral learning because it changes our cognitive orientation toward those who are different from us: how we feel in response to their concerns and how we represent the salience and status of those concerns in relation to our own. As Aylon Manor puts it, the value of this “transformative dimension of experimentation . . . is not that it produces data amenable to causal analysis (though it might), but rather that it changes how persons see and understand the world.”³⁷

Manor focuses on the crucial role that such transformations can play in generating valuable perspectival diversity. But it can also set the stage for a systemic progressive shift in moral attitudes, particularly when it remedies deficits in the social fabric that obscure the predicament of a marginalized social group. In the present case, people came to live in a social world transformed by the protection of gay rights and, as a result, generated sympathies and relationships that enabled them to see why those rights are a moral imperative. Using the language of Chapter 3, seeing those rights as an imperative was only made possible by the improved integration of homosexuals into heterosexuals’ sense of community: Changed social maps and emotions supported a stronger egalitarian ethos and heightened dispositions of care. And those changes, in turn, were only made possible by alterations of practice that reshaped habitual patterns of social interaction.

To put this point in Deweyan terms: action inaugurates changes in experience that play a crucial epistemological role in evaluating

³⁷ Manor 2022, 326–27.

moral values. Thus experiments in living improve our capacity to represent and act upon one another's good, not only through the observation of surprising consequences, but also through changes in who we are.

Considering the same-sex marriage case, we can observe the expansion of community through experiment via a gradual, multi-decade process of "de-othering." As Ryan Muldoon observes, "[o]n the issue of gay rights, it isn't so much that any particular legal or political principles changed in the US, but our interpretations of them, and in particular our understanding of the situations in which we were attempting to apply them, did change over time. The data for this . . . was living our private lives and coming to learn things about how the status quo was not affording appropriate respect to the relationships of people we care about."³⁸ As Muldoon notes, those "data" were precipitated by the dramatic expansion of personal contact with (openly) gay people. A number of studies confirm that the strongest predictor of positive attitudes toward homosexuality is interpersonal contact. In a 2013 Pew study, for instance, 32% of people who had changed their mind in favor of gay marriage cited "knowing someone who is homosexual" as the reason, more than any other factor.³⁹ The importance of interpersonal relationships in this context is an instance of the well-known "contact hypothesis," according to which cooperative, egalitarian forms of inter-group interaction tend to reduce prejudice.⁴⁰ The importance of positive inter-group contact in shaping moral attitudes is not surprising on the premise that, as we have seen, such attitudes depend on social maps and emotions. Positive interpersonal contact tends to generate more positive affective responses among individuals and introduces highly salient, stereotype-defying exemplars of social groups. In that way it expands boundaries of the "in" group and

³⁸ Muldoon 2016, 14.

³⁹ Pew Research Center 2013.

⁴⁰ Dovidio, Glick, and Rudman 2005.

also generates more positive associations with a previously derided group category.⁴¹

As friends and family came out of the closet, and homosexuals assumed an increasingly prominent role in social life, the social fabric shifted to permit more substantial, and more positive, interactions with them. And it created an increasingly powerful shift in the stream of social exemplars from which associations with homosexuality were generated.⁴² The social representation of normalcy gradually came to integrate gay identity, and that was fortified by the development of personal relationships which confirmed positive associations through ongoing interactions in daily life. In public life, new cultural representations, dramatic protest, and evocative moments of cruelty or companionship cultivated new sympathies. Likewise, the 1950s discourse of “disordered,” “deviate,” and “pervert” was abandoned in favor of “love is love,” a phrase which very clearly and succinctly represents the assimilation of homosexuality to the public conception of normal, healthy relationships.

Once we appreciate the role of transformative experience in moral learning, it is much easier to make sense of several notable features of the same-sex marriage case and other moral revolutions of its kind.

Consider, first, the apparently inert quality of so much deliberation about hot-button social issues. Public attitudes on same-sex marriage evolved over a roughly 50-year time period. During much of that time, the key arguments in favor of same-sex marriage remained largely unchanged and were widely known. After the Stonewall demonstrations in the late 1960s, the gay rights movement was a fixture of American public life. And the core argument of that movement notably changed little, if at all, from its earliest years up until the present. Below is a quote from Frank Kameny in 1960,

⁴¹ Pettigrew et al. 2011.

⁴² I thank Dan Myers for putting the point to me in this way.

challenging the exclusion of homosexuals from employment in the civil service. Other than its reference to a policy which no longer exists, the argument is indistinguishable from those exchanged during the landmark *Obergefell v. Hodges* decision in 2015:

We may commence with the Declaration of Independence, and its affirmation, as an “inalienable right” that of “the pursuit of happiness.” Surely a most fundamental, unobjectionable, and unexceptionable element in human happiness is the right to bestow affection upon, and to receive affection from whom one wishes. Yet, upon pain of severe penalty, the government itself would abridge this right for the homosexual. It is a rather shabby and shoddy state of affairs for a citizen’s retention of his job to be dependent upon his having to choose, as an object for his affections, someone acceptable to the Civil Service commission officials, and their henchmen elsewhere in the government.⁴³

As I will argue below, public deliberation did play a crucial role in the same-sex marriage case. But, as we have seen, our ability to reason well depends on social maps and emotions, and these depend on our social environment. Therefore, when our social environment systematically marginalizes important perspectives, we need to intervene to change it before we can feel the “unforced force” (to use Jürgen Habermas’s well-known phrase) of “the better argument.” This fact explains why the deliberative paradigm is incomplete, even when it is broadened to encompass the importance of emotion. It is incomplete because moral learning so often depends on the transformative impact of action over time—communicative exchange is not enough. Relatedly, the importance of transformative experience explains why social change typically takes so long for morally significant issues: our psychological orientation to others reflects habitual dispositions that develop over a

⁴³ *Kameny v. Brucker*, 365 U.S. 843 (1961), *petition for cert.*

% of U.S. adults who favor same-sex marriage, by generation (2001–2019)

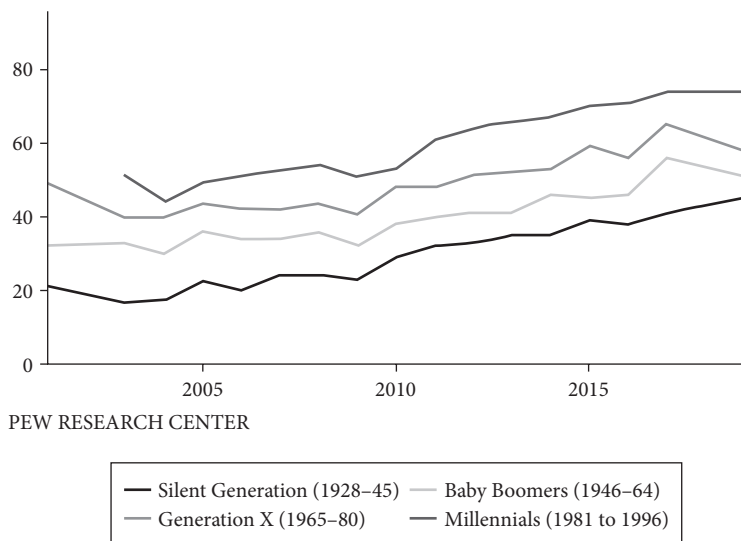


Figure 4.2 Reproduced with permission from Pew Research Center (2019b).

long period of time, often percolating beneath the surface of consciousness over many social interactions.

One striking feature of public opinion on same-sex marriage concerns its intergenerational distribution. Figure 4.2 shows that, between 2007 and 2017, all generations of Americans adopted more favorable attitudes toward same-sex marriage at roughly the same pace. It also reveals a clear age differentiation: the older you are, the more unfavorable your attitudes toward same-sex marriage are likely to be. Therefore generational replacement accounts for a major part of the public shift in opinion (though not nearly all of it).⁴⁴ Similar patterns are evident on other social issues.⁴⁵

⁴⁴ See also the analysis in Silver (2015).

⁴⁵ Inglehart and Welzel 2005.

Why are older generations more conservative on same-sex marriage and other social issues? Here we can only offer a tentative but intuitive answer: our moral baseline is fixed to a large degree by childhood experience, and members of younger generations are more likely to have had substantial, positive intergroup relationships during those formative years. Thus, different generations carry into adulthood social maps and emotions that make them more or less likely to represent the frustrations of homosexuals sympathetically. In this way, through experimental changes in the social environment, each generation bequeaths upon the next an expanded sense of community. The caveat is that research on the relationship between childhood experience and adult social attitudes is presently incomplete. There is some evidence that our social attitudes become much less malleable as we transition into adulthood,⁴⁶ there is evidence that intergroup contact affects the development of biases in childhood,⁴⁷ and there is also evidence that implicit intergroup attitudes develop in childhood.⁴⁸ But none of this decisively reveals the psychological mechanisms that explain intergenerational differences in social attitudes.

The larger point is that novel social experience can change some aspects of who we are and, in that way, can improve our ability to represent and respond to significant moral considerations. But this kind of transformation is typically a slow-developing, partly subconscious consequence of cumulative changes in the social environment. This is why moral learning is not just a matter of receiving better facts, arguments, or ideas through communication, and also why moral failures cannot be understood in terms of ignorance or irrationality alone.

⁴⁶ Krosnick and Alwin 1989, 1991.

⁴⁷ Skinner and Meltzoff 2019.

⁴⁸ Dunham, Baron, and Banaji 2008.

4.5. The Role of Deliberation and Protest

On their own, experiments in living are not a sufficient cause of social progress. I have already noted the respects in which deliberative democracy provides an incomplete account of progress. But there is no doubt that deliberation is critical. And it is clearly a key ingredient at every stage of the shift to same-sex marriage. In the earliest stages of the gay rights movement, we saw, organizers worked through internal debates about the nature of their grievances. Were they a cohesive minority group entitled to some kind of group-based rights? And what did justice really amount to? Was it simply the entitlement to non-discrimination in seeking positions of employment and privilege? Was it just the right to act freely on one's private sexual preferences? Or was it some more ambitious kind of social affirmation?

The push for a right to marriage itself was internally contentious from the beginning of the gay rights movement. One of the earliest public statements on the issue from within the gay community came in 1953, when the cover of the gay magazine *One* printed the then unthinkable question: "Homosexual Marriage?" The question was considered so far beyond the pale that federal authorities initially refused to mail the issue on grounds of obscenity. But in fact the article was against gay marriage, as Lillian Faderman describes it: "Homosexuals had no interest in getting married, the writer declared—they despised monogamy, considering it 'stuffy and hidebound.' His conclusion was that 'Rebels such as we demand freedom' and didn't care a whit for the privilege reserved for a man and woman."⁴⁹

The author's argument foreshadows an ongoing internal struggle within the gay rights movement, with an assimilationist camp arguing that equality required the right to fully participate in mainstream public practices and public institutions, and opponents

⁴⁹ Faderman 2015, 93–94.

arguing that marriage represented a capitulation to oppressive institutions. In an influential essay, the feminist Paula Ettelbrick wrote the following in 1989:

[M]arriage will not liberate us as lesbians and gay men. In fact, it will constrain us, make us more invisible, force our assimilation into the mainstream, and undermine the goals of gay liberation. Second, attaining the right to marry will not transform our society from one that makes narrow, but dramatic, distinctions between those who are married and those who are not married to one that respects and encourages choice of relationships and family diversity. Marriage runs contrary to two of the primary goals of the lesbian and gay movement: the affirmation of gay identity and culture and the validation of many forms of relationships.⁵⁰

When Ettelbrick writes that “marriage will not liberate us,” she is not stating a purely objective fact about the liberatory properties of marriage. Instead, she is offering a view about whether the desire for marriage is genuinely worth embracing. Were homosexuals to embrace marriage as core to their well-being, then marital rights surely would be liberatory in at least some respects, because autonomy requires the capacity to pursue our own understanding of what is worthwhile. Conversely, the societal “validation of many forms of relationships” would not be liberatory unless the deep desire for non-traditional relationships persisted. So any argument about what is liberatory or otherwise good for the gay community was partly contingent on which desires members of the gay community would come to embrace. The good of same-sex marriage is thus socially contingent in the sense described in Chapter 3: it depends on the subjective reactions of a particular moral community under a particular set of historical circumstances. Ettelbrick’s

⁵⁰ Ettelbrick 1989, 14–15.

argument is, in part, a plea for embracing a certain set of desires over others.

At the same time, believing that you have been liberated is not the same as actually being liberated. What we should want depends on what will in fact happen. And so Ettelbrick's argument also depends on matters of objective fact: How would society evolve in response to changes in the marriage law? Would legalization expand society's conception of what is healthy and normal? Or would it further solidify the hegemony of a narrow family ideal? And how fulfilling would traditional married life be for same-sex couples who suddenly found themselves on the inside of convention?

As a catalyst for democratic progress, democratic deliberation therefore plays two critically important roles at the same time. On the one hand, an inclusive process of deliberation pools information and arguments, thereby improving our perspective on objective matters: the full scope and weight of interests at stake, and the likely consequences of different courses of action. At the same time, an inclusive process of deliberation transforms the subjective perspective of its participants, as potentially shared desires are floated, reasoned about, and then embraced or rejected. The question in this context is not "What will happen?" but instead "What should we want?" In this respect, the democratic quality of deliberation is what differentiates social outcomes that are merely caused by the interplay of power and influence, from those which reflect our moral agency through free and informed reflection on what is genuinely valuable.

Ettelbrick's dissent illustrates the layered quality of democratic deliberation. As "deliberative systems" theorists have emphasized, healthy democratic deliberation is dispersed across diverse sites, audiences, institutions, and discourses.⁵¹ Although institutions such as the Supreme Court and the national legislature can at times

⁵¹ Parkinson and Mansbridge 2012.

seem to represent a sort of national conversation, they at best offer a selective distillation of a much wider conversation. Ettelbrick's arguments are oriented internally, toward others in the gay rights movement. Internal deliberation among the aggrieved plays a critical role in developing a core conception of the plea for change, in identifying the primary considerations that decide in favor of their view, and thereby forging a narrative of progress that the broader public can coalesce around.

Deliberation with external parties also plays a crucial role. As agitation in favor of gay rights mounted, early opponents had to wrestle with the justification for their own antipathies: in a liberal society, what reasonable basis could there be for discriminating based on sexual preferences? At later stages, empirical evidence became crucial: when social conservatives argued that the children of same-sex couples would suffer, psychologists mounted a rebuttal based on empirical studies. When some argued that allowing gays to serve in the military would undermine morale, others pointed to the lack of good evidence on that front. When psychologists characterized homosexuality as abnormal, Alfred Kinsey's landmark studies of sexuality suggested a rather different picture.⁵² And when the courts finally took up the question of same-sex marriage in earnest, society engaged in a very public deliberative reckoning with the ideal of equality in relation to sexual identity. Here, once again, we can see the dual quality of moral deliberation. Over time, opponents of same-sex marriage discovered facts which, for many, changed their expectations of consequences—allowing gay couples to marry would not lead to social harms. But many opponents also constructed a more inclusive vision of the core values in family, thereby, over time, making it possible to derive satisfaction from a different set of social practices.

⁵² Kinsey, Pomeroy, and Martin 1948.

Thus, in the same-sex marriage case, deliberation plays a crucial role at every stage. But deliberation is not the exclusive or definitive means of changing the social distribution of beliefs. Instead, it figures as a precursor to action which, in turn, sets the stage for further deliberation which, in turn, leads to further action, etc. Along the way, protest, narrative, and storytelling also clearly play a role, not only in attracting broader attention to important arguments, but also in engaging the affective dimensions of moral cognition.

4.6. Assembling the Account

Let's bring together the discussion up to this point into a cohesive account. An *experiment in living* is an alteration of practice that tests the moral values and principles which constitute the social order. Experiments of living are identifiable by the articulation of a distinctive frustration or cohesive set of frustrations with the social order, and the deliberate implementation of a change, or a cohesive set of changes in social practice that attempt to reduce those frustrations. In looking at the story of social change above, however, it is clear that to speak of *an* experiment in living is an oversimplification. Although some voices were particularly prominent in the push for same-sex marriage, there is/was a lot of heterogeneity within the movement. There are therefore many overlapping but distinct accounts of the set of frustrations that led to change. Likewise, systemic, socially distributed changes of behavior involve the accumulation of diverse interventions among diverse groups of practitioners. Thus, the *Obergefell* ruling culminated a sequence of smaller interventions: protections for gay speech, incremental protections against workplace discrimination, the dissolution of anti-sodomy laws, "legal partner" status in the allocation of healthcare benefits, innovative cultural representations of gay sexuality, and increasing access to marriage-like rights, such as

hospital visitation rights, adoption rights, and inheritance rights. These kinds of changes were implemented at varying sites—individual families, schools, workplaces, municipalities, states and, in some cases, the United States as a whole—and at varying degrees of scale. In this sense, “the” experiment in same-sex marriage is really a cluster of many inter-related, often smaller-scale experiments.

It may be helpful at this point to offer a general model of the process through which experiments in living generate progress. Real life rarely corresponds neatly to flow charts, and so, by necessity, this is a schematic oversimplification. But the idea is to spell out the crucial constituents of the process and the dominant relationships among them. We can think of a successful experiment in living in terms of six rough stages.

(i) Awakening

The push for change begins with an *awakening*: a significant, and significantly widespread experience of dissatisfaction with some aspect of the status quo (“prejudice impedes the ability of homosexuals to lead fulfilling lives”). It’s impossible to usefully quantify “significance” in this context, but the idea is that enough people reach a point where the need for change seems sufficiently urgent that system-level change makes sense. Significant dissatisfaction then gives rise to small-scale organization among the aggrieved (e.g., the Mattachine Society) and initiates a process of internal deliberation about the nature of the frustration and the proper form of a solution to it.

(ii) Agitation

Awakening then leads to early *agitation*, as the aggrieved group articulates its frustrations in a more public way and begins to resist the status quo on a limited scale. At this stage, larger numbers of the aggrieved group become aware of and sympathetic to the push

for change, and internal deliberations become more widespread. Some sympathetic outsiders also come into the fold, persuaded by arguments and pre-existing sympathies or intuitions. When agitation is successful, the beginning of a movement emerges: among the aggrieved, there is a widely shared conception of a core problem (“homosexuals are not treated with dignity”) and of a range of potential solutions to the problem (“equal rights protections”). All the while, there are typically internal tensions and deliberations within the movement (see Paula Ettelbrick).

(iii) Experimentation

When agitation is successful, a critical mass of support develops for small-scale changes to status quo practice (e.g., childrearing among same-sex couples, localized changes to adoption law, changes in workplace HR policies surrounding same-sex couples). Over time, these small-scale changes bind together into a systemic set of cohesive interventions (“same-sex marriage”). The achievement of significant scale in these changes, of a meaningful impact on social interactions and patterns of behavior, along with the clear articulation of a set of grievances that motivates these changes, marks them as a full-blown experiment in living.

(iv) Moral Learning from Experience

Experiments in living enable informative observations about the consequences of pursuing moral values. And, by changing our patterns of social interaction, they can transform our moral maps and emotions. Through these two primary mechanisms, experimental changes support moral learning: more accurate representations of the concerns of the aggrieved and more effective dispositions to adjust morally significant objectives (e.g., dominant conceptions of the family, of child welfare, of sexual autonomy, of companionship) in response. In the case of successful experiments, the behavioral changes they initiate lead to improvements in deep

satisfaction which, as a consequence of moral learning, earn wider social endorsement among the informed and engaged.

(v) Large-Scale Deliberation

As social experience supports improved social maps and emotions, rational arguments for change take on a new salience and plausibility. This brings more and more people into the fold of a movement. Large-scale deliberation brings new information (e.g., regarding child welfare, regarding the stigma experienced by same-sex couples, regarding the importance of the practical rights conferred by marriage) to bear on the concerns of the aggrieved group, and the public is increasingly able to adjust its moral views effectively on the basis of that information. Experimentation generates new information about the consequences of social change which is integrated into the deliberative process. Movement insiders continue to negotiate a shared conception of the movement's definitive goals. Explicit, reflective evaluation and redefinition of those goals on a wider scale ("marriage," "family," "freedom") realizes the expression of the public's moral agency through the reconstruction of shared values.

Typically, a cyclical iteration of steps (iii)–(v) then follows: improved deliberation instigates further experimentation, which in turn sets the stage for further transformative experience, which in turn leads to further deliberation. When this process goes well, each step contributes to epistemological improvements which then precipitate further progressive changes.

How do successful experiments in living end? As of 2024, Americans have not reached a solid consensus about same-sex marriage. Nonetheless, a majority across many different subgroups, and 71% of Americans overall, now support it. So, even though significant dissent on this issue remains, there is a growing pluralistic coalition which embraces the new normal. Most telling for the future

is that, as I noted earlier, 83% of Americans ages 18–29 expressed support, and that includes 63% of Republicans in this age group.⁵³ Significant dissent remains, but the boundaries of moral propriety have been redrawn so that “homophobia,” rather than homosexuality, is increasingly seen as a legitimate pretext for marginalization. Whereas support for the norm once required self-conscious criticism of social practices, it has slowly become integrated into habitual disposition and, for a large portion of the population, has begun to retreat from active reflection.

We can call this stage of things:

(vi) Normalization (with Continued Dissent)

The experimental norm evolves into a dominant social commitment, as reflected in pluralistic super-majority approval over time and routine institutionalized practice. This does not mean that there is a hegemonic or near-hegemonic consensus. It means that a meaningful majority generally endorses the norm, expects that most others will comply with the norm, and believes that most others believe that they should likewise comply with the norm.⁵⁴ This kind of stabilization counts as progress when it is caused by real and significant improvements in joint flourishing.

To repeat, normalization does not mean unanimity. Those who dissent retain their capacity to initiate their own agitating, organizing, experimentation, and deliberation, and this means that the normalized status of any social innovation is always vulnerable to potential contestation and change. It must be emphasized that, indeed, the existence of residual dissent is both inevitable and healthy in a functional democracy. There are two primary reasons for this which we laid out in the previous chapter. The first consideration is that, as both Dewey and Mill argued,

⁵³ Murphy 2019. In fact, a few years earlier, the number was at a remarkable 74%. It is unclear whether the drop is a function of changes in attitude or of changes in who identifies as Republican.

⁵⁴ Bicchieri 2005.

autonomy is an essential dimension of well-being, and a society that encourages autonomy also protects non-conformity. The second consideration is that, as Mill and Dewey also argued, robust dissent is a precondition for valuable innovations. Any means of eliminating dissent on complex moral topics would therefore preclude the prospect of valuable future innovations. Thus, healthy forms of democratic progress involve systemic shifts of belief and behavior which, nonetheless, preserve the conditions for future improvement.

There is one further reason why healthy forms of social progress do not involve unanimity, and it concerns some of the particulars of the joint flourishing account. Joint flourishing, we have noted, involves the subjective reactions of moral subjects to social experience under cultural, historical, and psychological conditions that vary widely. But there is no reason to expect that, even under ideal conditions, diverse subjects of large societies will converge comprehensively in their experience of deep satisfaction. There are therefore likely to be cases where there are forks in the road to progress, that is, where progress can take different potential forms, any one of which leaves a significant group dissatisfied. I discuss this point further in Chapter 5.

4.7. Progress on Same-Sex Marriage: Real but Contested

Let's conclude this chapter by returning to our historical case study. Has same-sex marriage in the United States been normalized? As of 2024, even opponents of same-sex marriage would have to concede that it, along with a suite of other gay rights, is stabilizing in public opinion and practice. But how confident can we be that this is caused by "real and significant improvements in joint flourishing"? One difficulty here derives from the psychology of the experimentalist model. If our moral judgments about same-sex marriage are

heavily influenced by our social environment, then perhaps the social stabilization of same-sex marriage would itself cause us to see same-sex marriage in a positive light. Just as straight Americans in the 1950s were overwhelmingly confident that gay marriage was a crazy idea, here we are (many of us, anyway) in 2024 believing precisely the opposite. From an epistemic point of view, what makes the current social majority any different from our 1950s counterparts? These important concerns introduce a wider set of issues in epistemology which I must postpone to Chapter 6, where I consider the defenses that democracy provides against false consensus. For now, however, we must not so easily surrender to object skepticism.

We have already noted the steady rise in support for same-sex marriage among heterosexuals. Crucially, that tracks a rise in broader measures of sympathy for gay people⁵⁵ and the dissemination of more accurate information about relevant factual matters, particularly those concerning the effects of gay parenting and the biological determinants of homosexuality. As I have already noted, the quantity and depth of interpersonal contact with homosexuals has a significant positive causal effect on attitudes toward homosexuality. Not surprisingly, therefore, those with anti-gay prejudice tend to have fewer, and less meaningful, relationships with gay people.⁵⁶ Likewise, anti-gay attitudes are associated with a spectrum of factual mistakes about the biological causes of homosexuality, the extent of its mutability, and its association with a specific personality type or “essence.”⁵⁷ And the primary social harms predicted by opponents—the destabilization of family ambitions and harms to children—have not come to pass.

⁵⁵ Rosenfeld 2017.

⁵⁶ Lemm 2006.

⁵⁷ Haslam and Levy 2006.

Taken as a whole, all of this provides significant evidence that rising support for same-sex marriage has been caused both by improvements in factual knowledge and by the kind of reciprocal engagement that jointness requires. In other words, the more familiar you are with the experience of gay people, and the more factual knowledge you have about gay families, the more you are inclined to support same-sex marriage. The evidence on this point is not beyond challenge. But—in tandem with overwhelming support for same-sex marriage among homosexuals themselves—it is significant, and significant enough to believe that same-sex marriage constitutes a real improvement in joint flourishing. To completely address the worry about groupthink, however, requires considering some of the special epistemological features of democracy. As I said, that is what is coming in Chapter 6.

Having said all of that, it is important not to overstate the extent of social agreement regarding same-sex marriage. Much as endorsing the freedom to practice Christianity does not entail endorsing Christianity, endorsing same-sex marital rights is not the same as thinking it is desirable that every loving same-sex couple should run to the altar. In this respect, it is worth noting that there remains considerable hostility to the norms of conventional marriage in some parts of the gay (and heterosexual) community. Even if gays and lesbians now overwhelmingly endorse their own access to marriage, Paula Ettelbrick's concerns about the "anti-liberatory" qualities of marriage remain alive.⁵⁸ From the other side of the political spectrum, strong dissent persists from conservatives who view same-sex marriage as a threat to the traditional family paradigm.

Whatever the merits of these different views, the right benchmark for social progress is not complete unanimity. That is because, as we've already noted, the possibility of progress depends

⁵⁸ For a good overview of the key issues, see the essays in Bernstein and Taylor (2013).

on cultivating and protecting robust capacities for dissent. Thus, while same-sex marriage represents a new status quo, the persistence of conservative and progressive opposition is one indicator that we can make progress without extinguishing the possibility of making yet more.