

Straightforward:

Mobilizing Heterosexual Support
for Gay Rights

by

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you don't need many heroes if you choose carefully

and

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may you travel all the countries where your hearts lead

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Chapter One

Heterosexual Allies' and the Gay-Rights Movement

One day, in a law school not so far away, a first year law student named Lisa came to Professor Jay's Contracts class expecting nothing out of the ordinary to occur. Somewhere between "promise" and "breach," between "expectation" and "reliance," however, Lisa started to notice something about Professor Jay that was quite out of the ordinary. Jay combined liberal, left-leaning politics and scholarship with a distinctly conservative fashion sense. Short hair, penny loafers and oxford cloth shirts were the rule for this man. But today, Lisa started to notice, Professor Jay was wearing bright green nail polish.

Lisa couldn't contain her curiosity, so she asked her professor what was up with the new fashion statement. Jay explained that the day before, his young son Ted had come home in tears. On the playground that day, a group of children had encircled him with taunts about his "long messy hair." They noticed that this young boy was wearing nail polish and pointed it out as evidence that he was "abnormal." Teachers on the playground were unaware of what was going on until one of them found Ted hiding under a piece of play equipment, crying because one of his harassers had finally slapped him. Professor Jay had of course taken the measures most parents would when faced with a beloved child in this state: he'd reassured his son in every way possible. He called Ted's teacher, as well as the principal of the school, and sought assurances that the other children involved would be made to understand that their behavior was unacceptable. But that evening, Professor Jay went one step further: he took his young son in hand and marched him up to the bathroom where the nail polish was stored. Did Professor Jay remove his son's nail polish at that point? No. He asked if Ted would like to paint his father's nails as well. How better, Jay asked, to convey to his son his solidarity and support?

Lisa is bisexual. As she told this story, her eyes filled with tears. "I know it was just a little, silly thing...but I was blown away when my professor told me what he did for his kid," she said. "I mean, when he put on that nail polish he not only told his kid that it's OK to wear what he wants and look the way he chooses; he effectively put himself in something like the same position his son was in . . . it was as if to say, 'if they go after you, they'll have to go after me too.' All I could think was, what if every gay, lesbian or bisexual person got this kind of support from the people who loved them? Can you imagine how different our lives would be?"

Let's take this last question seriously. Imagine that every gay man or lesbian in America could call upon at least two distinct heterosexual friends, family members, or coworkers to seriously support their struggle for equality. This is not an outlandish possibility – even if the gay community could just count on their parents, this would almost produce the imagined level of support. Of course, some parents of gay children do not support their children's struggle (and some parents are no longer alive), but still it is quite easy to believe that every gay and lesbian person in American has at least two nongay friends or family that are in fact supportive.

If this quantum of support currently exists, it would mean that right now twenty million "heterosexual allies" stand at the ready, prepared to stand up for gay rights in the United States. Too often, however, those allies have remained silent, leaving gay, lesbian, and bisexual people to struggle alone in their quest for equality. This lack of support stems in part from a sense a helplessness. We sense that there is a palpable "What can I do?" anxiety.

This book provides pragmatic advice to heterosexual allies on what they can do to support their friends. It also suggests how supporters of gay rights (regardless of their sexual orientation) can restructure institutions and legal rules to better activate heterosexual support. It is thus a guide to action not only in the personal and economic spheres of individuals' lives, but also in the political sphere – suggesting a new range of public policies that are designed to waken this sleeping giant of potential support.

One way to advance the gay rights movement is to enhance the places in which heterosexual people take action to express their support for that movement. These places take shape when people make concrete decisions: to speak or remain silent; to act or remain passive. Therefore, the book will begin by *making visible the existing choices* in which heterosexual people can act to support gay rights; these are moments in which some people are currently making choices without realizing it. Second, in a performative turn, we will use this book to *create new places* in which supporters of gay rights – especially heterosexual supporters – can act upon their convictions. Finally, the book will *propose public policy to create new opportunities for expressing support*. We suggest specific legislation that would enable the expression of heterosexual support.

So this is a book about choices. The choices large and small that we individuals make on a conscious or unconscious basis, but which in aggregate can importantly determine the level of sexual orientation equality. Without this leveraging of the economic and political clout of their friends, full equality for gay, lesbian, and bisexual people may be difficult or impossible to achieve.

Managing Privilege

Heterosexual people who want to engage in the struggle for gay rights must quickly come to terms with an important burden they bear, an endowment which may be a blessing or a curse. “Heterosexual privilege” as Professor Bruce Ryder explains, “refers to the range of perks and incentives with which heterosexually identified persons are rewarded for conforming to the dominant sexuality.”¹ This privilege creates certain dilemmas, as Professor Ryder further explains:

[White heterosexual males] must speak and write with great care, acknowledging our privilege and using it and the authority that comes with it in a manner which is attentive to the limitations of our particular knowledge and experiences.²

Heterosexual people are endowed with a privilege based upon their sexual orientation, and this privilege, if not managed effectively, can create obstacles to their constructive engagement in the struggle for gay rights.

The first obstacle that heterosexual privilege can create is informational. One of the key characteristics of privilege is that it renders itself invisible to those who possess it.³ Many progressive, well-intentioned heterosexual people are so inured to the ways in which their sexual orientation is privileged that they are blind to it. Some well-intentioned heterosexual people don't know what to do to show their support for gay rights because they do not see the ways that a *lack* of privilege attached to sexual orientation disadvantages bisexuals, lesbians, and gay men.

For this reason, many heterosexual people are not able to perceive the gay rights issues that lie within the ambit of their everyday existence. Because they are not personally affected, they do not recognize that a particular policy, rule, or social norm is hurting gay people. For example, many heterosexual people may be unaware that the prohibition on same-sex marriage can make life more expensive or difficult for gay people.

Heterosexual employees in a business that lacks health benefits for domestic partners, for example, may simply be unaware that their partnered gay and lesbian coworkers bear an additional expense that married heterosexual employees need not carry. Or when a child's high school places restrictions on the types of student groups permitted to meet on school property in order to prevent a fledgling gay-straight alliance from forming at the school, many parents may simply not recognize that the controversy implicates larger issues of free expression and respect for gay and lesbian people. One of the goals of this book is to highlight some of the gay rights issues that can play out in heterosexual people's "own back yard" and to suggest ways that they can make their voices heard to help to gay men and lesbians.

Although many heterosexual people are oblivious to privilege and the way it affects gay and nongay lives, at times heterosexual people may become acutely aware of this privilege, and though they do not name it as such, they know that it can divide them from the lesbians and gay men they would like to support. Many heterosexual people with progressive attitudes and good intentions see themselves so outside of the gay rights movement that they feel presumptuous even trying to express support. Because they occupy a system that grants them powers and privileges denied to gay people, heterosexuals may feel embarrassed to discuss the very structures and policies that give them these privileges. Perhaps the dynamic is similar to that for feminist men or white civil rights workers in the 1960's. Certainly heterosexual people must avoid the temptation to speak *for* gay people (this *would* be presumptuous). The challenge is to find a distinctly heterosexual voice that can constructively speak for gay rights.

This book proposes three distinct meta-strategies for managing privilege, which we call exercising, disabling and renouncing privilege. We provide a theory of when it is most appropriate for heterosexual allies to speak expressly as heterosexuals and when instead it is more appropriate to speak or act in ways that make ambiguous whether they are heterosexuals. We provide a theory of when heterosexuals should work within institutions and economically support gay friendly policies and when they should walk away from institutions, boycott bigoted vendors, and renounce the benefits of privilege.

Exercising Privilege: The first meta-strategy is to exercise heterosexual privilege when to do so will upset assumptions or conclusions people in power might be drawing about the way heterosexual people view an issue involving gay rights. To take a fairly common example, suppose that a school system were deciding whether and how to cover homosexuality in the standard sex ed curriculum. Conservative organizations might be objecting to any presentation of homosexuality as falling within a range of "normal" sexual behavior. The school might be hearing from some gay rights advocacy groups supporting a normalizing curriculum on homosexuality. In the middle of this, hundreds, even thousands, of parents in the school system might have their own views. Heterosexual parents who support gay rights and the inclusion of information about homosexuality in sex ed curricula would have a special opportunity, indeed, responsibility, to step up and make their views heard. They would work within the system, even identifying themselves as heterosexual parents of kids attending the relevant schools. And because heterosexual people are statistically more likely than gay men or lesbians to have children in school systems, heterosexual people may gain access and privilege within that system that gay people lack as a group. It becomes, then, the responsibility of heterosexual people to exploit that access or privilege to make progress on gay rights issues within the school system.

Creating New Opportunities For Gay-Friendly Choice

Heterosexual allies can also exercise their privilege by economically supporting gay rights. This book will not only make existing choices more visible, it will create two new opportunities where support can be

expressed.

- *Responding to Discrimination in our Marriage Laws: The Vacation Pledge for Equal Marriage Rights*

In order to demonstrate the book's assertion that heterosexual people can "vote with their wallets" by lending economic support to the commercial and governmental institutions that act progressively on gay rights, the book will launch a web site (e.g., www.vacationpledge.org) where people can sign a "Vacation Pledge for Equal Marriage Rights." Through this Pledge, people promise to vacation in the first state that legalizes same sex marriage within three years of legalization. Many states rely heavily on tourism to support their local economies and generate tax revenue. Through the web site, gay and nongay supporters could make clear that significant rewards await states that innovate on gay rights.

[As we write this, the Massachusetts Supreme Court has just held that the ban against same sex marriage violates its state constitution. Far from mooted the Vacation Pledge proposal, the Supreme Court's action is almost surely to create pressure for a constitutional amendment to re-institute the same sex ban or for a statute that, like Vermont, gives the option of civil union. The Vacation Pledge could reward states that resist the amendment threat. Or the pledge could reward the first state that solemnizes same-sex marriage. Or the pledge could reward the first state west of the Mississippi to allow gay marriage.]

- *Responding to Discrimination in the Workplace: The Fair Employment Mark*

A second way in which this book will create new spaces for the expression of heterosexual support is the Fair Employment Mark. Launched contemporaneously with the publication of this book, the Fair Employment Mark could be licensed to certify that products bearing the mark have been manufactured in compliance with some minimal standard of gay-friendliness in employment. To start, the "E" could be licensed only to employers who voluntarily comply with all that has been proposed in the Employment Nondiscrimination Act (ENDA), an as-yet unsuccessful Congressional bill that would protect gay and lesbian workers from sexual orientation discrimination in the workplace.⁴ If ENDA eventually passes and becomes mandatory, the "E" symbol could reflect a yet higher standard of gay

What's the Opposite of a Boycott?: When voters in Tampa, Florida enacted an anti-gay rights ordinance, the Human Rights Task Force of Florida responded by instituting a "buycott" rather than a boycott. The group published a directory of businesses that have "policies in support of gays and lesbians." In the first five months of the directory's publication, the list grew from 105 to 430 entries. Todd Simmons, spokesperson for the Human Rights Task Force of Florida, explained: "We decided on an approach that would empower us economically and politically. The buycott has improved our standing in the community. Businesses and other institutions have changed their policies to get in our book."

friendliness, usable only by employers who offer benefit plans open to employees' same sex partners, etc. While the Vacation Pledge calls upon people to express their support in a public, coordinated way, the Non-Discrimination Mark facilitates private, decentralized choices by individual consumers. These complementary spaces (embracing a broad range of support levels) could maximize the number of people who participate in the gay rights movement thus defined. The larger point is that, even as this book encourages gay rights and other civil rights advocacy organizations to consider the ways they might more effectively deploy heterosexual people in the struggle for gay rights, the book also implements this charge and itself creates two instruments

for doing so.

We will show that small states and small producers have disproportionate incentives to compete for gay-friendly dollars. Even if there were twice (or four times) as many gay-unfriendly consumers as gay-friendly consumers, there would still be strong economic incentives for some small firms or some small states to commit to non-discrimination policies. In other words, we will show that the benefits of “boycotts” – where gay-friendly consumers display a preference for the Fair Employment mark – are likely to outweigh the threat of “boycotts” by those consumers who oppose equality.

Disabling Privilege: The second meta-strategy (and even for some well-intentioned heterosexual people, the most difficult) is to ambiguate sexual orientation in ways that disable one’s own heterosexual privilege. You cannot claim the perquisites of heterosexual status if other people can’t tell whether or not you are heterosexual. Ambiguating sexual orientation requires a tolerance, even enjoyment, of just the sort of uncertainty about sexual orientation discussed above. While exercising (or even renouncing) heterosexual privilege involves people actually identifying as heterosexual and then working for change within or outside an institution specifically *as heterosexual people*, ambiguation refers to the ways people might serve the cause of gay rights by *foregoing* opportunities to identify as heterosexual. It may be that in some contexts, we’ll make progress only when heterosexual people are willing to be “mistaken” for bisexuals.⁵ Heterosexual people’s willingness to be mistaken as gay or bisexual may be, in some ways, a test of their support for gay rights and a prerequisite to making a real difference in some areas of public policy.

Therefore, the strategy of ambiguation requires heterosexual people not to be so quick to clarify their sexual orientation, to resist the urge always and everywhere to say, “well, I’m heterosexual, but I support gay rights.” Instead, from time to time, heterosexual people should be willing merely to state their support for gay rights – and let the audience draw whatever conclusions it likes about their sexual orientation. Sometimes, creating ambiguity can be as simple as a semantic device: to cite a rather trivial example, if a woman were to refer to her husband not by his name or by his gender-specific role (as “husband”), but instead call him her “spouse,” (as in, “my spouse and I are academics”), she might leave open just the slightest question about whether her spouse is a man or a woman.⁶ Perhaps the very fact that she would use the word “spouse” rather than “partner” would already identify her as legally married and therefore involved with a member of the “opposite” sex. But as increasing numbers of same-sex couples participate in religious wedding ceremonies and thereafter refer to each other as “spouses”, perhaps the mere avoidance of gender specificity can create some ambiguity. All of this is to suggest that when a woman uses the word “husband,” she marks herself as part of a heterosexual couple, ridding her description of even the hint of ambiguity.

Flagging Support: In Madison Wisconsin Sarah’s home was vandalized, because she is lesbian. The vandals broke a window and burned the Gay Pride rainbow flag Sarah had flown from her front porch. When Sarah talked with her neighbors about the attack on her home, one of her neighbors, who is heterosexual, suggested that all of the houses on the street should put up rainbow flags. Sarah’s neighbors proposed this as a way to show solidarity with and support for Sarah. But hanging flags from all the houses also ambiguates. The flags would say to the vandals, in effect: “Do you want to persecute gay people? Well, you’ll have to come after all of us, too.” Like the non-Jewish Danes who wore the star of David, a street full of Gay Pride flags could help Sarah, physically and emotionally.

As with the strategies of exploiting and renouncing heterosexual privilege, the book will approach ambiguation from collective as well as from the individual perspective. For example, we propose a form of ambiguation that might make progress on the problem of “Don’t Ask, Don’t Tell” in the military.

- *Responding to Discrimination in the United States Military: The Inclusive Command*

The book proposes that the Department of Defense, with Congressional support, create “inclusive commands” to which recruits could be assigned when they indicate a willingness to serve with fellow service members who are openly gay or lesbian. This “inclusive command” idea relies upon the notion that the best way to integrate sexual minorities into the U.S. military may be through a voluntary system. By asking all recruits whether they are willing to serve with openly gay or lesbian service members, the inclusive command approach forces unwilling recruits to express and perhaps confront their own prejudices; even more importantly, the question also permits willing recruits (gay and nongay) to express their support for an integrated military. The inclusive command strategy thus creates a special role for heterosexuals in the process of integration, shifting the focus away from gay service members (who even opponents of integration concede are not the problem) to the heterosexual soldiers working beside and responding to them. The benefits of the inclusive command strategy are threefold. First, it *demonstrates* that heterosexual and openly gay service members can serve side by side without jeopardizing unit cohesion and good discipline. Second, the inclusive command would *ameliorate* the discrimination gay and lesbian service members now suffer in the military. Third, the inclusive command could provide the basis for *political alignment* between pro-gay and pro-defense constituencies.

For the “inclusive command” strategy to work, some progressive heterosexual service members must be willing to serve alongside openly gay and lesbian soldiers in a unit characterized by its inclusive nature – even if a possible consequence is that some people assume that members of the inclusive command are gay or lesbian. While this strategy thus relies upon individual choices, it also stems from a structure put in place to coordinate individual decision-making (the inclusive command itself, as well as the statutory or regulatory reform necessary to implement it).

Despite its usefulness in some contexts, we should be clear that we do not endorse ambiguation in every situation. Ambiguity can cause all sorts of problems. It can raise issues in the arena of gay rights that have rarely arisen in other civil rights struggles. When white people supported civil rights for African-Americans in the 1960's, it was always clear that they were majority group members supporting the rights of minority group members. The same might be said in the context of gender, age and (sometimes, not always) disability. People outside the oppressed group can speak without creating confusion about whether they have something personally to gain from the policy change they advocate – their altruism is clear. Although advocacy can connect a person to an oppressed minority, there is no possibility that a white man will be mistaken for black, or that an activist standing at a microphone will be mistaken for a quadriplegic. But sexual orientation doesn't work this way. Those who speak for the protection or expansion of gay rights are often assumed to be gay or lesbian themselves. Perhaps this is a sad commentary on the lack of empathy assumed to exist in our culture; perhaps this is just a reflection of the condemnation and hatred that has been directed toward gay people for so long (the assumption being that only someone personally harmed by discrimination on the basis of sexual orientation would object to it). Either way, the problem of ambiguity creates tensions for supportive heterosexual people.

The dilemma for heterosexual supporters created by ambiguation is as follows: if a heterosexual

supporter who is assumed to be gay works too hard or too quickly to clarify her sexual orientation, this flight from identifying as gay or lesbian further stigmatizes gay people.⁷ If being gay isn't so bad, an observer might ask, why do you move so quickly to make clear that you are *not*? On the other hand, if heterosexual supporters tolerate or even cultivate the ambiguity, they engage in a kind of reverse passing, pretending to status and experience they lack. Moreover, if everyone "passes" as gay or lesbian, an odd sort of recloseting could occur, hiding the "truly" gay or lesbian among a sea of pretenders.⁸ This strategy was powerful – if only in legend – when gentiles in Denmark wore the yellow Star of David on their lapels during the World War II occupation of Denmark by the Nazis.⁹ At that time, some gentiles felt that the only thing they could do to help Jews was literally to hide them.¹⁰ Most gay men and lesbians no longer need literally to hide. Some must remain closeted in order to keep their jobs – especially members of the armed forces under the "Don't Ask, Don't Tell" policy – and others must come out only selectively in order to maintain social or family relationships. Generally, however, the almost-universally shared goal is to have the option to be open about sexual orientation. The world for which most gay rights activists strive is one in which people can be open about their lives and loves without fear of violence or condemnation. The task of heterosexual supporters therefore becomes not to hide gay people, but to work to create a world that is safe, in which gay, lesbian, and bisexual people can live with love, respect, and integrity. This is not necessarily a world in which everyone would take affirmative steps to project a bisexuality, but it is almost certainly a world in which people (gay and nongay) would take fewer pains than they currently do to maintain an exclusively heterosexual persona.

We propose some guidelines for non-gay allies that might help them determine whether ambiguation would be a useful strategy in a given situation. We encourage allies to ask themselves several questions:

- *Would creating or tolerating some ambiguity somehow trivialize sexual orientation?* Non-gay allies should take care lest they suggest that homosexuality is a game or a costume to be taken off and on at whim.
- *Will my audience think less of me if they perceive me to be gay, lesbian, or bisexual?* Ambiguation is most useful to upset the assumptions of people with anti-gay audiences, and to align the non-gay ally with a group the anti-gay audience would seek to harm.
- *Can I entertain some internal ambiguity about my sexual orientation?* The closet and the deception it requires have done a lot of damage. Non-gay allies should be careful not to compound the lies by reversing them; ambiguation makes a lot more sense if a non-gay ally can acknowledge and appreciate the fluidity of sexual orientation.
- *Should sexual orientation be irrelevant to the discussion or transaction at issue?* Ambiguation can be a good strategy for diluting or disabling the prejudicial effect of homosexuality in context where sexual orientation really ought to be irrelevant. In some cases, however, a person can speak with greater authority if he or she has the lived experience of a gay, lesbian or bisexual person. To ambiguate in this latter group of cases – where the sexual orientation of the speaker is relevant – would effect an unseemly misappropriation of gay identity; non-gay allies should make clear their location as privileged people in such situations.

How might we apply this theory to ourselves as we write this book? In some ways, we are reluctant to "come out" about our sexual orientations because we feel that sexual orientation is far too complex and fluid a thing to be cabined into the narrow categories that most political discourse permits. On the other hand, we believe

that it is important to be clear about the perspectives and experiences from which we address the subject of this book. We are privileged: husband and wife, a happily married couple and the parents of two wonderful children. To the wider world, we would be identified as heterosexual. That might lead some readers to give what we say greater credence. That sort of reaction increases our inclination to ambiguate and tell you we are bisexual. Certainly we both acknowledge and appreciate the indeterminacy of sexual orientation and can honestly say we perceive some bisexuality in our own identities and desires. But that is not our lived experience – we’ve not had the relationships and experiences that subject so many LGBT people to discrimination. And because those experiences and histories are relevant – our position as privileged people limits our perspectives in ways that might be important here – we think it best to disambiguate. At least right now and for this purpose, we speak to you as heterosexuals.

Renouncing Privilege: The third meta-strategy is to renounce heterosexual privilege, explicitly separating oneself from an institution which would ordinarily grant or enhance heterosexual privilege. This strategy would call upon heterosexual people not to work for change within a system, but rather to actually abandon some systems altogether. For example, if a private association of which a heterosexual person were a member made clear that the association reserved the right to discriminate on the basis of sexual orientation, then a person supportive of gay rights (perhaps after making some attempts to change the policy) would show that support by quitting the organization. The key would be to renounce this membership in the institution and the privilege that accompanies it in a sufficiently public way that the action could have the desired symbolic or political effects. To renounce privilege is to forego the benefits that privilege that heterosexual status would normally confer.

The arc of the book from strategies of exercising privilege to disabling privilege to renouncing privilege roughly tracks the distinction between strategies that exercise “voice” and those that employ “exit” to convey a message. This arc also describes a trend from welcomed opportunities to increasingly unwanted choice. In the exercising privilege discussion, we answer the “what can we do?” question of nongay allies who are looking for guidance to support their gay friends and family. Giving people the opportunity of boycott is normally experienced as a positive option.

In contrast, the discussion of ambiguation – particularly the inclusive command proposal – may make some people uncomfortable. They might prefer not to answer the inclusive command question (“Are you comfortable serving with openly gay and lesbian soliders?”) or they may dislike any suggestion that they should closet their own sexual orientation (“This is my partner.”).

Righteous or Obnoxious?: Barry was out with his eight-year old daughter, Maggie, at a “climbing wall” gym. The gym has a series of belaying ropes a few yards apart and climbers can try their skills at scaling the wall using footholds and hand grips. While they were waiting their turn to climb, Barry noticed that a father and son a few yards away were wearing Boy Scout t-shirts. Barry leaned over to his daughter and said in a normal voice (that might have been heard by others including the father and son) – “That’s too bad. They’re wearing boy scout shirts and the boy scouts discriminate against gay people.”

And finally, the strategies which fall under the renouncing privilege rubric may represent the most divisive and therefore potentially counter-productive choices. Any exit strategy per force cuts off the strategy of voice – we remove ourselves from difficult but often constructive conversations when we disassociate.

Asking heterosexuals to renounce marriage or to boycott the Boy Scouts may exacerbate gay backlash and turn off a certain segment of potential gay support. Some of these “renouncing privilege” choices that will confront heterosexual allies will be unwanted.

But social change often depends upon people in power being put to hard choices. It is said, for example, that President John F. Kennedy would have preferred not to take a stand on civil rights for African-American citizens. The moral force of activists such as Dr. Martin Luther King Jr., however, forced JFK’s hand. Forty years later, we credit JFK for providing leadership at a crucial moment in the struggle for racial equal equality. At times there may be a productive role for more extreme agitators – such as Malcolm X or Act Up – that provide a kind of good cop/bad cop synergy in the struggle for civil rights.

We will provide guidance on when the renouncing strategies of boycott and shaming might be productive. And as before, we will work at both the personal and political levels – suggesting not only guides to personal action, but also types of public policy that might facilitate the choice of renunciation. In particular, we propose a specific statute to ameliorate the discrimination of private organizations such as the Boy Scouts of America.

- *Responding to Discrimination in the Boy Scouts of America and Other Private Organizations: The Informed Association Statute*

In the wake of the U.S. Supreme Court’s decision permitting the Boy Scouts of America to discriminate against James Dale on the basis of his sexual orientation,¹¹ this book proposes legislation that gay rights advocacy organizations might pursue at the state level. This legislation would require any organization wishing to discriminate on the basis of sexual orientation to obtain the written consent of each of its members, certifying that the discriminatory policy of the organization has been disclosed to, and ratified by, that member. Under this strategy, heterosexual support would be harnessed when people declined to join such organizations or rallied to repeal their discriminatory policies. These “Informed Association” statutes would force heterosexual people explicitly to decide whether they are willing to occupy spaces in which their presence signals that they approve of discrimination against gays. For many, this would be uncomfortable space, as it would force them to confront the discriminatory nature of their associations and to choose in a deliberate way whether to affiliate with such discrimination.

Morally Straight: Steven Cozza has deep ties to scouting. He is among the very few to become an Eagle Scout when he was only a 12 year old. Steve identifies as heterosexual but he spearheaded the creation of “Scouting For All” – an organization dedicated to ending the Boy Scouts’ policy of discrimination. Steve dedicated his efforts in the memory of Robin Reed, a gay 15 year-old Petaluma High School student who killed himself because he felt rejected, and to all gay youth who have taken their lives because they felt they “didn’t belong.” The organization openly seeks the support of nongay allies:

“We will no longer tolerate our gay youth having to remain “invisible” out of fear. . . . Steven and others who stand with him against the social injustice of the program he loved, the Boy Scouts of America, allowed themselves to feel the pain of the Robin Reeds in this life and decided to take a stand. The tragedy to date is that the Boy Scouts of America has not allowed themselves as an organization to feel the pain they have caused our gay youth, to their families and friends and to all individuals who believe in justice. The BSA’s immoral policy offends all who value social justice and human rights.”

Stepping back, our central types of advice can be placed along two different dimensions: one concerns ambiguity vs. disambiguation; the other concerns boycotts vs. buycotts. As an initial matter, we take on the difficult question of when and to what degree allies in acting should identify as heterosexual as opposed to intentionally leaving ambiguous the “true” nature of their orientation. And secondly, we take on the equally difficult question of when and to what degree allies should work within discriminatory institutions or walk away until the organizations improve themselves. While it is useful from time to time to think about the “forest” of choice, this book is more interested in the “trees” – the specific choices that confront (or should confront) real people in their real lives.

Our Plan of Action

Chapters Two through Four develop various strategies for selectively exercising heterosexual privilege. Chapter Two aims to make more visible the existing spaces in which heterosexual people can support gay rights. It suggests that heterosexual allies can work for gay rights by exploiting the privilege and access they possess in their own “parishes, PTAs, and parenting.”

Chapter Three offers a new strategy for heterosexual allies troubled by marriage laws that discriminate on the basis of sexual orientation. The Vacation Pledge for Equal Marriage Rights, launched with the publication of this book, uses an internet web site to collect promises from individuals that they will reward progressive legislation on marriage rights by spending tourism dollars in states that extend marriage rights to same-sex couples. This strategy harnesses economic and political clout of gay and nongay consumers collectively.

Chapter Four presents the Fair Employment Mark, a strategy that would allow supporters of gay rights to exercise their economic clout individually, as they choose to purchase products bearing a mark that signals gay friendly employment policies on the part of the manufacturer. Like the Vacation Pledge, the Fair Employment Mark is a performative move within this book, because the book itself is working to create and publicize a space in which heterosexual people can express their support for gay rights.

Chapters Five and Six turn from strategies where supporters act or speak explicitly *as heterosexuals* (exercising or renouncing privilege) to strategies of ambiguity. Chapter Five provides a theory of ambiguity. It includes examples of ambiguity in contexts other than sexual orientation, and then provides guidance about when it might be appropriate to ambiguat and when it might not.

Chapter Six then presents a legislative strategy that rests, in part, upon heterosexuals’ tolerance for ambiguity. The Inclusive Command as a means to integrate sexual minorities into the U.S. military relies to some extent upon ambiguity, because it calls into question the assumption (currently enshrined in the “Don’t Ask Don’t Tell” policy) that discipline and good order can be maintained only if we perpetuate the view (at least on the surface) that all service members are heterosexual. By permitting gay and lesbian members to be open about their sexual orientation, the inclusive command simultaneously ambiguates (the military appears no longer to be exclusively heterosexual) and clarifies (under current “Don’t Ask Don’t Tell” rules, all service members must remain silent about homosexuality, so any given individual could be seen as potentially gay; under an inclusive command regime it is more likely that silence about homosexuality means that an individual is heterosexual rather than closeted).

Finally, Chapters Seven and Eight turn to the strategy of renouncing privilege through boycotts of

discriminatory organizations. Chapter Seven provides a general theory of when renouncing privilege (including boycott and public shaming) is likely to be productive and when counter-productive. And the chapter explores the possibility that “renouncing marriage” could be a powerful way for heterosexual people to express their support for gay rights.

Chapter Eight considers a public policy that would apply the renunciation strategy to discriminatory organizations. Using the Supreme Court’s decision in *Dale vs. Boy Scouts of America* as a springboard, this chapter proposes the “Informed Association Statute,” legislation that might facilitate more informed and therefore more principled decision making on the part of heterosexual people contemplating membership in discriminatory organizations. Some people put to the hard choice might not be willing to sign a private acknowledgement that they are choosing to associate with an organization that retains the right to discriminate on the basis of sexual orientation.

The book concludes in Chapter Nine with a discussion of the relationship between heterosexual people and the major gay rights advocacy organizations. This chapter answers the question: how much are heterosexual people morally obliged to sacrifice for the cause of gay rights? Various approaches are possible: supporters could give “up to half their kingdom” to the movement, disgorge some pro rata share of the societal benefits they receive by virtue of their heterosexuality, or simply follow instructions from a credible gay rights advocacy organization. Who should select the optimal strategy, and if heterosexual supporters retain the authority to decide, how should they exercise that decision-making power? This final chapter will make clear that the theory of gay rights advocacy propounded by this book is not one that requires self-abnegation by heterosexuals; instead the book will present a pragmatic approach to help heterosexual allies determine how much of their resources they are morally obliged to devote to the cause.

This book is deeply concerned with affecting change. The goal is to provide a concrete guide to action. We hope to mobilize heterosexual allies with a mixture of welcomed (and not-so-welcomed) opportunities. The collective impact of our individual

Does Anyone Here Know of a Reason Why These Two Should Not Be Married?:

Mary (a heterosexual) met Donna (a lesbian) in law school and they became close friends. Mary told us the following story: “After graduation, a flurry of our classmates got married. We must have attended a half dozen weddings in the 6 months following law school. I attended these weddings glad for the chance to celebrate with people who’d weathered the challenges of law school by my side. I looked forward to the day they might come to my wedding, too.

Donna’s reaction was a bit different. At that time she’d been in a committed relationship with her partner Judy for about six years. They had exchanged rings, Donna got a job in New York, and they’d set up house together in the city (they’ve been together now for more than 20 years).

Donna made clear that she was happy for all of our classmates who were marrying; she wouldn’t deny them their joy for all the world. But at one of these weddings, on the way from the church to the reception, she confided, ‘You know, it’s not always easy for me to sit through these events. Here Judy and I have been together longer than some of these couples, and we’re committing to each other for life, too. But do we get to celebrate it in this public way? Do we get support from our families and friends for our relationship? Mar, in all these times I’ve attended one of these weddings, Judy hasn’t even been invited along with me. Sometimes, I don’t know....it just hurts, you know?’” Mary never looked at weddings in quite the same way again.

choices can help dismantle a status quo where gay and lesbian people are still subject to overt discrimination in marriage, in the military, and in employment. We aim for a more joyful, and more just world for all.

Endnotes:

1. Bruce Ryder, *Straight Talk: Male Heterosexual Privilege*, 16 QUEENS L. J. 287, 290 (1991).

2. *Id.* at 287.

3. JUDITH BUTLER, *BODIES THAT MATTER* 125-26 (1993).

4. See Employment Non-Discrimination Act, HR 2692 (107th Cong., July 31, 2001) for the most recent proposal of the bill.

5. A reciprocal and perhaps more radical claim would be that gay men and lesbians should also be willing to be “mistaken” for bisexuals. This claim is supported by the argument that gay and heterosexual people implicitly deal, or contract, to “erase” bisexuals and make them invisible. See Kenji Yoshino, *The Epistemic Contract of Bisexual Erasure*, 52 STAN. L. REV. 353 (2000).

6. See Carbado, *supra* note 6, at 115 (“Independent of any question on intentionality on the author’s part, his wife functions as an identity signifier to subtextually ‘out’ his heterosexuality. We read ‘wife,’ we *think* heterosexual”).

7. If a heterosexually-identified academic writes about sexual orientation and the law from an explicitly heterosexual perspective, this can be criticized, as if the writer were saying, “enough about you, let’s talk about how all of this affects *me*, a straight person.” See, e.g., K.A. Lahey, *Introduction*, 16 QUEENS L. J. 231, 232 (1991) (critiquing an essay on white male heterosexual privilege authored by a white heterosexual man, Lahey writes: “Bruce Ryder demonstrates that white heterosexual males -- and, to a lesser extent, white heterosexual women -- can continue to be the subject matter of their own work even while they claim to centre it on something else. Although this quality of openness is usually thought to signal a ‘radical’ approach to the subject matter, in fact it can become symptomatic of the author’s actual privilege.”). See also Devon Carbado, *Straight Out of the Closet*, 15 Berkeley Women’s L. J. 76 (2000).

8. Cf. Janet Halley, *Sexuality Harassment*, Draft Essay circulated to Yale Legal Theory Workshop, March 2001, at 2: “a queer approach thinks it is fine to be ‘queer in the streets, straight in the sheets.’”

9. CARMEN AGRA DEEDY, *THE YELLOW STAR: THE LEGEND OF KING CHRISTIAN X OF DENMARK* (2000).

10. Ultimately, of course, gentiles pursued a more helpful undertaking: they actively resisted and eventually defeated Adolph Hitler, bringing the Holocaust to an end and rendering all the hiding unnecessary. Then, as now, short term protective goals need to be balanced with longer-term goals of

liberation.

11.Boy Scouts v. Dale, 530 US 640 (2000).