

QUEER AS BLACK FOLK?

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This Article’s title is a play on *Queer as Folk*, a very popular Showtime series about the lives of white gay men living in Pittsburgh. See Arlene Vigoda, *Hal Sparks Helps Ignite ‘Queer’ Series*, USA TODAY, Jan. 3, 2001, at 2D.

I've been praying for fifteen years that you wouldn't come home with a black man, I never thought to pray about this.
—My white partner's mother when my partner told her she was in love with a black woman.

I. INTRODUCTION

Born in 1933, my dad grew up in segregated, rural South Carolina. When I came out to him as a lesbian at age twenty-one, he said he would rather I be a whore than be gay. Being gay, he told me, placed me in the shoes of a black man in America and that, as such, I would be stereotyped and targeted as a sexual threat to white women. My dad put me into a box born of his own experience as a black man in apartheid America—a racist box that said if you were black and had sex with women, white society would stigmatize you or worse.¹ In my father's mind, my potential to have sex with a woman made me “the same as” a black man, and accordingly, he gave me the same message he had given my three older brothers when they were young boys.²

Fifteen years later, my father's fear has become a reality: I am in a relationship with a white woman. If he were alive today, I would explain to him that after eight years in a same-sex interracial relationship, I do not stand in the shoes of a black man; I stand in the shoes of a black woman.³ Today, the way I navigate the world in a same-sex interracial

1. In my father's era, black men were often targeted for violence based on sexual stereotypes. One need only recall the lynching of Emmett Till, a Chicago boy beaten and murdered on August 28, 1955, for whistling at a white woman in Money, Mississippi. See Dana Williams, *Emmett Till: Justice Too Long Delayed*, TOLERANCE.ORG, Aug. 25, 2005, http://www.tolerance.org/news/article_tol.jsp?id=1275; see also Margaret M. Russell, *Reopening the Emmett Till Case: Lessons and Challenges for Critical Race Practice*, 73 *FORDHAM L. REV.* 2101 (2005). See generally Frank Rudy Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 *U.C. DAVIS L. REV.* 853, 857 (2006) (describing the racist image of the Bad Black Man); Sherrilyn Ifill, *Creating a Truth and Reconciliation Commission for Lynching*, 21 *LAW & INEQ.* 263 (2003) (providing a history of the lynching violence against black men). While these types of violent experiences may be less frequent, black men continue to be targets. See Kevin R. Johnson, *Taking the "Garbage Out in Tulia: The Taboo on Black-White Romance and Racial Profiling in the "War on Drugs,"* 2007 *WIS. L. REV.* 283.

2. Cf. Emma Coleman Jordan, *Crossing the River of Blood Between Us: Lynching, Violence, Beauty, and the Paradox of Feminist History*, 3 *J. GENDER RACE & JUST.* 545, 563 (2000) (stating that the direct memory of lynching “has been processed in the form of healthy racial survival training given to virtually every black male child”).

3. My partner, Jennifer, experiences racist incidents based on the assumption that she is a white woman in a relationship with a black man. For example, Jennifer and our daughter, Zoe, who is black, were in an Applebee's restaurant in Denver one evening. Zoe had a typical “I am almost two” tantrum while they were eating. As Jennifer and Zoe

relationship as a black lesbian is different than the way a black heterosexual man in an interracial relationship navigates it.⁴ My experiences as a black lesbian are not the same as the experiences of a black heterosexual man, and to make the assumption of sameness marginalizes the unique experiences of black women and men and perpetuates racist, sexist, and heterosexist norms.⁵ I do not seek to minimize my dad's experiences as a black man, or to stake claim to some sort of monopoly on oppression. I also do not want to ignore the benefits I derive on the basis of class, profession, and ability.⁶ I do, however, believe the differences in our experiences matter.⁷

In turn, my father would point out that if my analysis is accurate—that making a “sameness argument” perpetuates such norms—then in 2007, on the fortieth anniversary of *Loving v. Virginia*,⁸ I should be offering that same critique to white lesbian, gay, bisexual, and transgender (LGBT) advocates who equate gayness with blackness. I would agree with him to a certain extent.

At a macro level, I view antigay bigotry, racism, and sexism as the same in that they relegate entire classes of citizens to second-class status in order to uphold the power and privilege of heterosexuals, white

were leaving the restaurant, a white man sitting at a table with a white woman and two adolescent white girls, said to her “You need to keep your niglet under control.” In that moment, I believe that he spoke to her—white man to white woman—to send a message to Jennifer, and the white woman and girls with whom he sat, that she was a race traitor.

4. The experiences for black heterosexual women in interracial relationships are also different than those of black lesbians and black men in interracial relationships. See Camille Nelson, *Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity*, 2007 WIS. L. REV. 543.

5. It does this in several ways. First, it marginalizes the racism and sexism that black women experience by assuming that the experiences of black heterosexual men are somehow worse than the experiences of black women, gay or straight. Second, it reinforces sexism and heterosexism by assuming that once a woman loves another woman, she becomes somehow male, or at least puts herself in the shoes of a man. See generally SUZANNE PHARR, HOMOPHOBIA: A WEAPON OF SEXISM 31-32 (1988) (“A stereotype is created: lesbians are masculine, wear short hair and men's clothes, are aggressive, seek non-traditional jobs, and “come on” sexually to heterosexual women. . . . [L]ike all stereotypes, this one misses the myriad of differences among lesbians . . .”).

6. Darren Lenard Hutchinson, “*Gay Rights*” for “*Gay Whites*”? : *Race, Sexual Identity and Equal Protection Discourse*, 85 CORNELL L. REV. 1358, 1362-68 (2000) (explaining intersectionality, advancing the concept of multidimensionality, and theorizing “multilayered subordination and identity as universal phenomena”). The concept of multidimensionality means that as a black woman I can experience racial discrimination at some times, yet at other times exercise my own professional privilege or engage in subtle biases against persons with disabilities.

7. I will discuss this issue from a black-white paradigm, but recognize the criticisms of this approach. See generally, e.g., Juan Perea, *The Black/White Binary Paradigm of Race: The “Normal Science” of American Racial Thought*, 85 CAL. L. REV. 1213 (1997).

8. 388 U.S. 1 (1967).

people, and men.⁹ Yet, even arguments at the macro level are often unsuccessful in convincing blacks that antigay bigotry parallels racism, due in large part to the different ways these forms of oppression manifest themselves.

Forty years after the U.S. Supreme Court struck down Virginia's ban on interracial marriages in *Loving*, however, the same-as analysis has taken root in the debates surrounding gay marriage and LGBT equality more generally.¹⁰ Just as my father wanted to make me a black man, white LGBT rights advocates often attempt to portray all LGBT people as "black-equivalents," at the micro and macro level, and freely borrow imagery from, and make comparisons to, the black civil rights struggle.

I want to be clear: I believe that LGBT people should possess the same rights as heterosexuals, but this Article is not a normative analysis, nor is it a critique of framing LGBT rights around gay marriage. I am critiquing the same-as mantra as a potential organizing strategy used by white mainstream LGBT organizations in their attempt to build meaningful coalitions with black people and sway public opinion. While sameness arguments may be effective and necessary in some instances—such as in courtrooms or legal briefs in which LGBT advocates are bound by legal precedent¹¹—they are not the optimal approach to an interracial dialogue on LGBT issues.¹²

9. Chinta Strausberg, *King Seeks to End Gay Bias*, CHI. DEFENDER, Apr. 1, 1998, at 1 ("Homophobia is like racism and anti-Semitism and other forms of bigotry in that it seeks to dehumanize a large group of people, to deny their humanity, their dignity and personhood This sets the stage for further repression and violence that spread all too easily to victimize the next minority group." (quoting Coretta Scott King)); see also David S. Buckel, *Government Affixes a Label of Inferiority on Same-Sex Couples When It Imposes Civil Unions & Denies Access to Marriage*, 16 STAN. L. & POL'Y REV. 73, 82 (2005) (explaining that offering gays and lesbians civil unions results in their second-class citizenship and label of inferiority).

10. I recognize the criticisms of the gay and lesbian platform for marriage as assimilationist or replicating gender roles. I do not, however, directly address these arguments in this Article. For an analysis of these arguments see Katherine M. Franke, *The Politics of Same-Sex Marriage Politics*, 15 COLUM. J. GENDER & L. 236 (2006); Craig Willse & Dean Spade, *Freedom in a Regulatory State?: Lawrence, Marriage and Biopolitics*, 11 WIDENER L. REV. 309 (2005) ("[W]hat . . . is lacking both in *Lawrence* [v. *Texas*] and the analyses of those who celebrate it [is] a commitment to radical political change that challenges, rather than accommodates, the perpetuation of equality."); Lynne Huffer, *A Contrarian View: Same-Sex Marriage? No Thanks*, OUTSMART, Aug. 2004 ("Missing entirely from the mainstream debate is a political analysis of the institution of marriage itself. Same-sex marriage will do nothing to undo the discriminatory effects of an institution that ties basic rights like health care to whether or not the government sanctifies the forms of our loving relationships."). For an explanation for why African-Americans did not focus on the eradication of antimiscegenation laws, see RANDALL KENNEDY, *INTERRACIAL INTIMACIES: SEX, MARRIAGE, IDENTITY, AND ADOPTION* 247 (2004).

11. For a discussion of legal arguments in the Colorado Amendment 2 cases, see Margaret M. Russell, *Lesbian, Gay and Bisexual Rights and "The Civil Rights*

I understand why white LGBT individuals make sameness arguments: being discriminated against, assaulted, or outcast because of some characteristic invokes many emotions, including anger, frustration, and isolation.¹³ As a result, the LGBT individual seeks empathy from people who have experienced such treatment—namely, black people. And in certain circumstances, such analogies may be persuasive, especially when the parties to the discussion have preexisting relationships. But often, the sameness approach is rife with pitfalls that prevent any real progress in a discussion between an LGBT person and a black heterosexual person. These pitfalls become vast chasms when sameness arguments are invoked by predominantly white LGBT mainstream organizations seeking to make allies in black communities or to convince U.S. citizens of all races that LGBT people should have legal protections. Sameness arguments reinforce antigay bigotry, racism, and sexism; create rifts between LGBT communities and black communities; and further marginalize LGBT people of color.¹⁴ Such comparisons also serve as a convenient target for those who oppose gay rights.¹⁵

Agenda,” 1 AFR.-AM. L. & POL’Y REP. 33, 53-71 (1994); see also *Goodrich v. Dept. of Pub. Health*, 798 N.E.2d 941, 958 (Mass. 2003) (comparing the prohibition of same-sex marriage to the prohibition of interracial marriage); Tentative Decision on Applications for Writ of Mandate and Motions for Summary Judgment at 9, Marriage Cases, No. 4365 (Cal. Super. Ct. 2005) (comparing the ban on same-sex marriage to the racial segregation struck down in *Brown v. Board of Education*, 347 U.S. 483 (1952)). See generally Josephine Ross, *The Sexualization of Difference: A Comparison of Mixed-Race and Same-Gender Marriage*, 37 HARV. C.R.-C.L. L. REV. 255 (2002). For an analysis of how such legal analogies are unpersuasive, see David Orgon Coolidge, *Playing the Loving Card: Same-Sex Marriage and the Politics of Analogy*, 12 BYU J. PUB. L. 201 (1998).

12. I am not equating the types of sameness arguments that I critique in this Article to those made in feminist discourse. See, e.g., Catharine A. MacKinnon, *Difference and Dominance: On Sex Discrimination*, in *THE MORAL FOUNDATIONS OF CIVIL RIGHTS* 145 (1986); Joan C. Williams, *Dissolving the Sameness/Difference Debate: A Post Modern Path Beyond Essentialism in Feminist and Critical Race Theory*, 1991 DUKE L.J. 296. For an interesting analysis of the pitfalls of the sameness-difference dichotomy in gay and lesbian cases, see Donna Thompson-Schneider, *The Arc of History: Or, the Resurrection of Feminism’s Sameness/Difference Dichotomy in the Gay and Lesbian Marriage Debate*, 7 LAW & SEXUALITY 1 (1997).

13. There could certainly be other reasons. See, e.g., Kate Kendell, *Race, Same-Sex Marriage, and White Privilege: The Problem with Civil Rights Analogies*, 17 YALE J.L. & FEMINISM 133, 135 (2005) (“I think the reason for these comparisons may have been a failure to appreciate our own history as queer people in this country, or perhaps a fear that our own history would not resonate enough with the rest of America.”).

14. Cf. Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1242 (1991) (explaining that women of color are at the intersection of race and gender oppression).

15. See, e.g., NICOLAS RAY, NATIONAL GAY AND LESBIAN TASK FORCE, INC., *FALSE PROMISES: HOW THE RIGHT DEPLOYS HOMOPHOBIA AND WINS SUPPORT FROM AFRICAN AMERICANS* (2006).

While I am not alone in criticizing sameness arguments, this Article uses social-psychology literature to explain why they fail and offers another model for building LGBT-black coalitions. Over the last thirty years, social psychologists have developed Social Identity Theory (SIT) to explain how individuals, as self-identified members of groups, engage in group behaviors that lead to in-group favoritism and out-group derision.¹⁶ I argue that LGBT sameness arguments trigger these in-group-out-group dynamics, creating significant barriers to cross-group coalitions and impeding potential alliances. In order to unify subordinated groups, LGBT advocates of all races must reframe the discussion around what social psychologists call superordinate goals—objectives that are important to members of both marginalized groups and difficult for those groups to attain separately. While it may be difficult, framing the discussion around superordinate goals offers LGBT and black communities unifying theories to combat racism, homophobia, and sexism.

LGBT advocates and feminists have explored how homophobia is a weapon of sexism and vice versa.¹⁷ We must now delve deeper into how homophobia is a weapon of racism and how racism is a weapon of homophobia in order to reveal how these forms of discrimination overlap and reinforce one another.¹⁸

Part I of this Article briefly discusses the Supreme Court opinion in *Loving* and how, forty years later, its underlying premise has permeated the rights debate in the LGBT movement's quest for same-sex marriage. Part II summarizes the public discourse on gay marriage and discusses why framing the discourse as one of sameness often fails to persuade black people, the LGBT community's most crucial potential allies. Part III suggests an alternate way to frame the debate by turning to social psychology's explanation of how individuals engage in in-group favoritism and out-group derision to bolster their own self-image.

16. See Michael A. Hogg & Dominic Abrams, *Social Identity and Social Cognition: Historical Background and Current Trends*, in SOCIAL IDENTITY AND SOCIAL COGNITION 1, 11 (Michael A. Hogg & Dominic Abrams eds., 1999)

17. See generally, e.g., PHARR, *supra* note 5.

18. Cathy J. Cohen, *Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?*, 3 J. LESBIAN AND GAY STUD. 437, 457 (1997) (“[O]ne of the greatest failings of queer theory and especially queer politics has been their inability to incorporate into analysis of the world and strategies for political mobilization the roles that race, class, and gender play in defining people’s differing relations to dominant and normalizing power.”); Kendell, *supra* note 13, at 137 (“Linkages and alliances are essential to the liberation of all queers.”); Francisco Valdes, *Sex and Race in Queer Legal Culture: Ruminations on Identities & Inter-Connectivities*, 5 S. CAL. REV. L. & WOMEN’S STUD. 25, 36 (1995) (“[T]he negative power of sexist and racist legacies leaves no room for complacency regarding sex, race and other problematized constructs in sexual minority discourse and politics.”).

II. FORTY YEARS OF *LOVING*

In 1958, Virginia residents Mildred Jeter and Richard Loving married in the District of Columbia.¹⁹ Mildred, a black woman, and Richard, a white man, returned to Virginia as husband and wife in violation of the state's ban on interracial marriage.²⁰ In January 1959, a Virginia trial judge accepted the Lovings' guilty plea and suspended their one-year sentence on the condition that they leave the state of Virginia and not return for twenty-five years.²¹ The Lovings challenged Virginia's ban on interracial marriages as a violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment.²²

A year shy of the Lovings' tenth wedding anniversary, the Supreme Court struck down Virginia's antimiscegenation law as unconstitutional, stating that "[t]he fact that Virginia prohibits only interracial marriages involving white persons demonstrates that the racial classifications must stand on their own justification, as measures designed to maintain White Supremacy."²³

The Court rejected the subjugation of black people to maintain white supremacy.²⁴ This *Loving* principle should apply to marriage for LGBT people. As Randall Kennedy explains, "the bar to same-sex marriage stigmatizes gays and lesbians on behalf of heterosexualist caste assumptions in a fashion comparable to the way in which antimiscegenation laws wrongfully stigmatized blacks on behalf of white supremacist caste assumptions."²⁵ But the current antigay social and

19. *Loving v. Virginia*, 388 U.S. 1, 2 (1967); see also Robert A. Pratt, *Crossing the Color Line: A Historical Assessment and Personal Narrative of Loving v. Virginia*, 41 How. L.J. 229, 230 (1998).

20. See *Loving*, 388 U.S. at 2-3. The statute provided as follows:

If any white person and colored person shall go out of this State, for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return to and reside in it, cohabiting as man and wife, they shall be punished as provided in § 20-59, and the marriage shall be governed by the same law as if it had been solemnized in this State. The fact of their cohabitation here as man and wife shall be evidence of their marriage.

VA. CODE ANN. § 20-58 (1960 Repl. Vol.); see also *id.* § 20-57 ("All marriages between a white person and a colored person shall be absolutely void without any decree of divorce or other legal process.").

21. See *Loving*, 388 U.S. at 3.

22. See *id.* at 12.

23. *Id.* at 11 (footnote omitted); see also Reginald Oh, *Regulating White Desire*, 2007 WIS. L. REV. 463.

24. See *Loving*, 388 U.S. at 11-12.

25. Randall Kennedy, *Marriage and the Struggle for Gay, Lesbian, and Black Liberation*, 2005 UTAH L. REV. 781, 787; see also Adele Morrison, *Same-Sex Loving:*

political climate continues to block the pathway to gay marriage and LGBT equality in the United States.²⁶

In an attempt to counter the denial of marriage and other basic rights, LGBT mainstream organizations and advocates often advance sameness arguments, comparing sexual orientation and sexual identity to race in an attempt to sway public opinion.²⁷ While some citizens are convinced by these sameness arguments, many—including a majority of black Americans²⁸—are not.

LGBT people should not have to be the same as black people to be afforded citizenship equal to that exercised by heterosexuals.²⁹ But advocates have turned to sameness arguments that are problematic when it comes to building LGBT-black alliances.³⁰ Proponents of these arguments become ensnared in a web of misunderstandings, misinterpretations, misconceptions, and missed opportunities.

III. THE PITFALLS OF LGBT SAMENESS ARGUMENTS

I have heard the sameness comments repeatedly from white gays and lesbians and each time, I bristle.³¹ I understand what they mean, because I too have experienced the pains of homophobia. And yet I bristle. As a black lesbian who believes that gays and lesbians should have the right to marry, I bristle. If the sameness arguments do not sit

Subverting White Supremacy Through Same-Sex Marriage, 13 MICH. J. RACE & L. (forthcoming fall 2007).

26. For an explanation of how *Loving*'s principle of subjugation is denied based on immigrant status, see Jennifer Chacón, *Loving Across Borders: Immigration Law and the Limits of Loving*, 2007 WIS. L. REV. 345.

27. See, e.g., Hutchinson, *supra* note 6, at 1360; David Orgon Coolidge, *Playing the Loving Card: Same-Sex Marriage and Politics of Analogy*, 12 BYU J. PUB. L. 201, 204-05 & fn. 7 (1998).

28. Herbert A. Sample, *For Many Blacks, Gay Fight Isn't Theirs*, SACRAMENTO BEE, Mar. 16, 2004 (discussing a poll that found that the majority of blacks favored a constitutional gay-marriage ban); Brian DeBose, *Black Caucus Resists Comparison of Gay "Marriage" to Civil Rights*, WASH. TIMES, March 15, 2004.

29. See, e.g., Keithboykin.com, <http://www.keithboykin.com/> (Dec. 1, 2005, 12:41) ("The point is it doesn't matter which group is most oppressed or which was first oppressed or whether they are identically oppressed. What matters is that no group of people should be oppressed. But the more we focus on the hierarchy of difference, the less we focus on the actual oppression.").

30. See, e.g., Hutchinson, *supra* note 6, at 1360 ("[T]he comparative approach marginalizes (or treats as nonexistent) gays and lesbians of color, leading to a narrow construction of the gay and lesbian community as largely upper-class and white.").

31. Others have expressed similar sentiments. See, e.g., Tobias Barrington Wolf, *Different Battle, Same Struggle*, L.A. TIMES Mar. 16, 2005, at B13 ("I cringe when gay people, rightly outraged at the discrimination that they face, take the extra step and say, 'Excluding us from the right to marry is like telling us that we're three-fifths of a person.'").

well with me, it is unlikely that these arguments will be compelling to my mother, my three brothers, my cousins, or other black people. So, why are such comparisons unsettling for me as someone who would clearly benefit from true LGBT equality?

Many legal scholars and social-justice activists have criticized the comparisons of racism with other forms of prejudice.³² In a thoughtful critique of comparisons between racism and sexism, Professors Trina Grillo and Stephanie Wildman explain that “any analogy to race must be used ethically and with care”³³ because they often perpetuate racism by “marginalizing and obscuring the different role that race plays in the lives of people of color and whites.”³⁴ Others have explained how such comparisons also render all LGBT people as white and all black people as heterosexual, thus marginalizing black LGBT people.³⁵ My critiques focus explicitly on why such comparisons fail to persuade blacks—particularly black heterosexuals—that gay rights are civil rights. While I concede that such analogies can be useful in certain contexts,³⁶ they usually fail—no matter how well-intentioned or well-articulated.³⁷ First, these arguments invariably trigger counterarguments of difference, shifting the discussion from why LGBT people should have rights into a sameness-difference debate. Second, they disregard the racism and white privilege of white LGBT people as members of the white majority. Third, such arguments ignore the privilege that heterosexuals—including black heterosexuals—enjoy as members of the majority.

A. *The Same-As Mantra Triggers Counterarguments of Difference*

Whether in a speech to an audience or a one-on-one conversation, when a white LGBT individual states that being gay is the same as being black, the foundation is set for black listeners to analyze the comments from a racial perspective, minimizing any potential heterosexual

32. See, e.g., Russell, *supra* note 11; TRINA GRILLO & STEPHANIE WILDMAN, *The Implication of Making Comparisons Between Racism and Sexism (or Other -isms)*, in PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA 85 (1996); Devon W. Carbado, *Black Rights, Gay Rights, Civil Rights*, 47 UCLA L. REV. 1467, 1474 (2000); Hutchinson, *supra* note 6, at 1362-68; Willse & Spade, *supra* note 10.

33. GRILLO & WILDMAN, *supra* note 32 at 411.

34. *Id.* at 401.

35. See, e.g., Hutchinson, *supra* note 6, at 1362-68; see also ALAIN DANG & SOMJEN FRAZER, NAT'L GAY & LESBIAN TASK FORCE POLICY INST. & NAT'L BLACK JUSTICE COAL., BLACK SAME-SEX HOUSEHOLDS IN THE UNITED STATES 5 (2d ed. 2005).

36. See GRILLO & WILDMAN, *supra* note 32; Russell, *supra* note 11. For an insightful comparison see Angela Onwuachi-Willig, *Undercover Other*, 94 CAL. L. REV. 873 (2006).

37. See generally Jane S. Schacter, *The Gay Civil Rights Debate in the States: Decoding the Discourse of Equivalents*, 29 HARV. C.R.-C.L. L. REV. 283, 314-15 (1994).

privilege or homophobia. At the same time, the white LGBT person's view embraces the perspective of someone who is LGBT, minimizing any potential racial bias or white privilege.³⁸

The day-to-day experiences of discrimination and bias are very different for a black straight person and a white LGBT person. More importantly, these day-to-day experiences are different for each individual as victims of the different forms of discrimination and bias and as individual perpetrators or beneficiaries of the different forms of discrimination and bias.³⁹ These individual experiences influence how an individual will view and process sameness arguments, regardless of whether the argument is made at the micro level (same individual experiences) or the macro level (same form of oppression). Unless the white LGBT person and the black straight person automatically start from the premise that these experiences of bias and discrimination are similar, the next phase of the conversation must determine how the experiences are the same, and to answer this question, it is difficult to avoid discussing how they are not the same. The discussion usually descends into a sameness-difference debate.⁴⁰

Black straight person: "Gay people did not experience three hundred years of slavery."

White gay person: "Gay people have been persecuted throughout history."

Black straight person: "Gay people cannot be readily identified as gay, but blacks are immediately identifiable as black."

White gay person: "Some gay people are identifiable, and being closeted forces people to live a lie."

38. See Nancy Ehrenreich, *Subordination and Symbiosis: Mechanisms of Mutual Support Between Subordinating Systems*, 71 UMKC L. REV. 251, 280 (2002) (explaining the ways in which systems of subordination support each other).

39. See Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16, 17 (1995) ("Some categories such as race, gender, class, and sexual orientation are important most of the time. Others are rarely important. When something or someone highlights one of her categories and brings it to the fore, she may be a dominant person, an oppressor of others. Other times, even most of the time, she may be oppressed herself."); Hutchinson, *supra* note 6, at 1368 ("Multidimensionality seeks to reveal the 'host of interlocking sources of advantage and disadvantage' that sustain the 'various institutions of oppression' and corresponding identity categories."); Ehrenreich, *supra* note 38, at 280 (explaining compensatory subordination as "a sort of unconscious pact with the devil, singly burdened individuals or groups come to accept their oppressed position along one axis in exchange for the privilege they experience along another").

40. See generally Kennedy, *supra* note 25, at 789-99; Stephen Clark, *Same-Sex But Equal: Reformulating the Miscegenation Analogy*, 34 RUTGERS L.J. 107 (2002); John G. Culhane, *Uprooting the Arguments Against Same-Sex Marriage*, 20 CARDOZO L. REV. 1119, 1171-75 (1999).

Black straight person: "Blacks are born black, being gay is a choice."

White gay person: "Being gay is not a choice. Trust me, I would not put up with this type of oppression if I could choose to be straight" or "even if it is a choice, I should not be forced to live a lie."

While this discussion may be interesting and informative on some level, it rarely convinces the black participant that LGBT rights are civil rights. The sameness-difference discussion is a convenient distraction from the real work that must be done to recognize how these different forms of oppression interact to maintain systems of power and privilege.⁴¹

B. The Same-as Mantra Negates the Racism of White LGBT People as Members of the White Majority.

The sameness argument allows white LGBT people to deny the white privilege and racism of white people generally, and of themselves as members of the white majority.⁴² An implicit assumption in the statement that gays and blacks are the same is that white LGBT people are free from racism and would not engage in biased acts against black people or benefit from white privilege. Most black people know that this is not true; being LGBT does not immunize the white individual from holding racist stereotypes and assumptions, or from benefiting from membership in the racial majority.⁴³ For example, most white gays and lesbians can go shopping and drive in their cars free from racial profiling.⁴⁴ As Professor Trina Grillo and Stephanie Wildman explain,

The "analogizer" often believes that her situation is the same as another's. Nothing in the comparison process challenges this belief, and the analogizer may think that she understands the other's situation in its fullness. The analogy makes the

41. "We have spent a lot of time arguing over whose pain is greater. That time would be better used trying to understand the complex ways that race, gender, sexual orientation, and class (among other things) are related." Grillo, *supra* note 39, at 27.

42. See Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Anti-Racist Politics*, 47 *BUFF. L. REV.* 1, 42-44 (1999) ("[C]laims by white gays and lesbians that they are 'the same' as blacks masks the operation of racial privilege in white gay and lesbian experience.").

43. See generally Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*, *INDEP. SCH.*, Winter 1990, at 31; BARBARA J. FLAGG, *WAS BLIND BUT NOW I SEE: WHITE RACE CONSCIOUSNESS AND THE LAW* (1998); STEPHANIE M. WILDMAN, *PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA* (1996).

44. See McIntosh, *supra* note 43, at 31; see also Jane Aiken, *Striving to Teach "Justice, Fairness, and Morality,"* 4 *CLINICAL L. REV.* 1, 14 (1997). Some blacks may view the white LGBT person as racist for even making the comparison.

analogizer forget the difference and allows her to stay focused on her own situation without grappling with the other person's reality.⁴⁵

Blacks—even LGBT blacks—are not the same as white LGBTs in the public forum, or even in gay communities and organizations. A personal experience illustrates this point. After two federal clerkships and the completion of a fellowship at a national civil rights organization, I began to explore professional opportunities with several law schools and a number of social-justice groups. One of those groups was a premier gay and lesbian organization, which was hiring a staff attorney. I had already heard from other people of color who had worked either for or with the organization that black voices were not heard and that the organization had difficulty keeping staff and lawyers of color. When I arrived for my interview, I introduced myself and told the white receptionist that I had an interview with the lead trial attorney, a white lesbian. I sat down and anxiously waited to meet this amazing attorney and gay rights advocate about whom I had read so much. And then the receptionist inquired, “You are interviewing for the secretary position, right?”

The statement was not driven by my sexual orientation, but by both my gender and race. I was not surprised by the question, it happens all the time—the receptionist was operating on what I like to call “white automatic pilot”—it was not within her realm of possibilities that a black woman could be applying for a staff attorney position.⁴⁶ For me, the comment was “white noise,” by which I mean the day-to-day indignities that white people, knowingly or not, interject into the lives of people of color.⁴⁷ Her question, however, spoke volumes about the lack of

45. GRILLO & WILDMAN, *supra* note 32, at 398.

46. I recognize the classism and professional elitism that may be built into my own reaction to the question posed about the job for which I was applying. I struggle with the contradiction. I must struggle with whether racism, gender, and class prompted the question, while at the same time question my own reaction to being categorized as a secretary instead of an attorney.

47. These comments are always present in a person of color's life. People learn to develop some coping mechanism, but bias is always lurking at some level. And even if the statement is not the result of some bias, as a person of color, you still have to ask the question of whether or not it was driven by race. Examples of white noise include the following: people often state that you are articulate (I have even had someone ask me if one of my parents is white) or you speak good English, the checkout person at more upscale stores asks how you can afford your merchandise, women grab their purses when you get on the elevator, people are shocked that you can swim, you are carded even when the white person in front of you is not, people you do not know feel perfectly comfortable touching your hair or asking if they can touch your hair. The only thing remotely soothing about this type of white noise is if you can attribute it to the social construction of race and whiteness and not internalize it and assume that something is inherently

antiracist perspective and leadership of color in the organization and about the marginalizing power of the intersection of race and sex in white gay communities.⁴⁸

The same-as mantra also ignores the complexity of racial oppression, as well as its historical and contemporary manifestations.⁴⁹ The white LGBT person who attempts to persuade the black person that LGBT individuals are the same as blacks speaks as if racism no longer exists.⁵⁰ The white LGBT person does not realize that, although the law purports to protect blacks from blatant discrimination, most blacks continue to experience the historical ramifications of slavery and segregation on a daily basis. The white LGBT individual's assertion of sameness is often taken as an affront because the black struggle for equality is far from over.⁵¹ In attempting to convince the black person of sameness, the analogy often results in alienation.

C. The Same-as Mantra Denies Homophobia in Straight Blacks as Members of the Heterosexual Majority

The assertion of sameness also denies the unique ways in which discrimination and bias operate against people based on sexual orientation and sexual identities. The sameness arguments not only fail to force whites of all sexual identities and preferences to recognize their racism and benefits via white privilege, but they also give black

wrong with you as a person. So, when these experiences are taking place in your day-to-day interactions, you do not make it about your own self-image but about racism and white privilege. The problem is that many people of color do not make that connection until the damage to their self-image is already done. *See, e.g.,* Camille Nelson, *Of Eggshells and Thin-Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women*, 29 INT'L J. OF L. AND PSYCH. 112, 112 (2006); Peggy C. Davis, *Law as Microaggressions*, 98 YALE L.J. 1559, 1559 (1989).

48. In fairness to the organization, I did get the job offer, but I turned it down to go into teaching. My story is not unique nor particularly egregious, relatively speaking. There are countless stories of racism in the white gay community. *See, e.g.,* URVASHI VAID, *VIRTUAL EQUALITY: THE MAINSTREAMING OF GAY AND LESBIAN LIBERATION* 275 (1996) (describing how a wealthy gay white donor expressed dismay about the author's selection as Executive Director of NGLTF and asked how the organization could choose such a radical woman "who's practically a nigger").

49. Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561, 631-32 (1997) (stating that racism and homophobia analogies "ignore the legacy of racial and class hierarchy").

50. *See* GRILLO & WILDMAN, *supra* note 32, at 409 ("[I]f these [white] women could show that sexism was worse than racism, then ('hallelujah!') they believed their reason to worry about racism had vanished. The women thought that they understood racism by virtue of their experiences with sexism and they were working on something more important.").

51. *See id.*

heterosexuals a “pass” on their sexism or homophobia. Being black does not immunize someone from making heterosexist and sexist assumptions.⁵²

Implicit in a white LGBT person’s statement that “we are the same” is that a black person does or should not engage in homophobia and sexism.⁵³ But just as in larger society, black heterosexuals harbor heterosexist and sexist beliefs and exercise heterosexual privilege. For example, during the same time period that I interviewed at the gay and lesbian organization, I also interviewed with several law schools. During an interview with one school, two black professors, a male and a female, made homophobic remarks about a black male professor who had left the room in the middle of the interview. The interviewers made that comment because they assumed that I was heterosexual.⁵⁴ At that moment, I experienced an exercise in heterosexual privilege—the presumption that everyone is straight—and experienced a heterosexist space where homophobia and sexism were openly voiced.

Same-as arguments imply that blacks understand and appreciate the realities of homophobia, but many do not. Many blacks actually harbor heterosexist and sexist beliefs common in the social marketplace.⁵⁵ The debate around sameness and difference is a convenient distraction that decreases the chances that black people will confront their own prejudices and appreciate how homophobia and sexism oppress LGBT people. It also obscures the ways in which homophobia, sexism, and racism reinforce one another.

The same-as mantra often fails to elicit empathy as a rallying cry to convince blacks to support LGBT equality because it descends into a sameness-difference debate, reinforces white racism, and overlooks heterosexist and sexist stereotypes. When the sameness arguments are made in soundbites by mainstream LGBT organizations in speeches, press releases, or on the evening news, such arguments are incredibly divisive and fail to build empathy, much less alliances.

52. See Hutchinson, *supra* note 6, at 1375-78 (discussing the homophobia of many antiracists); Angela Gilmore, *They’re Just Funny That Way: Lesbians, Gay Men and African-American Communities as Viewed Through the Privacy Prism*, 38 *How. L. J.* 231 (1994) (discussing the complicated relationships between black LGBT people and black heterosexuals in black communities).

53. This statement also implies that black people, by virtue of life experiences, can immediately recognize homophobia.

54. I later discovered that these individuals had no idea during the interview that I was a lesbian, even though my resume reflected that I was at least sympathetic to LGBT issues because it listed my membership in an LGBT organization in law school.

55. Black heterosexuals can be homophobic and at the same time be sexually marginalized by white heterosexual identities. For an analysis of “sexualized racism, centered around heterosexual identity and practice,” see Hutchinson, *supra* note 6, at 1366-67.

Furthermore, with very few visible people of color within their ranks, white LGBT organizations invoke civil rights imagery without explaining how their objectives are important to black people. All too often, LGBT organizational leadership is absent from the press conferences and public debates about civil rights controversies that deal with race-based rights.⁵⁶ With some exceptions, white LGBT organizations and advocates often ask much of black people, without doing much to confront racism. These organizations seek out black antigay activists yet fail to demonstrate how they are white antiracists.⁵⁷

Knowing that same-as arguments are less than persuasive, how might people committed to antiracism, antisexism, or LGBT equality build coalitions and alliances in the quest for equality? How can social-justice advocates develop an effective framework? Many social-justice activists and scholars have attempted to answer these crucial questions.⁵⁸

56. See Kendell, *supra* note 13, at 135 (“[G]iven that our movement exists, with our collusion, in the popular consciousness as largely white and economically privileged, the response [to civil rights analogies during San Francisco marriage protests] among many progressive African Americans in this country was irritation at a minimum. Among far right and conservative blacks the reaction was outright hostility and anger.” (footnote omitted)).

57. See, e.g., Cohen, *supra* note 18, at 441 (“It is my contention that queer activists who evoke a single-oppression framework misrepresent the distribution of power within and outside of gay, lesbian, bisexual, and transgendered communities, and therefore limit the comprehensive and transformational character of queer politics.”); Diane Finnerty, *An Open Letter to My White Lesbian, Gay, Bisexual, Transgender Sisters and Brothers*, at 3 (Oct. 13, 2004), available at <http://lbgtc.msu.edu/docs/finnerty.doc> (“While being leaders on issues of sexual identity, [white LGBT activists] need to understand our work as part of a broader agenda for social justice and allow our efforts to inform, as well as be informed, by the struggles of others.”).

58. See, e.g., Victor C. Romero, *Rethinking Minority Coalition Building: Valuing Self-Sacrifice, Stewardship and Anti-Subordination*, 50 VILL. L. REV. 823 (2005); Kevin R. Johnson, *The Struggle for Civil Rights: The Need for, and Impediments to, Political Coalitions Among and Within Minority Groups*, 63 LA. L. REV. 759 (2003); Adrien Katherine Wing, *Civil Rights in the Post 9-11 World: Critical Race Praxis, Coalition Building, and the War on Terrorism*, 63 LA. L. REV. 717 (2003); Richard Delgado, *Linking Arms: Recent Books on Interracial Coalition as an Avenue of Social Reform*, 88 CORNELL L. REV. 855 (2003) (book review); LANI GUINIER & GERALD TORRES, *THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* (2002); K.L. Broad, *Critical Borderlands & Interdisciplinary, Intersectional Coalitions*, 78 DENV. U. L. REV. 1141 (2001); Mary Romero, *Historicizing and Symbolizing a Racial Ethnic Identity: Lessons for Coalition Building with a Social Justice Agenda*, 33 U.C. DAVIS L. REV. 1599 (2000); Francisco Valdes, *Outside Scholars, Legal Theory & Outcrit Perspective: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831, 832 (2000); Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575 (1999); Taunya Lovell Banks, *Both Edges of the Margin: Blacks and Asians in Mississippi Masala, Barriers to Coalition Building*, 5 ASIAN L.J. 7 (1998); Charles R. Lawrence III, *Race, Multiculturalism, and the*

Part of the answer lies in the reality that, on some level, all people view themselves as members of groups and formulate beliefs based on those group memberships.⁵⁹ While it is sometimes true that individuals empathize with others by analogy, many times such analogies have no effect. The reality is that people categorize others and, more often than not, these categories are aligned as in-groups and out-groups.⁶⁰ Over the last thirty years, social psychologists have discovered that this process may interfere with an individual's ability to empathize or identify with those who are not members of their in-group.⁶¹ These processes also influence distinct in-group and out-group behaviors.⁶²

IV. SOCIAL IDENTITY AND SUPERORDINATE GOALS

In the early 1970s, European social psychologists began to study how groups influenced individuals and how groups exhibit characteristics distinct from the individual members.⁶³ Social Identity

Jurisprudence of Transformation, 47 STAN. L. REV. 819, 828-29 (1995); Eric K. Yamamoto, *Rethinking Alliances: Agency, Responsibility and Interracial Justice*, 3 ASIAN PAC. AM. L.J. 33 (1995); Valdes, *supra* note 18, at 65-71; Haunani-Kay Trask, *Coalition Building Between Natives and Non-Natives*, 43 STAN. L. REV. 1197 (1991); Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183 (1991); Clark Freshman, *Whatever Happened to Anti-Semitism? How Social Science Theories Identify Discrimination and Promote Coalition Between "Different" Minorities*, 85 CORNELL L. REV. 313 (2000).

59. See Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 CAL. L. REV. 1, 364-72 (1995) (offering eight strategies for queer legal theory, including linking social science and legal knowledge).

60. John C. Turner, *Towards a Cognitive Redefinition of the Social Group*, in ATTITUDES, BEHAVIOR, AND SOCIAL CONTEXT: THE ROLES OF NORMS AND GROUP MEMBERSHIP 15, 28-30 (Deborah J. Terry & Michael A. Hogg eds., 1982).

61. Catherine E. Smith, *The Group Dangers of Race-Based Conspiracies*, 59 RUTGERS L. REV. 55 (2006).

62. The social-identity process is one of the most comprehensive explanations for a wide range of dynamics that are unique to intra- and intergroup relations, such as group loyalty, persuasion, conformity, and polarization. See Michael A. Hogg & Dominic Abrams, *Social Identity and Social Cognition: Historical Background and Current Trends*, in SOCIAL IDENTITY AND SOCIAL COGNITION 1, 11 (Michael A. Hogg & Dominic Abrams eds., 1999); Neal Kumar Katyal, *Conspiracy Theory*, 112 YALE L.J. 1307, 1312 (2003) ("Advances in psychology over the past thirty years have demonstrated that groups cultivate a special social identity. This identity often encourages risky behavior, leads individuals to behave against their self-interest, solidifies loyalty, and facilitates harm against nonmembers.").

63. See, e.g., Don Operario & Susan T. Fiske, *Integrating Social Identity and Social Cognition: A Framework for Bridging Diverse Perspectives*, in SOCIAL IDENTITY AND SOCIAL COGNITION, *supra* note 16, at 26, 40-41; Kenneth L. Bettenhausen, *Five Years of Groups Research: What We Have Learned and What Needs to Be Addressed*, 17 J. MGMT. 345, 347 (1991) ("Besides being a reality of social existence, groups exert an

Theory (SIT) is the leading explanation for intra- and intergroup relations and conflict.⁶⁴

A. *Social Identity Theory*

Social-identity theorists posit that every person has a self-concept that is made up of two subsystems—the personal identity and the social identity.⁶⁵ These two subsystems may operate independently or in cooperation with one another.⁶⁶ The personal identity subsystem influences an individual's personal qualities; it “usually denote[s] specific attributes of the individual’ such as feelings of competence, bodily attributes, ways of relating to others, psychological characteristics, intellectual concerns, [and] personal tastes.”⁶⁷ The social-identity subsystem influences an individual's behavior in group settings.⁶⁸ “Social identities are categorizations of the self into more inclusive social units that depersonalize the self-concept, where I becomes we.”⁶⁹ The subjective experience that the self-concept projects is the person's self-image.⁷⁰ In situations where individuals rely heavily on their social-identity subsystems, those individuals place themselves

enormous influence on their members.”); Katyal, *supra* note 62, at 1316 (“A wide body of psychological research over the last century reveals that people tend to act different in groups than they do as individuals.”).

64. See Michael A. Hogg, *Social Identity and Misuse of Power: The Dark Side of Leadership*, 70 *BROOK. L. REV.* 1239, 1243 (2005) (“The social-identity approach has become well established in social psychology and enjoys substantial empirical support.”); JIM SIDANIUS & FELICIA PRATTO, *SOCIAL DOMINANCE: AN INTERGROUP THEORY OF SOCIAL HIERARCHY AND OPPRESSION* 19 (1999) (“This general theory has now become the most influential theory of intergroup relations among social psychologists.”); Margaret Wetherell, *Group Conflict and the Social Psychology of Racism*, in *SOCIAL PSYCHOLOGY: IDENTITIES, GROUPS AND SOCIAL ISSUES* 175, 216 (Margaret Wetherell ed., 1996) (“Social identity is perhaps the best known attempt to explain the social psychological basis of group conflict.”).

65. See Turner, *supra* note 60, at 18.

66. See *id.* at 19.

67. See *id.* at 18 (citation omitted); Hedy Brown, *Themes in Experimental Research on Groups from the 1930s to the 1990s*, in *SOCIAL PSYCHOLOGY: IDENTITIES, GROUPS AND SOCIAL ISSUES*, *supra* note 66, at 9, 33 (“In many situations we react to others in terms of our identity as a unique individual with a particular personality, known likes and dislikes, skills and talents, attitudes and opinions. This definition of ourselves in terms of our personal characteristics can continue into group situations and may be particularly salient when we strongly disagree with a group.”).

68. See Turner, *supra* note 60, at 18.

69. Marilynn B. Brewer, *The Social Self: On Being the Same and Different at the Same Time*, in *INTERGROUP RELATIONS: ESSENTIAL READINGS* 245, 246 (Michael Hogg & Dominic Abrams eds., 2001) (emphasis omitted).

70. Turner, *supra* note 60, at 18-19 (“By analogy with an orchestra we can think of its musical technology and basic instrumentation as the cognitive structure and the actual sounds it makes as the varying self-images.”).

and others into categories or groups. The process of social identification has significant implications for how social categories, and the intersections of these categories, influence thought and behavior.⁷¹

1. SOCIAL CATEGORIZATION

The first step in the social-identity process is social categorization, in which individuals place themselves and others “into distinct classes or categories.”⁷² The individuals select “social categories,” with which they identify and place themselves and those with perceived similar characteristics within that in-group.⁷³ Those perceived to be outside the social category are placed in the out-group.⁷⁴

Everyday occurrences can be explained through social categorization. For example, when individuals encounter a racially ambiguous person or cannot determine a person’s gender or sexual orientation, they usually ask questions such as, “what race is she?,” “where is he from?,” “is it a boy or a girl?,” or “does he like girls?”. While this quest for information could be explained as innocent curiosity, it could also be explained in terms of social identity. For an individual who engages in social identification, ambiguity interferes with social categorization.

Under the sameness approach, when a white gay male proclaims to a black straight male that LGBTs and blacks are the same, the stage is set for in-group–out-group categorizations.⁷⁵ Social categorizations are not one-dimensional or static, but depending on the social and environmental context and situation.⁷⁶ For example, during the ensuing conversation, the gay individual may socially identify as white, male, or gay; white and

71. See *id.* at 21 (“[S]ocial identity is the cognitive mechanism which makes group behaviour possible.”); Michelle Adams, *Intergroup Rivalry, Anti-Competitive Conduct and Affirmative Action*, 82 B.U. L. REV. 1089, 1093 (“Thus, the social science scholarship has recognized that discriminatory behaviors are not just the result of personal, individual cognitive-process distortions, but are a problem of collective action.”).

72. See Turner, *supra* note 60, at 17; see also Michael A. Hogg & John C. Turner, *Intergroup Behaviour, Self-Stereotyping and the Salience of Social Categories*, 26 BRIT. J. SOC. PSYCH. 325, 326 (1987).

73. See Turner, *supra* note 60, at 17-18.

74. Turner, *supra* note 60, at 18; see also Hogg, *supra* note 64, at 1241-43.

75. Cf. Hogg, *supra* note 64, at 1242 (“Social-identity effects occur when, in a particular context, a specific social categorization becomes the salient basis for social perception and self-conception.”).

76. Brewer, *supra* note 69, at 247 (“Individuals may recognize that they belong to any number of social groups without adopting those classifications as social identities. Social identities are selected from the various bases for self-categorization available to an individual at a particular time. And specific social identities may be activated at some times and not at others.”).

male; gay and male; or white, gay, and male. The black person, on the other hand, may socially identify as black, male, or heterosexual; black and male; black and heterosexual; or black, male and heterosexual.

2. SOCIAL COMPARISON

Once social categorization is complete, individuals compare the in-group and out-group through “social comparison.”⁷⁷ The individuals attain a positive self-image from their identification with the in-group by comparing their group members to the members of the out-group.⁷⁸ The individuals invoke stereotypes of an exemplar in each group and then proceed to attribute more positive characteristics to all in-group members and more negative characteristics to all out-group members.⁷⁹ “[I]n-group favoritism can be seen as the sine qua non of a person’s ‘social identity’ because ‘positive connotations of ingroup membership become positive connotations of self.’”⁸⁰ Social identification is most prevalent among large-scale groups based on characteristics such as race, sex, and sexual orientation.⁸¹

Social, historical, and political contexts significantly influence a person’s social identity⁸² because of the multitude of explicit and implicit messages about groups the individual has received over the course of a

77. Adams, *supra* note 71, at 1101 (“Social comparison was the ability to discern among groups differences that are grounded in social reality . . .”).

78. See Brown, *supra* note 67, at 34.

79. See Dominic Abrams et al., *Knowing What to Think by Knowing Who You Are: Self-Categorization and the Nature of Norm Formation, Conformity and Group Polarization*, 29 BRIT. J. SOC. PSYCH. 97, 109 (1990) (“[I]n-group members may be seen as more correct, while out-group members are seen as less likely to be correct, when group membership is salient.”); Daan Van Knippenberg, *Social Identity and Persuasion: Reconsidering the Role of Group Membership*, in SOCIAL IDENTITY AND SOCIAL COGNITION, *supra* note 16, at 315, 317-18; see also Katyal, *supra* note 62, at 1321-22.

80. See Adams, *supra* note 79, at 1102 (quoting Hogg & Abrams, *supra* note 16, at 10); Hogg, *supra* note 64, at 1242 (“Since the groups and categories we belong to furnish us with a social identity that defines and evaluates who we are, we struggle to promote and protect the distinctiveness and evaluative positivity of our own group relative to other groups.”).

81. See Turner, *supra* note 60, at 19, 22; Brown, *supra* note 67, at 33-34 (“The transition from personal identity to social identity is clearest when considering large-scale groupings . . .”).

82. See Margaret Wetherell, *Group Conflict and the Social Psychology of Racism*, in IDENTITIES, GROUPS AND SOCIAL ISSUES 175, 216 (Margaret Wetherell ed., 1996) (“Tajfel argued that cognitively and perceptually, group labels like ‘black’, ‘white’, ‘English’, ‘Afro-Caribbean’, ‘Australian’ operate like the ‘A’ and ‘B’ attached to the lines except that in the social world, values and social histories are also attached.”).

lifetime.⁸³ The person's "very conception of self changes to partake of the common attributes of an historically originated, socially determined and culturally and situationally constructed social group."⁸⁴ Race, gender, and sexuality are dominant social constructions that maintain power and privilege.⁸⁵ As such, social identification reinforces discriminatory beliefs and actions.

Many blacks, for example, are told that they "don't act black."⁸⁶ When this occurs, white speakers engaged in social identification are making a social comparison based on socially constructed racial stereotypes associated with members of the out-group. The failure of the black person to act in a certain way interferes with the white person's socially constructed racial stereotypes.⁸⁷ And, more often than not, the white person intends the statement as a compliment, demonstrating that the speaker typically attributes negative qualities to members of the out-group and positive qualities to members of the in-group. These associations serve to bolster the white self-image and self-esteem.⁸⁸

Social identification also reinforces discriminatory beliefs and stereotypes because of gender and sexual orientation or identity. For example, after straight women hear that a woman that they know is a lesbian, a common response is, "but she's so cute, surely she can get a man."⁸⁹ In that moment, the woman is identifying heterosexual women

83. *See id.* at 207 ("Real life intergroup situations such as those characteristic of racism involve . . . many more layers of complexity, including power, structural inequities in access to resources, and histories of contact and dominance.").

84. Turner, *supra* note 60, at 33; *see also* Wetherell, *supra* note 64, at 207.

85. Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1 (1994); Christopher A. Ford, *Administering Identity: The Determination of "Race" in Race-Conscious Law*, 82 CAL. L. REV. 1231 (1994). For race construction of whiteness, see IAN HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (10th anniversary ed. 2006); BARBARA FLAGG, *WAS BLIND, BUT NOW I SEE: WHITE RACE CONSCIOUSNESS & THE LAW* (1998); *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* (Richard Delgado & Jean Stefancic eds., 1997); RUTH FRANKENBERG, *WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS* (1993); Martha R. Mahoney, *Class and Status in American Law: Race, Interest, and the Anti-Transformation Cases*, 76 S. CAL. L. REV. 799 (2003); Martha R. Mahoney, *Segregation, Whiteness, and Transformation*, 143 U. PA. L. REV. 1659 (1995) [hereinafter Mahoney, *Segregation*]; Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709 (1993).

86. A recent example is Senator Joe Biden's comments about African-American presidential candidate, Senator Barack Obama as "the first mainstream African-American who is articulate and bright and clean and a nice-looking guy." *See, e.g.*, Rachel L. Swarns, *Obama's Challenge: Woo Blacks*, ORLANDO SENTINEL, Feb. 2, 2007, at A1.

87. *See The Price of Acting White*, WASH. POST, June 5, 2005, at B5.

88. *See* FRANKENBERG, *supra* note 85.

89. *See, e.g.*, Beverly A. Greene, *Heterosexism and Internalized Racism Among African Americans: The Connections and Considerations for African American Lesbians*

as the in-group and lesbians as the out-group. She is invoking a negative heterosexist and sexist stereotype about all members of the out-group as unattractive and unable to find a man. She is also making a corresponding positive association with straight women and herself as a member of the in-group—that she is attractive and can get a man.

Furthermore, socially identifying individuals exaggerate the perceived distinctions between the in-group and out-group.⁹⁰ For example, white LGBT people often claim that blacks are more homophobic than whites.⁹¹ In this situation, the white LGBT people have placed all whites in the in-group and blacks in the out-group. They then exaggerate the perceived distinctions between whites' and blacks' views on homosexuality, even though most of the antigay rhetoric comes from very powerful white people.⁹²

In addition, some blacks may claim that there are no homosexual black people and that homosexuality is a white issue, even though they likely see or know black LGBT people.⁹³ Once again, the black individual is exaggerating the stereotypical perception of a distinction between whites and blacks and homosexuality. Another example is when men who socially identify as heterosexual criticize gay men for being promiscuous and nonmonogamous, as if no straight man has ever had a sexual relationship with more than one woman or cheated on his wife.

As social identity demonstrates, when white LGBT people invoke a sameness argument, the white LGBT person and the black heterosexual

and Bisexual Women: A Clinical Psychology Perspective, 54 RUTGERS L. REV. 931, 942 (“Some of these questionable beliefs are that lesbians either want to be, or naturally look like, men, are unattractive or less attractive than heterosexual women, are less extroverted, are unable to get men, or have had traumatic experiences with men that presumably ‘turned’ them against men, or are simply defective females.”).

90. See Turner, *supra* note 60, at 28 (“[A]s category memberships become salient, there will be a tendency to exaggerate the differences on criterial dimensions between individuals falling into distinct categories, and to minimize these differences within each of these categories.”); Operario & Fiske, *supra* note 63, at 43 (“Cognitive processes exacerbate the perception of group boundaries, such as the ‘meta-contrast’ principle, which is the tendency for individuals to minimize the perceived variance among members of the same group and maximize the variance between members of different groups. The outgroup homogeneity effect soon takes hold, blurring distinctions among outgroup members.”).

91. Cf. Isabelle R. Gunning, *Stories from Home: Tales from the Intersection of Race, Gender, and Sexual Orientation*, 5 S. CAL. REV. L. & WOMEN’S STUD. 143, 146 (1995).

92. See *A Mighty Army*, INTELLIGENCE REPORT, Spring 2005, at 23.

93. H. Alexander Robinson, *Forward* to DANG & FRAZER, *supra* note 35, at 2 (“Traditionally, discussions about African-American families exclude any consideration of African-American lesbian and gay families. In fact African-American educators, scholars, activists and leaders often approach Black gay people as “them” not “us.” Continued failure to recognize our families, leaves African-Americans thinking that gay people are wealthy and White, not our own brothers and sisters.”).

do not come to the discussion simply with their “personal” viewpoints. Often they engage in a conversation that is influenced by their identities, group membership, a collection of stereotypes, and their subconscious quest for a positive self-image. So, how do we break through the social identification process fueled by racist, homophobic, and sexist constructions, and seek a framework that unifies subordinated groups?⁹⁴

B. *Superordinate Goals*

In 1958, social psychologists Muzafer Sherif, in an effort to reduce intergroup conflicts, introduced the concept of superordinate goals, “which are compelling and highly appealing to members of two or more groups in conflict but which cannot be attained by the resources and energies of the groups separately.”⁹⁵ The Sherifs performed the “summer camp experiments” to show how superordinate goals may reduce intergroup conflict and foster cooperation.⁹⁶

Over a two-week period, social scientists observed the interaction of white, American, middle-class eleven- to twelve-year-old boys in a camp environment.⁹⁷ Initially, the boys formed friendships, engaged in activities, and selected roommates freely.⁹⁸ After several days of interaction, the researchers divided the boys into two groups designed to cut across their preexisting friendship patterns.⁹⁹ They then separated the two groups and required them to work together on a number of activities with the members of their new groups.¹⁰⁰ The boys’ preferences quickly shifted to their new in-group members. The new groups named themselves and formed “norms of behaviour, jokes, secret codes, and preferred places.”¹⁰¹ The researchers then had the groups compete against each other.¹⁰²

94. As Diane Finnerty stated, “While being leaders on issues of sexual identity, [white LGBT activists] need to understand our work as part of a broader agenda for social justice and allow our efforts to inform, as well as be informed, by the struggles of others.” Finnerty, *supra* note 32, at 3.

95. Muzafer Sherif, *Superordinate Goals in the Reduction of Intergroup Conflict*, 63 AM. J. SOC. 349, 349-50 (1958).

96. *Id.* at 352-55; see Wetherell, *supra* note 64, at 204-05.

97. *Id.* The boys did not know that they were part of a social experiment. See Wetherell, *supra* note 64, at 204. The researchers played the roles of camp counselors, team leaders, and support staff. *See id.*

98. Sherif, *supra* note 95, at 352-55; see Wetherell, *supra* note 64, at 205.

99. Sherif, *supra* note 95, at 352-55; see Wetherell, *supra* note 64, at 205.

100. Wetherell, *supra* note 64, at 205.

101. *Id.*

102. *Id.* In the competitive stage, the boys fell into inter-group behavior. *Id.* at 208.

Initial norms of good sportsmanship quickly degenerated into overt group hostility and into minor acts of discrimination and aggression directed against members of the other group. Name-calling, stereotyping and other phenomena of prejudice such as glorification and over-estimation of the in-group's achievements and denigration and under-estimation of the out-group's achievements were rife. During this period, in-group loyalty, solidarity and cooperation was at its height.¹⁰³

In this study, these powerful dynamics existed even within a homogenous setting.

Next, in an attempt to reduce the intergroup hostility, the researchers introduced superordinate goals.¹⁰⁴ The two groups were required to work together on projects that both groups found desirable and that could only be achieved cooperatively.¹⁰⁵ The superordinate goals created interdependence between the groups and effectively reduced intergroup conflict by fostering cooperation in activities that were necessary for the common good.¹⁰⁶ This also reduced the attribution of negative qualities to the out-group.¹⁰⁷ Over time, after the introduction of several superordinate goals, the intergroup hostility subsided and returned to something similar to the first stage, although group allegiances remained important.¹⁰⁸

Thus, to build coalitions with black communities, white LGBT mainstream organizations must consider how the two groups' interests converge. To motivate individuals engaged in social identification and affected by the resulting in-group-out-group dynamics, we must reframe the debate around superordinate goals.¹⁰⁹ While not foolproof, this approach warrants exploration.

103. Sherif, *supra* note 95, at 355-56.

104. See Wetherell, *supra* note 64, at 207.

105. *Id.*

106. *See id.*

107. *See id.*

108. *Id.*

109. While I do not like the idea that the only way to motivate some people is to play on their self-interest, I do not think that we have the luxury to ignore what may be a reality. There are other responses to this reality, such as working within your own in-group for social justice. See Delgado, *supra* note 58, at 884; Trask, *supra* note 58, at 1209.

The idea of superordinate goals could be viewed in another way that has long been articulated as interest convergence. In 1980, discussing *Brown v. Board of Education* decision, Derrick Bell argued that "the interests of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites." Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 523 (1980). For an enlightening discussion of viewing interest convergence as a coalition-building tool, see Sheryll Cashin, *Shall We Overcome? Transcending Race*,

Many LGBT and social-justice activists were shocked that black leaders could align themselves with white conservatives against gay marriage, especially when those same white conservatives staunchly opposed black civil rights. It seems likely that the conservatives were successful because they framed their arguments around superordinate goals—the perceived interests of conservative blacks and whites—upholding “family values.” These two groups are not allies on most issues, and in fact have opposing views on many issues that directly harm black communities; yet they managed to put those differences aside to come out against LGBT rights. Oddly, the Right managed to co-opt black church leaders to achieve the dual objectives of denying gays and lesbians fundamental rights and distracting blacks from issues in their own communities that stem from racial inequality.¹¹⁰

C. *The Superordinate Goals of LGBTs and Blacks*

Superordinate goals do not require sameness, but rather permit group members to retain their group identities and at the same time challenge their shared subjugation.¹¹¹ LGBT folks should reframe the debate to achieve gay rights in ways that are relevant to the overarching structures of oppression. These types of arguments may not be foolproof in convincing black people that gay rights warrant their support, but they are likely to be more successful than sameness arguments.

1. RECOGNIZING THE HARMS TO BLACK LGBT PEOPLE

A very simple way to reframe the debate to demonstrate how LGBT and blacks have a common interest in LGBT equality is to highlight the intersections of race, gender, and sexual orientation. Both the Right and the LGBT mainstream portray the LGBT movement as white, and blacks

Class, and Ideology Through Interest Convergence, 79 ST. JOHN'S L. REV. 253, 272-75 (2005).

110. RAY, *supra* note 15, at 38 (“Only five conservative senators scored even 15 percent on the NAACP voting index, while again almost half scored 100 percent from the Family Research Council. Among them were . . . high-profile leaders in the Republican caucus and vocal proponents of the idea that the Republican Party is the ‘natural home’ for African-American voters.”).

111. Elizabeth Cole, *Beyond Interaction Effects: The Theory, Practice and Politics of Intersectionality* 25-26 (2007) (unpublished manuscript, on file with The Wisconsin Law Review) (“Coalition building strategies developed by activists proceed from three realizations: Because small groups can’t afford to be exclusionary, shared identity cannot provide a solid foundation for political work; it is not diversity within a group that is divisive, but failure to recognize diversity; and the diversity within a group represents an opportunity to reach across perceived boundaries to find sites of commonality with other communities.”).

and whites often view it as such.¹¹² This portrayal allows racism to serve as a weapon of homophobia and sexism. Racism marginalizes the diversity of individuals that make up the LGBT community by making the face of the community predominately white, ignoring or glossing over the reality that a significant number of LGBT people in black communities are also being denied basic rights. According to the 2000 census, 14 percent of all same-sex households in the United States contained at least one black partner.¹¹³ Thirty-six percent of black male same-sex households and 52 percent of black female same-sex households were raising at least one child under the age of eighteen.¹¹⁴

As black men in America, my three brothers are unlikely to humor a suggestion that they and a white gay person are the same. They would, however, contemplate how their own family and community members are harmed by LGBT bigotry—that their sister, her partner, and their niece are being denied basic rights. Furthermore, accepting this would make it far easier for them to appreciate how other LGBT people are being harmed as well. The compelling message for LGBT advocates to build alliances with black communities is not one of sameness but one of common interest.

2. EXPANDING THE CONCEPT OF “FAMILY”

The expansion of social, political, and legal practices to include LGBT people can challenge not only homophobic practices, but sexist and racist practices as well, particularly as it relates to the definition and concept of family. For example, a few months ago, my two-year-old came home with a “#1 Dad” cup that she made at school in celebration of Father’s Day. Our child does not have a dad at home. My partner and I were deeply concerned about the negative message that she might take away from this class project—particularly as it is repeated year after year—about the value of her two-mother family, as opposed to a family with a mom and a dad. In my conversation with the school’s director, I suggested that if the school continues to host Father’s Day and Mother’s Day celebrations, it would be more inclusive to make the celebration a semi-annual “Family Day.”

There are many different types of families, not just kids with a mom and a dad, or even two moms. Celebrating Mothers’ Day and Fathers’

112. See Kendell, *supra* note 13, at 136 (“Gay liberation—including the right to marry—will remain illusory unless white queers actively challenge and combat the rich, white stereotype. Given the culture we live in, the image is seductive, but it is inaccurate and ultimately unhelpful.”); Carbado, *supra* note 32, at 1474; Hutchinson, *supra* note 6, at 1362-68.

113. DANG & FRAZER, *supra* note 35, at 2.

114. *Id.* at 22.

Day in schools sends a negative message to children about families without both a mom and a dad at home. The children who are hurt by this message are those with families that are gay or lesbian and those of families of all races and ethnicities that have a single parent as the primary provider, most of whom are women. Simply because families are different does not mean that a negative value should be placed on those differences, particularly when there are ways to celebrate all configurations of family without devaluing one form—such as celebrating “Family Day” in schools. The values placed on one type of family are the glue that secures power and privilege on the basis of race, gender, and sexual orientation.¹¹⁵ Expanding the celebration to include different configurations of families does not devalue traditional families with a mom and a dad, but instead makes room for the different types of families that exist in our diverse society. Single-parent households, LGBT people, and black communities have a common interest in such an expansion.

Similarly, LGBT families are not the only families detrimentally impacted by exclusionary laws based on the definition of what constitutes a family. A brief look at welfare laws demonstrates how the heterosexual, middle-class construction of the family marginalizes different family constructions. For example, these laws deny certain benefits to unmarried women. Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Aid to Families with Dependent Children (AFDC) benefits,¹¹⁶ food stamps, and public housing were not available to unmarried mothers under age twenty-five.¹¹⁷ The law, passed by a Newt Gingrich-led Republican Congress and signed into law by Democratic President Bill Clinton, also linked eligibility for AFDC, food stamps, and public housing to the establishment of paternity and offered a marriage tax credit.¹¹⁸ Many

115. See, e.g., Julie A. Nice, *The Emerging Third Strand in Equal Protection Jurisprudence: Recognizing the Co-Constitutive Nature of Rights and Classes*, 1999 U. ILL. L. REV. 1209.

116. PRWORA eliminated AFDC as a federal entitlement and created Temporary Assistance for Needy Families (TANF), a block grant that gives states more discretion in providing assistance. See Personal Responsibility and Work Opportunity Reconciliation Act §§ 401-19, 42 U.S.C. §§ 601-619 (2000).

117. See CONTRACT WITH AMERICA: THE BOLD PLAN BY REP. NEWT GINGRICH, REP. DICK ARMEY, AND THE HOUSE REPUBLICANS TO CHANGE THE NATION 66-71, 86-90 (Ed Gillespie & Bob Schellhas eds., 1994) [hereinafter CONTRACT WITH AMERICA]; see also Parvin R. Huda, *Singled Out: A Critique of the Representation of Single Motherhood in Welfare Discourse*, 7 WM. & MARY J. WOMEN & L. 341, 342-50 (2001); Judith E. Koons, *Motherhood, Marriage, and Morality: The Pro-Marriage Moral Discourse of American Welfare Policy*, 19 WIS. WOMEN'S L.J. 1, 6-15 (2004). See generally Pub. L. No. 104-193, 110 Stat. 2105.

118. CONTRACT WITH AMERICA, *supra* note 116, at 66-71, 86-90; Huda, *supra* note 116, at 342-50; Koons, *supra* note 116, at 6-15.

activists and scholars have explained how these policies continue to stigmatize and further marginalize poor single mothers, especially poor black and Latino women.¹¹⁹

These reforms also marginalize LGBT communities because they deny benefits to those who are not in households defined by a man and a woman.¹²⁰ The welfare legislation subjugates poor women, gays, and lesbians because of the social constructions of family that do not conform to a societal expectation of the traditional heterosexual standard of marriage.¹²¹ These social constructions are not one dimensional. LGBT people of all races; blacks of all sexual and gender identities; and women of all sexual identities, races, and ethnicities have a common interest—a superordinate goal—in challenging these preferences.¹²²

Race, gender, and sexuality—and the intersections thereof—are dominant social constructions that serve the maintenance of power and privilege through welfare laws, tax laws, adoption and foster-care laws, public-assistance law, health-care and insurance benefits, and other

119. See, e.g., Martha L. Fineman, *Images of Mothers in Poverty Discourse*, 1991 DUKE L.J. 274, 277-93; Koons, *supra* note 117, at 38-41; Huda, *supra* note 117; Kara S. Suffredini & Madeleine V. Findley, *Speak Now: Progressive Considerations on the Advent of Civil Marriage for Same-Sex Couples*, 45 B.C. L. REV. 595, 603-05 (2004). See generally Martha L.A. Fineman, *Masking Dependency: The Political Role of Family Rhetoric*, 81 VA. L. REV. 2181, 2182 (1995).

120. See SEAN CAHILL & KENNETH T. JONES, NAT'L GAY & LESBIAN TASK FORCE, LEAVING OUR CHILDREN BEHIND: WELFARE REFORM AND THE GAY, LESBIAN, BISEXUAL, AND TRANSGENDER COMMUNITY 4 (2001) (explaining how welfare-reform benefits married couples); *Why Welfare Is a Queer Issue*, 26 N.Y.U. REV. L. & SOC. CHANGE 201, 202 (2000) (discussing how Republican platforms that offer family tax relief harm poor and queer people); Nancy D. Polikoff, *This Child Does Have Two Mothers: Redefining Parenthood to Meet the Needs of Children in Lesbian-Mother and Other Nontraditional Families*, 78 GEO. L.J. 459, 459 (1990).

121. See CAHILL & JONES, *supra* note 119, at 1 (“Welfare reform poses fundamental threats to the rights of gay, lesbian, bisexual and transgender (GLBT) people. It poses particular threats to GLBT youth, GLBT elders, lesbian and gay parents, and the children of same-sex partners.”). For an explanation of tax disparities among white and black married couples based on income, and federal tax laws that favor single-wage-earner households, see Dorothy A. Brown, *The Marriage Penalty/Bonus Debate in Black and White*, 16 N.Y.L. SCH. J. HUM. RTS. 168 (1999).

122. See CAHILL & JONES, *supra* note 119, at 2 (“Welfare reform is . . . fundamentally about family policy—about promoting and privileging particular kinds of families, and about penalizing and stigmatizing others.”); Suffredini & Findley, *supra* note 118, at 1 (exploring the subordinating effects that marriage laws may have on women, people of color, and the poor); see also Jane S. Schacter, *Taking the InterSEXional Imperative Seriously: Sexual Orientation and Marriage Reform*, 75 DENV. U. L. REV. 1255 (1998). For a discussion of how the white, heterosexual, middle-class model is represented as the “beneficial family,” see Lucille M. Ponte & Jennifer L. Gillan, *From Our Family to Yours: Rethinking the “Beneficial Family” and Marriage-Centric Corporate Benefit Programs*, 14 COLUM. J. GENDER & L. 1 (2005). For examples of coalition building based on self-interest, see Cashin, *supra* note 109, at 272-90.

areas. We must explore how political, social, and legal restrictions on the concept of “family” offer LGBT folks, women, blacks, and other communities of color superordinate goals that can bring these communities together. These groups may be more successful in achieving social justice by combining their collective resources to identify these superordinate goals and developing strategies to confront these negative constructions of family.

There are also similar connections in a host of other areas that warrant further analysis of how LGBT and black interests converge, such as reproductive rights, health care, and hate crimes.¹²³ Framing superordinate goals, however, may be complex; it is sometimes difficult to conceptualize and maintain a cohesive interest among different groups. To demonstrate, hate-crime laws often served as an issue-specific superordinate goal of LGBT and black communities, but often the tactics of opponents can divide the interests of the two communities. For example, while the Texas legislature considered the passage of the James Byrd Hate Crimes Bill, James Byrd’s family endorsed the hate crimes law as one that would enhance the penalty for crimes motivated by race, ethnicity, and sexual orientation.¹²⁴ On one occasion, Republican legislators contacted the Byrd family and informed them that the bill would pass if they agreed to drop the sexual orientation from the bill.¹²⁵ The Byrd family refused.¹²⁶ There are opportunities for division of group interests that we must guard against.

We must recognize where LGBT and black interests converge and capitalize on this to build meaningful coalitions. LGBT people and blacks do not have to be the same to recognize that they are being devalued for the benefit of those who have placed them in the out-group. At these intersections, we will recognize how our mutual marginalization benefits those in the in-group and allows us to attack the underlying assumptions that are used to justify it.

It is important to note that the process should not end with building the coalition or achieving the original objective. A crucial part of forming coalitions between LGBT people and blacks is to also be reflective and to recognize that a white LGBT person may often engage in the marginalization of blacks, and that a black heterosexual may often

123. See VAID, *supra* note 48, at 271 (“We are far less passionate about raising the minimum wage, welfare reform, AFDC programs, free school lunches, immigration, poverty, and other issues that affect gay and lesbian families and individuals—but do not affect the middle-class people who are most involved in our movement.”).

124. Jennifer Holladay & Catherine Smith, *Stop the Hate. Educate.*, OUTSMART, <http://www.outsmartmagazine.com/issue/i09-00/byrd.html>.

125. *Id.*

126. *See id.*

engage in the marginalization of LGBT people. As Francisco Valdes explains,

(mis)perceptions of sameness and difference, whether deemed substantively “real” or not, cannot become the point; the point is what we make of the perception—how we interpret sameness and difference, how we imbue perceptions of difference with cultural, legal, theoretical or political significance, and how we then accommodate each other constructively and mutually in the face of significant difference.¹²⁷

V. CONCLUSION

LGBT discourse that frames homophobia as being the same as racism reinforces homophobia, racism, and sexism. Although sameness arguments may be effective in some instances,¹²⁸ such arguments are not the optimal approach to an interracial dialogue on LGBT issues, especially if the participants in the conversation have not had an opportunity to build mutual respect and trust. In order to unify subordinated groups, we must reframe the discussion around superordinate goals.

If my father were alive today, I believe that he would view my fate as a black lesbian as intrinsically tied to his as a black heterosexual man. The superordinate goal of eliminating discrimination against members of the black community—his black gay daughter and his black granddaughter with two mommies—likely would have spoken to my father’s heart and mind and persuaded him to support the LGBT community. But my father was just one man.

At the societal level, advocates must come to see that we—LGBT people, black people, and those of us who live at the intersections thereof—do not have to be the same in order for social justice to call us together at a shared table built on *Loving*. We can then work across lines of difference to tackle racism, sexism, and homophobia; dismantle social systems that create tiered citizenry within our nation’s democracy; and work to ensure that the powerful and privileged do not wield race, gender, and sexual identity as weapons of domination. It is at the junctures of shared needs and interests—the promise of achieved superordinate goals—where our collective future lives.

127. Valdes, *supra* note 18, at 35.

128. See Russell, *supra* note 11; GRILLO & WILDMAN, *supra* note 32, at 410; see also, Ross, *supra* note 11.