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MOVING BEYOND THE SAFETY ZONE: A STAFF DEVELOPMENT APPROACH TO ANTI-HETEROSEXIST EDUCATION

*Scott Hirschfeld**

March 1999—A sixteen-year-old Arkansas sophomore reports receiving harassing notes in his locker. One of his teachers recognizes the handwriting as that of a substitute teacher. School administrators do not investigate the substitute's behavior, but instead question the student's sexual orientation and blame him for being too open about his identity. The principal says he has to call the boy's mother because he "complained about a staff member" and suggests that the boy see a therapist.¹

February 2001—On Valentine's Day, a history teacher in Indiana scratches the printed message off a candy heart, writes the word "fag" on it, and gives it to an eighth-grade boy in front of his fellow students. A month later, the teacher agrees to "retire early." The superintendent refuses to expand the district's harassment and discrimination policies to include sexual orientation. He also declines an offer by a civil rights organization to provide free teacher training on harassment stating, "I don't know how someone in New York understands what goes on in Crown Point, Indiana."²

April 2001—Orlando, Florida area students visit their local state representative Allen Trovillion, R-Winter Park, who tells them they are throwing their lives away and causing the downfall of the country: "The Scripture says that no homosexual will see the Kingdom of God, and I can't put it much straighter than that

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1. Michael Bochenek & A. Widney Brown, HUMAN RIGHTS WATCH, HATRED IN THE HALLWAYS: VIOLENCE AND DISCRIMINATION AGAINST LESBIAN, GAY, BISEXUAL, AND TRANSGENDER STUDENTS IN U.S. SCHOOLS (2001), available at <http://www.hrw.org>.

2. Vanessa Dea, *Parents Sue Over Slur*, EDUC. WK, Mar. 28, 2001, at 4; Katrina Hull, *Anti-Discrimination Policies Unlikely to Protect Gay Students*, EVANSVILLE COURIER, Aug. 17, 2001, available at <http://www.glsen.org>; ASSOCIATED PRESS, *Teacher Accused of Sending Student Anti-gay Valentine* (Mar. 16, 2001), available at <http://www.glsen.org>.

. . . God destroyed Sodom and Gomorrah, and he is going to destroy you and a lot of others.”³

I. INTRODUCTION

Reports of peer-on-peer harassment against lesbian, gay, bisexual and transgender (“LGBT”) students, though profoundly disturbing, come as no surprise at a time when acts of hatred of all kinds are on the rise.⁴ When the perpetrators of bias are adults to whom we entrust our youth, however, the reaction can be no less than astonishment. Most families send their children to school with the supposition that the adult community will protect and nurture their young students. Most schools, in fact, hold up safety and security as their primary goals along with academic achievement. When it comes to the well being of their LGBT students and families, though, too many schools fall short of the mark.

According to a recent National School Climate Survey, 84% of LGBT students hear homophobic remarks like “faggot” or “dyke” at school. More than 23% of LGBT students report hearing homophobic comments from faculty or school staff, and 82% say that faculty or staff never or only sometimes intervene when homophobic remarks are made in their presence. Further, 69% of LGB students and 90% of transgender students report feeling unsafe in their schools. In fact, 31% of LGBT students report having missed at least one day of school in the prior month because they felt unsafe. Since only California, Connecticut, Massachusetts, and Wisconsin address sexual orientation in their education laws—and only California addresses gender identity—LGBT students often have no recourse when they are victims of anti-LGBT harassment.

Studies examining the personal attitudes of educators toward homosexuality found that 75% of prospective teachers held negative attitudes toward gay and lesbian people.⁵ Seventy-seven percent said they would not encourage a class discussion on homosexuality, and 85% opposed integrating gay and lesbian themes into their

3. Ann-Marie Manchise, *Senator's Anti-gay Lecture Shocks Students*, TAMPA TRIB., Apr. 10, 2001, § 2, at 1.

4. See generally Troy A. Scotting, *Hate Crimes and the Need for Stronger Federal Legislation*, 34 AKRON L. REV. 853 (2001) (discussing the incidence of hate crimes in America).

5. James T. Sears, *Educators, Homosexuality, and Homosexual Students: Are Personal Feelings Related to Professional Beliefs?*, in COMING OUT OF THE CLASSROOM CLOSET: GAY AND LESBIAN STUDENTS, TEACHERS, AND CURRICULA 62 (Karen Harbeck ed., 1992).

curricula.⁶ Sixty-seven percent of guidance counselors harbored negative feelings toward gay and lesbian students⁷ and 20% reported that counseling a student concerning gay issues would not be a gratifying experience.⁸

A recent Gallup poll found that 40% of the respondents oppose hiring LGBT teachers in elementary schools.⁹ Even the small minority of educators who feel comfortable addressing LGBT issues face considerable pressure to remain quiet about their viewpoints and their sexual orientations.¹⁰ It comes as no surprise, then, that 40% of students report an absence of teachers and school personnel supportive of LGBT students.¹¹

There are many reasons for these numbers. Like the rest of the world, most teachers and administrators were raised and schooled in a society that considered homosexuality a sickness—a topic unsuitable for discussion in both classroom and faculty room.¹² Though mainstream attitudes have shifted in recent years,¹³ LGBT issues remain largely taboo in school communities.¹⁴

The impact on LGBT youth is profound. One study indicates that 83% of LGBT youth experience some form of harassment or violence in school.¹⁵ LGB teens are more than twice as likely to be suicidal as their straight counterparts and more likely to be depressed and abuse drugs and alcohol.¹⁶ Some students who report same-sex attraction also report lower grade point averages and

6. *Id.* at 68 tbl. 16.

7. *Id.*

8. J.H. Price & S.K. Telljohan, *School Counselors Perceptions of Adolescent Homosexuals*, 16 J. SCH. HEALTH 10, 433-38 (1991).

9. Anne Wagner, *Poll Track For June 9, 2001*, NAT'L J., June 9, 2001, at 1759.

10. Katherine R. Allen, Stacey M. Floyd-Thomas & Laura Gillman, *Teaching to Transform: From Volatility to Solidarity in an Interdisciplinary Family Studies Classroom*, 50 FAM. REL. 317 (2001).

11. GAY, LESBIAN AND STRAIGHT EDUC. NETWORK, NATIONAL SCHOOL CLIMATE SURVEY (2001).

12. See ARTHUR LIPKIN, UNDERSTANDING HOMOSEXUALITY, CHANGING SCHOOLS 65-98 (1999) (surveying American attitudes toward homosexuality from colonial times to present).

13. A 2001 Gallup poll found that fifty-two percent of respondents consider homosexuality to be an acceptable alternative lifestyle. Achy Obejas, *Gay Couples in for Count*, CHI. TRIB., June 24, 2001, at C1.

14. See, e.g., William Branigan, *Gays Share Grievances at Hearing; New Protections for County Staff Aired in Fairfax*, WASH. POST, July 5, 2000, at B3 ("'[G]ay' is a dirty word in Fairfax County schools, and even discussing anti-gay harassment is taboo.").

15. GAY, LESBIAN AND STRAIGHT EDUC. NETWORK, *supra* note 11.

16. Stephen T. Russell & Kara Joyner, *Adolescent Sexual Orientation and Suicide Risk: Evidence From a National Study*, 91 AM. J. PUB. HEALTH 1276, 1278 (2001).

greater difficulty getting along with other students, paying attention in class, and finishing homework.¹⁷

Straight students do not remain unscathed either. In school settings where anti-LGBT bigotry goes unchallenged, all students are significantly restricted. Homophobia and sexism confine students to rigid gender role norms and expectations, inhibiting many from exploring and expressing their creative, athletic, and intellectual sides. Environments like this present narrow conceptions of humanity, stunting the minds and psychosexual development of all.

Such atmospheres can be breeding grounds for the fear and ignorance that fuel teasing during the early grades and violent acts by the time students reach high school. Statistics show that the majority of hate crimes are committed by white teenage males.¹⁸ In a nationwide study of lesbian and gay hate crimes, 97% of hate crime offenders were male.¹⁹

Despite the preponderance of character education²⁰ and anti-bullying programs in American classrooms today,²¹ it is evident that schools are not safe and affirming places for a significant number of students and their families. It is therefore essential to question the nature and effectiveness of the trainings and interventions schools use—if they use any at all—to build secure and inclusive learning communities.

To understand why current efforts fail to effectively address anti-LGBT bias, we must pose several fundamental questions. To what extent can schools impart the values of human equality and diversity if adults in the school community are not fully invested in these values themselves? Why do many educators maintain high degrees

17. See S.T. Russell, H. Seif & N.L. Truong, *School Outcomes of Sexual Minority Youth in the United States: Evidence from a National Study*, 24 J. ADOLESCENCE 111, 118 (2001) (presenting the results of a comprehensive survey on the links of adolescent sexual orientation and school performance and socialization).

18. JACK LEVIN & JACK McDEVITT, *HATE CRIMES: THE RISING TIDE OF BIGOTRY AND BLOODSHED* (1993).

19. NAT'L COALITION OF ANTI-VIOLENCE PROGRAMS, *ANTI-LESBIAN, GAY, TRANSGENDER AND BISEXUAL VIOLENCE IN 2000*, at 18-19 (2001).

20. See generally FLORENCE H. DAVIDSON & MIRIAM M. DAVIDSON, *CHANGING CHILDHOOD PREJUDICE: THE CARING WORK OF THE SCHOOLS* 116-7 (1994) (citing specific character-building classroom techniques used to promote positive feelings among students).

21. Nicci Gerard, *Comment: Lost for an Answer: The Death of Damilola Taylor Provoked Distress and Outrage But We Searched in Vain for Simple Lessons*, *OB-SERVER*, Dec. 3, 2000, at 28 (citing widespread introduction of anti-bullying policies in Great Britain); Richard Gerome, *Disarming the Rage*, *PEOPLE*, June 4, 2001, at 54 (discussing attempts by teachers, parents, and lawmakers to address bullying in American schools).

of personal discomfort and prejudice with regard to homosexuality? How can a deeper understanding of prejudice inform training efforts seeking to reduce anti-LGBT bias and create more affirming school climates for LGBT students? Until these questions are thoughtfully considered, all attempts to implement LGBT inclusive policies and practices will enjoy superficial success at best, and could potentially escalate the resentment and confusion already felt by so many educators.

II. THE ROOTS OF PREJUDICE

Early research on prejudice has its roots in psychodynamic theory, which views prejudice as reactive and unconscious rather than socialized.²² The unconscious mind was believed to harbor repressed hostility that may be expressed to varying degrees in order to enhance one's sense of self.²³ Those who are different may then become the targets of aggression. This sociocentrism may help to bolster a personal sense of identity based on belongingness that includes ethnicity, nationality, religion, ownership of goods, and class consciousness.²⁴

Traditional theories on prejudice emphasize the role of family, and define prejudice as the displacement of hostility aimed at parents, repressed, and then unleashed on out-groups who in some way represent acceptable targets for the aggression.²⁵ This tradi-

22. Freud and other theorists postulated that unresolved conflicts occurring early in life become unconscious encodings that may be expressed in adulthood in a variety of ways, including bias toward others. See generally Charles R. Lawrence, *The Id, the Ego, and Equal Protection: Reckoning With Unconscious Racism*, 39 STAN. L. REV. 317 (1987) (discussing theories from Freud, Piaget and other theorists which state that unresolved conflicts result in adulthood insecurities regarding race and security). Joel Kovel wrote, for example, that "excrement—what is expelled from the body—becomes symbolically associated with the ambivalent feelings a child has about separation from his mother." JOEL KOVEL, *WHITE RACISM: A PSYCHOHISTORY* 49 (1970). He continues by stating that "[d]irt becomes, then, the recipient of his anger at separation" and concludes that "[s]ince racism involves the separateness of people, [] it must become involved with anal fantasies." *Id.* According to Erik Erikson, human beings possess strong motives to form social groups that exclude others in order to increase the self-esteem of their members. See generally ERIK ERIKSON, *CHILDHOOD AND SOCIETY* 227-29 (1950) (describing the identity versus role diffusion stage of man).

23. See generally GORDON ALLPORT, *THE NATURE OF PREJUDICE* 324 (1954) (discussing that children are not born prejudiced but acquire prejudices to fulfill their own needs).

24. See generally *id.* at 29-31 (discussing how membership in various groups helps to foster a sense of identity).

25. *The Authoritarian Personality*, an influential book published in 1954 in response to Nazi atrocities during World War II, made a direct link between authorita-

tional view of bias is significant, because it defines prejudice as a permanent or semi-permanent personality trait. The implication is that prejudice is a fixed and unchangeable part of the individual, altered only through psychological intervention. This framework places little, if any, responsibility on other community institutions for sharing the work of prejudice reduction or character education.

This concept of prejudice was not challenged until the mid-1950s. At about the same time that the U.S. Supreme Court struck down the notion of "separate but equal,"²⁶ Gordon Allport published his landmark study, *The Nature of Prejudice*, which rejected the idea of prejudice as being inborn or fixed.²⁷ Allport's work led many theorists to highlight cognitive based models for understanding prejudice. While prejudice may be influenced by social forces, it is primarily a mechanism by which individuals make sense of their environment. Since it is impossible to take in all the new information with which we are constantly bombarded, our brains are hard-wired to select, interpret and assimilate only certain pieces of information as new knowledge.²⁸ One's attitude toward difference, then, is determined by the interaction of biological programming, information already absorbed, and the accentuation of new information.²⁹ According to this model, efforts at reducing bias should focus on cognitive development in addition to the social and emotional context of prejudice.³⁰

rian homes and prejudice. *THE AUTHORITARIAN PERSONALITY* 194 (Richard Christie & Marie Jahoda eds., 1954). The authors claims that children reared in oppressive, harsh, rigid, and critical environments will incorporate prejudice as a personality trait that serves to organize their thinking about others and the world. *DAVIDSON & DAVIDSON*, *supra* note 20, at 2.

26. *Brown v. Bd. of Ed.*, 347 U.S. 483, 495 (1954) (holding that "in the field of public education the doctrine of 'separate but equal' has no place").

27. *ALLPORT*, *supra* note 23, at 291-94. Allport defines negative ethnic prejudice as "an antipathy based upon a faulty and inflexible generalization" and states that "it may be felt or expressed" and can be directed "toward a group as a whole, or toward an individual because he is a member of that group." *Id.* at 9. Like others before him, Allport emphasizes the home atmosphere as the chief cause of prejudice, but characterizes prejudicial thinking as overly generalized and rationalized conclusions that can be unlearned through differentiation of the "overcategorizations" by which we understand groups of people. *Id.* at 291-94, 297, 338-39 (describing how some people are able to overcome their hostilities based on stereotyped categories).

28. Piaget called this process accentuation, which he defined as the "effortful process of bringing order from a welter of associated ideas by lighting on one as most important. This is followed by a serial focus on single attributes of a situation." *DAVIDSON & DAVIDSON*, *supra* note 20, at 8 (citing *JEAN PIAGET, THE LANGUAGE AND THOUGHT OF THE CHILD* 187 (1926)).

29. *Id.* at 7.

30. *Id.* at 7-8.

III. HETEROSEXIST PREJUDICE

Though much research has explored prejudice based on race, sex, ethnicity, and religion, little attention has been devoted to bias rooted in attitudes toward sexual orientation and gender identity/expression. This lack of attention is characteristic of the practices that surround these issues, and the tendency of many to view anti-LGBT bias as an acceptable form of prejudice. While racism and sexism remain divisive and destructive forces in our society, most Americans refrain from outward expressions of these prejudices.³¹ Many, however, see no reason to conceal their anti-LGBT sentiments.³²

Homophobia, a term coined by psychologist George Weinberg in 1972, refers to a fear or hatred of homosexuality, especially in others, but also in oneself (internalized homophobia).³³ Though commonly used to express the full range of anti-LGBT thought and behavior, homophobia is a problematic term. A phobia is an "irrational fear or dread" causing one to avoid contact with the object of the fear.³⁴ Expressions of hatred toward LGBT people, however, are seldom irrational or inexplicable and often result in targeting rather than evasive behavior. Anti-LGBT bigotry, like other forms of prejudice, is learned and deliberate. Framing it as a phobia justifies this bigotry and removes responsibility from the oppressors for altering their attitudes and behaviors.

When describing incidents of discrimination or harassment against LGBT people, it is more precise to use the terms "anti-LGBT bias" or "hate acts." When discussing the belief, held by many, that homosexuality is "wrong" or "less than," it may be more accurate to use the term "heterosexism," which can be understood as an overt or tacit bias against non-heterosexuals based on a belief in the superiority or, sometimes, the omnipresence of heterosexuality.³⁵ Heterosexism is a broader term than homophobia in

31. Martha Chamallas, *Deepening The Legal Understanding Of Bias: On Devaluation And Biased Prototypes*, 74 S. CAL. L. REV. 747, 775 (2001) (noting that since racism is now regarded as unacceptable, people tend to push racism underground).

32. Jennifer Gerarda Brown, *Sweeping Reform from Small Rules? Anti-Bias Canons as a Substitute for Heightened Scrutiny*, 85 MINN. L. REV. 363, 446 (2000) (stating that "homophobia and heterosexism remain much more socially acceptable than other forms of bias (such as those based upon gender, race, or religion)").

33. GEORGE H. WEINBERG, *SOCIETY AND THE HEALTHY HOMOSEXUAL* 4 (1972).

34. THE OXFORD ENGLISH DICTIONARY 693 (2d ed., 1989).

35. Beverly Greene, *Lesbian and Gay Sexual Orientations: Implications for Clinical Training, Practice, and Research*, in *LESBIAN AND GAY PSYCHOLOGY: THEORY, RESEARCH AND CLINICAL APPLICATIONS* 1, 8-9 (Beverly Greene & Gregory M. Herek eds., 1994).

that it need not imply the fear and loathing the latter term suggests. Heterosexism can describe seemingly benign behavior based on the assumption that heterosexuality is the norm.

Several contemporary theorists provide models for analyzing heterosexist prejudice. While earlier frameworks for understanding prejudice emphasized a single or dominant source of prejudice, contemporary theories, as exemplified by the work of Mary Kite and Gregory M. Herek, underscore a more complex dynamic process. Both theorists highlight three forces—social, emotional, and cognitive—that combine to support heterosexist belief systems.

Mary Kite offers three reference points for such analysis: sociocultural stereotypes, motivational prejudice, and cognitive stereotyping.³⁶ These three reference points should be viewed as interconnecting rather than separate types of prejudice. People's intellectual interpretations of the world are shaped by their emotional needs and social context, and prejudice is the result of the complex interplay among all three factors.

Sociocultural stereotypes are culturally provided and are stable across time and region.³⁷ They are employed by individuals to demonstrate membership and loyalty to the culture and can be based on the social role that particular out-groups play within the culture.³⁸ In the absence of personal contact, sociocultural stereotypes may depend on impressions from the mass media.³⁹ Motivational prejudice serves to bolster one's personal identity and is related to one's willingness to subscribe to negative stereotypes as well as self-esteem or depression.⁴⁰ Cognitive stereotyping is employed to categorize and interpret a complex world.⁴¹ It is the compilation of lists of characteristics assumed to apply to all members of certain groups and has built in protection, because one cannot know all individuals.⁴²

Gregory Herek has similarly identified three functions of heterosexist prejudice. In his analysis, attitudes toward LGBT people can be characterized as experiential/schematic, defensive, or self-

36. Mary E. Kite, *When Perceptions Meet Reality: Individual Differences in Reactions to Lesbians and Gay Men*, in *LESBIAN AND GAY PSYCHOLOGY: THEORY, RESEARCH AND CLINICAL APPLICATIONS* 29-33 (Beverly Greene & Gregory M. Herek eds., 1994).

37. *Id.* at 29.

38. *Id.*

39. *Id.* at 30.

40. *Id.* at 30-31.

41. *Id.* at 32.

42. *Id.*

expressive/symbolic.⁴³ Experiential/schematic attitudes reflect a social reality based on one's own interactions with homosexual persons. While this can result in confirmation of negative stereotypes, it more often reduces prejudice than exacerbates it. Defensive attitudes may indicate one's attempt to cope with inner conflicts or anxieties by projecting them onto homosexual persons. In such instances, actual contact with the target of prejudice often heightens negative attitudes. Self-expressive/symbolic attitudes arise from the expression of abstract ideological concepts—closely linked to one's self-concept, social network and reference groups and need for high levels of social approval. Such attitudes often result from pressure toward conformity by closely bonded social networks.

While earlier frameworks for understanding prejudice emphasized a single or dominant source, contemporary theorists such as Kite and Herek underscore a more complex dynamic process among social, emotional and cognitive forces that combine in inseparable ways to support heterosexist belief systems. Our social world provides powerful cues that inform our attitudes toward difference from the earliest ages. From subtle encouragement to conform to conventional gender roles, to blatant condemnations of homosexuality, we are given instruction and permission to look at LGBT people with disdain. This cultural context, however, cannot be the sole agent of heterosexism. If it were, it would be impossible to account for different attitudes toward homosexuality amongst people reared in the same home, raised in the same community, and educated in the same classrooms.

It is similarly problematic to isolate emotional and motivational factors as the root of heterosexism. A defensive impulse to lash out at LGBT people may be fueled in one instance by community expressions of heterosexism, and suppressed in another by social disapproval. The same impulse may be rationalized in the mind of one individual, and rejected as unjust by someone whose intellectual capacity allows for higher moral reasoning. Clearly, each individual possesses a unique intellectual system for understanding cultural cues, and an emotional lens through which social information is viewed. Cognitive and emotional stereotyping makes social prejudice possible, just as social prejudice helps dictate the terms of intellectual and motivational bias. Each system feeds the next, further intertwining them until one is inseparable from the other.

43. Gregory M. Herek, *Beyond "Homophobia": A Social Psychological Perspective on Attitudes Toward Lesbians and Gay Men*, 10 J. HOMOSEXUALITY 1 (1984).

IV. COGNITIVE AND SOCIAL CONTEXTS

While anti-bias education must address the social, emotional, and intellectual roots of prejudice, research indicates that limited attention has been paid to the cognitive perspective.⁴⁴ In order for anti-heterosexism education to be effective, careful consideration must be given to the manner in which people interpret and rationalize information about homosexuality, and the ways in which they integrate new ideas aimed at changing and eradicating existing notions.

Lawrence Kohlberg's theory of moral development presents a useful foundation upon which to build a cognitive approach to anti-heterosexism education. Though he did not study prejudice specifically, his ideas provide a framework to understand heterosexism as a function of moral reasoning.⁴⁵ Kohlberg's cognitive-developmental theory of moralization is rooted in Piaget's claim that "cognition (thought) and affect (feeling) develop on parallel tracks, and that moral judgment represents a naturally developing cognitive process."⁴⁶ Until Piaget's groundbreaking work, morality was assumed to be a function of social and psychological processes, developing in direct response to one's upbringing and environmental context.

This view places heavy responsibility on society for the moral behavior of its citizens. Even today, anti-LGBT prejudice is often rationalized and accepted on the basis of institutional beliefs and practices. Condemnations from various communities of faith, for instance, provide the moral grounds for discriminatory behavior.⁴⁷

44. "Overly-narrow hypotheses [have been] generated by theories of learning socially from others or being affected by unconscious personality dynamics. Research shows a lot more cognitive influence than the public is aware of." DAVIDSON & DAVIDSON, *supra* note 20, at 1.

45. 2 LAWRENCE KOHLBERG, *ESSAYS ON MORAL DEVELOPMENT, THE PSYCHOLOGY OF MORAL DEVELOPMENT* (1984) as cited in ARTHUR LIPKIN, *UNDERSTANDING HOMOSEXUALITY, CHANGING SCHOOLS: A TEXT FOR TEACHERS, COUNSELORS, AND ADMINISTRATORS*, *supra* note 12, at 49. Kohlberg's cognitive-developmental theory of moralization is rooted in Piaget's claim that "cognition (thought) and affect (feeling) develop on parallel tracks and that moral judgment represents a naturally developing cognitive process." RICHARD H. HERSH, DIANA P. PAOLITTO & JOSEPH REIMER, *PROMOTING MORAL GROWTH: FROM PIAGET TO KOHLBERG* 43 (1979). Until Piaget's groundbreaking work, morality was assumed to be a function of social and psychological processes, developing in direct response to one's upbringing and environmental context. *Id.*

46. RICHARD H. HERSH, DIANA P. PAOLITTO & JOSEPH REIMER, *PROMOTING MORAL GROWTH: FROM PIAGET TO KOHLBERG* 43 (1979).

47. For a description of positions religion takes on homosexuality see generally DAVIDSON & DAVIDSON, *supra* note 20, at 138-39.

The military's exclusion of LGBT conduct similarly gives moral license for the American populace to incorporate heterosexist bigotry.⁴⁸ A moral theory rooted in social causality minimizes individual accountability for heterosexist beliefs, and fails to consider what happens when individual values conflict with those of family, community, or society.

Kohlberg was the first to define moral judgment as a developmental cognitive process that allows us to reflect on values and order them in a logical hierarchy. Based on his study sample's responses to hypothetical moral dilemmas, Kohlberg showed that reasoning used to justify moral positions could be classified as fitting six distinct stages of moral judgment.⁴⁹ These stages of moral development offer a useful model for understanding how individuals might interpret, and act upon, information they receive about LGBT people. One limitation of his work, however, is with his methodology. Kohlberg collected his data in a laboratory setting in which subjects were presented with moral dilemmas to solve.⁵⁰ By presenting subjects with ethical dilemmas, Kohlberg was able to rouse a dissonant response in which conflicting values had to be reconciled in order for the problem to be addressed. In this way, a reflective process of moral reasoning was artificially stimulated, resulting in a conscious decision making process that may or may not have reflected the way the respondent would have behaved in a real-life situation.

48. 10 U.S.C.S. § 654 (b)(2) (Law. Co-op., LEXIS through 2001) (requiring "separation of a member [who] has engaged in, attempted to engage in, or solicited another to engage in a homosexual act"); *see also* *Philips v. Perry*, 106 F.3d 1420, 1427-29 (9th Cir. 1997) (holding that a ban on homosexual conduct is justified because it promoted unit cohesion, enhanced privacy, and reduced sexual tension, and this was a legitimate military interest); *Able v. United States*, 88 F.3d 1280 (2d Cir. 1996), *appeal after remand*, 155 F.3d 628 (2d Cir. 1998) (holding the military's "Don't Ask, Don't Tell" policy as presented in 10 U.S.C.S. § 654 (b)(2) to be constitutional). Under the Uniform Code of Military Justice, 10 U.S.C. §§ 801-940 (2000), homosexuals can be dishonorably discharged from military service when their homosexuality is discovered under any one of three articles of the Code: Article 125, which prohibits sodomy, § 925; Article 80, which prohibits attempts to commit a punishable offense, § 880; or Article 134, which prohibits conduct of a nature to bring discredit upon the Armed Forces, § 934.

49. *See generally* LAWRENCE KOHLBERG, *ESSAYS ON MORAL DEVELOPMENT VOLUME 1: THE PHILOSOPHY OF MORAL DEVELOPMENT* 409-12 (1981); CLARK F. POWER, ANN HIGGINS & LAWRENCE KOHLBERG, *LAWRENCE KOHLBERG'S APPROACH TO MORAL EDUCATION* 8-9 tbl. 1.1 (1989).

50. The most famous of the scenarios is the story of Heinz, a man who must decide whether or not to save his wife from death by stealing a drug that he cannot afford to buy. *Id.* at 243-244.

Outside of the controlled laboratory setting, many people live in worlds where such dissonance is never stimulated and they are seldom challenged to think introspectively about their values. This is particularly true when it comes to sexual orientation and gender identity/expression. It is all too common for people to be habituated by social forces into heterosexist behavior, such as laughing along at a "gay joke" or conforming to prescribed gender roles, so as not to appear sexually suspect. Most of the time, people are not challenged to reflect upon how such behaviors may be incongruent with how they define themselves as moral beings. They are not forced to experience the dissonance that might move them to higher stages of moral reasoning.

This social conditioning exists on the institutional level as well. Heterosexism is often used as an organizational tool that transmits conventional and widely accepted cultural norms to a populace that unthinkingly integrates them. Religious institutions preach contempt for homosexuality to flocks of parishioners who unquestioningly accept such bigotry.⁵¹ Legislative bodies exclude LGBT people from access to safe working environments and marriage,⁵² so millions of citizens assume that it must be the right thing to do.⁵³ Schools fail to provide discrimination-free environments for their LGBT students,⁵⁴ and the community believes the rhetoric about the dangers of homosexuality.⁵⁵

While social programming may lead some to integrate anti-LGBT attitudes, others may demonstrate prejudice, or fail to interrupt it in others, due to flawed social perception. "Pluralistic ignorance" is a term used by social psychologists to describe situations in which individuals incorrectly perceive the attitudes or behaviors of peers and other community members to be different from their own.⁵⁶ Such misconceptions may cause individuals to change their own behavior to approximate the misperceived norm resulting in

51. For a description of positions religion takes on homosexuality, see generally DAVIDSON & DAVIDSON, *supra* note 20, at 138-39.

52. For a summary of prejudice exerted in the law as it pertains to gays and other minorities, see GORDON ALLPORT, *THE NATURE OF PREJUDICE* 461-78 (1954).

53. *Id.*

54. See CLARK F. POWER, ANN HIGGINS & LAWRENCE KOHLBERG, *LAWRENCE KOHLBERG'S APPROACH TO MORAL EDUCATION* 1-6 (1989).

55. *Id.*

56. The classic example of this is "when everyone present in a situation assumes there is no emergency because nobody is acting like there is an emergency." David N. Kelley, *A Psychological Approach To Understanding the Legal Basis of the No Duty To Rescue Rule*, 14 *BYU J. PUB. L.* 271, 290 (2000).

the expression or rationalization of problem behavior or suppression of healthy behavior.⁵⁷

A study of attitudes toward sexist behavior among male college students found that 60% of the students polled misperceived or overestimated their peers' level of comfort with men's sexist behavior.⁵⁸ Though 81% felt some personal level of discomfort when men used terms such as "bitch" and "slut" to refer to women, misperceptions of peer attitudes compelled some men to participate in sexist behavior and prevented others from taking a public stand against it.⁵⁹

In another study, researchers found that students' personal attitudes toward LGB people were significantly more positive than the attitudes they perceived their friends and typical students to hold, and that increased exposure to LGB students did not moderate this perception.⁶⁰ "If the students' perceptions of peers' and friends' negative attitudes persist regardless of level of interpersonal contact," conclude the researchers, "cognitive dissonance theory would predict that they might change their behavior to be consistent with their beliefs, thus exacerbating the often hostile climate for LGB students."⁶¹

In the case of homophobia, most people misperceive their peers' attitudes towards gay people, thinking their peers are less accepting of gay people than they actually are.⁶² This misperception leads these people to act homophobic and/or not act as an ally to gay people when they might act otherwise had they the correct perception of their peers' attitudes.⁶³

Pluralistic ignorance is self-perpetuating because it discourages the expression of opinions and actions that one falsely believes are non-conforming. Such unawareness causes many individuals to be-

57. See generally ALAN D. BERKOWITZ, *THE SOCIAL NORMS APPROACH: THEORY, RESEARCH AND ANNOTATED BIBLIOGRAPHY* (2001), available at <http://www.edc.org>.

58. Alan D. Berkowitz, *Application of Social Norms Theory to Other Health and Social Justice Issues*, in *THE SOCIAL NORMS APPROACH TO PREVENTION* (H. Wesley Perkins, ed. Forthcoming 2002), available at <http://myweb.fltg.net/users/alan/socialnorms.html>.

59. *Id.*

60. Anne M. Bowen & Martin J. Bourgeois, *Attitudes Toward Lesbian, Gay, and Bisexual College Students: The Contribution of Pluralistic Ignorance, Dynamic Social Impact, and Contact Theories*, J. AM. C. HEALTH, 50, 91-96 (2001).

61. *Id.*

62. TANYA SMOLINSKY, *SOCIAL NORMS THEORY: DEFINITION AND ASSUMPTIONS* (2001).

63. *Id.*

have in ways inconsistent with their true values and to maintain the heterosexist status quo around them.

We learn from social norms theory that people's attitudes and behavior must be viewed as a function of social force as well as moral development. Though an understanding of the cognitive processes involved in moral reasoning can provide anti-bias educators with valuable information, sometimes social context overshadows moral introspection. And sometimes the conditions that prompt people to draw upon their moral intelligence are simply absent.

V. THE RIDDLE SCALE

In the tradition of Kohlberg's developmental model, psychologist Dorothy Riddle has developed a cognitive scheme dealing specifically with adult attitudes toward difference.⁶⁴ The Riddle Scale provides an eight-point continuum along which people exist in their attitudes toward homosexuality.⁶⁵

Repulsion: People who are different are seen as strange, sick, crazy and aversive. Anything that will make them more normal or part of the mainstream is justifiable. Homosexuality is seen as a "crime against nature."

Pity: Differences are considered inborn or inherent and therefore to be pitied. Being different is seen as immature and less preferred. Reinforcing "normal" heterosexual behavior is viewed as a way to help homosexuals to change.

Tolerance: Being different is seen as a phase of development that people go through and most people grow out of. Thus they should be protected and tolerated as one does a child who is still learning. LGBT people should not be given positions of authority because they are still working through adolescent behaviors.

Acceptance: There is an implication that one needs to make accommodations for another's differences and a lack of acknowledgment that another's identity may be of the same value as their own. Some of the social and legal realities of heterosexism

64. MINN. STATE DEP'T OF EDUC., ALONE NO MORE: DEVELOPING A SCHOOL SUPPORT SYSTEM FOR GAY, LESBIAN AND BISEXUAL YOUTH (1994); Keweenaw Pride, Homophobic Riddle Scale, <http://www.sos.mtu.edu/pride/safeplace/riddle.html> (last visited Oct. 28, 2001).

65. Keweenaw Pride, *supra* note 64.

are denied, as are the pain of invisibility and the stress of the "closet."

Support: There is a value placed on safeguarding the rights of those who are different. Despite any personal discomfort with homosexuality, there is an awareness of the hostile climate and prejudice LGBT people experience.

Admiration: There is an acknowledgment that being different in our society takes strength. There is a willingness to reflect on oneself and to work on any personal biases with regard to LGBT people.

Appreciation: There is a high value placed on diversity and a willingness to confront insensitive, heterosexist attitudes in oneself and others.

Nurturance: An assumption exists that differences in people are indispensable in society. Differences in sexuality and gender are viewed with genuine affection and delight. There is a willingness to advocate on behalf of LGBT rights.⁶⁶

The Riddle Scale has been widely applied by anti-heterosexism educators to advocate for safe schools for LGBT youth.⁶⁷ These educators argue that although individuals have a right to their personal opinions with regard to LGBT people, when they become members of a school staff they must also consider their responsibility to serve all students equally.⁶⁸ If teachers or counselors react to LGBT students with "repulsion," "pity," or even "tolerance," they may be inadvertently blocking students from feeling safe and reaching their academic potential. Educators must adopt, at the very least, an attitude of support towards all students or they will not be able to do their jobs adequately. If personal feelings interfere with the ability to support LGBT youth and address heterosexism in schools, this constitutes unprofessional behavior and must be changed.

66. *Id.*

67. LESBIAN, GAY, AND BISEXUAL STAFF AND FACULTY ASS'N & LESBIAN, GAY, AND BISEXUAL ALLIANCE, *EMBRACING DIVERSITY: LESBIAN, GAY, AND BISEXUAL STUDENTS, FACULTY, AND STAFF AT THE UNIVERSITY OF MARYLAND AT COLLEGE PARK* (1996), <http://www.inform.umd.edu/CampusInfo/Committees/Assoc/LGSF>.

68. *Id.*

A. The Safe Schools Approach

This application of the Riddle Scale represents an approach based on the basic right of every student to enjoy an educational free from harassment and discrimination. This approach has been extremely effective in the movement for LGBT rights in schools. In a 1996 landmark case, *Nabozny v. Podlesny*,⁶⁹ a federal court held three Wisconsin school administrators liable for failing to protect a student from repeated anti-gay abuse, including being kicked unconscious, mock raped, and urinated upon.⁷⁰ The student, Jamie Nabozny, was awarded an unprecedented \$900,000 by his former school system because they failed to keep him safe.⁷¹

In another groundbreaking case, *Wagner v. Fayetteville Public Schools*,⁷² the Federal Office for Civil Rights ruled that by permitting anti-gay harassment, the Fayetteville, Arkansas public schools were in violation of Title IX regulations prohibiting discrimination based on sex.⁷³ As a result, and perhaps also to maintain federal funding, school officials agreed to institute preventative measures including new policies and teacher training on LGBT issues.⁷⁴

The campaign for safe schools has been successful in the legislative as well as legal arena. Today four states have expanded their education law to protect LGB students and one state, California, has protected transgender students as well. The most famous and comprehensive model is the Massachusetts Safe Schools Program for Gay and Lesbian Students.⁷⁵ In 1992, Governor William Weld issued an executive order creating the Commission on Gay and Lesbian Youth to study the status of gay and lesbian young people and issue recommendations.⁷⁶ The following year, Massachusetts became the second state to adopt safe schools legislation into its education code.⁷⁷ Today the state allocates 1.5 million dollars to

69. *Nabozny v. Podlesny*, 92 F.3d 446 (7th Cir. 1996).

70. *Id.* at 450-61.

71. *Gay Man Wins \$900,000 in School-District Case*, WALL ST. J., Nov. 21, 1996, at B14 (noting that the suit was the first federal case against a school district for not protecting sexual minority students and that the school district settled for \$900,000 prior to the jury reaching a verdict on damages).

72. Joan E. Schaffner, *Recent Development: Approaching the New Millenium with Mixed Blessings for Harassed Gay Students*, 22 HARV. WOMEN'S L.J. 159, 204 (1999).

73. *Id.*

74. *Id.*

75. *Beyond the Safety Zone*, RESPECT MAG., Oct. 1, 2000, available at <http://www.glsen.org>.

76. *Id.*

77. *Id.*

the Safe Schools program, which provides school-based support and trainings around violence and suicide prevention.⁷⁸

The push for safe schools in the past decade has led to marked improvements in the lives of LGBT youth, including increased support services and the formation of gay-straight alliances in hundreds of school districts.⁷⁹ At the same time, however, these changes have brought about increased visibility and controversy that have resulted in anti-LGBT backlash in many communities.⁸⁰ The need for a safe schools campaign in many ways is greater than ever.

B. Moving Beyond the Safety Zone

While it is true that the safe schools approach reflects a central need in the quest for LGBT rights, it also represents a way of thinking that ultimately constrains the LGBT movement and prevents it from evolving to a higher level. Though seemingly contradictory, it is both possible and necessary to formulate a new approach while concurrently carrying forth the safe schools work.

In order to better understand this paradoxical notion, consider once again the Riddle Scale. The principal goals of the safe schools approach are best reflected in the scale's midsection—tolerance, support, and acceptance. In this “safety zone,” the ultimate aim is to create school environments that safeguard the rights of LGBT people. While one cannot minimize the importance of this mission, the pursuit of basic safety as an end has its limits.

For many families and educators, the safety zone represents a place of comfort and quiescence. Persuaded that secure, harassment-free schools for LGBT people is a necessary objective, it is easy for the educational community to feel as though it has done its duty by providing safe schools. Implementing policies and programs that keep LGBT students from harm's way feels like the right thing to do, and such practice reflects the moral self-image that most people have of themselves. In this safety zone, however, few educators feel compelled to elevate the status of LGBT people from a protected class to a valued group in the school community. Responding to name calling and acts of anti-LGBT bias appears necessary, but curricular inclusion of LGBT issues seems inappro-

78. *Id.*

79. See notes 122-126 and accompanying text.

80. Christopher Heredia, *Hate Crimes Against Gays on Rise Across U.S.*, S.F. CHRON., Apr. 13, 2001, at A19; Martin Mbugua, *Attacks On Gays Reported On Rise*, DAILY NEWS, Apr. 13, 2001, at 6.

priate. Supporting violence and suicide prevention initiatives feels right, but encouraging LGBT students to bring their same-sex dates to the prom is not acceptable. The safety zone encourages people to remain static and lulls them into a false sense of satisfaction. Kohlberg might have characterized the safety zone as a conventional level of moral development, where meeting community and majority standards for “being a good person” is of central concern.⁸¹ The safety zone falls short, however, of reasoning based on self-chosen ethical principles rooted in justice and human equality. Using the Riddle Scale as a lens, the safety zone fails to inspire admiration, appreciation, or nurturance. In the safety zone, LGBT people will never be viewed as strong and indispensable members of their communities—members that deserve to be embraced and celebrated by the larger society.

Many educators, though willing to work toward basic rights for LGBT students, lack the foresight to demand nurturance. Some are restricted by their own internalized heterosexism and fail to imagine classrooms where LGBT people are openly and genuinely appreciated. Up against well organized and outspoken anti-LGBT forces, many activists set their sights low and interpret small gains as major victories instead of stepping stones to more worthy ends.

A case in point, though not related to educational reform, can be found in the 1999 decision of *Baker v. Vermont*.⁸² When the Vermont Supreme Court ruled that same-sex couples are entitled to the same benefits and protections as heterosexual married couples, the state legislature had to devise a system by which these rights would be delivered.⁸³ Rather than opting for full and equal marriage for same-sex couples, the legislature, in 2000, voted for “civil unions” whereby all of the rights of marriage are accessible through a separate system.⁸⁴ Though this precedent setting decision breaks new ground and represents a far more progressive outlook than any other state has adopted, the resoluteness with which some activists hailed it as a victory is myopic. Though possibly a

81. See LAWRENCE KOHLBERG, *ESSAYS ON MORAL DEVELOPMENT VOLUME 1: THE PHILOSOPHY OF MORAL DEVELOPMENT* 410-11 (1981).

82. *Baker v. Vermont*, 744 A.2d 864 (Vt. 1999).

83. *Id.* at 887.

84. In April 2000, in response to the Vermont Supreme Court's ruling, the Vermont General Assembly passed 'An Act Relating to Civil Unions' giving same-sex couples many of the rights and responsibilities of marriage. No. 91, 2000 Vt. Adv. Legis. Serv. 68 (LEXIS) (to be codified in scattered sections of Vt. Stat. Ann. tits. 4, 8, 14, 15, 18, 32, 33). See generally Recent Legislation, *Domestic Relations—Same-Sex Couples—Vermont Creates System of Civil Unions—Act Relating to Civil Unions*, No. 91, 2000 Vt. Adv. Legis. Serv. 68 (LEXIS), 114 HARV. L. REV. 1421 (2001).

necessary step in the pursuit of full marriage rights, the separate but equal “civil union” (reminiscent of the racially segregated schools of past decades) should not be held up as a victory, but rather a reminder of how far there is to go before true equality is accomplished.

Similarly, as long as educators view inclusive non-discrimination policies or one-time staff awareness trainings as victories and endpoints in themselves, the movement to eradicate heterosexism will linger in the safety zone and fail to reach its primary goal. Consider some of the interventions characterizing anti-heterosexism education at this time. The following list represents the necessary groundwork for anti-bias education, but it must be viewed as just that—a sturdy foundation upon which further advances must be built:

- One-time staff awareness trainings to sensitize staff of the need for greater inclusion—typically held once a school year or perhaps once every few years
- One-time trainings for guidance staff and social service providers—typically occurs once a school year or once over several years
- Campaigns to adopt non-discrimination and anti-harassment policies inclusive of sexual orientation and gender identity/ expression
- Adoption of “zero tolerance” policies prohibiting name calling or harassment of any kind and providing punitive measures for those who violate the policy
- The posting of “safe zone” posters, stickers and other visual materials that convey a supportive atmosphere for LGBT youth
- Efforts to include LGBT themed books and literature in libraries and guidance offices
- Individual students and/or staff members coming out as visible LGBT members of the school community

These efforts reflect important steps that must be taken if heterosexist beliefs are to be challenged. They also represent years of painstaking dedication on the part of activists who have markedly improved the lives of LGBT people. When such methods are used unsystematically, however, or viewed as a final destination, they cannot bring about the transformation of spirit necessary to make schools proactively combat anti-LGBT bigotry and unwaveringly embrace their LGBT members.

One-time trainings, for instance, do not stick. Though participants may experience some degree of consciousness raising, the learning curve diminishes over time; few people move beyond habitual thought and behavior patterns in lasting ways as the result of a single intervention. In addition, most trainings and interventions are delivered by outside “experts” and based on information campaigns that fail to achieve enduring change. The work of prejudice reduction is an ongoing reflective process, whose surface can barely be scratched by facilitation from those outside the organization. People cannot be argued out of their biases by facts, statistics, or logical claims. Prejudice is as much a feeling as it is a thought process, and appeals to people’s rational side alone will go only so far in creating change.

Education that addresses both the intellectual and affective components of bias will prove more effective, but only if part of a broader, continuous campaign that allows for interactive learning. Too many training interventions are typified by a one-way information exchange, or mere exposure to new ideas and images (exemplified by book donation projects and LGBT guest speakers). These tactics alone are not maximally effective and, in some circumstances, even contribute to greater confusion, resentment, or resistance.

While working toward inclusive non-discrimination and anti-harassment policies is important, this strategy is also limited in scope. Policy statements can be effective in setting clear behavioral guidelines, but they tend to be reactive and punitive. When rules have been violated, the burden of enforcement hinges on the reporting of a frequently frightened and reluctant victim, who may opt to suppress the incident rather than risk further embarrassment, ostracism, or abuse.

In the end, any intervention aimed solely at maintaining safety will be incapable of affecting changes that would render safe schools policies unnecessary in the first place. Most school communities, of course, will resist more meaningful reform efforts around LGBT issues until some safe schools-type groundwork has been laid and some basic understandings developed. This Catch-22 scenario underscores the need for anti-heterosexist educators to simultaneously build a new vision while carrying on the safe schools work that has brought the movement thus far.

VI. TOWARD A NEW VISION

A cartoon showing a man in the grips of an enormous vice carries this caption: "What I lose in freedom I gain in security." Security is a pervasive tradeoff for freedom.⁸⁵

One of the joys of working with young children is their limitless capacity to integrate new experiences without judgment or rigid preconception. By the time we reach adulthood, there is a tendency to take unconscious refuge in the habitual and familiar. The challenge facing anti-heterosexism educators is to build environments in which risk-taking is valued over refuge, and what is known is prodded until we are uncertain we ever knew it to begin with.

We know from research on bias that prejudice is the result of complex social, intellectual, and psychic dynamics that work together systematically to shape attitudes and behavior.⁸⁶ From cognitive and developmental theory we have learned that adults possess a range of moral reasoning abilities that can be impacted through the introduction of dissonance and the provocation of introspection.⁸⁷ And from change theory we can conclude that meaningful reform is the result of an ongoing, reflective and interactive human process.⁸⁸ These understandings can be collectively employed in visioning a new approach to anti-heterosexism education in schools.

It is perhaps most essential to begin by considering schools as moral entities. Just as individuals think and behave in moral ways, so do institutions. For anti-bias education to take hold in meaningful ways, the entire community needs to be grounded in a shared moral mission that has at its core a valuing of individual differences and a commitment to nurture the human dignity of all. "An excellent community is one that struggles with the ethical ambiguities

85. Thomas W. Heaney & Aimee I. Horton, *Reflective Engagement for Social Change*, in *FOSTERING CRITICAL REFLECTION IN ADULTHOOD* 86 (Jack Mezirow ed., 1990).

86. See generally ALLPORT, *supra* note 23, at 206-218 (concluding that prejudice is the result of multiple causation).

87. See generally Patricia Gurin, *Expert Report: Expert Report of Patricia Gurin*, 5 MICH. J. RACE & L. 363, 370 (highlighting aspects of cognitive theory that support development because of dissonance and incongruity).

88. See generally Heaney & Horton, *supra* note 85, at 89-90 (explaining that to bring about change, adults must follow a cycle of critical reflection, which begins and ends by learning from actions of themselves and others).

and tensions in contemporary life, which engages its members with the burden of the effort to live morally in community.”⁸⁹

Robert J. Starratt provides a framework for understanding a moral way of being in his discussion of various Ethics. First is the Ethic of Critique, which is based on the notion that social life is intrinsically problematic “because it exhibits the struggle between competing interests and wants among various groups and individuals in society.”⁹⁰ An Ethic of Critique compels us to question our social relationships, customs, laws, and institutions toward ascertaining their legitimacy. “The ethic of critique calls the school community to embrace a sense of social responsibility . . . to the society of whom and for whom the school is an agent.”⁹¹

One of the shortcomings of the Ethic of Critique, according to Starratt, is that it “rarely offers a blueprint for reconstructing the social order it is criticizing.”⁹² An Ethic of Justice is needed to focus on issues of governance, both of individual choices to act justly and the community’s choice to govern its actions justly.⁹³ Such governance must be carried out with a sense of humanity and love, or an Ethic of Care:

An Ethic of Caring requires a fidelity to persons, a willingness to acknowledge their right to be who they are, an openness to encountering them in their authentic individuality . . . A school community committed to an ethic of caring will be grounded in the belief that the integrity of human relationships should be held sacred, and that the school as an organization should hold the good of human beings within it as sacred.⁹⁴

In an ethical community, heterosexist privilege and inequitable gender practices could be questioned without fear of ostracism, school leadership would invest as much time and resources in administering moral principles as in test administration, and all this would take place with a genuine regard for the integrity of each and every individual.⁹⁵ In a moral community, members would wrestle with the dilemmas and ambiguities that characterize every community, but a space would be defined in which to collabora-

89. ROBERT J. STARRATT, *TRANSFORMING EDUCATIONAL ADMINISTRATION: MEANING, COMMUNITY, AND EXCELLENCE* 165 (1996).

90. *Id.* at 160.

91. *Id.* at 161.

92. *Id.*

93. *Id.* at 162.

94. *Id.* at 163.

95. *Id.* at 163.

tively process and confront issues despite the discomfort or fear they inspire.⁹⁶

Building ethical schools, needless to say, is a complex and arduous task. If such cultures could be fashioned effortlessly, then heterosexism and all other isms would cease to be the crippling forces that they are today. How, then, does a school approach such a task? The work begins by bringing all members of the school community together to define a moral mission emanating from a shared concern for human equity, and by carving out time and structures for interaction and relationship building around this mission to take place. The way that faculty meetings, staff development periods, and classroom time are used must be revisioned to integrate and value time spent on moral purpose. Additionally, all of the stakeholders who care about and impact the lives of students—including family members, secretaries, security guards, cafeteria and custodial workers, and of course youth themselves—must be a part of the dialogue.

The discourse that ensues must be enduring in accordance with the dictum, “change is a process, not an event.” It must also be reflective in nature rather than reflexive. Simply reflexively, drawing upon what one already knows, is not the same thing as reflectively, calling into question one’s presumptions. John Dewey characterized reflection as assessing the grounds for one’s beliefs.⁹⁷ This is “the process of rationally examining the assumptions by which we have been justifying our convictions.”⁹⁸ Jack Mezirow has proposed a theory of transformative learning based upon the idea of critical reflection, which he defines as the process of becoming conscious of the habitual patterns of expectation with which we have made sense of our encounters with the world.⁹⁹

Perspective transformation is the process of becoming critically aware of how and why our presuppositions have come to constrain the way we perceive, understand, and feel about our world; of reformulating these assumptions to permit a more inclusive, discriminating, permeable and integrative perspective; and of making decisions or otherwise acting upon these new understandings.¹⁰⁰

96. *Id.* at 163-64.

97. JOHN DEWEY, *HOW WE THINK* 8 (1910).

98. Jack Mezirow, *How Critical Reflection Triggers Transformative Learning*, in *FOSTERING CRITICAL REFLECTION IN ADULTHOOD* 1, 5 (Jack Mezirow et. al. eds., 1990).

99. *Id.* at 14.

100. *Id.*

Though reflection is often construed as an individual practice, it is actually the collective exercise of this process of mind that will transform a community of learners. To varying degrees, we are all constrained by what Mezirow calls our meaning perspectives, the distinctive ways an individual interprets experience, which involve criteria for making value judgments and for belief systems.¹⁰¹ According to Mezirow, some meaning perspectives are prejudices and stereotypes that we have unintentionally learned.¹⁰² It is through social discourse and exposure to others' meaning perspectives that we begin to question our own attitudes and make possible a more evolved understanding of human relationships.¹⁰³

We engage in reflective learning through the kind of discourse in which we bracket our prior judgments, attempt to hold our biases in abeyance, and, through a critical review of the evidence and arguments, make a determination about the justifiability of the expressed idea whose meaning is contested . . . Because we are all trapped by our own meaning perspectives, we can never really make interpretations of our experience free of bias. Consequently, our greatest assurance of objectivity comes from exposing an expressed idea to rational and reflective discourse.¹⁰⁴

One of the most powerful examples of critical reflection as a catalyst for transformative learning comes from the women's movement:

Within a very few years, hundreds of thousands of women whose personal identity, self-concept, and values had been derived principally from prescribed social norms and from acting out sex-stereotypical roles came to challenge these assumptions and to redefine their lives in their own terms.¹⁰⁵

In the 1960s and 1970s, women began to harness their newly found identities into opportunities for social and political reform.¹⁰⁶

At about the same time, LGBT people began to redefine their own self-concepts and place in society as well. Fueled by the 1969 Stonewall Riots¹⁰⁷—during which time LGBT people asserted

101. *Id.* at 2-3.

102. *Id.* at 3.

103. *Id.* at 10.

104. *Id.*

105. *Id.* at 3.

106. Carla Golden, *Our Politics and Choices: The Feminist Movement and Sexual Orientation*, in *LESBIAN AND GAY PSYCHOLOGY, LESBIAN AND GAY PSYCHOLOGY: THEORY, RESEARCH AND CLINICAL APPLICATIONS*, *supra* 35, at 54.

107. LIPKIN, *supra* note 12, at 85-92.

their collective power against institutional bigotry—and the declassification of homosexuality as a mental illness in 1973,¹⁰⁸ millions of LGBT people came to discover their personal worth and claim to basic human rights for the first time. A movement was born that began to shape the national debate around LGBT rights, a debate that continues even more intensely today. Though the movement has been largely successful in bolstering the pride and self-esteem of a community that was once characterized by secrecy, shame, and even self-hatred, it is yet to achieve a national consciousness that demands the full and equal inclusion of LGBT people at all levels of society.¹⁰⁹ This is most evident in our schools, where basic safety for LGBT people is just beginning to be addressed, while curricular and personal affirmation is largely viewed along the continuum from irrelevant to inappropriate. Regrettably, and much to the detriment of all children, our schools are still pervasively tainted by misguided practice based on the irrational, unfounded and unconscious fears that homosexuality involves choice and reflects psychological dysfunction (thereby putting children at risk to be “influenced” and “recruited”).

Questioning the validity of these long taken-for-granted meaning perspectives at the school level can be accomplished through rigorous social discourse and critical reflection. Such work, which can involve the negation of values close to the center of one’s self-concept, will be fraught with threat and strong emotion, and will demand a support structure that can see people through the turmoil:

[T]ransformative learning that leads to developmental change does not occur without disequilibrium. Disequilibrium is frequently uncomfortable and, in some cases, can even be frightening . . . [G]iving up old frames of reference, old worldviews, or . . . old meaning perspectives about how and what we can know, is like losing the self. When the self is lost, individuals are often unsure that a new self or frame of reference can be found. As educators, when we accept the task of deliberately educating to promote development, we must also accept the responsibility of providing students with both an emotionally and intellectually supportive environment. In other words, we must not only challenge old perspectives but must support people in their search for new ones.¹¹⁰

108. *Id.* at 92.

109. *Id.* at 97-98.

110. KAREN S. KITCHENER & PATRICIA M. KING, *The Reflective Judgment Mode 1: Transforming Assumptions About Knowing*, in *FOSTERING CRITICAL REFLECTION IN ADULTHOOD*, *supra* note 85, at 168.

A model of transformative learning that provides the intellectual rigor and emotional support needed to shift the meaning perspectives of educators can be found in the SEED Program (Seeking Educational Equity and Diversity) that comes out of the Wellesley College Center for Research on Women.¹¹¹ SEED's innovative approach is based on the work of Peggy McIntosh around systems of privilege.¹¹² Through her efforts to bring perspectives from women's studies into the rest of the curriculum, McIntosh noticed

men's unwillingness to grant that they are overprivileged in the curriculum, even though they may grant that women are disadvantaged. Denials that amount to taboos surround the subject of advantages that men gain from women's disadvantages. These denials protect male privilege from being fully recognized, acknowledged, lessened, or ended.¹¹³

Similarly, working to end anti-LGBT bias demands that heterosexuals acknowledge the advantages they enjoy as members of the dominant culture, and take ownership of the role they play in sustaining a heterosexist society. Furthermore, they must come to understand the ways in which heterosexism impacts them even though they are not direct targets of heterosexist oppression. As McIntosh asserts,

Many, perhaps most, of our white students in the United States think that racism doesn't affect them because they are not people of color; they do not see "whiteness" as a racial identity. Many men likewise think that Women's Studies does not bear on their own existences because they are not female; they do not see themselves as having gendered identities. Insisting on the universal "effects" of "privilege" systems, then, becomes one of our chief tasks, and being more explicit about the *particular* effects in particular contexts is another.¹¹⁴

According to McIntosh, most of us have been taught not to recognize embedded forms of oppression. We learn to equate oppression with individual acts of bias, but fail to see the invisible systems that confer dominance on certain groups. In schools, isolated incidents of name-calling or harassment may be noticed and handled, but the institutional heterosexism that silently reinforces these be-

111. Pamela Dittmer McKuen, *Schools Try To Remove Gender Bias From Classrooms*, CHI. TRIB., July 19, 1998, at C7.

112. See Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies*, in RACE, CLASS AND GENDER 94 (Margaret L. Anderson & Patricia Hill Collins eds., 1998).

113. *Id.*

114. *Id.* at 103.

haviors is seldom perceived or addressed. In order to redress the damaging effects of heterosexist privilege, we must first declare that it exists.

To redesign social systems, we need first to acknowledge their colossal unseen dimensions. The silences and denials surrounding privilege are the key political tool here. They keep the thinking about equality or equity incomplete, protecting unearned advantage and conferred dominance by making these taboo subjects.¹¹⁵

The SEED Program breaks the silence around privilege through a faculty-centered approach to staff development that uses introspection and social dialogue to foster a greater understanding of one's own perspectives, and to provide windows into new areas that have been absent from prior learning or life experience.¹¹⁶ Members of school communities are invited to attend a weeklong leadership training in which over fifty "interactivities" are modeled that make teachers' own life contexts one of the key resources for their own adult development.¹¹⁷

Upon returning to their schools, each SEED leader conducts a yearlong seminar in which contemporary scholarship and personal experience are utilized to inform community conversation about equity, diversity, culture and schooling.¹¹⁸ In this setting, participants—many for the first time—address the "evaded curriculum," a term used by McIntosh to describe those topics "covered only by powerful silences, which . . . perpetuate particular positions of . . . dominance or mask huge matters of cultural change."¹¹⁹ By bringing such issues into the open for reflection and processing, SEED participants grow not only as individual learners, but also as professionals responsible for the well being and moral development of the students in their care.¹²⁰

Fashioning a more inclusive curriculum is inner and outer work, hard work and heart work which makes rigorous demands on memory and intellect. Experienced teachers need respectful professional space to engage with their own life-texts as a fundamental resource. Some teachers have been engaged in just such thinking all along, but in isolation . . . Becoming part of a com-

115. *Id.* at 104.

116. Peggy McIntosh & Emily Style, *Faculty-Centered Faculty Development in LOOKING AHEAD: INDEPENDENT SCHOOL ISSUES AND ANSWERS* 129 (Patrick F. Bassett & Louis M. Crosier eds., 1994).

117. *Id.* at 131.

118. *Id.* at 127.

119. *Id.* at 128.

120. *Id.* at 126.

munity of learners that values . . . reflection is a key . . . experience.¹²¹

Programs like SEED are critical because they engage educators in a process that inherently values diversity and, over time, shifts individual and institutional perspectives to a place in which all members of the school community can be not just protected, but understood, included, and embraced as well. Such programs are effective because they provide social contexts for learning, introduce intellectual rigor, and build emotional support for the cognitive dissonance that will likely result. Moreover, they foster critical reflection and discourse that increase empathy, strengthen moral intellect and, most importantly, allow time and space for change to occur.

Within the LGBT movement, another model with transformative potential exists in the youth-led Gay-Straight Alliance (GSA).¹²² A decade ago practically no such student club existed. In the wake of the brutal 1998 murder of gay Wyoming student Matthew Shepard,¹²³ however, there has been a virtual explosion of GSAs on campuses nationwide where students have been emotionally stirred into active combat against anti-LGBT bigotry.¹²⁴ Though legal and legislative battles have been waged against the GSA movement in places such as Orange County, California and Salt Lake City, Utah,¹²⁵ more than 1,000 clubs have been documented thus far and the number continues to grow on what appears to be a daily basis.¹²⁶

The power of a GSA lies within its grassroots nature and the joining together of both internal and external stakeholders with the dominant culture. LGBT and straight students who are both emotionally and intellectually driven to expand their own understandings around sexual orientation and gender identity/expression build a social context for support, discourse, and action. School administrators would be wise to follow the example of youth leaders and

121. *Id.* at 126-27.

122. Lisa Pemberton-Butler, *A 'Safe Place' For Gays Or Straights*, SEATTLE TIMES, Oct. 16, 2000, at B1 (discussing the gay-straight alliance and its purpose).

123. James Brooke, *Gay Man Dies From Attack, Fanning Outrage and Debate*, N.Y. TIMES, Oct. 12, 1998, at A1.

124. See Mindy Sink, *Scholarships: New Opportunities For Gay Students*, N.Y. TIMES, Nov. 12, 2000, §4A, at 15 (documenting the emergence of Matthew Shepard scholarships—scholarships awarded because of sexual orientation and involvement in the gay and lesbian community).

125. LIPKIN, *supra* note 12, at 292, 310-11.

126. The Gay, Lesbian and Straight Education Network, Students and GSAs, Common Questions about Gay Straight Alliances, (Aug. 29, 2001) at <http://www.glsen.org>.

create formal GSA-like structures for the adults in their school communities. Ideally, such groups would bring students and staff together for ongoing discussions around not just heterosexism, but all of the interlocking isms that limit the possibility for students to live and learn freely.

VII. CONCLUSION

In March 2000, a member of a right wing organization infiltrated an LGBT conference in Massachusetts and covertly audiotaped a safe sex workshop for queer youth.¹²⁷ A month later, sexually explicit excerpts of the tape were released to the media in an attempt to undermine public confidence in LGBT education, sabotage funding of the state's Safe Schools Program, and secure passage of more stringent parent notification laws.¹²⁸

As a result, the two Department of Education officials who facilitated the workshop were terminated (though an arbitrator recently found one of those terminations to be wrongful),¹²⁹ contracts with community-based organizations were eliminated, and Safe Schools Program regulations were altered to prohibit direct contact between Department of Education trainers and youth.¹³⁰ In the wake of the controversy, the chair of the Governor's Commission on Lesbian and Gay Youth resigned, the state board of education's anti-discrimination policy was watered down to remove the phrase "counteract stereotypes," and legislation on parent notification was introduced that would require parental permission to participate in student clubs (including GSAs) and allow families to opt out of sexuality education classes.¹³¹ Worst of all, eight years of life saving work throughout the state has been called into question by friends and foes alike. All this occurred in the state with the most progressive LGBT educational policies in the union.

Had questionable comments been made at a workshop for African American youth, would statewide funding be pulled from programs that enhance the lives of Black students? If a dubious discussion took place at a conference for young women, would legislators consider passage of a law that forced teachers to notify par-

127. Mac Daniel, *2 Lose Jobs Over Workshop on Sex Commissioner Calls Too Explicit*, BOSTON GLOBE, May 20, 2000, at B1.

128. *Id.*

129. Scott S. Greenberger, *Arbitrator Rules Against Dismissal Of Sex Educator*, BOSTON GLOBE, Aug. 22, 2001, at B1.

130. *Id.*

131. *Id.*

ents every time they planned to teach a lesson on feminism? Such questions sound ludicrous when framed in this fashion. Regrettably, they appear perfectly rational to the masses when applied to LGBT people.

The Massachusetts incident is a painful reminder of the insidious heterosexism that pervades American society even as progress is made in some areas. The willingness of the people to generalize an isolated incident to an entire community of anti-heterosexist educators; the public vulnerability to the scare tactics of religious extremists who rant about a “homosexual agenda;” and the sheer panic that has ensued all underscore the need for the Safe Schools Program to be expanded rather than diminished.

Despite the devastating setbacks that have occurred, anti-bias educators have much to learn from this painful incident. The time has come to demand more from our school and community leaders, and the educators who work on the front lines daily. The need for discrimination-free schools can no longer be divorced from the need for schools to affirm the identities of their LGBT members and to reflect their experiences and contributions at every level of curricula and programming. The pursuit of safety and affirmation are one and the same goal; each makes the other possible and reinforces the potential for communities that are authentically ethical. While continuing the push for safe school trainings and legislation, anti-heterosexist educators must create spaces in which LGBT and straight colleagues can begin to openly share and reflect upon their experiences and perspectives. It is in the knowing of one another that more plural understanding becomes possible; in the building of relationships that transformation is attainable. Peggy McIntosh says that “we are all a part of what we are trying to change.”¹³² The movement to end heterosexism must strive to elevate the collective human consciousness until all people appreciate the role they play in the cycle of change.

132. McIntosh, *supra* note 116.