

Straight Acting

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Early in the race for the Democratic presidential nomination, one occasionally heard black critics of Barack Obama question his racial credentials. Was he really black? Was he black enough? These critics noted that Obama's mother was white, that his father was born in Africa and thus had not lived through segregation and the American civil rights struggle, that he was light-skinned, that he talked like a white person, and enjoyed the sort of educational privileges more commonly enjoyed by whites than by blacks.¹

To these critics, Obama was "acting white," a description that has been studied both as a cultural and economic phenomenon.² Blacks who act white could, if not wholly pass as white themselves, enjoy at least some of the advantages of being white. They could be seen as more intelligent and articulate, less likely to be violent or criminal, than other blacks. As a consequence, they could get and keep better jobs, encounter less day-to-day racial discrimination, arouse less suspicion in public and among colleagues. All of this would let them live easier lives. The critics of Obama, of course, resented this perceived advantage. Their observations about him were meant to question his authenticity and commitment to black civil rights and even to suggest that he might be a traitor to his race. Acting white, as a term of opprobrium, is used to police and enforce a group identity that is distinct from whites. It attempts to enhance group solidarity against oppression.

About the time this controversy was simmering, I came across this quote from Lance Bass, former star in a

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¹. For an overview of the controversy, see Brent Staples, *Decoding the Debate over the Blackness of Barack Obama*, N.Y. TIMES, Feb. 11, 2007, § 4, at 11.

². David Austen-Smith & Roland G. Fryer, An Economic Analysis of "Acting White" (Feb. 28, 2005) (unpublished manuscript on file with author); Roland G. Fryer, *Acting White*, EDUC. NEXT, Winter 2006, at 53.

"boy band" who had recently revealed he is gay:

I want people to take [from my coming-out] that being gay is a norm. That the stereotypes are out the window. . . . I've met so many people like me that it's encouraged me. I call them the SAGs—the straight-acting gays. We're just normal, typical guys. I love to watch football and drink beer.³

Bass's comment got me thinking about "straight acting," a term one often hears among gay people. What does it mean? How, why, and by whom is it used? What purposes does it serve and what purposes does the reaction to it serve? How does its use by gays compare to the use of the term "acting white" by blacks? And, since this is a law journal, there's the necessary question: what is law's role in straight acting?

I

Straight acting is a slang term typically used to describe homosexuals who do not fit the stereotype that homosexuals are gender nonconformists. It refers to appearance, dress, mannerisms, language, interests, and even entertainment choices. It describes persons who are thought to have gender-conforming traits in one or more of these areas. It could be used, in theory, to describe either a masculine gay man or a feminine lesbian. But in practice, it is almost always used to describe gay men; one almost never hears it in reference to lesbians, though similar terms connoting gender conformity in homosexual women, like "lipstick lesbian," are sometimes used.

Who uses the term and why? In contrast to the use of "acting white," which is used by blacks as a criticism of other blacks, straight acting is most often used by gay men to describe themselves or to signal the kinds of qualities they seek in potential partners. It is often used in personal ads in gay newspapers and websites.

For example, a personals website called "straightacting.com" bills itself as "your straight-acting gay-guy hang out; a site for gays that like sports; change their own car's oil; or just don't fit the effeminate stereotype."

Starightacting.com is only the most frank and

³. Christopher Rice, *The Myth of "Straight-Acting,"* ADVOCATE, Oct. 10, 2006, at 88. For a review of the critical reaction by some gay activists to Bass's statements, see Kyle Buchanan, *Why Wasn't this the Year of Lance Bass?*, ADVOCATE, Jan. 15, 2008, at 28.

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concentrated embodiment of a fairly widespread phenomenon in homosexuals' personals ads, in which a premium is placed on gender-conforming qualities. A study of such ads in gay magazines concluded that homosexuals described themselves in gender-conforming terms and sought gender-conforming traits in prospective mates.⁴ Out of 673 personal ads placed by gay men, ninety-eight percent of the men described themselves as masculine or used similar terms.⁵

The gender-conforming trend was weaker but still pronounced among the lesbian personal ads studied. Of 210 ads placed by lesbians, fifty-nine percent of the women described themselves as feminine or in similar terms.⁶

The researchers also found that ninety-six percent of the men's ads and eighty percent of the women's ads sought partners with gender-conforming traits.⁷ Lest we think there was selection bias in the study of personal ads, the researchers reached similar conclusions in a study of those who did not place such ads.⁸

Not all of the ads used the term straight-acting. Indeed, many of the men and women who described themselves in gender-conforming ways would object to the term because, while they do not consider themselves to fit gay stereotypes, they do not think of themselves as going through life putting on an "act." They are simply being themselves, they would say. Further, many masculine gay men and feminine lesbians would object to the association of these characteristics with heterosexuals. Thus, neither "straight" nor "acting" would be an acceptable way to describe these otherwise "straight-acting" homosexuals.

Whether gay men and lesbians use the actual term straight-acting to describe themselves and what they seek in a mate, or use some other term to connote gender conformity, the underlying idea is similar. "Straight-acting" appears to capture something in the self-

⁴. See Michael J. Bailey et al., *Butch, Femme, or Straight Acting? Partner Preferences of Gay Men and Lesbians*, 73 J. PERS. SOC. PSYCHOL. 960, 962-63 (1997).

⁵. *Id.* at 963.

⁶. *Id.*

⁷. *Id.*

⁸. *Id.* at 966-68.

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perception and desires of a large part of the gay
population.

II

But if straight-acting does capture something in gays' self-perception and desires, the use of the term and the qualities associated with it have also been subject to a caustic critique from other gays. For some gays, the term is both a betrayal of gay liberation and pride and a manifestation of something even more sinister.

This critique has a number of elements. First, critics charge that the term is used by insecure gay people who are vainly attempting to make themselves acceptable to the heterosexual majority. On this view, gay is accepted only if it is de-gay. Second, they are worried that pushing a persona that says "I'm just a regular guy who happens to be gay" perpetuates the idea that there is something wrong with being gay. Third, they claim that homophobes do not distinguish between homosexuals who look and act "gay" and those who do not. They hate all gays. Of what use is it to create such a distinction, even as a matter of self-preservation? Fourth, critics claim that use of the term is a form of ingratitude and an insult to "every queen, drag princess, leather daddy, and diesel dyke" who allegedly led the movement for gay liberation in the 1960s and 1970s. These people made even limited progress possible, it is claimed, by their manifold transgressions against norms, not by conformity. Fifth, critics say, straight acting evinces a desperate desire to separate oneself from one's natural community of mutual interest: other gay people. Finally, homosexuals who use such terms to describe themselves are fooling themselves. Many are actually quite gender non-conforming, regardless of how they describe themselves. All homosexuals, it is noted, are gender non-conforming in their choice of sexual mates. If you are a man looking to have sex with other men, you are not acting straight.⁹

What underlies these criticisms is the charge of self-hatred. "Sadly," writes one critic:

⁹. For examples of these criticisms, see Rice, *supra* note 3, *passim*; Gus Mattox, *Straight-Acting Gays, or "Huh?,"* (2004), http://www.gusmattox.com/Soapbox_straight_acting.html#straightacting.

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I think this debate exposes a wide streak of self-hatred among some gay men. Isn't it fair to guess that at least a few of these über-masculine gay guys are compensating for their feeling that being homosexual means being not as much of a man as straight men? How else to explain their almost pathological fear and disdain of drag-queens and mincing Nancy-boys?¹⁰

This reaction has been echoed in academia. In a review of *Straightacting.com*, one writer observes that:

The plea for tolerance of their straight-acting preference thinly veils a discourse that is highly homophobic and glorifies normative standards of masculinity. It is a reminder that the struggle to define gay identity often pits those who should be allies against each other in a struggle for gendered privilege.¹¹

The critique of straight acting thus moves quickly from a stated concern about self-hatred (a "homophobic" narrative) to a plea for group solidarity ("allies") forged on the critics' own terms (the implied duty to join the fight against "gendered privilege").

These criticisms are common in queer theory, which rejects and abhors the idea that gay people are "just like" straight people except for their sexuality. These critics share "assimilation anxiety;" the fear that gays will become absorbed into mainstream American life and thus lose their distinctive character and politics. The self-perception and identity of the critics is tied to a self-conscious and articulated rejection of straight society and its supposed norms of behavior and dress. For them, adoption of the term straight acting or the characteristics associated with it is a form of treachery.

Some critics go further, focusing on the bad things they associate with straight people, and especially straight men:

Who would want to be straight-acting in the first place?

Most of the straight guys I know have bad haircuts, wear colorful, strangely textured sweaters, and are in lousy shape. A lot of them have La-Z-Boy recliners in the living room, don't help with the dishes and Lordy, they can't tell a story to save their lives! They just drone on and on

. . . . And on a more profound level, since this western world of ours is designed to cater to straight (white) men, there's a dearth of sensitivity and awareness in that demographic that I find thoroughly depressing. They never have to bother worrying about anyone else, because everyone else is always worrying

¹⁰. Mattox, *supra* note 9.

¹¹. Jay Clarkson, "Everyday Joe" Versus "Pissy, Bitchy Queens": Gay Masculinity on *StraightActing.com*, 14 J. MEN'S STUD. 191, 192 (2006).

about them. Empathy isn't a natural instinct when one is the "default."¹²

There is a lot of bitterness and resentment in that passage, full of stereotypes about straight men. It is born of a lifetime of insult and frustration and discrimination at the hands of heterosexuals, and it is a common sentiment among gay people even if it is not always articulated in quite this way.

But note how the critique of straight acting, in its rejection of performance and straight identity, is itself encouraging a certain performance and constructing an identity. It is an oppositional identity, a rejection of everything associated with a world of people you imagine hate you. It essentializes what it is to be gay: to be gay is to be a gender transgressor, to cross all boundaries of gender and other traditional patterns, well beyond sexual behavior. It essentializes gay men as effeminate, lesbians as masculine, and both as revolutionary.

If straights have bad haircuts, it says, we must have \$300 perms and highlights; if they could care less about personal appearance, we must be fops and gym toned; if they sit on La-Z-Boys in their family rooms, we must lounge on antique Turkish divans in our parlors. The obligation to be gay, to refuse to conform to the norm of the oppressor, is an obligation to conform instead to a range of other tastes, behaviors, manners of dress and appearance, and of course political views. The critique of straight acting becomes a means of policing gay identity itself. Gay liberation becomes its own prison.

III

With all this in mind, we can consider the differences and similarities between straight acting and acting white, as well as the critiques of both.

The reasons why someone might act white or act straight are similar. Both could be attempts to avoid social sanction, making the person more acceptable to the oppressor because the person is like the oppressor. Both could be attempts to attract mates who want the traits of acting white or acting straight in their partners. And both could simply be expressions of a person's authentic self, rather than a performance for extrinsic purposes.

¹². Mattox, *supra* note 9.

The reasons for the use of these terms as a criticism may also be similar. Both assist in the creation and reinforcement of an oppositional culture in which group solidarity is highly valued. The criticisms of acting white and straight acting are a means of setting oppositional boundaries for behavior and attitudes.

Despite these similarities, the differences between acting white and straight acting seem more numerous and profound. To begin, "acting white" is seemingly never used by blacks or other people of color as a self-description or as a description of desirable qualities in a mate. Acting white is used only to criticize members of one's own race who are seen as identifying with, cozying up to, or mimicking the oppressor. Used as a self-description, it would be immediately and universally seen as a form of internalized racism. By contrast, while some gays do see the term straight acting as a sign of self-hatred and internalized homophobia, many use it positively to describe themselves or to signal some of the things they value in a partner.

What does this difference in usage suggest? It could suggest that straight acting really is a form of internalized homophobia in just the way that a black person's use of acting white to describe himself would be a form of internalized racism. It could be a way of saying that what I am (gay) is deeply wrong. On the other hand, this difference in usage could merely suggest that there is greater acceptance among gays than among blacks that there really are no relevant and essential differences between them and the majority. For the vast majority of gays, the appropriation of "straight acting" ways by gays is not really an appropriation at all since there are not any traits that are inherently straight or inherently "ungay." Indeed, the very idea that there are inherently gay traits that every self-respecting gay person should exhibit, or straight traits that must be rejected, is itself a form of internalized homophobia.

There is another important difference between straight-acting gays and people of color who act white. Gays who act straight can get by in a world where everyone will assume they are straight. To use Kenji Yoshino's term, they can "cover"¹³ their homosexuality to

¹³. Kenji Yoshino, *Covering*, 111 YALE L.J. 769, 772 (2002) ("Covering

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one degree or another, or perhaps completely. They can be confused for straight people and can profit from that confusion by avoiding discrimination, insult, and injury. They can be gay and enjoy heterosexual privilege. By contrast, most people of color, no matter how "white" they act, will not be confused for white persons. They cannot "pass."¹⁴ They cannot really enjoy full white privilege.

I think this difference between acting white and straight acting helps explain some of the bitterness toward straight-acting gays, beyond all of the gender and queer theory criticisms. Straight-acting gays, to the extent they do not consciously make their homosexual orientation known to their families, friends, and associates, violate the cardinal rule of gay political organizing: come out! At the same time, straight-acting gays are resented as free-riders. They get the benefit of political, cultural, and legal gains made by openly gay people but take little or none of the risk associated with being known as gay.

IV

Law has a role in shaping straight-acting gay identity and behavior. Regardless of what behaviors and identities individual gays might develop on their own, law itself encourages covering, passing, and straight-acting in ways both affirmative and negative.

Law affirmatively encourages straight acting by imposing costs on people known to be gay. The most obvious example today is the ban on military service by openly gay people. While the "Don't Ask, Don't Tell" policy adopted as federal law in 1993 omitted the longtime Defense Department claim that homosexuality itself was "incompatible with military service,"¹⁵ it authorized the expulsion of service members whose homosexuality becomes known through their statements, sexual acts, or attempted marriage to another person of

means the underlying identity is neither altered nor hidden, but is downplayed.").

¹⁴. See *id.* (passing means the underlying identity is not altered, but hidden).

¹⁵. Dep't of Def., Directive 1332.14, Jan. 28, 1982.

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While nothing in the policy formally requires the expulsion of effeminate men or masculine women, such gender nonconformity might arouse suspicion of homosexuality by one's peers or commanders. That raises the risk of investigation, with eventual expulsion on grounds that *are* listed. The rational homosexual service-member, wishing to reduce that risk, will react by reining in his or her gender nonconformity in dress, manner, and overall appearance. He will become more or less straight-acting, not as an expression of anything authentic about himself but as a strategy to avoid harm.

A second example of law's affirmative role in encouraging straight acting has historically come from family law. In child custody and visitation disputes, courts sometimes use a parent's homosexuality as a reason for denying custody.¹⁷ In other cases, courts have restricted a homosexual parent's visitation with his children to certain hours of the day, have required that another adult be present, and have ordered parents not to allow the parent's partner to be present during visits. The incentive for gay parents who want to see their children is obvious: do everything possible to hide one's sexual orientation from a former spouse. Do not join gay organizations, march in gay pride parades, or have gay magazines in open view around the house. Do not do anything that would arouse the former spouse's suspicion. Act straight.

Law also encourages straight acting in negative and far more ubiquitous ways by failing to constrain private discrimination and violence against homosexuals. There is no employment protection for homosexuals in thirty states, which necessitates straight acting by gay employees in many work environments. There is similarly no protection in most states against anti-gay discrimination in housing, education, and public accommodations.

Finally, in every gay person's life there is the threat of anti-gay abuse and violence. Even in relatively tolerant areas of the country, people perceived to be gay are at

¹⁶. 10 U.S.C. § 654 (2000).

¹⁷. See *Bottoms v. Bottoms*, 457 S.E.2d 102, 107-09 (Va. 1995) (holding that the trial court did not abuse its discretion by awarding custody of the child to the grandmother over the mother "based on all the facts and circumstances" including "evidence of lesbianism").

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greater risk of verbal and physical attack.¹⁸ The failure of
police and prosecutors to deal adequately with this
problem is law acting negatively to encourage straight
acting.

Similarly, law also helps to produce the critical
reaction to straight acting. In a world where gay people
endure legal pressure to conform to masculine and
feminine ideals of behavior, gay-rights activists will
demand resistance to that conformity. And they will see
anything resembling such conformity as a capitulation to
legalized homophobia.

V

Among the goals of the gay civil rights movement,
then, could be a hope for true liberation. It would be a
liberation from the shame of being gay and thus from the
pressure to be like someone you are not. It would also be
a freedom to resist the demand of conformity to an
activist's or queer theorist's vision of what you should be.
This means that a gay person would not feel the need to
put on an identity to escape stigma or to serve an
oppositional political and ideological agenda.

Masculinity in men and femininity in women are no
more heterosexual properties than education is the
property of white people. Straight acting, in a world
liberated of homophobia, would cease to exist—not
because gender conformity among gays is somehow
inauthentic, or because masculine gay men and feminine
lesbians are traitors or self-hating, but because for many
homosexuals there is nothing "straight" or "acting" about
it.

¹⁸. See FED. BUREAU OF INVESTIGATION, HATE CRIME STATISTICS, FBI UNIFORM CRIME
REPORTS, <http://www.fbi.gov/ucr/ucr.htm#hate> (last visited Mar. 24, 2008)
(finding, e.g., that in 2006, ninety-seven percent of reported hate
crimes motivated by sexual orientation were directed at homosexuals).