

Landscape of the Movement

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The movement for LGBTQ equality has successfully “won” itself into a corner:

Following the recent marriage win by what appears to be a well-funded, well-orchestrated social movement, this assessment may seem strange.

But it is true.

Tensions, both internal and external to the movement, are running high. It is yet to be determined if the movement will be able to harness the momentum that has been built through marriage to advance greater inclusion and equality, or if it will experience (like many other social justice movements) the swing of the public opinion pendulum. It may find itself at worst losing, and at best, barely holding the ground it recently acquired.

In the open space created by the marriage win, questions about the future of the movement loom large. Although its most prominent leaders are white, male, and gay, the movement for LGBTQ equality is unique in that it truly contains all kinds of people: every class, race, age, faith, nation of origin, sex, sexual orientation, gender identity / expression and level of ability. With such a diversity of people comes a diversity of opinions about what’s next. These conversations had previously been uncomfortably stowed, while the marriage wins began to pile up, and funding sources lined up.

For many within the movement, the nearly singular focus on marriage has left a bitter taste, with the win coming at an unacceptably high price. Marriage was not a top-tier priority for

all, and some argue that it took resources from other areas of focus that were truly life and death—from HIV prevention to violence against transgender people.

In this moment following the marriage victory, individuals and organizations are engaged in the difficult process of ranking issues—seeking to make their priority the next focus of the movement. Not surprisingly, there is a dearth of agreement. In the midst of disagreement, the tension between legal equality and lived equality has come to the fore, and there seems to be little give on either side.

Legal equality—the legislative and litigation strategy for inclusion of sexual orientation and gender identity into all laws providing and protecting equal access (employment, housing, public accommodations, credit, education and healthcare)—is familiar to many. Although achieving this goal will actually require an act of Congress, much work can be done at the municipal and state level to build familiarity and momentum. In some ways, we know how to do this. This effort will employ many of the tactics that the movement has used to win historically, both with marriage and in state-based equal treatment.

Lived equality seeks to change the way LGBTQ people experience the world—reducing the bias, the barriers, the insecurity, and the injustice that people face simply because of who they are. The struggle is much broader, much harder to achieve and almost impossible to measure. Change is sought through social organizing, public education, coalition building, cross-issue organizing, and public

demonstrations, which elevate the compounding impacts of multiple levels of discrimination. “Black Lives Matter” illustrates this approach by raising awareness about multiple issues: racism, police brutality, incarceration rates, lack of educational and economic opportunity and others. At its core, this approach seeks to address the varying levels of oppression felt by those who primarily live within the intersections

and a strong communication plans deployed as a part of a strategic policy campaign, we can sway public opinion significantly when it comes to attitudes towards queer people. Although the movement has learned to do this legal equality work well, the fight is sure to be more and more challenging as we go forward. One can easily understand why by taking a cursory glance at these maps of the United States and comparing the level of inclusion for LGBTQ people and who holds political power.

These maps underpin the reality the struggle for legal equality is facing: the states in which LGBTQ people face the greatest challenges are the same states that conservatives control. More specifically, political, fiscal and ideological conservatives have political control in 25 of the 28 states that have either low support for LGBTQ equality or have negative policies in place (see, for example, Figure 1).

For those in the movement who would like to focus on legal equality, these maps define the path forward: build political power in conservative states through engaging conservative, business and faith voices to advocate for equal protection under the law in employment, housing, and public accommodations.

For those in the movement who wish to focus on lived equality, these maps do little more than paint a picture of the systems of power that have further marginalized the most vulnerable among us. For many, the strategy of involving conservatives, corporations and Christians—the same perpetrators of exclusion, vilification and personal acts of violence—offends the core value set.

There is great distrust—and rightly so—of these systems (and the people that represent them) that have long abused the

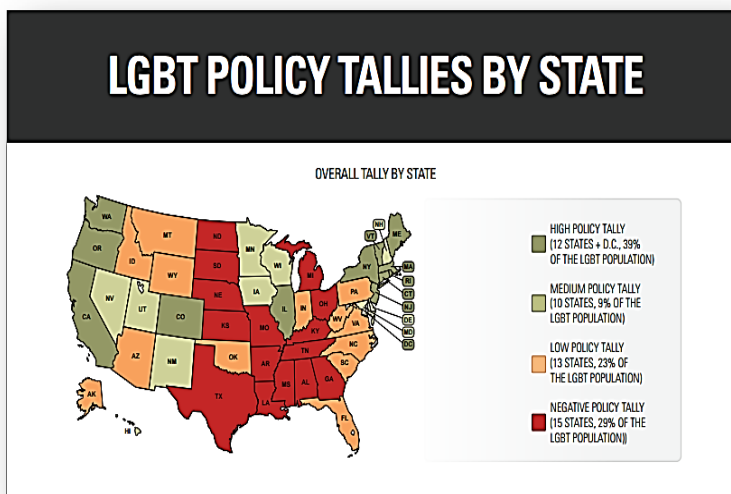


Figure 1. Overall Tally by State. From “Mapping LGBT Equality in America,” by Movement Advancement Project (MAP), 2015.

of marginalized groups: transgender women of color, HIV+ prison inmates, lesbians with children facing economic insecurity, differently-abled transgender veterans, bisexual women seeking reproductive health care and others. This approach seeks to address the lived experience of those whose natural identities incite profound obstacles to participating fully, safely, and productively in public life.

Focus on legal equality or lived equality?

At first glance, it may seem simple to make the choice to continue along the path of legal equality, with its measurable benchmarks and wins, in the hope that hearts and minds are bound to follow. Indeed, we know how to do that work. We know that with tested messaging

disenfranchised. However, people of faith, conservatives, and businesses are showing up at the table to advance equality, and while some claim they cannot be trusted, others suggest that it is ill-advised to turn our backs on those stepping forward to help because they are late to the party, and their dialect is unfamiliar.

If the debate over legal equality versus lived equality was the only conflict facing the movement for LGBTQ equality, we would have little to worry about. This tension has long existed and will continue to exist. Furthermore, it is not confined only to our movement; even the most successful identity-based movements have experienced these tensions.

Additional Challenges

In reality, legal versus lived equality is far from the only concern facing the movement. Three challenges are fogging the horizon: donors are growing complacent; America is growing tired; and opponents are growing savvier.

Donor Complacency. The effort to win marriage attracted many large donors, both individual and institutional. Over just more than two decades, billions were invested in advocacy, litigation, and public education. In the wake of the victory, donors who invested so much are fatigued. They want to give less, feeling that their primary goal has been achieved. Of those who have not grown complacent about the act of giving, many want to re-focus. Believing that domestic LGBTQ equality will now take care of itself, many donors want to drive resources into the global struggle. To donors who give in order to improve the lives of oppressed people, it is hard to argue that queer people in Kentucky have it worse than queer people in Afghanistan, Uganda, or Russia.

American Fatigue. During the national conversation about marriage, America heard a lot about gay couples. When the conversation was actively changing hearts and minds, the saturation of messaging was necessary and celebrated. But the result in a post-marriage context is exhaustion. From polls to the editorial

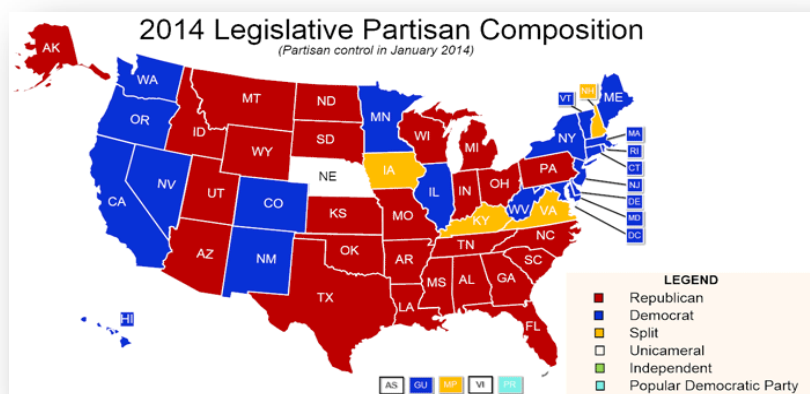


Figure 2. 2014 Legislative Partisan Composition. From “State Partisan Composition,” by National Conference of State Legislatures, 2015.

page, it is clear that many Americans are tired of talking about LGBTQ issues. They are put off by ever-evolving demands on acceptable public speech and frustrated by another policy conversation. As a matter of fact, most Americans do not believe that discrimination based on sexual orientation and gender identity and expression is actually real, and roughly 80% of Americans believe that basic protections from discrimination (employment, housing, public accommodations, healthcare, education and credit) already exist. There is a rapidly growing sense that those who claim the need for “equal protections” are actually seeking “special protections,” and there is little tolerance for that.

Savvy Opposition. Opponents of equality certainly did not wave the white flag of surrender following their loss at the Supreme Court. Instead, they have innovated—both to advance their agenda and to energize a donor base that was losing interest. They have created a crisis environment in which the right-leaning public should fear transgender people in bathrooms, the erosion of religious freedom, and the demise of the traditional family. As they

have with the reproductive rights movement, opponents are seeking to chip away at the hard-won protections, making bathroom attacks and religious exemptions—the partial birth abortion of the movement for LGBTQ equality. The scary specter of a “man in a dress” who can legally pee in your kindergarten daughter’s bathroom, or the civil law suit threatening the well-meaning, good-hearted small-town baker who is forced to bake a cake for a gay wedding, have now become the enemy of common decency and all that was once “right” in America.

These challenges—donor fatigue, public overwhelm, and opponent innovation—combined with the movement’s ongoing tension of legal versus lived equality mean that we have an uphill climb ahead of us.

As we continue to debate strategy, and navigate these challenges, just over half of LGBTQ Americans are living in communities that do not count them as equal under the law. The domestic murder rate of transgender women of color spiked in 2015, with more women killed in the first half of 2015 than in the entirety of 2014. Rates of HIV contraction amongst men of color who have sex with men, transgender men and transgender women is growing, and there is little to no investment in developing culturally competent curriculum for healthcare providers, let alone guaranteed coverage.

Yes, there is much work to be done to achieve full equality for LGBTQ people.

In this moment, it seems the movement for LGBTQ equality would do well to consider the unofficial goals and core values this effort has pursued: acceptance of difference, celebration of authenticity, inclusion of the “other”, and the establishment of individual ability to fully participate in all aspects of life free from unfair obstacles based solely on a subjective judgment personal characteristics. Perhaps, if this movement were able to take a reflective pause,

the struggle focused on which strategy to pursue would seem less critical, and the focus could return to the truly pressing matters at hand.

Brandie Balken is a program officer with the Gill Foundation, focusing on the management of the religious refusals and national equal treatment portfolios. Previously, she served as the Executive Director of Equality Utah. Brandie helped form and lead Utah’s America Votes affiliate roundtable, which worked to align labor, education, conservation, women’s organizations, and the LGBT community in their endorsement and advocacy goals. In addition, she has deep experience in the nonprofit sector, having volunteered for a diverse array of organizations, such as Food Not Bombs and KRCL (Utah progressive public radio), and served on a number of boards, such as Seeds of Peace and the Utah Pride Center.