

What the Vermont ERA amendment could mean

from page 2

State's ERA prohibited that state from refusing them a marriage license. The Washington Supreme Court rejected their claim, saying that the people of the state did not intend, in ratifying the state ERA, to guarantee gay rights in addition to prohibiting traditionally understood gender discrimination. The Court looked to the letters to the editor in the Seattle newspapers during the referendum period in order to discover what the popular understanding of the meaning of the ERA was, in addition to looking at the legislature's intent.

So why do I think the Vermont ERA arguably prohibits sexual orientation discrimination? First, sexual orientation discrimination, despite what courts have done so far, is discrimination based upon a person's gender. Rules which say that a man only can be sexual with a woman are rules which are based on the man's biological gender. It is because the person was born male that the person must love only women. Similarly, rules restricting women's sexual and affectionate behavior to interaction with males are rules based upon the fact of women's biological gender.

These rules are part of the package of rules and social mores which patriarchy imposes to define gender.

Defining maleness and femaleness as different, and assigning bipolar characteristics to males and females, are necessary steps in creating gender hierarchy. Patriarchy defines "Woman" as a being who is available for male use. For a woman to refuse to be available makes her not a woman by definition; for her to insist she is a woman and not available to man is revolutionary. The mere existence of a lesbian is evidence of patriarchy's lies about gender. Patriarchy's response is to outlaw such existence.

Gay men also threaten patriarchy's definitions of gender. Men are supposed to be those who use women; they are not supposed to use each other nor are they supposed to be like women. Gay men refute patriarchy's opposition of maleness and femaleness. The existence of gay men does not, however, present patriarchy with as serious rebellion as does the existence of lesbians. Lesbians deny men access to them; gay men by their existence do not deny any other man access to any women.

Patriarchy's system of rules against the existence of homosexuality is called heterosexism. The neurotic aversion to homosexuals which patriarchy teaches is homophobia. As Adrienne Rich pointed out almost a decade ago, we live in a

culture of "Compulsory Heterosexuality". Heterosexism is an aspect of sexism, that is, it is an aspect of the system of rules which create patriarchal meanings for biological gender. Rules which say women should not serve as security guards are part of this system of sexism; rules which say women should not be sexual with other women are part of the same system.

If Vermont's Equal Rights Amendment will prohibit Vermont or any political subdivision from abridging or denying anyone equal rights because of the sex of the individual, then I believe we can argue that the Vermont ERA will prohibit any government entity from denying any of us rights due to our sexual orientation. If I go to a town clerk and request a marriage license to wed a woman, I will be turned down because I am female, and as a female I am only allowed to marry males. I would be granted the license if I were male. This is discrimination based upon the sex (biological gender) of the individual. Just because the legal system has not yet understood how sexual orientation discrimination is a type of sex discrimination does not mean it is not. Law reform happens because new arguments are made, and courts are persuaded to see situations in new ways. For us to take the narrow vision of existing sex discrimination law as the last word is to give up the struggle for change.

In a world without sexism, there would be no need for rules limiting males to female partners and vice versa. It is left for us to explain this to the courts. It has only been since 1971 that the United States Supreme Court has admitted that gender discrimination offends the U.S. Constitution at all; the federal and state courts are not going to agree with our attempts to expand their definition of sex discrimination right away. We ought to start working on it nonetheless, under state ERA's and under state and federal equal protection clauses.

It is time what Adrienne Rich and other feminist theorists have been telling us about the place of heterosexism in sexism was applied to law. The first step is to write letters to the editors of Vermont papers in support of the Vermont ERA and in support of barring sexual preference discrimination as a form of sex discrimination. Remember, letters to the editor are part of the referendum history and courts in the future may look to them for our intent as to the ERA's meaning. We need to respond to the anti-ERA gay baiting, but in the process we do not need to concede our claim to ERA protection. Instead we should ask all Vermonters to oppose all types of sex discrimination and to support equal rights for all of us.

Sinister Wisdom flourishes in Vt.

from page 8

brought out in 1982 in *Nice Jewish Girls: A Lesbian Anthology*, edited by Evelyn Torton Beck. Melanie sees *Nice Jewish Girls* as primarily a coming-out of Jewish women in the lesbian community and of lesbians in the Jewish community. Without it, "The Tribe of Dina" would not exist, she said; however, the new anthology is not a repeat, not another coming-out, but a broader examination of Jewish women's experience in many, if not all, of its manifestations.

The anthology is international in scope, including work by Jewish women originally from Argentina, Israel, Poland, Hungary, China, Austria, as well as the United States. The editors point out in the introduction that there are gaps in the scope, and one gap they particularly regret is the one caused by the lack of work by Jewish women from the Soviet Union.

There is an entire section devoted to Israeli women, titled "Kol Haisha: Israeli Women Speak." Other sections of the anthology are "My Ancestors

Speak," "The Women of Our Family," "I Am the Present Generation," and "Lot's Wife Revisited." The final section, "Bread and Roses," contains work on the radical activism of Jewish women, including a handbook written by the editors with Bernice Mennis titled, "In Gerangl/In Struggle: A Handbook for Recognizing and Resisting Anti-Semitism and for Building Jewish Identity and Pride." This workbook grew out of workshops led by the authors, and although they say in the opening paragraph that "it is meant not to be read and absorbed, but used and discussed," I found it enlightening and thought-provoking to read; the questions and exercises they posed compelled me to examine more specifically the ways in which I, a gentile, perpetuate anti-Semitism, and I plan to refer to the workbook again -- individually and with other women -- in order to make recognizing and resisting anti-Semitism a more conscious part of my life.

The next issue of *Sinister Wisdom* (#31) will have a special focus on sex, sexuality and fiction; manuscripts and art are due by June 1986. The issue after that (#32) will focus on illness, healing, death and mourning; manuscripts and art are due by September 1986.

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