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**Nationalism, Law, Gender and Sexuality:
An Anthropological Study of
U.S. Military Culture Among Veterans**

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in Anthropology with Honors

May 2006

APPROVED

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ABSTRACT

This study looks at the ways that sexual and gender identities are constructed through the translation of military experience into the veteran culture of a VA hospital, taking into account the influences of US nationalism in both military and civilian culture. Through life-history interviews, formal vocabulary association exercises, and informal participant observation carried out over the course of three months in 2006, questions about how the VA culture encourages or discourages certain displays of gender and sexual identity through its policies as well as its unofficial customs and traditions are identified and explored. The emergence of a new, unofficial “uniform” for veterans at the VA hospital, the reinforcement of cultural boundaries against outsiders, the institutional structuring of the hospital, and the common use of language that reaffirms minority statuses and builds brotherhood all function to privilege nationalist ideologies, with implications for the gender and sexual identities of veterans and all civilians. These features persist from the culture of active duty military servicemembers into the culture of veterans, in spite of changes in law that have affected military policies regarding the integration of gays and lesbians. In order to advance from policy changes to actual cultural change, new tools should be borrowed from other activist movements, like Critical Race Theory, a method of legal analysis that can expose interest convergence and essentialism of identities as they occur in developments in the U.S. legal system. If these tools are utilized in combination with anthropological analysis of culture, then the discussions and actions of scholars and activists in queer movements in the U.S. can be enhanced, initiating a shift from demanding rights legally or culturally denied to certain identities to broader discussions of social and cultural responsibilities.

TABLE OF CONTENTS

<u>ACKNOWLEDGEMENTS</u>	1
<u>ADVICE TO FUTURE HONORS STUDENTS</u>	2
<u>INTRODUCTION</u>	3
<u>MILITARY CULTURE</u>	7
COMPARISON OF MILITARY FOLKLORE AND ETHNOGRAPHIC DATA FROM VA HOSPITAL	7
REINVENTION OF THE MILITARY UNIFORM AMONG VETERANS	12
AFFIRMATION OF GENDER ROLES IN MARRIAGE RELATIONSHIPS AND FLIRTATIONS	17
USE OF MILITARY LANGUAGE AS PLATFORM FOR BROTHERHOOD	21
CULTURAL INFLUENCES IN THE FORMAL ORGANIZATION OF THE VA HOSPITAL	26
NATIONALISM: DEFINITIONS AND PHYSICAL EVIDENCE AT THE VA	28
NATIONALIST DISCOURSE ON SEXUALITY AND IDENTITY	32
<u>CHANGING POLICY</u>	35
POLICY AND LAW UNDER <i>BOWERS v. HARDWICK</i>	35
THE U.S. MILITARY’S DEFINITION OF “HOMOSEXUALS”	38
IMPLEMENTING “DON’T ASK, DON’T TELL”	39
THE REVERSAL: <i>LAWRENCE v. TEXAS</i>	41
<i>LAWRENCE v. TEXAS</i> : ARGUMENTS AND LINGUISTIC IMPLICATIONS	44
THE IMPACT OF <i>LAWRENCE</i> ON THE GAY RIGHTS MOVEMENT	46
<u>LOOKING TO THE FUTURE OF ACTIVISM AND CULTURAL CHANGE</u>	49
CULTURAL RESISTANCE TO POLICY CHANGES	49
APPLYING CRITICAL RACE THEORY IN THE QUEER RIGHTS MOVEMENT	49
FUNDAMENTAL THEMES IN CRT	50
CONFRONTING ESSENTIALISM	52
EXPOSING INTEREST CONVERGENCE	56
USING CRT IN FUTURE MOVEMENTS	59
<u>CONCLUSIONS</u>	61
CHANGING CULTURE AFTER CHANGING POLICIES	61
MOVING FROM RIGHTS TO RESPONSIBILITIES	62
<u>WORKS CITED</u>	64

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To my family and friends, who have supported me mentally and emotionally throughout my journey through college.

And finally, to the veterans at the VA, who shared their experiences with me and allowed me to learn so much about their culture, this nation, and myself.

Advice to Future Honors Students

An Honors Thesis Project can be an immense undertaking for any student. I often struggled with feeling overwhelmed by project, and at various times throughout the process of researching and writing my project, I felt indecisive and discouraged. Thankfully, I never gave in to these emotions, and was able to see my project through to its completion. I would not have been able to complete it, however, without two important things: a real passion for my research topic, and flexibility in my approach to the project. It is crucial to have a passion for your topic and to believe in the impact of your research; I knew from the beginning that regardless of the directions my project might take, I wanted my thesis, at its heart, to relate to the deconstruction of sexual identity in the culture of the U.S. in a way that could critique or influence activism on the grassroots and legal levels. Although I did not start my project with the intent to study military culture, my passions led me to take advantage of research opportunities that were available to me and make the most of them. With the support of my advisors, professors, peers, and the Honors Program staff, I was able to adhere to my interests while remaining flexible in my approach to my thesis so that, upon its completion, it truly is a capstone project that reflects significantly on the education I have pursued during my undergraduate career at Syracuse University.

INTRODUCTION

Anthropology has long been used as a tool to study other cultures, with ethnographic methods serving as a primary means of accessing and evaluating these others. The concept of the “field” still dominates the discipline, dividing the world into various sites that are appropriate for anthropologists to travel to and carry out studies of others (Passaro 1997: 148). A shift in awareness, however, has slowly been occurring the past few decades and it has drawn attention to the colonialist mentality that is inherent in this conception of fieldwork within the discipline. Implicit in the former concept is the assumption that anthropologists can only complete effective studies when they place themselves at some risk by entering foreign lands, interacting with natives and conquering another culture through the extraction of knowledge (1997: 147). Anthropologists are now gradually reevaluating these ideas and discovering not only that foreign natives are not cultural objects to be experimented with, but also that they need not travel far from home or put themselves in danger just to learn something new.

As a student of anthropology, I am learning how important this shift in attitude regarding our perception of “others” is. Over the course of three months in 2006, I conducted an anthropological study of a group of people I considered to be “others” in order to learn more about their culture and way of life, and to discover how different and separate they are from me. I worked as a volunteer at a Veterans’ Administration (VA) hospital in the northeast United States (U.S.), aiming to explore the depths of military culture, as it

persisted in this community of military veterans and civilians. Through the use of ethnographic methods including life-history interviews, formal vocabulary association exercises, and informal participant observation, I was able to meet and form personal relationships with volunteers, patients, visitors and hospital staff who are veterans. Since I am not personally involved with the military, I naturally considered myself to be an outsider to the culture of veterans at the VA and, thus, saw veterans as a group of “others” that was appropriate for me to study. In fact, my position as an outsider to the culture was often reinforced through my interactions with veterans in subtle ways. However, I eventually realized that the answers to my research questions about the influences of nationalism and the constructions of masculinity within military culture are not only relevant to veterans and people involved with the U.S. military but also to the entire nation. The cultural features and trends that I observed in my fieldwork were not isolated in terms of their origins and effects because they were both influenced by the policies and laws of the Federal Government and influential upon the larger civilian culture with which they interact in the U.S.

By studying what I perceived to be a group of “others” to which I was not connected, I learned more about the broader culture of the U.S. to which we are all connected as American citizens. I did not need to travel very far to access this other culture and conduct my fieldwork, and found that even as a cultural outsider I was still part of the same local and national community as my informants and co-workers. Although the new, unofficial “uniform” I

observed being worn by veterans at the VA hospital, the common use of language by veterans to reaffirm the minority statuses of non-masculine, non-heterosexual identities, and the institutional structuring of the hospital that I witnessed during my fieldwork all functioned to reinforce cultural boundaries against outsiders like me, they were also strongly influenced by and supportive of U.S. nationalism, a force that continuously affects all citizens of the U.S. In this way, my study at the VA demonstrates how the “field” is never a completely foreign or isolated place, and how local fieldwork can provide great insight into a national culture.

To prepare for my fieldwork and to analyze the data I collected, I have reviewed literature in anthropology and related disciplines that was topically relevant to the issues I encountered at the VA, including nationalism, masculinity, femininity, and the integration of gender and sexual minorities into the military service branches. I have compared my findings about military culture among local veterans to those of Carol Burke in her study on military folklore from across the nation (2004), and I have seen that many of the cultural trends that she witnessed persisted among veterans long after they finished active duty, signifying the importance and perseverance of cultural identity in the military. I have also consulted the theories of Michel Foucault and Michael Billig on identity and nationalism, among others, to aid in my analysis of my fieldwork within the broader cultural context of the nation.

Additionally, I have incorporated an overview of the legal history in the U.S. Supreme Court to reflect on the major shifts in law that have affected

military policies in relation to queer movements, including the significance of the recent decision in *Lawrence v. Texas* (2003) that reversed the ruling in *Bowers v. Hardwick* (1987), a landmark case which was previously used to uphold the formal ban against gays and lesbians serving in the military. In spite of the lifting of the ban in the 1990s and even after the 2003 decision, the persistence of normative ideals of masculinity and heterosexuality in military culture, which I observed at the VA and that Burke discovered through her analysis of folklore, suggests that cultural changes do not necessarily follow changes in law and policy immediately. To address this gap and to call for the integration of new perspectives in anthropology and in queer activist movements, I have included a discussion of how the application of tools like Critical Race Theory can help advance the discussions and actions of scholars and activists.

From within this historical context of law and culture, a vision for the future emerges, illuminating new ways to move beyond anthropological studies of what has happened in the past and what is occurring in the present moment with the aid of new tools for scholars and activists. By studying a local “field” site within my own national community, I am beginning to see how anthropology can be a potential springboard for activism and cultural change.

MILITARY CULTURE

Comparison of Military Folklore and Ethnographic Data from VA Hospital

In 2004, folklorist Carol Burke published Camp All-American, Hanoi Jane, and the High-and-Tight: Gender, Folklore, and Changing Military Culture, a book that provided a deep investigation into the culture of the U.S. military and exposed a number of concerns about the current and future culture of U.S. military institutions. As more women are integrated into the ranks and as warfare becomes increasingly based on technological prowess instead of humans' physical strength, Burke speculated that the hyper-masculine nature of military culture will no longer be relevant to actual military service. Her analysis of the gender-coded rituals and traditions that are passed on from one generation to the next revealed how women and other minority identity groups are degraded and ostracized in military culture, diminishing any aspirations of unity or cohesiveness among members.

Through a three-month long ethnographic research project and volunteer work at a Veterans Administration hospital (VA) in the Northeastern U.S., I have found that the military culture that Burke captured in her book continues to be a strong influence on the lives of military service members long after they leave the military and reintegrate into civilian culture. The persistence of this influence has allowed for the development of a new form of military culture among veterans at the VA that continues to actively cultivate and promote military traditions through institutional policy,

to portray military experience as a rite of passage into manhood, and to maintain a sense of distinction between veterans and the general civilian population, following the major themes of Burke's work.

Based on the folklore she collected from veterans, active duty servicemembers, and army officials, Burke asserted that culture is made, not born. The military culture that currently exists in the U.S. was not created in a vacuum and did not arise spontaneously. Instead, Burke argued that the current culture is the result of generations of folklore and ritualized traditions that have been passed on from soldier to soldier (2004: ix). Sometimes the passing on of these traditions is in accordance with official military policy, but the traditions persist among the soldiers even when they contradict policy (2004: x).

Similarly, at the VA, the military culture that I encountered was largely supported by the institutional mission and values, set forth by the governing Department of Veterans' Affairs in the federal government (Department of Veterans' Affairs website, 2006). Although the Department claims to be actively working towards being more "veteran-focused" as part of its mission to continuously improve its services to veterans, the formal mission statement and values of the VA hospital remain more narrowly focused on men and on the concept of the nation. The mission is summarized in a quote by President Abraham Lincoln, spoken at his Second Inaugural Address: "To care for him who shall have borne the battle and for his widow and his orphan" (2006). This quote is said to guide the VA in everything it

does, infusing it with a high level of importance. By choosing a quote by a former president who led the US in the 19th century, the VA seems to be promoting a sense of reverence for history and tradition, honoring the words and deeds of those who came before, especially those who were in high government posts. Furthermore, the content of the quote has deeper implications about the culture of the VA and its beliefs. Although the language throughout the rest of the VA's statement of its mission and values is less gender specific, referring to both "the men and women" who served, Lincoln's quote is explicitly gendered and narrowly defined. The veteran to be served is not only male, as seen by the use of the pronouns and articles "him" and "his," but the veteran is also a husband and a father. Interestingly, the veteran is also assumed to be dead, as implied by the words "widow" and "orphan." This implication is strange because the VA hospital is presumably working to keep veterans alive and healthy, but the quote suggests that the VA might be more focused on preserving the legacy of the veteran through his memory and his family.

In my fieldwork, I have noticed that this institutional mission to serve veterans' health as well as their legacy, and the rhetoric of service to one's nation, has become integral to all of the work that is done and the interactions that take place in the hospital. In fact, this mission has even been inscribed into the physical landscape of the VA. One of the most visible signs outside of the hospital is a square white block that proclaims, "The price of freedom can be seen here," communicating to all people passing by or coming in that

this hospital is a place where the personal legacies of veterans, especially those who have been injured, are elevated to the level of national importance. Rather than emphasizing the care and treatment provided for the veterans at this hospital, the institution has demonstrated its priorities and values by emphasizing the historical and national importance of military veterans who have made sacrifices for their nation during wartime.

A second theme that Burke focused on in her work was the way in which military culture portrays entrance into and training in the military, and all of the rituals and ceremonies associated with it, as a rite of passage into manhood (2004: 50). Men's experiences in boot camp and other training facilities include all of the stages of any other cultural rite of passage, including isolation, state of liminality, transformation, and reintroduction into society. Abuse of new recruits by their superiors, whether physical, sexual, or verbal in nature, is ritualized as part of this rite, and despite severe physical pain and traumatic experiences, many older soldiers describe these moments in their training as "defining moments" of their military career (2004: 44). The belief is that since they are beaten down so low physically, mentally, and emotionally, that they essentially become a blank slate, on which their new military identity of true masculinity is constructed.

The conceptualization of training as a rite of passage for men was consistent among the veterans I met and interviewed. In fact, for some, it was one of the attractive features of the military that motivated them to join.

Duncan¹, a 58 year old Army veteran, told me that he had never considered joining the military during high school. Yet, on the day before graduation, a few recruiters came to his school to talk about the Army and its opportunities for young men. Duncan was so impressed by their presentation and their poise that he went directly to the recruiting station the day after graduation. One of the reasons he was so quickly drawn into the military by the recruiters was because they offered him a chance “to prove that [he] was a man”; Duncan had struggled during adolescence under the strict rules and curfews imposed on him by his father, and was eager to show his father that he could become a man on his own. Although his experiences serving overseas in Vietnam later changed his opinions towards the military, Duncan still recognized his military training as his initiation into manhood and adulthood during an important transitional phase in his life.

Eric, a 27 year old veteran, had a similar initial experience with the military. Even though he “often thought about backing out” during his basic training because he was sometimes terrified by the tasks he had to complete or by the verbal abuse to which he was subjected, Eric completed his training and worked hard to gain the “respect” of his fellow comrades and his superiors. Interestingly, he felt that the female superiors he had were the most serious about their work and least likely to abuse the new recruits, while his male superiors were very “military-minded” and constantly barking at the trainees, acting like “jerk[s] for no reason.” In both situations, however, Eric

¹ In order to protect the anonymity of informants, all names of veterans used in this paper are pseudonyms.

learned how to “be tough,” and to “be a man” in the military, and with the help of his comrades he learned how to not complain even when he felt “degraded” and was disrespected.

A third important topic in Burke’s book was a discussion of how the new military identity created through this rite of passage into military manhood was conceptualized in a binary as opposite to a civilian identity. The soldier identity is hyper-masculine, while the civilian identity is feminized, and the boundary between these two binaries is reinforced through the military culture (2004: 26-27). In order to motivate or threaten soldiers during training, they are forced to choose between being a civilian and a soldier, as the two categories are mutually exclusive. When they do not succeed in performing their masculinity effectively, they are degraded by being named with insults like “fag,” “fairy,” and “ladies” (2004: 45). Thus, military culture leaves little room for positive images of women, femininity, or non-heterosexual identities.

Reinvention of the Military Uniform among Veterans

In veteran culture, the binary between civilian and soldier identities would appear to be no longer valid, since the veterans carry on in their daily lives as civilians who operate outside of the confines of military institutions. The veterans I met at the hospital, however, still found ways to distinguish themselves from non-veteran civilians and to emphasize their military backgrounds. Although most of the veterans at the hospital were no longer required to wear a uniform like servicemembers on active duty, there was a

noticeable conformity of dress and symbolic adornment among the men I met in the hallways, the waiting rooms, and the elevators. The hats, jackets, sweatshirts, and shirts that these men wore broadcast their military status and patriotism in bold, embroidered letters. This self-expression of cultural identity through clothing and accessories is consistent with Anthony Giddens' ideas about the increased focus on the body as the primary canvas for communicating self-identity (1991), as well as Judith Butler's ideas about gender as a performance, with clothing and appearance as key features in individuals' reenactments of gender relations (1990). I thought it was an obvious assumption that all of the patients in the hospital were veterans of the U.S. military, but there seemed to be a cultural obsession with asserting a veteran, military, and national identity through physical displays on the body.

While the clothing itself was generally dark, in colors like black or navy blue, the writing was always bright and visible, in colors like white and yellow. Some of the writing simply stated which service the veteran had served in, whether it was the "US Army," "US Navy," "US Air Force," or "US Marines." Other styles of clothing specified the veterans' different statuses within each service, designating them as "US Army Retired," "POW/MIA," or "Purple Heart." Even more specific were the embroidered phrases like, "Korean War Veteran," "1950-1953 / Enough Said," "Vietnam Vets," "Veteran / Iraqi Freedom," "Desert Storm Veteran," and "World War II Veteran," which labeled the wearer as a veteran from a specific period of wartime in US history.

Other veterans wore clothing, hats, and other symbols that had more elaborate phrases about their time or branch of service. I met a man in the elevator one day who wore a sweatshirt that stated: “Once a Marine, Always a Marine,” reinforcing that he not only had a history of identifying with the US Marine Corps, but that he could still claim that identity, even after his time of service was completed. I have seen two different veterans wearing clothing with the line: “World War II Vet – I Served With Pride.” At first glance, this seems to be a simple statement of the veterans’ commitment to and enjoyment of service to their country during a large conflict. However, phrases like this might have further implications about the differences between wars in which veterans have served, especially between World War II and Vietnam. By asserting that they had “Pride,” it leaves open the possibility that other veterans, possibly from World War II but most likely from later conflicts like Vietnam, did not serve with the same emotion, and perhaps had to endure the opposite of pride: shame. My interviews with Duncan supported this idea, as he struggled with his disappointment and regret in his involvement with the U.S. military in the Vietnam War. He often distinguished himself as a “different kind of veteran” from the men from World War II who he perceived to be “always parading around.” Duncan saw himself as subdued in his pride and more critical of the U.S. government, and I noticed that he rarely wore clothing that celebrated his military background as a Vietnam War veteran.

I also observed veterans wearing clothing with text that was more abstract, general, or ambiguous, but which had noticeably deeper implications

about the relationship between the force of nationalism in the US and the military. For example, many men wore patriotic clothing, with no explicit references to particular branches of military service, or adorned themselves with pins, patches, and hats that displayed the American flag and other symbols like stars or eagles. The messages on the patriotic clothing usually consisted of simple texts like: “USA,” “United States of America,” and “Veterans Made America #1.” Although the first two are clearly patriotic, the third has added implications about nationalism and the role of militarism within it by saying that those who served in our military are responsible for any successes that the US enjoys, including its current perceived status as the single superpower country in the world.

Regardless of the cause in today’s historical and national context, these identifications with military services and wartimes through bodily displays appeared to play an important role in group identification. Although the veterans might not regularly wear such clothing outside of the VA hospital, the fact that the majority of veterans chose to wear these identifying markers while at the hospital signaled that they felt it was important to show their loyalty and personal attachment to military culture while interacting with other veterans at the VA. While elements of actual military uniforms remain present at the hospital, such as the wearing of camouflage, a new uniform seems to have been created for veterans, by veterans, to be worn in civilian contexts like the VA to emphasize their attachment to the military and the nation. The veteran uniform is more casual than an actual military uniform,

but it plays a similar role is promoting group identification over self-identification. As Carol Burke explains:

Uniforms are a special kind of clothing. The uniform exempts the wearer from responsibility for his or her look [...] and redirects our interpretive energies and judgment toward the institution the man or woman in uniform represents. (Burke 2004: 78)

Wearing clothing that identifies the wearer as a veteran immediately shifts the focus from their personal identity as an ordinary patient in a hospital to a representative of a military institution in the US.

The widespread use of this new veteran “uniform” that I have observed in the VA hospital allows veterans to identify with each other on more precise levels. There are certain common bonds that can be recognized through the display of symbols within the veteran culture. For example, on one afternoon, I was standing in a fairly crowded elevator behind a man with a hat and pin that identified him as a US Marine. As I was studying these identifiers, another man entered the elevator on another floor and had to stand quite close to the first. As the elevator began moving again, I noticed that the second man has a jacket on that bore the text, “US Marine” across the back. The two men soon noticed each other and the second man asked the first, “Oh, you’re a marine, too?” as he reached out his hand for a handshake. The first replied, “Yes, I was in from ’68 to ’70.” The second nodded his head, almost as if he recognized him, saying, “Yeah man, me too, I was in from ’66 to ’71.” The first man seemed impressed, replying, “Oh wow, well, a few years was enough for me.” Their conversation continued briefly, and ended with another handshake when one of the men had to get off the elevator.

I was intrigued by this exchange because it demonstrated to me how important the military-related clothing and symbols with which veterans adorn themselves is to intra-group recognition. I was also interested by the way in which past involvement in the same service created an immediate bond between two strangers, who otherwise might not have anything in common. They were very respectful towards each other, as they politely shook hands at the beginning and end of the conversation, and acted like they understood each other's experiences since they had served at the same time. One informant whom I interviewed talked about this intra-group recognition as "brotherhood" that is shared according to certain common experiences and identities in the military.

Although, the wearing of this new uniform may not have always been conscious and the re-imagination of the uniform intentional, the concept of the uniform was an important aspect of military culture among the veterans I met. During the free-listing vocabulary exercises that I asked several veterans to complete, in which participants simply had to list the words that they most immediately associated with the word "military," the word "uniform" was the most commonly listed word. Outward appearance and group identification was an important feature of military culture among veterans, both in concept and in practice.

Affirmation of Gender Roles in Marriage Relationships and Flirtations

Although I did meet a few women who were wearing military memorabilia on their clothing, the wives of veterans and the female veterans that I met (including a number of hospital staff members) were less likely to personally participate in this reinvention of the uniform. A more subdued code of dress was expected of them in the culture I experienced at the VA, and along with that dress code was an expectation of gendered behavior. These differing cultural expectations for men and women reinforced the idea that military culture not only excluded civilian identities, but also femininity.

My interactions with veterans' wives, though extremely random and limited, reinforced the idea of the feminine civilian identity, in contrast to their husbands' veteran identities. One afternoon, I stepped into the elevator and immediately noticed a strong, delicious smell. The source was a Tupperware container of soup held by a woman in the rear of the car, and she was talking to two doctors (or other staff) about how quickly her husband had gotten tired of eating the hospital's food. The doctor's agreed, saying that the hospital's food tasted okay, but that her husband would appreciate her efforts to bring in a homemade meal. The wife smiled, seemingly content to perform her gender in this domestic way and cook for him, reaffirming his manhood and her devotion to him even while he was restricted to a hospital bed.

Another veteran wife I met one day struck up a conversation with me about the gift shop at the VA, asking if I had shopped there yet. I told her that I hadn't, and asked her what it was like. She replied that it was fantastic because it was tax-free and it was a good way for wives to keep themselves

busy in the hospital while their husbands were being treated, laughing as she said, “While he’s in therapy, I’ll go spend his money!” She told me she was hoping to get some of her Christmas shopping completed early this year (it was only February at the time of this conversation). I was struck by how common she thought it was that she could casually go shopping while her husband was sick in the hospital, and how it seemed to be a natural part of her role as a wife and a woman to take care of buying Christmas presents all year long.

There have been many times during my interactions with male veterans at the hospital that I have felt slightly irritated at or uncomfortable with their attempts at flirtations and the ways in which they have singled me out due to my gender (in combination with my age, class, and status as volunteer at the hospital). The wives and other female family members of veterans that I met, however, never seemed surprised by the veterans’ attitudes towards me or other women and were generally more accepting of sexist and inappropriate comments that they made. A number of cultural factors may have played into this general acceptance of and lack of resistance to sexism that do not necessarily indicate a full, conscious endorsement of sexist attitudes (although they do function to allow it to continue), including: the weakened physical state of the veterans who were patients and a desire to assuage them and not upset them while they were unhealthy; the desire to conform to cultural practices among hospital staff members due to their interests in job security; a general cultural conditioning that has taken place

over time, creating a sense of futility in resisting sexism in military culture due to its longevity and institutional reinforcement; and many other factors of which I might still be unaware due to my status as a newcomer to this community. Whatever the cultural factors were beneath the surface, the women's reactions often consisted of rolling their eyes, joking about their husband's or father's inclinations towards being "a flirt" or a "ladies' man," or smiling and laughing in response. Although they may not have always agreed with the men's attitudes, nor necessarily endorsed them, I rarely witnessed any attempts by women to discourage sexist behavior among male veterans at the VA.

On one occasion, a slight effort of resistance was made by a nurse, but the comment was redirected at me and another female volunteer, asking us not to encourage a veteran patient's attempts at flirtation. In this instance, I was moving a stretcher with another volunteer, who was an elderly lady. The patient on the stretcher flirted and talked with us the entire way back to his room, and then urged us not to leave even after he was back in his bed. He asked my fellow volunteer several times if she was married, and each time that she said no he would propose to her, telling her how happy he would make her. A female nurse finally passed by the room and saw him talking to us and rolled her eyes, telling him to behave and indicating to us that we should leave and not "get him worked up." In this way, the sexist behavior that I observed was typically normalized within the culture of the VA hospital and almost seemed to be expected of the men at all times.

The sexist attitudes I encountered functioned to emphasize the masculine nature of veterans' military culture in contrast to the feminine nature of general civilian culture (which included the wives of veterans and, in some ways, even female veterans themselves), in ways similar to those discussed in Carol Burke's analysis of active military culture. The consistency of this cultural binary, as well as the persistence of institutional reinforcement of cultural values and the conceptualization of military training as a rite of passage into manhood, demonstrates the strong linkage between greater U.S. military culture, as analyzed by Burke, and the culture at the VA hospital.

Use of Military Language as Platform for Brotherhood

Among the men at the VA, military service was a shared personal history that offered veterans an opportunity to form bonds with other men and affirm their masculine, heterosexual, military identity through interactions, in addition to participating in the reinvention of the uniform. Veterans often communicated mutual respect and brotherhood due to their shared military experiences by means of the names they used when personally addressing each other. Although it was difficult to tell when the veterans seriously knew each other's ranks versus when they were only making a guess or a joke, they often used official military titles when speaking with each other. For example, veterans referred to each other as Corporal, Admiral, Colonel, Captain, Commander, Sergeant, and other titles. Sometimes these titles were accurate, but other times they were used in a joking manner, such that a navy

veteran was called a Captain regardless of his actual rank in the service, in order to communicate respect and common knowledge of the service.

It is possible that the use of military language did more than communicate respect through the recognition of a shared knowledge or history, and actually was a means of communicating emotional attachment and brotherhood in culturally appropriate ways. While the act of one male veteran telling another man that he loved him might be interpreted as an indication of a homosexual relationship, the veteran could express a similar emotion by playfully joking with the other man and addressing him with a military title to avoid suspicions about his sexual identity. I witnessed this firsthand at the hospital one day while transporting an older male veteran named Patrick in a wheelchair. We passed another volunteer who was a veteran and had spent time with Patrick earlier in the day. The volunteer stopped in the hallways when he saw us together, threw his arms in the air and said, “Patrick! Why’d you leave me?!” Patrick nodded his head in my direction and said, “I told you, man, I like girls!” The volunteer responded by saying, “Okay, I see how it is – you see one pretty girl and you just leave me like that,” feigning extreme disappointment. Patrick laughed, “Come on, you know I love you, Sergeant.” By inserting the military title at the end of this expression of friendship, Patrick was able to maintain his heterosexual identity while communicating on an emotional level with another male veteran.

Oddly enough, this practice of using military language when speaking with veterans was one aspect of the culture at the VA to which I began assimilating. While I never was bold enough to assume someone's rank or even their service, I did find myself asking the patients to be my "co-pilots" and help me to navigate the hospital when I was transporting them in their wheelchairs. When we arrived at our destination or completed a task, veterans and I would smile at each other and say, "Mission Accomplished." I found that many veterans responded good naturedly to this type of attention and this manner of speaking because it allowed me to show respect, recognizing that they were just as capable of finding their way through the hospital as I was, and to acknowledge their military history, giving them a title and a task towards which we could work together at a team.

Although I could assimilate to the culture in these small ways, it was often made very clear to me that there are important ways in which I did not belong. I was constantly reminded that my status as a 21 year-old female student is very different from the status of the majority population in the hospital, who were older male veterans. Of course, there were doctors, nurses, and other staff who represented a wide range of ages and backgrounds, but the hospital, as a whole, still appeared to be largely made up of men and I was one of the youngest volunteers at the VA. I became used to being referred to as a "young lady," a "pretty little girl," a "young woman," and a "nice girl," among other diminutive and gendered names. Interestingly, I was called these names both by veterans and by staff, male and female alike.

Sometimes these personal addresses were made offhand, since I was a volunteer and often talked about by staff, who are higher on the hospital's hierarchy of employees, as if I was not standing right next to them. Other times these comments were intended as compliments or jokes, whether made by staff or by patients. Regardless of the intentions of the speaker, however, it was often difficult to ignore how these comments functioned to identify me as a cultural outsider or as a lower rank of employment, and therefore, of lesser importance. By constructing the cultural boundaries between insiders and outsiders on a daily basis, the cultural identities of veterans are constantly reaffirmed, and I was reminded of how my identity falls into marked categories, especially within a military context.

The following anecdote is an example (albeit, extreme within the range of comments that were made to me) of my interactions with veterans at the hospital. One day, a gray-haired veteran in elevator asked me what I do at the hospital, angling his head to read the writing on my nametag that says "Volunteer/Escort." I told him that as an escort, I transported patients in wheelchairs and stretchers around the hospital, as well as delivering various lab specimens. He smiled and watched my face for a minute before laughing out loud and saying that he "could make a dirty joke" about that, referring to my title as an escort, which could imply employment in a segment of the sex industry. I smiled back, looking down in mild embarrassment, and he reassured me that although he "could joke about it" he wouldn't out of respect

for me, because I was such a “beautiful young lady.” He then winked at me as he got off the elevator.

I stayed behind, contemplating this encounter. Although I did not feel that the veteran had intended to imply anything about me personally, I was still absolutely certain that he never would have made a similar comment to one of the male volunteers who work with me in the escort office. Because the office is largely comprised of young men completing community service as part of their parole and older men who are veterans and want to give back, I am not only a minority as a young female student in the hospital overall, but I also don't fit into either of the majority categories of volunteers in the hospital. Perhaps my minority status makes me stand out to veterans at this hospital, and this heightened visibility makes me more likely to be the target of jokes that emphasize my non-normative, marked identity as a female. Against my better sensibilities, however, I found myself questioning the appropriateness of my own clothing, hairstyle, even my physical stance in the elevator; the joke had functioned to bring out my insecurities as a young woman fighting against sexual stereotypes in a male-dominated cultural institution.

By proving to me that I did not naturally belong in the VA, the boundaries of veteran culture were strengthened and the identities of those who do belong were reaffirmed. Similar to the way the new veteran “uniform” that was informally developed to privilege military identities within the culture against outsiders, the use of military terminology and language that

classified people by gender allowed for recognition and formation of brotherly bonds among members of the in-group while excluding minorities and outsiders.

Cultural Influences in the Formal Organization of the VA Hospital

In addition to these personal interactions, the VA was also constructing specific cultural boundaries and fostering certain values on an institutional level. The Veterans Affairs (VA) Hospital is administered by the Department of Veterans Affairs in the US Federal Government. According to the VA website, this department is the second largest Federal Department, originally created in 1930 and elevated to cabinet level in 1989 (Department of Veterans' Affairs website, 2006). The Department employs over 235,000 people, including “physicians, nurses, counselors, statisticians, architects, computer specialists, and attorneys.” In its mission statement, the Department states that its goal is:

to serve America's veterans and their families with dignity and compassion and to be their principal advocate in ensuring that they receive medical care, benefits, social support, and lasting memorials promoting the health, welfare, and dignity of all veterans in recognition of their service to this Nation. (2006)

One way in which the Department pursues this mission is through service provision at local hospitals and clinics. Within its nationwide network of service providers, there are “157 hospitals, 869 outpatient clinics, 134 nursing homes, 42 domiciliaries, 206 readjustment counseling centers, 57 veterans' benefits regional offices, and 120 national cemeteries” that serve US

veterans under the direction of the Veterans Affairs Central Office (VACO), located in Washington, DC (Department of Veterans' Affairs website, 2006). The VACO is highly bureaucratic in its formal organization, with one secretary and one deputy secretary overseeing three under secretaries, six assistant secretaries, and 21 deputy assistants, as well as a chief of staff and two boards of appeals. With so many specialized departments and leaders working to regulate and support the national network of service providers, the Department appears to be highly policy-oriented and formal in its operations.

The VA hospital in the Northeast U.S. at which I conducted my research is a part of the Department's broad network of organizations, and adheres to the mission and values set by the VA for its hospital affiliates. As discussed earlier, the VA's mission encourages the preservation of national memory of war and of the legacies of veterans by relying on the words of former President Lincoln. The use of Lincoln's quote serves as a reminder of our nation's history of war, unifying us all as common descendants and beneficiaries of veterans and the sacrifices they made for the nation. Furthermore, nationalism can also be inferred through some other linguistic subtleties of the VA's mission statement, such as the capitalization of the word "Nation" to refer to the United States. The VA's official values are: "Commitment, Excellence, People, Communication, and Stewardship." The first one, Commitment, reemphasizes the national history of military service again by promising to serve those who have "earned our respect and commitment." The second value, Excellence, talks about the VA's desire to

not only provide services to veterans, but to provide “world class” services, implying an international competitiveness in the VA’s level of technologies and skills, thereby promoting an image of the nation as just as good or better than other nations in the world. The last three values restate the importance of respect, accountability, accuracy, and responsibility in the culture of the VA. Although the Department of Veterans Affairs claims to be actively working towards being more “veteran-focused” as part of its mission to continuously improve its services to veterans, the formal mission statement and values of the VA hospital remain more narrowly focused on men, memory, the legacies of personal sacrifices and the concept of the nation.

Nationalism: Definitions and Physical Evidence at the VA

Both the veteran’s civilian uniform, the invention of which I observed at the VA, and the stated institutional values and mission demonstrate how nationalism is a key influence on culture, the effects of which are ongoing and continuous. Nationalism is an ideology that most people in the modern world usually associate with the emergence of a new nation in a particular historical context or with extreme threats to the stability of a current nation. In the U.S., we are comfortable using the term nationalism to describe events and movements in foreign countries that are less-developed and less politically stable, but we rarely use it to discuss our own status as a nation. We talk freely about the work of nationalism in post-colonial nations like the Philippines and Cuba, but often fail to recognize the U.S. as a nation in which nationalism plays an important role.

Yet, the U.S. is a nation, in the sense that we are “a collection of people who have come to believe that [we] have been shaped by a common past and are destined to share a common future” (Enloe 1990: 45). Although we are neither a new nation, with our own colonial history now centuries behind us, nor one whose stability is extremely threatened, nationalism is still key factor in our everyday experiences. It is constantly present in our “commitment to fostering those [common] beliefs and promoting policies which permit the nation to control its own destiny” and plays an important role in how we construct our own identity in contrast to others, defining ourselves by what we are not (1990: 45).

As Michael Billig explains in his article, “Banal Nationalism,” it is commonly assumed that nationalism is only a “developmental stage, which mature societies (or nations) have outgrown once they are fully established,” and the U.S. usually considers itself more “mature” (Billig 1995:129). After nations are created and they mature, however, nationalism “does not entirely disappear [...]: it becomes something surplus to everyday life,” developing into a form known as “banal nationalism” (130). Banal nationalism is absorbed into the unconscious levels of cultural awareness, where it continues to function unnoticed (131). In this way, the process of nationalism is present in all nations at all stages of their identity development, as it has been in the U.S.

During my fieldwork at the VA, evidence of nationalistic attitudes was not hidden, but it was so integral to the culture that it could easily go

unnoticed and be accepted unconsciously as a natural part of the environment. Certainly, the veterans' self-adornment with clothing and accessories that celebrated the U.S. as a nation and the role of the military in supporting the nation was ubiquitous, as discussed earlier. Tangible evidence of nationalism, however, extended beyond these personal displays on the body and actually penetrated the physical structure and design of the hospital building and area. The entrance to the VA hospital includes a stately display of U.S. flags, and the signs inside the door proclaim, "Freedom is not Free." The flags and signs stand almost like an invitation to enter the hospital and witness how the national ideal of "Freedom" has been won.

Inside the hospital building, the influences of nationalism continue to be seen in the coloring of the hospital floors, walls, and signs in red, white, and blue. One striking example of this is the design of the vending machines at the hospital. Although I passed by a vending machine every time I walked to the office where I volunteered, it took me a few days before I noticed that it had been decorated especially for the VA. Owned by Coca Cola, the front of the machine is patterned with stars and stripes, as well as an image of the Statue of Liberty. Although all of the products it vends appear to be typical products, there is text written into the design indicating that this machine is doing more than just vending soda: "The Coca Cola Company and Veterans' Canteen Service are proud partners in serving genuine American heroes every day." I was immediately struck by the characterization of veterans as a more "genuine" classification of hero than other people who might be called the

same. This indicated to me that the service of veterans is supposed to be regarded as a higher, more pure form of sacrifice and service to the nation than any other form. It was also interesting that a large company like Coca Cola would join in with a department of the Federal Government to repackage its products for placement in a hospital.

Further down the hall from the vending machine are two large murals. The first one is a painting from 1995 that is “Dedicated to the men and women who served our country throughout the 20th century.” In the foreground it depicts five white men, middle-aged to older, in civilian clothes; two are in wheelchairs, one of whom has his leg amputated. Their names are listed by the painting, indicating that they served in the Persian Gulf War, the Mexican Border War, World War I, the Vietnam War, the Korean War, and World War II. The background of the mural shows the images of a Revolutionary War era soldier, a large eagle, and a robed woman (possibly Lady Victory) fading into the white clouds. The edges of the painting are patterned with various badges and patches from different missions and for different special honors, as well as old photographs of the five men, young and in uniform. The only women shown on the mural are in these small photographs; one appears as a young, white nurse with a soldier, and the other is an African American soldier in uniform.

The second mural is dedicated specifically to women in the armed services, titled “Women Under One Flag: Passing on the Tradition.” Below the title were the words, “Service, Honor, Courage.” There are six women in

the mural, and one of the young woman is holding a baby up and kissing it on the cheek. Two of the women appear to be African American, while the rest are presumably white. There is a large American flag design in the background, with an image of an eagle superimposed over the whole painting. This special women's mural was placed, almost like a supplement, down the hall from the general mural of the men, which was supposed to honor all veterans but effectively left women out, reaffirming that femininity is a marked, non-normative feature of a veteran's identity.

The effect of the portrayals of gender on the murals, and the coloring of the whole building, right down to the vending machines, is to subtly remind people in the hospital of the U.S. as a nation of people with a shared history of war and a common interest in maintaining the "Freedom" that veterans have secured at great costs. Thus, nationalism is camouflaged seamlessly into the VA hospital and the culture that exists within it.

Nationalist Discourse on Sexuality and Identity

A primary focus of nationalist discourse, including that of the U.S., has been on the body, due to state interests in defining and regulating sexuality and identity. The state has a vested interest in maintaining its national population through reproduction to ensure continued economic growth and a stable pool of people eligible to serve in the military, and so it strives to have some control over the body, reproduction, and life processes. Michel Foucault, a well known postmodernist French philosopher, argued that the "defining feature of our society" was that power was governed by "the

control and modification of [...] life processes” (McHoul 1993:61). Because these life processes include not only births and deaths, but also sexual relations, sexual identity “assumed crucial importance as a political issue” (1993: 77). Foucault felt that this issue was central to power relations in a national society because it encompassed the individual identity of the physical body as well as the entire “population as a living species body” due to its relation to reproduction (1993: 77). In modern nations like the U.S., sexual identity “became the stamp of individuality – at the same time what enabled one to analyze the latter and what made possible to master it” (1993: 78).

Foucault’s arguments about the nature of nationalism hold true in the culture of the VA, where masculinity and heterosexuality are privileged through speech and jokes made by the veterans. Although homophobia at the VA was contained and limited to evasive comments like, “I don’t care if one of them [a fellow service member] is gay, just as long as he doesn’t hit on me,” the veterans I encountered supported the construction of heteronormative ideals and participated in the policing of sexuality and gender displays. While I was volunteering one day, I overheard veterans in the volunteer office talking about a visitor they had seen in the hospital. They described the visitor as a male who was dressed in women’s clothing and wearing make-up, and one of the veterans said, “I can’t believe we have sickos like that coming in here.” The discussion continued, as the veterans speculated about the visitor’s sexual identity and mental health, until I finally spoke up and began questioning their assumptions about the visitor’s identity. I doubt any of the

veterans would have made a discriminatory and hateful comment like this to the visitor's face because, as 26 year-old veteran Eric explained, "women and gays are usually talked about on the side, not really face to face." Thus, even though degrading speech against gender and sexual minorities was not used publicly, it still worked within the in-group to reiterate gender and sexual boundaries and to quietly normalize the masculine and heterosexual ideals for men in the military. In this way, the VA's institutional goals of preserving a national legacy of a heterosexual masculinity were reinforced by veterans' daily speech and actions.

CHANGING POLICY

The culture I encountered in my fieldwork at the VA has not arisen in isolation from national trends in law and policy. Although my analysis of the institutional structure of the VA hospital within the U.S. Federal Government was included above, the historical context and legal trends related to the cultural constructions of national, gender, and sexual identities in military culture should also be recognized and discussed as reflections and influences on the policies and culture of the military. Military culture is constantly reacting to these trends and must be understood in the context of this interactive, evolutionary process. Two key Supreme Court cases have affected military policies towards the acceptance of queer identities, as well as the very definition of those identities, and a reflection on this history is necessary before proceeding to make claims or suggestions about future directions for cultural change.

Policy and Law under *Bowers v. Hardwick*

Nationalism in the U.S. has functioned in the large-scale culture of the nation similar to the ways I observed it functioning in the small-scale culture of the VA hospital to promote state interests in reproduction through the construction of heteronormative ideals of sexuality. The struggle over these ideals is visible in the U.S. legal system, through analysis of Supreme Court decisions that have defined the debate over gay rights, including the right to serve in the military. Based largely on precedent, the U.S. legal system relies on previous laws and judgments when creating new, national policies. Thus,

Supreme Court decisions on federal issues can have long-lasting and far-reaching effects on the nation and its culture.

One important case that sculpted the landscape of military policy and legal struggles in the gay rights movement was *Bowers v. Hardwick* (478 U.S. 186, 1986). In 1986, the U.S. Supreme Court ruled that laws which prohibited particular sexual acts, namely sodomy, were in fact constitutional, favoring the defendant in the case of *Bowers v. Hardwick*. The case was the result of the actions of the plaintiff, Michael J. Bowers, a “practicing homosexual” who challenged the constitutionality of Georgia State’s anti-sodomy statute after he had been arrested for violating the law with another man in his home. The *Bowers* decision upheld the state sodomy statute in Georgia and refused to grant “homosexuals” a “fundamental right” to engage in certain sexual acts. The challenge to the anti-sodomy state law by Bowers was denied by the Supreme Court on four points:

- 1) The fundamental rights of “homosexuals” were not violated by the prohibition of sodomy in the Georgia statute.
- 2) “Homosexuals” do not have a fundamental right to engage in sodomy under the Federal Constitution. The Court stated that “none of the fundamental rights announced in this Court’s prior cases involving family relationships, marriage, or procreation bear any resemblance to rights asserted in the this case” (478 U.S. 186).
- 3) The Court did not want to expand the definition of what fundamental rights were.

4) A majority of the Georgia electorate believed in the idea that “homosexual sodomy is immoral and unacceptable” (478 U.S. 186).

The result of the assumptions and decisions in these four points was to effectively deny the queer community in the U.S. an equal protection class status. This case set a precedent for future cases that challenged anti-sodomy statutes and discrimination against the queer community, and was referred to in many subsequent judicial decisions and in laws and policies, such as those of the U.S. military.

Three judges formally acknowledged their dissent towards the final decision in *Bowers v. Hardwick*, arguing that cultural change towards increased acceptance was inevitable and that in the future this case would be overturned (478 U.S. 186, 1986). Their argument paralleled that of Gary Lehring, who said that “public policy [is] a snapshot of the values, beliefs, and preferences of a culture at a given point in history,” rather than an everlasting mandate (Lehring 2003:13).

This important decision subsequently served as a support for numerous legal challenges to laws and policies that affected the gay community in the late 1980s and 1990s, since the U.S. legal system relies heavily on precedent. With *Bowers* in place, gays and lesbians were denied some of the rights that heterosexuals were granted, including the right to privacy (Lehring 2003: 168). In particular, *Bowers* was used in defense of military policies that banned gays and lesbians from serving openly in any of the branches of military service. President Clinton sought to lift the ban during his first term

and allow gay and lesbian citizens to serve their country openly, declaring his belief that “you should be excluded for something you do, not something you are” (Livia 1997: 345). However, the military’s definition of a “homosexual” was more narrowly focused on unacceptable behaviors and did not recognize homosexuality as an integral part of an individual’s identity.

The U.S. Military’s Definition of “Homosexuals”

While Foucault claimed that the rise of medicine was responsible for defining sexual identity in the 1800s in new ways, Gary Lehring has argued that the U.S. military was instrumental in developing an “official ‘homosexual’ identity” in the 1900s (Lehring 2003:5). Borrowing from medicine’s definition of homosexuality, the military had the authority in the 20th century to create the “social and legal subject” of the “homosexual” (2003: 5-6). The new definition that the military created and employed relied on the assumption, from the medical field, that homosexuality identity was not natural and that all people who performed certain sexual acts should be assigned a homosexual identity based on their behavior. In this cultural climate, as Lehring explained, “unapproved sexual acts would be indications of something far more sinister about a person: a degenerative condition, a character flaw, a criminal mind” (2003: 5). Laws that criminalized “homosexual acts,” including those outlawing sodomy, arose during this time in accordance with popular religious, medical, and social beliefs (2003: 46).

Up until the mid-1990s, the U.S. military officially defined a homosexual as a “person, regardless of sex, who engages in, desires to engage

in, or intends to engage in homosexual acts” (RAND 1993:338). For clarification, “homosexual acts” were decided to be any “bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires” (1993: 338). The military directive (DoD Directive 1332.14) that contained this definition also outlined a policy for banning non-heterosexuals from military service. If a soldier openly admitted to being gay, if they were discovered to be gay through an investigation, or if they were implicated by another service member’s statements, they could be discharged from the military (1993: 338).

This policy was presumed to coincide with the beliefs of the greater U.S. culture on homosexuality. The Department of Defense decided that differential treatment of gay servicemembers in its own policies, as well as in other state laws, was valid as long as there was an underlying “rational basis” for that treatment (1993: 335). To determine this rationality, policy makers relied heavily on measures of the general electorate’s opinions and culture. In 1993, the Department concluded that:

Since the majority culture tends to view homosexuality with anything from indifference to outright hostility, it is not surprising that courts have generally deferred to the state in challenges by homosexuals. (1993: 335)

It was on this presumed cultural basis that the ban on gays in the military was upheld for many years.

Implementing “Don’t Ask, Don’t Tell”

In 1993, however, as a result of President Clinton's efforts to lift the ban, a new policy was finally established. Known as the "Don't Ask, Don't Tell" policy, it did allow gays and lesbians to serve in the military, but permitted them to be discharged if they committed any "homosexual acts" or if they, or someone else, openly stated their non-heterosexual identity (Lehring 2003:98).

This policy was meant to be a compromise between lifting the ban and keeping it, but it did little to change the experiences of gay and lesbian service members. In fact, the policy had many weaknesses and unintended consequences. "Don't Ask, Don't Tell" was, and still is, purported to protect the various branches of the military from the threat that gays and lesbians pose to "unit cohesion" (Alexander 4/7/05). Yet, a close look at the history of this ban reveals a great weakness in this argument: the ban has consistently been enforced less frequently during times of war, when unit cohesion would presumably be most important (Lehring 2003). In light of this history, the language of the argument, to preserve "unit cohesion," does not hold true, leaving many people and organizations in the gay rights movement to believe that the policy is truly based in the military's bias against the gay community (Alexander 4/7/05).

Furthermore, this discriminatory military policy affects all servicemembers, whether they are gay or straight. In fact, about a half dozen people who are straight come to the Servicemembers Legal Defense Network (SLDN) each year with cases of potential and actual discharges under the

“Don’t Ask, Don’t Tell” directive (Alexander). Cultural differences in showing affection or comradeship may account for some of the misunderstandings that take place in these cases. In others, the malleability of the policy’s broad language might be a more likely cause. For example, the policy prescribes that any “bodily contact between servicemembers of the same sex that [...] demonstrate[s] a propensity or intent to engage in homosexual acts” observed while on or off duty is sufficient to investigate and discharge a servicemember (DoD Directive Attachment). The term “bodily contact” is quite vague and includes holding hands and other common gestures, which can easily be misinterpreted, or misrepresented, by observers. Thus, the “Don’t Ask, Don’t Tell” policy is not only based on biases against the gay community, but it also has unintended consequences that hurt all servicemembers, including those who identify as heterosexual.

The Reversal: *Lawrence v. Texas*

In 2003, the *Bowers* decision was overturned by the *Lawrence v. Texas* Supreme Court case. The new case was based on a challenge to a Texas state anti-sodomy law after two men were arrested and charged under that law for committing a “private, consensual sexual act” (539 U.S. 558, 2003). The case advanced to the Supreme Court of the U.S. where, on June 26, 2003, the decision was announced in favor of plaintiffs John Geddes Lawrence and Tyron Garner, against the defendant, the state of Texas. The Court defended its ruling with four main arguments, paralleling the argument structure of *Bowers*:

1) The petitioners have a fundamental freedom to engage in private and consensual behavior of their choosing under the Due Process Clause. The Bowers Court had failed “to appreciate the extent of the liberty at stake” in its previous ruling on the anti-sodomy statute in the state of Georgia because:

[a]lthough the laws involved in Bowers and here purport to do not more than prohibit a particular sexual act, their penalties and purposes have more far-reaching consequences, touching upon the most private human conduct, sexual behavior, and in the most private of places, the home. They seek to control a personal relationship that, whether or not entitled to formal recognition in the law, is within the liberty of persons to choose without being punished as criminals. The liberty protected by the Constitution allows homosexual persons the right to choose to enter upon relationships in the confines of their homes and their own private lives and still retain their dignity as free persons. (2003)

2) The legal precedents and presumed electoral majority which the Bowers Court claimed to demonstrate and support “ancient roots” in prohibiting sodomy were “overstated” (2003). Not only are early sodomy laws not applicable to consensual, adult relationships, but U.S. laws from the last 50 years have continuously relegated sexual acts to a private realm, leaving moral decisions on such matters to be made by individuals and not the law.

3) Since the Bowers decision, the legal precedents for anti-sodomy statutes within the U.S. and internationally have weakened. The number of state laws against sodomy has been reduced almost by half and the law is typically not enforced in cases of private and consensual acts. The Court explained that:

to the extent Bowers relied on values shared with a wider civilization, the case’s reasoning and holding have been rejected by the European Court of Human Rights, and that other nations have taken action consistent with an affirmation of the protected right of homosexual adults to engage in

intimate, consensual conduct. There has been no showing that in this country the governmental interest in circumscribing personal choice is somehow more legitimate or urgent. (539 U.S. 558, 2003)

4) Finally, presumed popular support from the electorate is not sufficient reason to maintain a law as long as it still violates certain personal liberties that are protected by due process and which do, in fact, include “individual decisions concerning the intimacies of physical relationships, even when not intended to produce offspring” (2003).

Thus, *Lawrence v. Texas* nullified all of the arguments presented in *Bowers v. Hardwick*. However, not all of the Supreme Court Justices agreed with the way in which it was decided, or even the decision itself. Justice Sandra Day O’Conner filed a concurring judgment to note that even though she agreed the Texas anti-sodomy statute was unconstitutional she believed the case should not overturn *Bowers*. She diverged in her opinion that *Lawrence* should be based more substantially on the Fourteenth Amendment’s Equal Protection Clause, and not on the Due Process Clause. She believed that *Lawrence* raised “a different issue than *Bowers*,” namely:

whether, under the Equal Protection Clause, moral disapproval is a legitimate state interest to justify by itself a statute that bans homosexual sodomy, but not heterosexual sodomy. It is not. Moral disapproval of this group, like a bare desire to harm the group, is an interest that is insufficient to satisfy rational basis review under the Equal Protection Clause. (539 U.S. 558, 2003)

Three Supreme Court Justices completely disagreed with the final decision and filed dissenting opinions with the case. Justice Antonin Scalia argued that “homosexual sodomy” was not a

“fundamental right” and that the “rational-basis review” of the law by this Court was flawed (2003). He also did not believe that the state law denied the equal protection clause. Justice Clarence Thomas added that although he felt the Texas law should be repealed, legislative changes should be made by the State and not by the Court. He also argued that the Federal Constitution did not confer a general right to privacy for citizens and, thus, believe that to be an invalid argument to uphold the *Lawrence* ruling (2003).

Lawrence v. Texas: Arguments and Linguistic Implications

The implications of the legal arguments used in *Lawrence* necessitated a shift in power between the government and the people. The language of the ruling clarified the definition of “fundamental rights” to return responsibility for making private, moral choices about sexual behavior to adults in consensual situations, thereby reducing the power of the law in affecting such personal choices. Thus, the debate was moved away from whether sodomy practiced between two men was moral or permissible, which has been the main point of attack by the opposition to the gay rights movement, to focus more on the government’s role in affecting personal choices and identities. The *Lawrence* Court declared that consenting adults had a right to privacy, which entitles all adults to make their own personal decisions based on their own moral values and sexual preferences.

This redefinition of rights recaptured the ideas proposed by Michel Foucault about the nature of the power relations between a government and its

people, and the centrality of sexuality. Foucault believed that individual identities are formed as a result of the imposition of a power that attempts to regularize them, and that identity formation was a process of resistance to that power (McHoul 1993). Because life processes, including sex and sexuality, were the primary targets of societal governance, it follows that the formation of sexual identity is a response to the very power that attempts to regulate it. When the people are given the right to make decisions about their sexual behavior and sexuality becomes a private matter and not a public one, the government's power in controlling or modifying personal identity is weakened.

Also notable is the universality of the *Lawrence* decision. It did not attempt to give "special rights" to gay men that would allow them to engage in particular sexual acts. Instead, it declared privacy to be a "fundamental freedom" for all citizens, including gay men. This declaration directly contradicted the *Bowers* holding that "homosexuals" did not have a "fundamental right" to engage in private, consensual acts, including sodomy, even in their own home (478 U.S. 186, 1986).

Finally, the language in *Lawrence* also marked a shift in the conceptions surrounding the word "homosexual." While it was used consistently as a noun in the *Bowers* decision, referring to the plaintiff as a "practicing homosexual," it was used as an adjective in *Lawrence*, discussing those affected by the anti-sodomy laws as "homosexual adults." This important linguistic shift represents a cultural shift in the American

perspective on homosexuality from an affliction that defines an individual, in the former use as a noun, to just one part of an identity out of many that clarifies an individual, in its more modern use as an adjective.

The Impact of *Lawrence* on the Gay Rights Movement

The *Lawrence* decision also reflected the many changes that had occurred in U.S. law and culture since the 1986 *Bowers* decisions. Military policy had begun to evolve during the Clinton Administration in the 1990s, with the military's adoption of the "Don't Ask, Don't Tell" policy sparking debates across the U.S. While many gay rights activists still view this policy as discriminatory because it discourages servicemembers from being open about their sexualities, it does differ from the previous military policies that banned gay servicemembers because it now recognizes and protects the equal right of all women and men to serve, regardless of their sexuality, as long as they do not openly admit to being gay (Lehring 2003). Furthermore, this military policy has always been lifted during times of war, or other situations (like the post-9/11 period), in response to an increased need for military personnel, working as a sort of "reverse recruitment process in times of war" (2003: 2-4). This apparent flexibility of the policy weakens its political strength because it shows that gay personnel are not as threatening to the success of the military's work as the policy claims them to be, and opens up more possibilities for the ban to be lifted in the future (2003: 110).

Many activists and advocates in the gay rights movement see *Lawrence* as a major victory for their cause. As noted by Sharon E. Debbage

Alexander, Counselor for Law and Policy at the Servicemembers Legal Defense Network in Washington, DC, “the entire backdrop has changed” because of this case (4/7/05). *Bowers v. Hardwick* was often used as a basis for ruling against many cases for the expanded recognition of gay rights, not only in terms of the freedom to perform certain sexual acts, but also for rights to marry, adopt, or serve openly in the military. The reversal of that decision has given many advocates reason to hope that the opportunities will be expanded to reverse other decisions and repeal laws and policies that concern the gay rights movement.

The Servicemembers Legal Defense Network (SLDN), for example, is taking advantage of the new atmosphere created by the *Lawrence* decision to make a case for repealing the U.S. Military’s Don’t Ask, Don’t Tell policy. On December 6, 2004, in a Massachusetts court, SLDN filed a new case, *Cook v. Rumsfeld*, in which they represent twelve former servicemembers who were discharged from various branches of the U.S. armed services under the Don’t Ask, Don’t Tell policy. The motives of SLDN in filing this case are that they believe the Don’t Ask, Don’t Tell policy is unconstitutional on the grounds that it violates equal protection rights, due process rights, and First Amendment rights of military servicemembers. SLDN is fighting to have the twelve servicemembers reinstated, in hopes that this will expand opportunities for other similarly discharged members to also regain their jobs in the future.

SLDN made similar attempts throughout the 1990s to protest Don’t Ask, Don’t Tell, but all of those attempts failed to change the policy.

Alexander attributes most of these failures to the dominance of *Bowers* in litigation and rulings throughout the decade; with that decision in place, it was difficult to argue in favor of equal protections for gays and lesbians (4/7/05). However, now that *Lawrence* has declared that government has no business in regulating sexual behavior related to private, personal choices, the outlook is much more optimistic for those who desire change than it was in the 1990s.

LOOKING TO THE FUTURE OF ACTIVISM AND CULTURAL CHANGE

Cultural Resistance to Policy Changes

Carol Burke noted the military's strong cultural tendencies to privilege heterosexuality and masculinity during training rituals and military ceremonies, as well as daily speech, in ways that mirror those that I witnessed during my fieldwork at the VA. In her conclusions, Burke argued that despite changes in policy during the past few decades that increased the integration of women into military service branches and that lifted the ban on gay and lesbian service members, the culture of the military continued to exclude feminine and queer identities (2004). The *Lawrence* decision can be perceived as a significant victory for some causes within the queer rights movement because of its potential effects on policy, but activist and scholars must be prepared to search for new tools to help continue the fight for equal rights.

Applying Critical Race Theory in the Queer Rights Movement

Critical Race Theory (CRT) is a dynamic tool that progressive legal scholars have used to upset traditional discourses on race and to insert new authoritative voices into the debate on law, race, and racial power in the US. Among its many contributions, CRT has been used to raise important questions about the motives of both liberal civil rights lawyers and conservative scholars in landmark Supreme Court decisions, such as *Brown v. Board of Education* (1954) and the patterns of white interest convergence that

supported racial integration in schools. Critical race theorists have also been instrumental in challenging the dominant legal paradigms surrounding identity and difference, providing alternative models to essentialist claims for “special” rights in non-discrimination law.

One of the most important aspects of CRT, however, is its universality and applicability to other minority movements and broader coalitions for change. The movement for queer² legal rights in the US is one of the many that could benefit from application of this progressive theoretical tool, especially to its internal debates surrounding sodomy legislation and the Don’t Ask, Don’t Tell policy of the US military institutions. If CRT is used effectively in these areas, as well as in the wider struggle against oppression, it has the potential to contribute to the strengthening of individual movements and the building of coalitions that can lead the US towards a truer vision of justice for all.

Fundamental Themes in CRT

Before CRT can be directly applied to the queer movement, however, scholars and activists must understand the basic principles of the theory that serve as common themes in the work of critical race theorists, providing some fundamental unity across the movement. First, CRT maintains that the concept of race is socially constructed, with no correspondence to an

² The queer movement is very broad and those within it identify with many different labels, including lesbian, gay, bisexual, transgender, gender queer, etc. Although the term “queer” is not one that all scholars, activists, and other people with the movement unanimously identify with, for the purposes of this study, its lack of rigidity and inclusiveness make it an appropriate term to describe the current movement for the legal rights of people who identify as non-heterosexual.

objective, scientific reality (Delgado 2001: 7). The subjectivity of race, however, does not render group identification along racial lines irrelevant. The social belief in the race construct does have real, material consequences which can unite racial groups due to common experiences of inequality and oppression. These common experiences support a second main theme in CRT: the “notion of a unique voice of color” (2001: 9). Critical race theorists often prefer to give default authority on topics of race to people who have a personal perspective on them due to lived experiences as a minority.

Despite this preference, CRT takes a strong stance against essentialist arguments that assume homogeneity across identified minority groups. Critical race theorists are sensitive to the intersectionalities of identities within each group, recognizing that people who identify as black are just as varied in their religious identities, socioeconomic class statuses, and sexual identities as people who identify as white, Latino, Indian, Asian, and so forth (Delgado 2001: 9).

Another common thread in the CRT movement is the idea that racism is unconsciously implicit in everyday actions and institutions of all groups in society (Delgado 2001: 7). The implicit nature of racism does not excuse it, however, nor does it mean that explicit acts of racism do not occur.

According to critical race theorist Derrick Bell, one of the most explicit, yet often unrecognized, examples of racism in society and in the law is the “interest convergence” phenomenon, which operated in the *Brown v. Board of Education* (347 U.S. 483, 1954) Supreme Court decision (Bell, “*Brown v.*

Board...” 1995: 20). He argues that the overturning of the ‘separate but equal’ doctrine of *Plessy v. Ferguson* (163 U.S. 537, 1896) with the *Brown* decision only occurred because it was in the interests of white people, not because it was the just thing for the black community in the US.

Finally, CRT also offers an important insight about the relationship between law and culture. In his essay, “Serving Two Masters,” Bell reminded his audience about the importance of the litigation process in creating change (1995). He discussed this in the context of the reversal of *Plessy*, stating that although the course of litigation and the cases available to be tried were unpredictable, the decades of conversations about segregation in all arenas led civil rights lawyers to see the educational system as an important site for potential change (Bell, “Serving Two Masters” 1995: 6). This reminder about the role of litigation as a long and continuous conversation within the larger discourse of law and cultural change serves to highlight the need for patience and persistence in progressive movements while waiting for time to erode the legal barriers and persuade public opinion.

Confronting Essentialism

With these basic principles in mind, queer scholars and activists can move forward more effectively with attempts to utilize CRT-based methods in the movement for queer legal rights. To begin, the queer movement must examine the essentialized constructions of queer identities in the US and follow the CRT models for deconstruction, especially for nondiscrimination legal cases. Essentialism is one of the main requirements for the creation of

“suspect” classes, which are groups of people determined to be united by a common characteristic that against which there exists societal prejudice (Hirsch 1992: 194). Race is considered to be a valid basis for this classification, and subsequent legal protection from discrimination; sexual identity has not been treated as similarly valid for this classification (1992: 194-195).

One of the most helpful and relevant models, called the “holistic/irrelevancy” model, was proposed by Elvia Arriola in her essay on “Gendered Inequalities” (Arriola 2000). She conceptualized this model in an effort to overcome the five legal assumptions in nondiscrimination law that she believed to be the most misleading ideas about identity and the most disruptive barriers to the movement toward a multidimensional model of identity. These five assumptions were: 1) class, sexuality, gender, and race are separate and unrelated categories of identity; 2) each category has a distinct and immutable definition; 3) these categories of identity can be ranked or prioritized over one another; 4) some categories, like class, are not valid for consideration in nondiscrimination cases; and 5) dichotomies and power relationships can be arbitrarily determined between these ranked and essentialized categories (Arriola 2000: 322). Arriola’s alternative model sought to combat essentialism by looking at the whole harm caused by a discriminatory act to the total identity of the person, rather than diminishing the sum effect by separating each category out in rank order.

Arriola was not the only critical race theorist who provided useful tools for improving the legal system's perspective on queer identity. Darren Lenard Hutchinson also tackled queer legal issues, providing a critique of the lack of integrated legal discussion of intersectionalities especially in terms of race and sexual identity. In his essay, "Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse," Hutchinson describes and analyzes the intersection between heterosexism and homophobia in the context of violent cases of perceived "gay-bashing" (2000). He argued that many of these cases could have been better classified as the manifestation of multidimensional discrimination including forms of racism, classism, and sexual oppression (Hutchinson 2000: 327). Hutchinson argues for the creation of a multidimensional legal discourse surrounding "gay and lesbian liberation" that allows social justice workers to attack all forms of discrimination at once, instead of reinforcing the hierarchies of social domination through their work (2000: 330). If models like Hutchinson's and Arriola's are utilized, they could revolutionize the way that courts extend legal protections to people in the queer community.

The need for these types of models in the queer movement has arisen due to real problems of hegemonic dominance within the movement. Although the queer community is as diverse in terms of race, class, and gender as any other general population in the US, the needs of some members, particularly those who are white, male, and affluent, are often made more visible and placed at the forefront of the movement. Feminist movements

have had similar struggles, with the rights of white, straight, upper- to middle-class women appearing to be ranked higher than those of other women within the movement (Harris 2003: 34-41). Hutchinson hinted at the idea that highly visible legal remedies proposed in the queer movement, such as the push for same-sex marriage, may not be “vital” issues for all members of the queer community, especially those who are considered “poor,” as much as they appear “vital” for gay, white, affluent males (Hutchinson 2000: 331).

Another theorist, Francisco Valdes, went beyond the common discussions of intersectionality from theorists like Arriola and Hutchinson to call for the confrontation of sexism and racism within the movement by increasing solidarity among all members of the queer community. In “Sex and Race in Queer Legal Culture: Ruminations on Identities and Interconnectivities,” Valdes argues that confronting heterosexism in legal discourse is an important task for activists and scholars, but that it is imperative that the movement be unified first (Valdes 2000: 334). To achieve that necessary unity, more inclusive projects should be undertaken to emphasize the interconnectivities between all sexual and racial identities within the movement and the power relations between them that are constructed, partly, through law (2000: 338). Valdes’ arguments for self-examination and self-interrogation are true to the deliberately reflexive nature of all CRT work, and they are critical for a movement as broad as the queer movement for legal rights. Without internal solidarity, the movement will not be strong enough to resist the urge to break into the race, class, gender, and

sexual categories of essentialized identities that have been institutionalized and codified by legal discourse.

Exposing Interest Convergence

Along with an anti-essentialist approach and a dedication to self-critique, queer activists and legal scholars must also be wary of the phenomenon called interest convergence, introduced by Derrick Bell. This awareness is crucial in a time when queer interests are highly politicized in a national discourse dominated by the polarizing views of conservatives and liberals that exclude other perspectives on queer issues from visibility. Even if the liberal side wins the battle to make its rhetoric about “gay rights” a legal reality, this might not necessarily translate into a victory for the queer community.

To avoid this subsuming of the queer movement into liberal rhetoric, scholars and activists must examine the role of interest convergence that supports heteronormativity in key internal debates on current policies and find a way to include new voices in these debates. This examination can parallel the questions raised by Bell about interest convergence serving white supremacy in the debate on school segregation. For example, in the case of the battle over same-sex marriage in the US, conservatives and liberals at the forefront of the national debate have been using arguments about morality, religion, and rights to either support or deny citizens the right to same-sex marriage. The construction of the debate around these two dichotomous opinions overshadows any other voices in the discussion, similar to the way in

which the school segregation debate of the 1950s was built around the arbitrary dichotomy between liberal civil rights lawyers and racist conservatives. Bell managed to insert a third voice (granted, it was several decades after *Brown*) by exposing the ways in which white interests, especially economic ones, were served by school integration by maintaining the educational system as it was except for the forced inclusion of black students (Bell "*Brown v. Board...*" 1995: 20-27). He demonstrated how the liberal civil rights movement was used to promote white interests while appropriating the cause of equal rights for the black community.

Queer activists have begun to use this approach of exposing and opposing interest convergence in the debate over the so-called "right to serve" in the U.S. military. As Peter Tatchell wrote in *We Don't Want to March Straight: Masculinity, Queers, and the Military* (1995): "Implicit in the campaign for the right to serve in the military is the assumption that all the rights that straights have are desirable and that queers should have them, too" (1995: 3). Tatchell and others like him are concerned that the gay rights movement too often gets caught up in fighting for rights currently denied to the queer community in order to assimilate to U.S. society, and in that fight, all critiques of the institutions in heterosexual society are side-lined or lost.

The queer movement would be wise to do the same in the case of same-sex marriage and uncover the ways in which the liberal establishment's appropriation of this cause actually serves heteronormative interests by maintaining the long-standing heterosexual institution of marriage. Declaring

same-sex marriage legal promotes the assimilation of the queer community into heterosexual culture; the queer community must decide if assimilation serves the interests of its members while paying close attention to the intersectionality of sexual identity with class and race and how that affects group interests.

Another example of potential interest convergence in the queer movement for legal rights is the debate over sodomy laws. In 1986, the *Bowers v. Hardwick* case set a precedent against the granting of fundamental rights or the protection of privacy rights for the queer community. The *Bowers* decision created a separate class of citizens by declaring sodomy illegal only when it is committed between two queer men and ignoring the fact that heterosexuals may also engage in this act. In many ways, this case was for the queer community the same type of legal setback that the *Plessy* decision was for the African American community in that each case essentialized identities of the queer and African American communities, respectively, and set precedents that were difficult to overturn.

Both cases, however, were overturned. It took over 60 years for *Plessy* to be finally reversed by *Brown*; the *Bowers* decision was determined to be unconstitutional after 17 years by *Lawrence v. Texas*. These reversals would appear to be great victories for each community, but just as critical race theorists were not afraid to examine and critique the decision in *Brown*, queer scholars and activists should take a close look at the implications of the *Lawrence* decision. Perhaps it could be argued that the interest convergence

dilemma plays into *Lawrence* by serving the interests of liberals who appear to support the interests of the queer community as long as they are kept in the private realm of society. It is possible that queer scholars and activists might also find that the focus on sodomy legislation within the queer movement is a hegemonic focus on an essentialized vision of the queer community as a group of white, gay males who engage in sodomy. For instance, the rights of lower class members of the queer community, who might be more concerned about job discrimination laws or protections against hate crimes, are not taken given any attention in the debates surrounding sodomy legislation in the national legal discourse. As Valdes recommended, the queer movement could improve its solidarity and strength by reaching out to all of its members and working for the achievement of legal rights that benefit a larger majority of the community (2000).

Using CRT in Future Movements

There are many important concepts that the queer movement can adopt from the ways CRT has been used to critique and advance minority struggles in the US. CRT provides crucial reminders about the importance of the litigation process, the authority of the minority experience, and the implicit nature of racism in society that can be translated effectively for the queer community. Arguments for anti-essentialism are also extremely relevant to the queer movement, which can avoid essentialist arguments without ignoring intersectional identities by making use of tools like Arriola's "holistic/irrelevant" model from CRT (2000). The queer community can learn

from the examples of CRT about the dangers of the interest convergence phenomenon in which the minority movement's goals are appropriated by liberal groups and institutions without ever really being met. Especially for issues like same-sex marriage and sodomy legislation, which are at the forefront of mainstream national political discourses, queer scholars and legal activists can use the tools of CRT to improve group solidarity and ensure that intersectional identities are not being essentialized and made invisible.

CRT has proved to be a strong theory for use in the advancement of the legal rights of African Americans. This strength should be recognized and translated to other movements, like that within the queer community, to promote greater justice in the US legal system. Furthermore, this application of CRT across the boundaries of different movements can prove useful in the building of coalitions against oppression. While successes for each individual movement are respectable and worthwhile, CRT proves that many of the same forces are at work in the oppression of minority groups, whether they are racial, sexual, gender, or economic minorities. To combat these forces and eventually reform systems of oppression, including the US legal system, scholars and activists from all movements must move towards making coalitions and attempting to build broader solidarity.

CONCLUSIONS

Changing Culture after Changing Policies

As Critical Race Theory cautions, changes in law and policy are not enough to ensure actual cultural change. Although some changes in policy, like the implementation of the Don't Ask Don't Tell policy, and changes in law, through the overturning of *Bowers* by *Lawrence*, have occurred in recent years, these moves have not been effective enough to really begin to alter the deeply engrained cultural traditions among military service members and veterans that promote hyper-masculine and heteronormative ideals through the widespread infusion of nationalism. Just as Carol Burke called for a shift in the culture of military institutions that train service members, cultural changes need to extend to veterans and their civilian lifestyle. The veterans I met during my fieldwork at the VA used several cultural mediums, including clothing and speech, to privilege a heterosexual, masculine identity long after their active military service was completed. Although I conducted my study in 2006, three years after the *Lawrence* decision and during a time of war, during which the Don't Ask Don't Tell policy is generally weakened, the cultural ideals of gender and sexual identity that they promoted were not discouraged or openly opposed by the VA hospital staff or administration, and the nationalism inherent in the institutional structure often functioned to support them.

While Burke was concerned that the exclusionary nature of military traditions towards women could reduce the military's efficiency at providing

national defense in the future, the military culture of veterans may have more immediate social impact on the general national culture. When they are at the hospital, veterans' cultural identities are reaffirmed, and they continue to carry these attitudes with them throughout their daily life as civilians. Just as I was affected by my interactions with veterans and the institution of the VA hospital, military culture can have a great effect on civilian culture through veterans, with the force of banal nationalism quietly reinforcing gender and sexual ideals of identity.

Moving from Rights to Responsibilities

Movements in queer communities and even women's rights organizations have remained divided on the subject of military integration for gays, lesbians, and women in general, with some groups advocating for complete integration to assert equality and others calling for abstention from military participation. To overcome this division and consequential inaction, tools should be borrowed from other movements to allow new insights and perspectives to be drawn that expand upon the trends and histories we can discover through ethnographic studies in Anthropology not only of "others," but also of our own cultures. Critical Race Theory is one example of a new tool applicable to this discussion that can help scholars and activists expose areas of interest convergence and categorical essentialism which could potentially undermine any meaningful action. In combination with disciplines like Anthropology, these new tools can lead into the future of activism that is historically and culturally informed to make the greatest impact possible.

It is important for a strong new direction to be taken in academia and activism to combat the effects of the forms of nationalism that restrict and deny certain identities so that true choice and equality can be achieved. Once we are able to move beyond discussions of rights, choice, and the need to prove equality, we can begin to look more closely at our responsibilities and what we owe to each other in our U.S. communities and across the world.

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