

TENNESSEE'S GATEWAY SEXUAL ACTIVTY ACT:
HINGING SUCCESS ON CONFORMITY

AS
36
2015
HMSX
• S 65

A thesis submitted to the faculty of
San Francisco State University
In partial fulfillment of
the requirements for
the Degree

Masters of Arts

In

Sexuality Studies

by

Meghan Ruth Smith

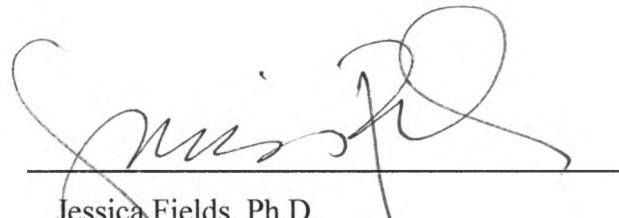
San Francisco, California

May 2015

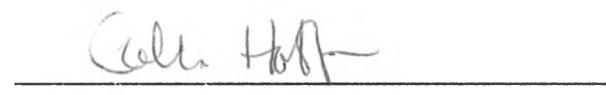
Copyright by
Meghan Ruth Smith
2015

CERTIFICATION OF APPROVAL

I certify that I have read *Tennessee's Gateway Sexual Activity Act: Hinging Success on Conformity* by Meghan Ruth Smith, and that in my opinion this work meets the criteria for approving a thesis submitted in partial fulfillment of the requirement for the degree Master of Arts in Sexuality Studies at San Francisco State University.



Jessica Fields, Ph.D.
Associate Professor



Colleen Hoff
Professor

TENNESSEE'S GATEWAY SEXUAL ACTIVITY ACT:
HINGING SUCCESS ON CONFORMITY

Meghan Ruth Smith
San Francisco, California
2015

Tennessee has used an abstinence-only policy since 1991. The state amended the legislation in 2012 with the Gateway Sexual Activity Act, which makes it difficult for educators to discuss any aspect of sexuality aside from abstinence. I consider how regulations set by the Gateway Act obscure conditions with consequences for youth sexuality. I use interpretive policy analysis to closely read the language of the text against itself. My analysis focuses on themes of conformity, choosing abstinence, stigmatizing pleasure, denying sexual subjectivity, viewing puberty through a gendered biological reductionist perspective, and avoiding risk. I argue the Gateway Sexual Activity Act is an example of state-level sexuality education policy that perpetuates social marginalization by not fostering an environment hospitable to conversations about social disparities and youth empowerment.

I certify that the abstract, is a correct representation of the content of this thesis.

Chair, Thesis Committee

May 21, 2015
Date

ACKNOWLEDGEMENTS

I would like to sincerely thank my thesis committee for their support throughout my time in the Sexuality Studies program. I am especially grateful for all of the time and energy my advisor and committee chair, Dr. Jessica Fields, has invested through many in-depth conversations and challenging me to stretch my intellectual boundaries. I would also like to thank Dr. Colleen Hoff for our refreshing conversations and new insights as I structured my thesis. I am thankful for the opportunity to have worked with both of you.

The support and faith of my family and friends from home has encouraged me at times when I wanted to pack up and go back to Tennessee. I wish to offer exceptional thanks to the Wanamaker family who motivated to apply to graduate school, and helped me in my transition to San Francisco; I would not be here without your encouragement.

I want to thank all of my peers, my friends, from Sexuality Studies' cohorts 2014, 2015, and 2016. You have been my inspiration, my guidance, and my comfort as I navigated both personal and academic growth over the past two years. Thank you for all of the laughter, the coffee, the karaoke, and on-going conversations.

Lastly, I need express my thanks to the staff at Java Café and Beachside Coffee Bar and Kitchen for the many hours I sat in their venues writing, asking their thoughts, and indulging in their coffee.

TABLE OF CONTENTS

Introduction.....	1
Background: Laying the Foundations.....	4
Methods: Studying the Gateway	9
Analysis: The Gateway Infringing on Young People's Sexuality	12
Constructing the Gate: Dividing Society	13
Conformity as the Cost of Membership.....	14
Gatekeeper Regulations	16
Conclusions: Possibilities Beyond the Gateway.....	31
Reference	33

In April 2010, an educator from Nashville CARES, a Middle Tennessee reproductive health organization, displayed vulva and penis models in a public high school extracurricular leadership class (Echegaray, 2010). President of the Family Action Council of Tennessee David Fowler (2010), posted extensive and provocative details about the class to the Council's blog: he claimed that the presenter had put a condom on the penis model with her mouth and that students had held and touched the genitalia models. He also wrote that the presentation affirmed lesbian, gay, and bisexual rights, thus "denigrating the Christian convictions of a person's parents" (Fowler, 2010). The daughter of Rodrick Glover—a Tennessee parent, preacher, and abstinence-only motivational speaker—was present during the class. Glover went to the next city school board meeting to speak against the education program. His protest led to the city school board requiring parents sign a two-page permission form before their children witnessed any future sexuality education presentations (Larris, 2010).

One year later, in 2011, an East Tennessee classroom teacher failed to send permission slips home before having a guest sexuality educator present in her classroom. The guest educator's affiliate organization, Planned Parenthood, had information on its website that disgruntled some parents (Gervin, 2011). "They talk about something they call outercourse. It's basically everything you can think of besides intercourse. It's very graphic, beyond what most parents would consider appropriate for their children," commented a mother of a 16-year-old daughter (Alapo, 2011). Following this incident, the county superintendent forbade guest presentations by any sexuality educators not

from the county health department (Gervin, 2011).

These two events point to a struggle among Tennessee legislators and parents—a struggle concerned less with pregnancy and sexually transmitted infections than it is with the bounds of teen sexual subjectivity. Conversations about condom application, lesbian, gay, and bisexual rights, and intimate physical contact without intercourse promote sexual awareness. The adults upset in these conflicts worried that sexuality education sullied children and youth, infringed upon parental values, and failed to consider what young people need and want to learn and discuss.

In response to these controversies and worries, three men spearheaded the 2012 Gateway Sexual Activity Act: Senator Jack Johnson, Representative Jim Gotto, and Family Action Council of Tennessee president David Fowler. The men share histories and experiences typical of Southern middle-class, straight, white, Christian men—not the lives and experiences that span the diverse lives of Tennessee citizens. And through their exclusionary, racialized, gendered, and classed lens of family-friendly culture, these politicians wrote legislation that would guide the education of all young people in Tennessee—from kindergarten to high school, across communities and experiences.

The Gateway Act is an abstinence-only until marriage, family life education act; and family life education is an abstinence-focused form of sex education (§49-6-1301, 6). The sponsors of the Gateway Act argued the provisions would benefit young person's reproductive health. The Act includes a section dedicated to definitions and a section of

family life education instructions. It also requires schools to issue and collect parental permission slips, limits the external organizations that can present sexuality education in schools, and allows parents to file claims of up to \$500 against outside educators if the parent believes the educator condoned gateway behavior. The stipulations focus on regulating youth sexuality, limiting student-teacher conversations, and parental control over the content in the classroom.

Though it passed under the guise of lowering teenager pregnancy and sexual transmitted infection rates, the Gateway Act has implications that reach much further. The Act establishes a privileged lifestyle—good schools, a college education, professional opportunities, heterosexual marriage, parenting, middle-class status, financial stability, and quality health care—as the expected outcome of an adolescence marked by sexual abstinence. In reality, the gateway built by Tennessee legislators affirms a heteronormative culture that exiles anyone who veers from heteronormative standards to the other side of the Gate: poor people, communities of color, and queer families and people stand outside the imagined community with little access to comprehensive health care, academic and professional opportunities, or financial stability. As the Gateway Act attributes success to sexual abstinence, the structural barriers to outsiders achieving middle-class bounties are obscured. Governments and social norms marginalize people through legislation like the Gateway Act, and then hold those same people responsible for social distress.

The Gateway Sexual Activity Act is more than a simple reproductive health policy. As this interpretative policy analysis will demonstrate, it denies young people sexual subjectivity by enforcing sexual conformity. I continue this thesis with a brief history of sexuality education and a review of critical theories of young people's sexuality. I then describe the methods I used in analyzing the Gateway Sexual Activity Act. I explore the dynamic of hinging success on conformity and upset on non-conformity; then I examine the "gatekeeper regulations" designed to preserve community integrity. I conclude by encouraging a more critical model of sexuality education—one that fosters reflection of personal values and cultural norms while offering a hospitable space in the classroom.

Background: Laying the Foundation

In 2007, John G. Morgan, Tennessee's comptroller—the state financial advisor—requested that Tennessee's Offices of Research and Education Accountability determine how to best improve family life education. The Offices of Research and Education Accountability evaluation found that nearly seventy percent of Tennessee high school seniors are sexually active and that Tennessee ranked nationally in the top twelve in chlamydia, gonorrhea, and AIDS rates. The report mentioned also that the South has the highest teen pregnancy rates in the United States—rates that the research team claimed affect parents' and children's access to education, employment, and quality health care (Gibson, 2007). The report considered the multiple influences that might increase or decrease young person's risky behavior—including social environments. However, the

report authors refused responsibility for addressing social conditions, claiming social environment is among the “powerful factors that come into play that cannot be addressed in the classroom” (Gibson, 2007, p. 4). The Gateway follows the evaluation’s lead as it fails to directly address class or race but mandates several standards that reflect middle-class, white values.

The Gateway Act is a recent moment in a long history of U.S. sexuality education. That history formally begins in the early 1900s with the American Social Hygiene Association, which offered programs emphasizing sex within marriage to middle-class white students (Luker, 2006). The comprehensive sexuality education movement to give youth information about their sexuality emerged in the 1960s (Irvine, 2002). Shortly thereafter, the Religious Right responded with the abstinence-only movement. In the 1970s, popular discourse alleged that teen pregnancies lead to poverty because young mothers would not finish high school, go to college, and join the professional workforce (Luker, 1996). Sexuality education thus emphasized contraception. However, most of the time girls born poor grow up to be poor women, whether they have children as teenagers, as adults, or not at all (Smith, 2007). On the whole, girls’ and young women’s sexual decisions are not the determining factor.

The Reagan Administration’s passing of the Adolescent Family Life Act in 1981 shifted sexuality education away from the short-lived contraception education toward morality-guided abstinence education (Irvine, 2002). In the 1990s, as the Religious Right gained leverage in the federal government, legislators passed the Personal Responsibility

and Work Opportunity Act. The act contains an amendment requiring sexuality education programs to abide by an eight-point A-H definition of abstinence-only education (Fields, 2008; Irvine, 2002). This definition bolsters heteronormative goals: marriage, having children, avoiding non-marital sexual activity, and refusing sexual advances. Like earlier iterations of sexuality education, Personal Responsibility and Work Opportunity standards disregard structural disparities and assert that individual responsibility determines financial stability and familial control (Smith, 2007).

Abstinence-only programs in this tradition—and Tennessee's Gateway family life instruction is part of this tradition—discount social barriers and diverse values as they attempt to meaningfully change young people's sexual decision making and behaviors. In a study of teenagers who pledged sexual abstinence, Hannah Brückner and Peter Bearman (2005) found that, though pledgers waited longer later than their non-pledging peers to have sex, they evidenced similar rates of sexually transmitted infection: they did not learn about contraception, and, once sexually active, they did not demonstrate skills in contraceptive use. On the other hand, programs that teach contraception use—for example, condom access and application—along with abstinence are typically associated with a delay of first-time sexual experiences, lowered frequency of sex, and increased contraception usage (Kirby, 2001). Strict abstinence standards rarely effectively eliminate young people's sexual activity. By limiting their knowledge of contraception and reproductive care, abstinence-only education may even contribute to poor health and compromised safety for any person wanting to have sex.

Abstinence-only advocates are not alone in imagining a world in which happy endings are inevitable if one follows the rules. Advocates of comprehensive sexuality education also suggest that embracing one's sexual desires is less important than avoiding, or reducing, negative consequences of being sexually active. Educators working within either framework—abstinence or comprehensive—also suggest sex and sexuality remain consistent as time passes and culture changes; they leave little room for uncertainty or malleability (Lesko, 2010). A critical education frame—one that proposes more elasticity to sexuality—provides an alternative. Critical sexuality education looks beyond biology and brings historical and cultural constructions based on race, gender, class, and ability into focus (Bay-Cheng, 2003). This critical perspective calls on educators to promote young people's sexual subjectivity to feel pleasure or pain, to explore their sexuality, and to gain awareness of the cultural constructions placed on them and their peers as sexual beings (Fields & Tolman, 2006; Gilbert, 2014).

The idea of promoting subjectivity is supported by Deborah Tolman's (2002) work. Tolman interviewed young women about their lived experiences, including romance, crushes, and other influences on their developing self-understandings. She found sexual subjectivity core to young women's safety and health because embodying this essence helps young women know their desires:

“By sexual subjectivity I mean a person's experience of herself as a sexual being, who feels entitled to sexual pleasure and sexual safety, who makes

active sexual choices, and who has an identity as a sexual being. Sexual desire is at the heart of sexual subjectivity” (Tolman, 2002, p. 6).

According to Tolman, people, including teenagers, should have the opportunity to make decisions based on and affirming of their sexual subjectivity; people’s behavior should not reflect the decisions others have made for them—whether that decision is to remain abstinent or to be sexually active. And, if making decisions is central to sexual subjectivity, so too is the taking of some risks.

The term “risk” gained popular usage during the AIDS crisis. “High-risk” was associated with gay men, immigrants, and needle-sharing drug users—“low-risk” was related to middle-class, rural, white teens, and heterosexual people (Irvine, 2002). In debates over sexuality education, the term has become synonymous with “different” and “unhealthy.” Feminist and other critical researchers and educators have attempted to redefine “risk” and thus to open up possibilities. Jessica Fields and Deborah Tolman (2006) offer a dual reconsideration of risk as the systematic inequalities that complicate daily living for many people and as a site of introspection and social learning—whether the outcome of a risk goes well or goes poorly (p. 72). Populations considered “at-risk” have less access to resources like education, job training, and health care, which limits their mobility, safety, and general well being. Recognizing structural barriers, not people, as sites of risk eases stigma and allows a more nuanced perspective on adolescent sexuality.

Labeling situations and populations as risky reflects a broader negative attitude toward sex that Gayle Rubin (1984) describes through her “charmed circle” model. It has two rings of sexual activity: the inner “charmed” circle—“natural, normal, and blessed,” and the external “outer limits” encompasses everyone who fails to meet charmed standards—“bad, abnormal, and unnatural” (Rubin, 1984). The inner circle is reserved for heterosexual married couples who have sex at home for reproductive purposes. Those banished to the outer limits pursue an array of non-normative sexualities—lesbian, gay, and bi-sexual couples, gender non-conforming people, people who have casual sex or participate in orgies, those who have sex in public or participate in fetishes. Like the charmed circle, the Gateway Act depicts a world in which acceptance is based on sexual decisions and morality.

The metaphor that emerges from the Gateway Sexual Activity Act is that of a safe community—a gated community—with, on the one hand, privileges for those who abstain from sex until marriage and, on the other, systemic obstacles for non-heteronormative individuals and families. Those inside the gated community see a simple solution to this vexing division: those outside should adopt the lifestyles that those inside lead. The communities beyond the gateway see more complexities in life with their privileges denied because of their diversity not because of their work ethic or moral character. The inner circle and the gated community—the outer limits and beyond the gateway—these models set up a specific type of communication: Metaphors convey complicated ideas through familiar concepts.

Methods: Studying the Gateway

Metaphors are difficult to analyze with conventional social science methods.

Dvora Yanow (2000) advocates interpretive policy analysis as strategy for exploring the metaphorical language and implications of policymaking and investigating the values, beliefs, and feelings of policy writers, people implementing the change, and affected residents. Interpretive analysis foregrounds the cultures of the communities touched by the legislation and considers a much larger picture.

Such analysis rests on the idea that metaphors are of great consequence (Yanow, 2000). Often, objects used in metaphors have a cultural history that gives the concept a broader social reach and makes an abstract idea more tangible. Metaphors connect two items not typically considered together. In the case of the Gateway legislation, the connection is between a gateway—an entrance or exit that divides space—and sexual activity—intimate physical acts. Through this connection or pairing, metaphors can suggest what something looks like—for example, a gate formed by sexual activity or a community that requires conformity to remain inside. A metaphor can also suggest how something works—for example, sexual activity opening or closing a gate, nonconformity resulting in expulsion from a community.

Using a metaphor analysis approach to an analysis of the Gateway Sexual Activity Act, I ask the following questions:

- What does the “gateway” mean for the broader community?

- What does it mean for the young people whose education it shapes?
- How does the Gateway Sexual Activity Act obscure conditions that disenfranchise youth?

In my interpretive policy analysis, I practiced close reading, noting repeated words, unusual phrases, and metaphors (Gallop, 2000). Close reading highlights ideas that may otherwise remain in a policy's, or other text's, shadows. Details like word choices, repetitions, and elisions come to the fore, suggesting urgency, priorities, and absences. Close reading sets the stage for open coding (Charmaz, 2000). Drawing on principles from grounded theory, I did not begin coding with a predetermined set of themes (Esterberg, 2002). Instead, I read each point of the legislation, looking for repeated or strong ideas. I noted words and phrases that made several appearances and paid attention to emerging themes.

After noting themes and sections of unusual language, I began focused coding. I read for themes of heteronormative conformity, perspectives on youth sexuality, and notions of risk. I noted where the legislation employed the themes directly and indirectly and where the themes were absent (Coffey & Atkinson, 1996). As I coded, I found “perspectives of youth sexuality” too broad and segmented the theme into pleasure, subjectivity, and puberty. By examining these concepts, along with themes of conformity and risk, I noticed direct and implied messages. I found, for example, that the Gateway Sexual Activity Act aims to regulate young person’s sexuality with specific standards that disregard structural inequalities.

The analysis I present here is composed of two parts. In the first, I discuss the history of the gateway metaphor and explore the legislation's suggestion of a gated community as well as its overarching theme of heteronormativity as the path to achieving and maintaining a privileged life. In the second part, I analyze the specific requirements of conformity: remain abstinent, stigmatize pleasure, deny sexual subjectivity, view puberty through a biological reductionist lens, and avoid sexual risk. I consider pertinent literature, offer excerpts from the data, and discuss the Gateway logic as I advance my broad argument that the Gateway sets unrealistic standards for adolescent sexual expression and distracts from the conditions that actually disenfranchise youth.

Analysis: The Gateway Infringing on Young People's Sexuality

The “gateway” metaphor gained traction in the early 1980s with the Drug Abuse Resistance Education (D.A.R.E.) program, which teaches that tobacco and alcohol are the gateway to harder, more dangerous drugs. Kids and youth are taught that trying a “gateway drug” will open the gate to consuming more destructive drugs (Drug Abuse Resistance Education, 2015). David Fowler (2010) alluded to D.A.R.E. in a Family Action Council of Tennessee blog just after the Middle Tennessee sexuality education controversy: “I’ve always found it interesting that we teach our children in the D.A.R.E. program to ‘just say no to drugs’ as if they are volitional creatures who can be educated to refrain from harmful conduct, but when it comes to sex education, they are no more than mere animals with urges they cannot control.” Fowler credits children with the ability to make educated, willful decisions in regards to abstaining from drugs; surely, he

wonders, rational youth can and should make a similar decision about sex? Fowler also draws parallels between drug use and sexual activity: according to Fowler, both are inevitably harmful, harm reduction messages are reckless, and abstinence is the only sound choice. The term “gateway” is evocative for parents and young adults across the nation who went through D.A.R.E. as children, and Fowler’s comparison will likely resonate. The notion that “entry level sexual acts” will open the gate to dangerous consequences is well understood.

The Gateway metaphor portrays a society in which people choose their lot: they can choose to live in the privileged realm of the gated community, or they can move to the more tumultuous outer limits. Conformity earns space in a gated community, and, like Rubin’s charmed circle, that community is an enchanted space marked by its difference from those outside the circle. Inside and outside—the gated community and the external world—are cast as polar opposites. The boundaries of this circle are marked well by a wall with a gate. This gate suggests a person may come and go, and this presumption of coming and going, of choosing on which side one will reside, obscures realities that shape the lives of youth—personal choices matter little in determining which side of the gate people find themselves on.

Constructing the Gate: Dividing Society

Imagine a camera panning across the gated community; one might see something reflecting a 1950s middle-class subdivision—several little houses with white picket

fences lining a racially segregated street. Everyone meets the heteronormative standards and thus seems to deserve their space in this world. The Gateway Act suggests the members of this neighborhood worked hard to get their safety and resources. These people set and met the standards; they live according to the plan laid out in the Gateway legislation. Having avoided risk, and most importantly, waited until marriage to have sex, they have also avoided financial burdens, health care troubles, and emotional and psychological turmoil. They have achieved educational and professional success; they have also found their appropriate romantic partners and can live a generally happy life.

As the camera zooms out, a tall wall surrounding the community grabs one's attention. Gateway activity—sexual contact leading to gratification—is the key to this exit. Departures are easy; reentry requires more work. Conformity earns a way in, but for many outside the gate, choice and social standing may make conformity either impossible or unwanted. Those outside the gate participate in risky behavior or sexual activity—anything not deemed normative by the community's gatekeepers. These gatekeepers decide who fits the heteronormative mold and, in doing so, reinforce their own authority as the standard bearers.

Conformity as the Cost of Membership

The Gateway Act defines the parameters of living well and achieving a successful adulthood. Like other abstinence-centered sexuality education policies, the Gateway's expectations rest on sexual decisions, "the physical, social, emotional, psychological,

economic, and educational consequences of non-marital sexual activity” (§49-6-1301, 2B). Sexual activities not only lead to pregnancy and sexually transmitted infections, but also threaten upheaval of a young person’s life. Family life instructors are called on to issue a warning to young people: teachers must “encourage sexual health by helping students understand how sexual activity affects the whole person including the physical, social, emotional, psychological, economic, and educational consequences of non-marital sexual activity” (§49-6-1304, a2). The Gateway regulations imply that a person who waits until marriage to have sex will have greater opportunity to achieve normative life goals. Those who do not wait will suffer.

Inside the gate, young people find success and security; they have health care, social respect, emotional and psychological balance, financial wealth, and educational opportunities. To ensure youth have access to these outcomes and maintain a link between these securities and sexual conformity, gatekeepers teach abstinence. They endorse no alternatives. Abstinence until marriage stands alone as the healthy path for sexual activity. Any sexual act propels young people outside the gate; there, outside the charmed circle, resources are few and hardships are great.

Those who have non-normative roles live outside community—queer people, poor and working-class people, gender non-conforming people, and people of color. Placing these behaviors and lifestyles on “the other side” condemns everyone who does not fit in the heteronormative charmed circle. Class and race play a large role in all areas mentioned under the Gateway’s topics affected by sexual activity. Implying that sexual

risk-taking leads to failure in these areas suggests that working-class people and people of color are inherently sexually aberrant and unworthy of the rewards of living inside the gate. This correlation obscures the conditions that foster the real social disparities with which nonconformists contend and attribute their struggles to their sexual behaviors. Teaching young people that sexual decisions determine negative consequences—consequences that actually result from systematic and historic inequalities—perpetuates social marginalization.

Gatekeeper Regulations

The gatekeepers enlist specific regulations required to maintain one's space in the gated community. Community members need to remain abstinent, avoid sexual pleasure, deny sexual subjectivity, embrace a biologically reductionist view of puberty, and avoid risk. Not conforming to any of these standards leads a young person out of the community. Some youth, though, already lack the privilege to conform due to large-scale disparities; socially their exclusion is credited to their, or their parents', individual decisions.

Choosing abstinence. The Federal government supported heteronormative values through the 1996 Personal Responsibility and Work Opportunity Act (Fields, 2008; Irvine, 2002). This legislation casts personal choices—like waiting until marriage to have sex—as the cure to poverty. Such notions weigh heavy on Black women who the State perceived as the main population contributing the problem of poverty by deviating from

normative ideals (Fields, 2008; Smith, 2007). Lesbian and gay relationships were also further delegitimized by the Personal Responsibility and Work Opportunity Act because State Governments did not begin upholding same-gender marriage vows until the early 2000s. Placing the responsibility of poverty on non-marital sex assumes that only lower class populations engage in non-marital sexual activity, thus reinforcing classed stereotypes of “high-risk” populations, and deferring responsibility away from the government and onto individuals.

Instead of proposing educational systems that counter the structural barriers restricting “high risk” populations’ access to quality resources Gateway legislators continue to support the abstinence-only view. The definition that Gateway sponsors argued would benefit young people’s reproductive health reads, “not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease” (§49-6-1301, 1). This straightforward description appears to permit students to indulge in a variety of sexually gratifying activities that do not result in pregnancy or sexually transmitted infections. However, the goal of the Gateway Sexual Activity Act is to equate sexual activity with entering into a dangerous life; the only instruction on gateway behavior is adamantly directed toward teachers not “encouraging, advocating, urging or condoning gateway sexual activities” (§49-6-1301, 7). Conversations are limited due to the restrictions placed on educators and the content they teach. The first instruction for family life curricula requires teachers to “emphatically promote only sexual risk avoidance through abstinence, regardless of a student’s current or prior sexual

experience” (§49-6-1304, a1). This requires teachers to only teach abstinence and thus to obscure the experiences of those students who have been, or currently are, sexually active. Policy makers place blame on individuals for lacking responsibility—even though the education system is asked not to teach information that could lower teenage pregnancy and sexually transmitted infection rates.

In defense of the legislation, the author of the Gateway Sexual Activity Act wrote on the Family Action Council of Tennessee blog that abstinence is vital because “pregnant girls are 50% less likely to finish high school” (Fowler, 2012). According to Fowler, these pregnancies cause young women not to attend college—an outcome with deleterious effects for the workforce (2012). Like other abstinence-only until marriage advocates, Fowler casts teen pregnancy as the cause of poverty.

Such blame fails to acknowledge that several groups—lower socioeconomic status communities, people of color, lesbian, gay, and bisexual individuals and families, and gender-non-conforming persons—receive diminished support as they try to finish high school, attend college, secure quality health care, and seek employment (Fine and McClelland, 2006). Success and security in education, profession, financial stability, and all-around health reflect class, race, gender and sexuality more than they do people’s sexual decision making (Smith, 2007). When the Gateway requires teachers to ignore experiences beyond sexual abstinence, the classroom squanders opportunities for students and teachers to learn from another’s lived experiences.

Stigmatizing pleasure. While the Gateway legislation advances abstinence as a strategy for avoiding pregnancies and sexually transmitted infection rates, the legislation does not stop there. The Gateway Act strongly advises young people to avoid any and all sexual contact. Childhood, adolescent, and youth sexuality are once again cast as abnormal, ill advised, and deviant (Levine, 2002).

The possibility of childhood and youth sexual desire and pleasure is forbidden as the Act asserts that children and youth cannot participate in *any* activity leading to sexual stimulation. “Gateway sexual activity” is defined as sexual contact, and

“Sexual contact includes the intentional touching of the victim’s, the defendant’s, or any other person’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s, the defendant’s or any other person’s intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.” (Sexual offenses, §39-13-501).

Based on this provision, Gateway sexual acts consist of more than the activities given in the text’s definition of abstinence as a mean to avoid getting pregnant or contracting a sexually transmitted infection. Refraining from Gateway sexual activity means refraining from anything that may lead to sexual gratification with or without clothing on; this means no heavy petting, dry humping, outercourse, necking, or any activity that may

result in arousal. Sexually gratifying activities compose the gateway leading to non-abstinence.

Thus, any pleasurable activity may set a young person up for continuing on to sexual intercourse. The Gateway Act equates consensual pleasure with sexual deviance, naming them both as situations that could lead young people out the gate. The message to privileged youth is that in order to be successful, you need to not only abstain from sex, but also abstain from all sexual pleasure. The message to youth already outside the safety of the inner circle is that they and their parents have already deviated sexually, and this has cost their space inside the gate.

Stigmatizing pleasure has a profound impact on young people as they begin seeking and forming intimate relationships (Tolman, 2002). Wanting another person, or wanting to be wanted, become tantamount to sexual deviance. The taboo associated with pleasure among teenagers offers a limited scope of their sexuality. Girls are seen as passive or reproductive with no sincere interest in sexual pleasure, while the only pleasures imagined for boys are rooted in their genitalia, discounting the rest of their bodies or any possibility of emotional depth or longing (Lamb, 1997). Sexuality is a part of the human experience across the life course: treating it as though it is tainted until and outside marriage threatens to invoke feelings of shame.

Equating deviance with pleasure shames young people who enjoy arousal, and stigmatizes youth who have no control over the classed and racialized disparities that

limit their ability to avoid risk. Connecting feelings meant to delight with feelings that bring fear and guilt adds confusion to an already muddled depiction of sexuality.

Sexually active youth would feel less guilt if educators and mentors fostered a sense of entitlement to pleasure rather than a sense of shame, and young people who wished to express sexual desires would have more support in developing their sexual subjectivity.

Denying sexual subjectivity. A person with sexual subjectivity is aware of their sexual desires and their right to safe sexual situations (Tolman & McClelland, 2011). Such a person understands the element of pleasure and feels empowered; they know their desires and how to safely act on them. Michelle Fine and Sara McClelland (2006) further understandings of sexual subjectivity with their notion of “thick desire”: “young people yearn for intellectual, political, and social engagement, and young women want financial independence, sexual and reproductive freedom, and protection from racialized and sexualized violence” (p. 300).

Working alongside adolescents to create opportunities to express thick desires helps adults see the complexities of desires even at young ages. As parents and teachers acknowledge and respect youth desires, they initiate what Dutch parents call “sexual self-regulation”—recognizing their children’s ability to know when they are ready to have sex. U.S. parents, on the other hand, assume youth are too irrational and immature to make decisions about their sexuality (Schalet, 2003). U.S. parents, teachers, and legislators assume responsibility for young people’s sexual decisions—and thus deny their subjectivity.

The legislation advances specific sexual decisions as those young people should seek with the promise of the greatest rewards. Paramount is sexual abstinence. Membership in the gated community rests on having the self-control required to remain abstinent. According to the Gateway Act, such self-control leads to the empowerment of young people:

“Abstinence-based or centered means an approach that promotes sexual risk avoidance, and teaches vital life skills that empower youth to identify healthy and unhealthy relationships, accurately understand sexually transmitted diseases and contraception, set goals, make healthy life decisions and build character” (§49-6-1301, 2A).

Out of context, this definition might appear to address the skill sets that will empower youth. They might learn to discern healthy and unhealthy relationships. However, though these terms are mentioned five times, their meanings remain vague. Rather than allowing space for varied opinions on what “healthy” and “unhealthy” look like, the family life criteria repeatedly refer to marriage as a healthy relationship; the text points to the benefits of sex within marriage, developing strong marriages and stable families, and the consequences of sex outside of marriage. Students learn skills necessary to establishing a heterosexual, married partnership--the ultimate healthy relationship—and learn that sex in any other context is unhealthy. Marriage between two people of the same gender is still not legal in Tennessee; youth pursuing queer, lesbian, and gay partnerships are thus ineligible for these benefits.

A second skill set is addressed here—understanding sexually transmitted diseases and contraception. The legislation specifically states that teachers can only share information congruent with the messages of Gateway Sexual Activity—that abstinence is the only 100% effective method. Beneficial skills like condom application or contraception access are not required or suggested—and thus understanding is undermined. Students may choose to remain abstinent for the present moment, but contraception skills will help when they choose to become sexual active. Students who are already sexually active need to learn more comprehensive contraception skills. Limiting students to a single lesson—that only abstinence is effective—contributes to dangerous and unhealthy sexual situations.

The last set of skills talks about setting goals and making decisions. The irony is ripe: students are encouraged to make decisions, but do not get to decide whether to be sexually active or even whether to take sexuality education classes. Parents have to give permission for their children to learn about sexuality (§49-6-1305). Not only does the policy give authority of young people’s education to parents, but the legislation also has predetermined goals and decisions for students using “an approach … that matches the needs and desired outcomes for the intended audience;” (§49-6-1301, 5B) “and that if implemented well, demonstrates improved outcomes for the intended audience” (§49-6-1301, 5C). The legislation already decided the desired and improved outcomes—even though not all students share the same values as the writers of the Gateway Act. Their “desired” or “improved” outcome may look different from what the abstinence-based act

adheres. Insisting that young people remain abstinent through risk avoidance leaves little room for other goals or decisions. Sexual subjectivity is not the goal of the Gateway: empowerment has less to do with having the ability to know oneself and to make decisions based on personal values, and more to do with conforming to heteronormative ideals. The gated community sees a healthy community as a sterile, predictable place where everyone has the same goals.

The Gateway's assumptions of "desired outcomes" and "improved outcomes"—marriage, educational, professional, financial success, and health and well-being offer a shallow image of U.S. culture. Marriage is not always safe, happy, and healthy; pushing this as the ultimate goal of successful adulthood neglects to consider the potential inequalities and pitfalls connected to marriage. It also devalues any family without married parents—single-parent homes, divorced couples, cohabitating couples, and lesbian or gay couples in some states. In addition, the notion of "improved outcomes" is vague; the Act does not offer skills to improve the "physical, social, emotional, psychological, economic, and educational consequences of non-marital sexual activity (§49-6-1301 2B)." Abstinence-only lessons do not teach young people skills necessary to gaining social standing or achieving class mobility.

Requiring abstinence and the avoidance of sexual gratification fosters the objectification of children and youth. When young people grow up do not learn to assess their personal values and feelings around sexuality and attraction, they will likely have a difficult time voicing their needs in relationships. Young women are especially

vulnerable. Schooled in conventional femininity and heteronormativity, girls have an especially hard time expressing themselves as sexual beings with desire to feel pleasure (Martin, 1996). When they become sexually active, they know little about their physical and emotional needs and wants (Martin, 1996; Tolman, 2002). An educational process that empowers young people to reflect on their values, communicate their needs, and lay out messages emanated by media and social expectation would better serve girls. In denying youth the opportunity to learn valuable skills, the Gateway Act denies them the opportunity to grow as agentic beings and perpetuates inexperience among U.S. youth.

Gendered and biological reductionism. The Gateway Act also denies young people personhood by narrowly defining youth, puberty, and adolescence. Two conceptual figures mold popular U.S. images of children and youth—the innocent child and the hormonal teen (Irvine, 2002; Lesko, 1996). Though presumed sexually innocent, prepubescent children often play games of sexual exploration, and indulge their curiosities about genitalia and physical touch (Lamb, 2001). Yet, many policies, including The Gateway Act, construct puberty as the onset of sexuality. Reducing puberty and sexuality to the biological and hormonal experiences of adolescence downplays multiple other influences, including gendered and racial cultural stereotypes.

Lessons on puberty framed around biology focus on changes that come with maturation (Lesko, 1996). However, hormone levels work with lifelong cultural expectations as youth navigate puberty. Parents, peers, teachers, and strangers engage with young people differently as their bodies mature; and cultural stereotypes based on

gender and race have a large impact on how youth encounter their changing bodies (Lesko, 1996). Boys are expected to be brave, strong, and sexual (Lamb, 2009; Pascoe, 2007). Girls, on the other hand, are expected to be passive, soft, and guarded (García, 2012; Martin, 1996). Youth of color navigate another set of expectations placed on them in that they are viewed as hypersexual. Young men of color are deemed sexual aggressors, and young women of color have to work hard to gain sexual respectability (Doan & MacFarlane, 2012; García, 2012).

Youth embody a lifetime of sexual curiosities and experiences, along with layers of cultural expectations, as they begin puberty. But even so, the Gateway Act reduces puberty to hormones, age, and reproductive fitness.

“‘Puberty’ means a developmental stage during which the pituitary gland triggers the production of testosterone in boys and the production of estrogen and progesterone in girls; Puberty typically begins in girls between nine and twelve years of age, and in boys between eleven and fourteen years of age; ‘Puberty is the period during which adolescents become capable of reproduction and experience various bodily changes’” (§49-6-1301, 9 A-C).

Hormone production is at the core of pubescent change here: boys produce testosterone, girls produce estrogen and progesterone, and inherent differences between boys and girls emerge. Puberty is cast in the Gateway Act as the moment when biological changes will

become physically noticeable and maturity begins. The potential for sexual reproduction and other physical manifestations of maturation are the major implications of puberty. Gendered differences, attributes the fundamental developmental changes to biology, are essentialized.

Viewing young people as physiologically confused and predetermined supports gatekeeper assumptions that youth cannot make decisions for themselves. Limiting puberty to hormones, age, and reproduction compartmentalizes sexuality, making it appear more logical and easier to define. When adults feel children are beyond their control, they feel more comfortable having something to rationally justify the changes or lack of stability (Elliott, 2012). If parents, teachers, and legislators view youth as hormonally out of control, it makes sense to help teenagers gain control of their inhibitions. As young people begin acting on sexual inclinations gatekeepers credit hormones rather than cultural impressions or adolescents' own decision making.

While biology plays a part in growing as a sexual being, it hardly represents the whole experience of puberty. The legislation does not mention that, in general, youth produce more of the noted hormones, no matter their gender (Boston Women's Health Collective, 1998). The hormonal divide is not as great as a biologically reductionist curriculum implies. Defining young people's maturity as a function of the age of hormonal change disregards social expectations on boys to be rough and out-of-touch with their emotions and girls to be poised and respectable (Lamb, 1997; Martin, 1997).

Many of the perceived changes come as much from external projections as they do from new internal feelings. The image of the innocent child that guides perspectives on puberty, including those at the center of the Gateway Act's vision of the gated community, does not account for children existing as sexual beings. Children and young adults experience biological and cultural influences on their sexuality throughout life.

Avoiding risk. Reducing young people's sexuality to biological changes at puberty disregards the racial, classed, and gendered projections placed on youth as they get older. These projections have an impact on how young people navigate the world and what educational, professional, and care spaces accept or bar them. Puberty marks a period when sexualized racial stereotypes make a more overt presence in the lives of youth of color and gay, lesbian, bisexual, and gender non-conforming youth. Educators and parents interact with poor young people of color as though they are destined to act out in a sexually irresponsible way (Fields, 2005; Garcia, 2012). Lesbian, gay, and bisexual youth have been seen as "at-risk" since the 1980s AIDS epidemic. The risk may not be what the Gateway Act imagines: lesbian, gay, and bisexual youth receive less support from families, schools, and communities, and they experience risks on a daily basis that go unaccounted for in educational settings.

The gated community attempts to dodge responsibility for protecting non-privileged youth by regulating the avoidance of external forces that infringe on these persons. Within the Gateway legislation risk avoidance means "an approach that encourages the prevention of participation in risk behaviors as opposed to merely

reducing the consequences of those risk behaviors” (§49-6-1301, 10). Educators who abide by the Gateway will not help young people learn to reduce the negative consequences of sexual activity; they will teach young people to avoid all sexual contact whatsoever. Reduction would mean taking something that could have negative effects and making it more manageable. Avoidance means looking at the item that could have negative effects and stepping around it—giving it wide berth—in daily interactions, even though several youth do not have this option.

The legislation does not directly define “risk”; the recursive definition of “risk avoidance” uses the term part of the description but does not describe what the legislation means when it uses “risk.” Throughout the text though, “risk” is used interchangeably with “sexual activity” and “unhealthy” or “dangerous.” The term “risk avoidance” is used twice to mean abstinence implying that risk is sexual activity, and three times to mean unhealthy or dangerous. The Act created a parallel between sexual activity and risk; thus these criteria align sex with destructive behaviors and render sex itself destructive. The statement that activities leading to pregnancy and sexual transmitted infections are “risk” oriented, and organizing “risk avoidance” as another variation of “abstinence” does not imply that all risk is sexual activity. Instead, the statement suggests that all sexual activity, outside of marriage, is risk.

The gated community views risk avoidance as a way to eliminate dangerous and risky elements that may harm young people. Families who already reside outside the community have probably committed some aberrant behavior—loving someone of the

same sex, presenting as a gender other than the one they were assigned at birth, or engaging in sexually gratifying activities—the gatekeepers assume these youth or their families have already forfeited any potential access to the community.

Tennessee's gatekeepers do not recognize the social systems that youth navigate. The systematic disparities that people of color, lower economic status groups, and queer communities continuously work through go unmentioned as educators teach strict risk avoidance lessons. The writers of the Gateway Act may have taken the advice of the 2007 Family Life report: "They must also realize that other powerful factors come into play that cannot be addressed in the classroom" (Gibson, p. 4). However, ignoring these factors means failing to help young people encounter the risks they regularly encounter.

A critical sexuality education framework would acknowledge the diverse experiences in any given classroom and make space for young people to confront the challenges they face in forming safe sexual situations. Structural disparities based on race, class, and all-round non-conformity are difficult to fit into a curriculum package that can be distributed across the nation because; classrooms produce differing dynamics. Engaging young people's lived experiences and working alongside them to work through the challenges of relationships, familial values, and cultural stereotypes helps young people see across the gates built by legislators. These conversations have potential to offer more opportunities for youth to engage the risks, thick desires, and pleasures in their lives socially, politically, intellectually, and sexually.

Conclusions: Possibilities Beyond the Gateway

The Gateway Sexual Activity Act was written with limited understanding of the multiple backgrounds, experiences, and identities represented in Tennessee classrooms. Expecting every young person to share—or conform to—the Gateway’s goal of abstinence until marriage severely devalues youth personhood. Equating sexual conformity with success earned by following family life regulations distracts from social systems that cause disenfranchisement. The Gateway standards—abstinence, stigmatizing pleasure, denying sexual subjectivity, gendered and biological reductionism, and risk avoidance—restrict a view of the larger social world—the lives beyond the gate.

Deconstructing and resisting the logic of the Gateway requires awareness and participation from teachers, parents, youth, and legislators. A critical sexuality education is one step toward such awareness and participation. Critical sexuality education invites adults to engage with young people, modeling for them positive sexual subjectivity and an openness to discussing the wonderful and scary elements of sex and sexuality (Fields and Tolman, 2006). Young people need more opportunities to express their thick desires and thus to nurture their sexual subjectivity. Attention to “young people’s humanity, capacity for love and pleasure, and ability to take responsibility for their own and their partners’ bodies” would allow sexuality education to become a hospitable space for diversity (Gilbert, 2014, p. 26).

Sexual desire in itself is not hazardous; rather, it enhances connection to the self and to others (Tolman, 2002). Embracing sexuality as an element of lifelong development that manifests through relationships and experiences that invoke deep emotions expands the limits of social possibility. Audre Lorde (1984) notes the element of relationship ripples from sexuality posing the erotic as more than sexual intimacy; it is shared joy—the joy of appreciating music, or sunshine, or seeing a loved one. As a function of strengthening oneself and relationships, the erotic fosters self and social awareness (Lorde, 1984). These experiences may be intellectual, political, extracurricular, financial, and even sexual—they all have potential to foster growth. Excluding any of these encounters sets young people up for difficulty in feeling empowered. Young people across spectrums of gender, race, class, and orientation gain confidence and more social access as classrooms and communities allow youth to contribute their voices to the learning environment—dispelling the restrictions upheld by the Gateway.

References

- Alapo, L. (2011, February 26). Knox Country changes sex-ed procedure: Outside groups won't be allowed to present information on subject. *Knoxville News Sentinel*.
- Bay-Cheng, L. Y. (2003). The trouble of teen sex: The construction of adolescent sexuality through school-based sexuality education. *Sex Education: Sexuality, Society and Learning* 3(1): 61-74.
- Boston Women's Health Collective (1998). *Our bodies, ourselves: For the new century*. (238-257). New York: Simon & Schuster.
- Brückner, H., & Bearman, P. (2005). After the promise: The STD consequences of adolescent virginity pledges. *Journal of Adolescent Health*, 36(4), 271-278.
- Charmaz, K. (2000). Grounded theory: Objectivist and constructivist methods. In N.K. Denzin & Y.S. Lincoln (Eds.), *Handbook of qualitative research*, (2nd ed.) (359-380). Thousand Oaks: Sage.
- Coffey, A., & Atkinson, P. (1996). *Making sense of qualitative data: Complementary research strategies*. Thousand Oaks, CA: Sage.
- Drug Awareness Reduction Education. (2015). Keeping kids drug free: What is a gateway drug? *D.A.R.E. Teaching students good decision-making skills to help*

- them lead safe and healthy lives.* Retrieved May 2015 from
www.dare.org/keeping-kids-drug-free/
- Doan, A. E., & McFarlane, D. R. (2012). Saying no to abstinence-only education: An analysis of state decision-making. *Publius: The Journal of Federalism*, 42(4), 613-635.
- Echegaray, C. (2010, April 10). Graphic sex ed class could result in teacher discipline. *The Tennessean*.
- Elliott, S. (2012). *Not my kid: What parents believe about the sex lives of their teenagers*. New York: NYU Press.
- Esterberg, K. G. (2002). *Qualitative methods in social research*. Boston: McGraw-Hill.
- Ferguson, A. (2001). *Bad boys: Public schools in the making of black masculinity*. Ann Arbor: University of Michigan Press.
- Fields, J. (2005). “Children having children”: Race, innocence, and sexuality education. *Social Problems*, 52(4), 549-571.
- Fields, J. (2008). *Risky lessons: Sex education and social inequality*. New Brunswick, NJ: Rutgers University Press.
- Fields, J., & Tolman, D. L. (2006). Risky business: Sexuality education and research in US schools. *Sexuality Research & Social Policy*, 3(4), 63-76.

Fine, M., & McClelland, S. I. (2006). Sexuality education and desire: Still missing after all these years. *Harvard Educational Review*, 26(3), 297-338.

Fowler, D. (2010, June 6). Blog: The ‘rest of the story’ on comprehensive sex education. *Family Action Council of Tennessee*. Retrieved on March 25, 2015 from <http://factn.org/the-rest-of-the-story-on-comprehensive-sex-education/>

Fowler, D. (2012, March 16). Blog: A good sex ed law in TN makes sense. *Family Action Council of Tennessee*. Retrieved on October 13, 2013 from <http://factn.org/a-good-sex-ed-law-in-tennessee-makes-good-sense/>

Gallop, J. (2000). The ethics of close reading: Close encounters. *Journal of Curriculum Theorizing*, 16(3), 7-17.

García, L. (2012). *Respect yourself, protect yourself: Latina girls and sexual identity*. New York: NYU Press.

Gateway Sexual Activity Act, Tennessee Code Ann. §49-6-1301 to 1307 (2012).

Gervin, C. (2011, March 2). Sex-education battles calm down locally, but heat up statewide. *MetroPulse*.

Gibson, J. (2007, April). *Family life education in Tennessee*. Comptroller of the Treasury, Offices of Research and Education Association. Nashville, TN.

Gilbert, J. (2014). *Sexuality in school: The limits of education*. Minneapolis: University of Minnesota Press.

Irvine, J. (2002). *Talk about sex: The battles over sex education in the United States*. Berkeley: University of California Press.

Lamb, S. (1997). Sex education as moral education: Teaching for pleasure, about fantasy, and against abuse. *Journal of Moral Education*, 26(3), 301-315.

Lamb, S. (2001). *The secret lives of girls*. New York: The Free Press.

Larris, R. (2010, April 14). Roundup: Abstinence-motivational speaker shuts down sex ed class in Nashville. *RH Reality Check: Reproductive & Sexual Health and Justice, News, Analysis & Commentary*. Retrieved on March 25, 2015 from <http://rhrealitycheck.org/article/2010/04/14/roundup-abstinentemotivational-speaker-shuts-down-class-nashville/>

Lesko, N. (1996). Denaturalizing adolescence: The politics of contemporary representations. *Youth & Society*, 28(2), 139-161.

Lesko, N. (2010). Feeling abstinent? Feeling comprehensive? Touching the affects of sexuality curricula. *Sex Education*, 10(3), 281-297.

Levine, J (2002) *Harmful to minors*. Minneapolis: University of Minnesota Press.

Lorde, A. (1984). *Sister outsider: Essays and speeches*. New York: Ten Speed Press.

- Luker, K. (1996). *Dubious conceptions: The politics of teenage pregnancy*. Cambridge, MA: Harvard University Press.
- Luker, K. (2006). *When sex goes to school: Warring views on sex—and sex education—since the sixties*. New York: W.W. Norton & Company.
- Martin, K. A. (1996). *Puberty, sexuality, and the self: Boys and girls at adolescence*. New York: Routledge.
- Pascoe, C. J. (2011). *Dude, you're a fag: Masculinity and sexuality in high school*. Berkeley: University of California Press.
- Rubin, G. (1984). Thinking sex: Notes for a radical theory of the politics of sexuality. In C. S. Vance (Ed.), *Pleasure and Danger*. (143-179). New York: Routledge & Kegan Paul Books.
- Schalet, A. (2004). Must we fear adolescent sexuality? *Medscape General Medicine*, 6(4).
- Sexual Offenses, Tenn. Code Ann. §39-13-501 6 (2015).
- Smith, A. M. (2007). *Welfare reform and sexual regulation*. New York: Cambridge University Press.
- Tolman, D. (2002). *Dilemmas of desire: Teenage girls talk about sexuality*. Cambridge, MA: Harvard University Press.

Tolman, D. L., & McClelland, S. I. (2011). Normative sexuality development in adolescence: A decade in review, 2000-2009. *Journal of Research on Adolescence*, 21(1), 242-255.

Yanow, D. (2000) *Conducting interpretive policy*. Thousand Oaks, CA: Sage Publications.