

SHANNON GILREATH

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EMPLOYMENT

**Professor of Law, Wake Forest University School of Law
& Professor of Women's, Gender, and Sexuality Studies, Wake Forest University**

Primary Courses: Constitutional Law (I & II); Sexual Identity and the Law; Gender and the Law; Pornography & Free Speech; Freedom of Religion under the Constitution

SCHOLARSHIP

Books and Parts of Books

- ***Sexual Orientation and Identity: Political and Legal Analysis*** (West Academic College Textbook Series (with Lydia Lavelle, 2016).
- ***“Pornography/Death: The Problem of Gay Pornography in a Straight Supremacist System,”*** in Nicholas Bamforth, ***Sexual Orientation and Rights*** (Ashgate, 2015, International Library of Essays on Rights).
- ***Sexual Identity Law in Context: Cases and Materials*** (West, American Casebook Series, 2007) (with updates). (2nd ed., with Lydia Lavelle, Dec., 2011) (with updates).
- ***The End of Straight Supremacy: Realizing Gay Liberation*** (Cambridge University Press, 2011).

Rooted in the politics and theories of early Gay liberation and radical feminism, *The End of Straight Supremacy* presents a cohesive theory of Gay life under straight domination. Beginning with a critique of formal equality law, centering on the “like-straight” demands of liberal equality theory as highlighted in *Lawrence v. Texas*, the book moves to criticize the Gay movement itself, challenging the assimilation politics behind the movement’s blithe acceptance of discrimination in the guise of free speech and pornography in the name of sexual liberation, as well as same-sex marriage and transsexualism as tools of straight hegemony. Ultimately, the book rejects both the liberal demand for Gay erasure in exchange for meager legal progress *and* the Gay establishment agenda. In so doing, it provides both the vocabulary and analysis necessary to understand and to resist straight supremacy in all its forms. (An edited version of the final chapter of this book is being translated into Spanish and will appear in an interdisciplinary anthology of writings on gender and sexuality to be published in 2012.)

Praise for The End of Straight Supremacy:

A valiant and well-reasoned argument for gays and lesbians to reject outmoded templates, such as the traditional, patriarchal marriage or free-speech law that empowers bigots while doing little for reformers and radicals.

—**Richard Delgado**
University Professor of Law, Seattle University

Beautifully expressed and compellingly written, Gilreath has written one of the most important texts in gay and lesbian studies in recent memory.

—**Hassan El Menyawi, Professor, United Nations University for Peace**

Piercing the world's appearances to discover its truths, [The End of Straight Supremacy] dreams of new modes of gay existence under social circumstances more nearly just than our own. If successful, it will stir some spirits from slumber, as conventional gay politics and life are brought under the pressure of complex and unrelenting critique. Agree or don't, it's impossible to engage this work without being jolted by its free thinking. One cannot read it and remain unmoved.

—**Marc Spindelman, Professor, Ohio State University, Moritz College of Law**

The End of Straight Supremacy makes brilliant, provocative, eloquent and unabashedly Radical and Feminist arguments concerning Gay liberation, equality, marriage, pornography, and transsexualism. Shannon Gilreath takes his place as a flaming truth-teller in the magnificent company of those who, like Andrea Dworkin, brook no compromise with the oppressive system that Gilreath calls "Heteroarchy," those who, like Mary Daly, name and decry a system that aims to destroy lives, memory and the very being of the female/Gay Self, and those who, like Audre Lorde, know that the erotic is a form of power and that Radical liberated Gay sexuality is inseparable from liberated creativity and culture. Professor Gilreath's arguments are powerfully moving, daring, urgent and essential.

—**Jane Caputi, Professor of Women's, Gender, and Sexuality Studies, Florida Atlantic University**

- ***Sexual Politics: The Gay Person in America Today*** (University of Akron Press, Law, Politics, and Society Series) (2006); Kindle edition, (2010). ALA Stonewall Prize for Gay/Lesbian Non-fiction Nominee; Lambda Literary Foundation Notable Book (non-fiction); Scribes Prize Nominee.

Praise for Sexual Politics:

This brave and honest book calls gay Americans and Americans generally to resistance to the injustice of American homophobia that blights our religion, our politics, and our constitutionalism. Its moving personal story and compelling analysis call for the importance of a more open gay voice as an urgent imperative of a personal and political life based on the values of justice all Americans share.

—**David A.J. Richards, Edwin D. Webb Professor of Law, New York University**

The perspective Gilreath brings to bear--the horizon from which he speaks--is quite distinctive. Though the literature of gay and lesbian studies is growing exponentially, I am aware of no other book quite like this one: thoughtful, passionate social commentary with elements of a memoir added for good measure . . . Gilreath's book should be read by anyone who wants to think about "the gay person in America today."

—**Michael J. Perry, Robert W. Woodruff Chair in Law
Emory University**

In his solid analysis of the contradictory status of "the gay person" in the United States at this moment, and the strategies that might advance the cause of social and legal equality, Shannon Gilreath shows himself to be well-armed with both knowledge and political passion, and with a gift for finding the right word.

—**Gay and Lesbian Review**

Academic Articles

- Same-Sex Marriage, Religious Accommodation, and the Race Analogy, forthcoming 41 VERMONT L. REV. 237 (2017) (with Arley Ward, Ph.D, History, U. of Arkansas). (This article exams the historical underpinnings of arguments for religion-based antidiscrimination law opt-outs and concludes that, for the same due process and equal protection reasons such opt-outs failed to obtain in race-based antidiscrimination law, they must also fail in the same-sex arena.)
- A Feminist Agenda for Gay Men: Or, Catharine MacKinnon and the Invention of a Sex-Based Hope, 35 LAW & INEQUALITY 289 (2017). (This article, written at the request of Professor MacKinnon, is my contribution to a University of Minnesota symposium honoring the 25th Anniversary of the publication of MacKinnon's ground-breaking book *Toward a Feminist Theory of the State*.)
- Same-Sex (Monogamous Marriage) and Polygamy: Macedo's Incomplete Sex-Equality Analysis, forthcoming __ PHILOSOPHY SYNDICATE __ (2018). (Invited) (This essay, part of a joint philosophy symposium with Princeton and Furman University, critiques the arguments of Professor Stephen Macedo's (Philosophy, Princeton University) influential book *Just Married*.)
- Examining Critical Race Theory: Outsider Jurisprudence and HIV/AIDS—a Perspective on Desire and Power, 23 LAW AND INEQUALITY 371 (2015) (invited) (This article, part of a symposium honoring Richard Delgado's fortieth anniversary in law teaching, focuses on educating lawyers and judges about the realities of HIV, the irrationality (legally) of HIV exposure statutes, and the constitutional (due process and equal protection) arguments that can be made against them.)
- Feminism and Gay Liberation: Together in Struggle, 91 U. DENVER L. REV. 109-139 (2014) (invited) (This article, part of a symposium honoring the feminist work of the late Professor Ann Scales, compares the theoretical matrices of feminist legal theory and queer legal theory. By exploring the relevance of issues generally thought of as "feminist issues," such as pornography and abortion, to gay men's lives, the article shows that, rather than abandon feminism as much of queer theory

suggests, gay men—and all LGBT people—should embrace feminism as a fundamental component of an ethical movement toward substantive, social, and legal equality.)

- Toward a Multiple-Consciousness of Language: A Tribute to Professor Mari Matsuda, 112 MICH. L. REV. 91 (2014) (invited). (With this essay, I joined a number of prominent scholars to celebrate the 25th anniversary of Mari Matsuda’s influential article *Public Response to Racist Speech: Considering the Victim’s Story*, 87 MICH. L. REV. 2320 (1989)).
- The Internet and Inequality: A Comment on the NSA Spying Scandal, 49 WAKE FOREST L. REV. 525 (2014). (This essay examines the role the Internet plays in actually creating inequality and the danger it poses, particularly in the hands of unscrupulous government actors, for gays and lesbians).
- In Memory of Ann Scales, 3 WAKE FOREST J. OF LAW AND POL’Y. v (2013) (This publication is a transcript of my remarks at the memorial for Professor Ann Scales at the University of Denver Sturm College of Law, Sept. 21, 2012).
- Trans/Sex, 1 IUS INKARRI 89-104 (2012) (Spanish-language journal, Universidad Ricardo Palma, Faculty of Law and Political Science, Lima, Peru). In this invited contribution for a special issue on gender, sexuality, and human rights, I explore the connections between “transgender” theory and gay rights.
- Why Gays Should Not Serve in the United States Armed Forces: A Gay Liberationist Statement of Principle, 18 WILLIAM & MARY J. OF WOMEN & THE LAW 7-34 (FALL, 2011) (invited). (This piece reflects on my role as an adviser to the Pentagon’s Working Group on the Repeal of Don’t Ask, Don’t Tell, as well as critiques the Gay movement’s strategy of institutional inclusion.)
- Patriarchal Religion, Sexuality, and Gender: An Introductory Essay, 1 WAKE FOREST J. OF LAW & POLICY 197-205 (2011) (criticizing “new natural law” theory and introducing the inaugural symposium of the Wake Forest Journal of Law and Policy). I was also the convener of this interdisciplinary symposium, with David A. J. Richards, NYU; Nicholas Bamforth, Oxford; Jane Caputi, Florida Atlantic; and Hassan El Menyawi, U.N. University for Peace.
- Arguing Against Arguing for Same-Sex Marriage (my portion of a published debate with Professors Nelson Tebbe and Deborah Widiss, published as Shannon Gilreath, Debate, *The Argument for Same-Sex Marriage*, 159 U. PA. L. REV. PENNUMBRA 21 (2010)) (available at <http://www.pennumbra.com/debates/pdfs/Marriage.pdf>) (invited).
 - Nominated for the 2011 Law and Society Association's Article Prize
- Not a Moral Issue: Same Sex Marriage and Religious Liberty, 2010 U. ILL. L. REV. 205 (2010).

- Some Penetrating Observations on the Fifth Anniversary of *Lawrence v. Texas*: Privacy, Dominance, and Substantive Equality Theory, 30 WOMEN’S RIGHTS LAW REPORTER 442-478 (2009).
- “Tell Your Faggot Friend He Owes Me \$500 for My Broken Hand”: Thoughts on a Substantive Equality Theory of Free Speech, 44 WAKE FOREST L. REV. 557-615 (2009). I also chaired the symposium of which this article was a part: “Equality-based Perspectives on the Free Speech Norm: 21st Century Considerations.”
- Transforming Teenagers into Oral Sex Felons: The Persistence of the Crime Against Nature after *Lawrence v. Texas*, 43 WAKE FOREST L. REV. 155-221 (2008) (with Michael Kent Curtis).
- Sexually Speaking: “Don’t Ask, Don’t Tell” and the First Amendment after *Lawrence v. Texas*, 15 DUKE JOURNAL OF GENDER, LAW, AND POLICY 127-193 (2008) (invited).
- Of Fruit Flies and Men: Rethinking Immutability in Equal Protection Analysis—with a View toward a Constitutional Moral Imperative, 9 LAW AND SOCIAL CHANGE 1 (2006).
(This piece was substantially revised, lengthened, and improved as *Law/Morality: Thoughts on Morality, Equality, and Caste*, in SHANNON GILREATH, THE END OF STRAIGHT SUPREMACY: REALIZING GAY LIBERATION (Chapter 2) (Cambridge U. Press, 2011)).
- The Technicolor Constitution: Popular Constitutionalism, Ethical Norms, and Legal Pedagogy, 9 TEXAS J. ON CIV. LIBERTIES AND CIV. RIGHTS 23-44 (2003).
- Cruel and Unusual Punishment and the Eighth Amendment as a Mandate for Human Dignity: Another Look at Original Intent, lead article, 25th Anniversary issue, 25 THOMAS JEFFERSON LAW REV. 559-592 (2003).

Representative Essays and Op-eds

- Must We Defend Nazis?: A Reply to Professor Dershowitz, *Concurring Opinions*, February 14, 2018
- In this Era of Fake News, It’s Time to Talk about Regulating Hate Speech, *Dallas Morning News*, Nov. 22, 2017
- The Politics of the Single-minded, *The Huffington Post*, March 28, 2016.
- Can Hatred be a Virtue? *The Huffington Post*, June 26, 2015.
- Pornography and Sex Equality: The Life and Times of Linda Lovelace, *The Huffington Post*, September 12, 2013. (This essay reviews the biopic film *Lovelace* depicting the life of Linda Boreman, pornographed as Linda Lovelace, in the porn blockbuster *Deep Throat*. I detail the relationship of pornography to sex inequality and outline a legal approach to address the problem.)

- Montana Case Shows Split in Gay Rights Movement, JURIST (U. Pittsburg Law School), Dec. 14, 2011 (discussing divergent tactics of litigators seeking domestic partnership rights without the marriage label and those seeking only marriage per se).
- Know Thine Enemy, *PRIDE and Equality Magazine* (Jan./Feb. 2006) (discussing Gay service men and women in the Iraq war effort).
- First Amendments, *The New Humanist*, (U.K. & U.S.) Vol. 120, no. 3, 10-11, May/June 2005 (discussing the intermingling of religion and American politics and law).
- Gay Rights and the Religious Right (and Left?), *Whosoever Magazine*, Vol. 9, No. 5, March 2005.
- Outing Sponge Bob: The Mis-Education of America's Gay Youth, *Queer Day*, February 21, 2005.

Representative Lectures and Presentations

- Regulating “Hate” Speech: A Debate with David French, Dallas, Texas, Nov. 27, 2017 (Sponsored by the National Review, the Federalist Society, The American Constitution Society, and the National Constitution Center (moderated by Jeffrey Rosen))
- “Gay Men, Pornography, and Inequality,” U. Minnesota Law School, Nov. 18, 2016.
- “Examining Critical Race Theory: Outsider Jurisprudence and HIV/AIDS—a Perspective on Desire and Power,” Harvard Law School, October 19, 2015.
- “Examining Critical Race Theory: Outsider Jurisprudence and HIV/AIDS—a Perspective on Desire and Power,” U. Minnesota Law School, October 7, 2014 (Law Review symposium).
- “The Internet and Inequality,” University of Quebec at Montreal, November 18, 2013.
- “The Internet and Inequality,” Wake Forest University School of Law (Law Review symposium), October 25, 2013.
- “The Legal Construction of Gender,” University of North Carolina School of Law, 17th Annual Conference on Class, Race, Gender & Ethnicity (with Avory Faucette, Director, National Center for Transgender Equality), February 23, 2013.
- “Aids as Metaphor, Law as Idiom,” Loyola-Chicago Law School, 3rd Annual Constitutional Law Colloquium, November 3, 2012.
- “Remembering Ann Scales,” University of Denver Sturm College of Law, September 21, 2012.
- “Speech and Equality: The Gay Liberation Perspective,” University of San Francisco Law School, March 2012.

- “Why Gays Should Not Serve in the U.S. Armed Forces: A Gay Liberationist Statement of Principle,” William and Mary College of Law, February 2012.
- Introduction and Chair, Symposium: “Patriarchal Religion, Sexuality, and Gender” (the inaugural symposium of the Wake Forest Journal of Law and Policy), September, 2010.
- “What Gay Pride Means to Me,” Keynote Address, North Carolina Pride Celebration, Duke University, September, 2010.
- “Litigation Strategies of Successful LGBT Youth Advocacy,” Annual Meeting of the LGBT section of the American Bar Association (“Lavender Law”), August, 2010, Miami, Florida.
- “Radically Gay: Stonewall & Recalling What Gay Liberation Forgot,” November, 2009 (Keynote address, Conference for the Fortieth Anniversary of the Stonewall Riots, Pace University, New York City).
- “Pornography, Prostitution, and Inequality,” October, 2009 (Talk at the Sixth International Conference on Prostitution, Sex Work, and Human Trafficking, University of Toledo, Toledo, Ohio).
- “Same-Sex Marriage and Religious Liberty,” April, 2009 (A Debate with Professor Robin Wilson, Washington and Lee Law School) (for the Federalist Society).
- “The Rights of Gay Youth: A Talk to Teachers,” April, 2007, University of North Carolina-Greensboro.
- “The New Equal Protection” (based on *Of Fruit Flies and Men* (above)) March, 2007, Presentation at University of North Carolina Law School.
- “Sexual Politics and the Law,” keynote address (based on *Sexual Politics*), March, 2007, University of Akron, Akron, Ohio.
- “Founding Fictions: Politics, Equality, and the Disappearing American Past,” lecture for the Canterbury Club of NYU presented at New York University, December, 2004.

RECENT MEDIA APPEARANCES (representative sample)

- NPR, Oct. 20, 2017
- We the People with Jeffrey Rosen, Sept. 28, 2017
- WUNC Radio, July 28, 2017
- The Carolina Journal, May 1, 2017
- News and Observer, March 31, 2017
- Reuters, Feb. 24, 2017

- Daily Tarheel, Feb. 23, 2017
- Reuters, Jan, 28, 2017
- WLOS News 13, Asheville, Jan. 27, 2017
- NBC News, Dec. 7, 2016
- ABC News, Nov. 11, 2016
- PRI, October 28, 2016
- Christian Science Monitor, May 5, 2016
- Chronicle of Higher Ed., March 31, 2016
- Reuters, March 30, 2016
- Forbes, March 28, 2016
- The Advocate, Dec. 14, 2015
- USA Today, Oct. 30, 2015
- Detroit Free Press, Oct. 30, 2015
- Indianapolis Star Tribune, Oct. 30, 2015
- The Washington Post, Oct. 12, 2015
- The Washington Post, Aug. 3, 2015

PROFESSIONAL SERVICE

- Peer reviewer for Cambridge University Press
- Peer reviewer for *Northwestern University Law Review*
- Peer reviewer for *The Journal of Homosexuality*
- Peer reviewer for *Feminist Formations* (University of Arizona)