



WE WHO FEEL DIFFERENTLY JOURNAL

ISSUE 1, SPRING 2011

**QUEERLY YOURS: THOUGHTS
AND AFTERTHOUGHTS ON
MARRIAGE EQUALITY**

CREDITS

WE WHO FEEL DIFFERENTLY JOURNAL

is a sporadic online publication that addresses critical issues of queer culture. It features in depth analyses and critiques of international Lesbian, Gay, Bisexual, Trans, Intersex, Queer and Questioning (LGBTIQQ) politics from queer perspectives.

The journal is part of the project *We Who Feel Differently*, a database documentary by Carlos Motta that presents interviews with dozens of queer academics, activists, artists, legislators, lobbyists, medical professionals, etc. in Colombia, Norway, South Korea and the United States. *We Who Feel Differently* investigates the history and development of LGBTIQQ politics and discusses the notions of difference, equality, citizenship and democracy in relation to sexual orientation and gender identity.
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INTRODUCTION

By Carlos Motta

Queerly Yours: Thoughts and Afterthoughts on Marriage Equality, this journal's first issue, presents six commissioned texts by an international group of activists and academicians that critically reflect on the current international struggle of the LGBT movement to attain marriage rights.

Gay marriage has largely and paradoxically come to signify the ultimate step towards gay liberation. Lesbian and Gay professional organizations, lobbyists and activists throughout the world have made marriage *the* pillar issue in the quest towards equality. Marriage entails responsibilities and benefits such as social security, hospital visitation, co-parenting rights, estate tax, immigration, and other civil rights: If marriage excludes same sex couples, it is undoubtedly discriminatory. Marriage, however, as it is defined by the modern State and the Church also implies conventional attitudes with regard to what socially and legally 'acceptable' relationships ought to be; it may overtly normalize diverse sexual identities and practices, and can replicate a conservative heteronormative understanding of intimacy and affection.

When I reached out to the contributors to this journal, I posed to them this series of questions: Should the LGBT Movement continue to act politically within the State's legal framework, or should it demand a systemic transformation that guarantees the granting of citizen rights independently of marital status? Shouldn't queers continue to emphasize the right to be different instead of promoting a politics of inclusion and tolerance? Is the larger LGBT Movement's discourse on marriage equality at risk of having a normalizing effect on diverse forms of sexuality? What is the role of queer and feminist theory within the current political debate? How does marriage define the family and its social function? What is the relationship between the marriage equality discourse and the socio-economic structure of capitalism? What is the place of trans-and-inter sexualities within this socio-legal framework? Is marriage equality all that liberating? Is it 'radical' enough? The essays included in this issue address these issues and propose many more.

Shelly Eversley's *Marriage Apartheid and the Tyranny of American Morality* exposes the relationship between religious morality and the legal definition of marriage in the United States; it suggests that marriage and the government should be separate, so that people may have the possibility to "determine the morality of their unions outside civic discourse."

In *Marrying Heteronormativity, Divorcing Diversity: Same-Sex Marriage in Canada*, **Nick J. Mulé**, PhD, offers an incisive analysis of the marriage equality debate in Canada regarding "the place of queers in the institution of marriage and their level of recognition outside it." Mulé uses a "critical queer liberationist perspective" to discuss how LGBT proponents

of same sex marriage in Canada have focused “exclusively on traditional and neo-liberal couplist perspectives.”

Kheven LaGrone's *The Gay-Marriage Bullies: Why U.S. White Gay Power Hides Behind “Diversity”* denounces the racist politics of the LGBT Movement in the United States, using the aftermath of the passing of “Proposition 8,” the gay marriage ban in California, as a case study. LaGrone demands the real inclusion of Same Gender Loving African Americans —on their own terms and not as tokens of diversity— in the gay national agenda.

“Yes, we can”: Lessons Derived from the Debate Over the Legalization of Gay Marriage in Argentina, by **Bruno Bimbi**, provides a detailed account of the process that resulted in the enactment of the Gay Marriage Law in Argentina, highlighting the different steps and decisions that led to the LGBT Movement’s triumph over a traditionally homophobic political establishment. Bimbi considers the law a groundbreaking achievement that promises a social transformation for queer communities at the level of civil rights and cultural imaginaries.

Senthoran Raj's *Que(e)rying Intimate Citizenship in Australia: Theory, Activism and Politics* focuses on “legal, neo-liberal, religious, and queer theory arguments” around the gay marriage debate in Australia. Raj discusses queer theorists Judith Butler and Michael Werner’s work on intimacy and citizenship, and he underlines the difficulties of connecting these “deconstructive queer projects with public policy and community lobbying for ‘equality’ in terms of same-sex relationship recognition.” Raj’s essay “outlines a critical framework to ‘intimate citizenship’ to articulate a platform for further policy and activist dialogues.”

In Against Equality: Defying Inclusion, Demanding Transformation in the U.S. Gay Political Landscape, **Ryan Conrad** and **Yasmin Nair** offer a radical critique of the marriage equality movement in the United States by exposing the underlying class, racial and economic inequalities that remain hidden behind its rhetoric of equality. Conrad and Nair also oppose capitalism and neoliberalism’s desire to “give up on critical difference,” and call for a queer activism of solidarity.

These six essays expose the deeply-rooted divisions that exist within and beyond the field of LGBT politics, theory and activism in the phase of the marriage equality debate, and they provide critical alternatives to re-think social and political priorities and strategies that may benefit a larger queer public and that will not continue reproducing politics of assimilation.

Enjoy!

MARRIAGE APARTHEID AND THE TYRANNY OF AMERICAN MORALITY

By Shelly Eversley*

Marriage is overrated. It claims moral superiority by suggesting that the unions it recognizes have special sanction from God. In the United States, that sanction grants married people exclusive benefits in civil society: financial bonuses, tax credits, privileged access to healthcare, and immigration preference, among others. A married person can even change her name, without hassle, for free. These special benefits demonstrate how government institutions give marriage its most salient meaning. They show it is not God who makes marriage special, it is the law. In the logic of a government-sanctioned marriage, it is thus particularly odd to insist on it as sacred, as an entity that must be protected from the kinds of people who, for “moral” reasons, threaten its sanctity.



Source: theinsanityreport.com

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Consider the rhetoric surrounding debates about same sex marriage: “homosexuality is fundamentally morally inferior to heterosexuality and represents a sinful outcome to perverse choices...homosexual unions, by being inherently non-procreative, are fundamentally inferior to heterosexual unions. To grant legal status and recognition to inferior unions of immoral people undermines the importance of the institution, thereby eroding the foundation of civil society” (Segura 2005). The contradictions within this kind of rhetoric are astounding. Morality is a question for the Church, not the State. The United States is not a theocracy, it should not legislate morality. Furthermore, the very idea that procreation is “inherently” and inevitably the result of heterosexual marriage insists on a patriarchal family structure in which women, as breeders, subordinate to their husbands whose powers and privileges are sanctioned by law. This Trinity of morality-procreation-heterosexuality has become a political institution that demands interrogation of the processes and the implications in which hegemonies are made.

Even before the marriage equality movement, feminists have sought rights for women that are counter to the Christian Right’s Trinity of marriage-heterosexuality-procreation. The struggle for women’s reproductive rights includes the right of a married woman to choose not to have children. It also supports a woman’s right to have a child without patrimony. The achievement of *Roe v. Wade* (1973) secured the rights of a woman to control whether she would bear children; she no longer needed *permission* from her husband or her (male) doctor. Similarly, with the advent of the birth control pill women in heterosexual relationships could regulate when—and if—that union would be procreative. Women’s reproductive rights consequently undermine the logic of patriarchal power by challenging the notion that heterosexual unions are “inherently” procreative. Even today as the Christian Right works to dismantle women’s reproductive rights, it deploys the “moral” argument that, in the name of “family values,” women should bear children. This implicitly promotes the assumption that female sexuality exists for procreation, not pleasure.



Source: publiceye.org/magazine/v22n2/gaycon.html

The arguments against women’s reproductive rights, like recent arguments against marriage equality, incite panic about “moral decline.” Noting the ways in which “Americans are utopian moralists who press hard to institutionalize virtue, to destroy evil people, and eliminate wicked institutions and practices,” Seymour Martin Lipset (1996) describes this missionary vision as an American exception. Most advanced industrialized nations in the

world—including countries in northern Europe whose Protestant roots are most similar to the United States’—offer civil unions, domestic partnerships, registered partnerships or marriage to same sex couples. Countries as varied as Andorra, Argentina, Australia, Brazil, Canada, Colombia, Denmark, France, Germany, Ireland, Israel, Mexico, Slovenia, Spain, South Africa, the United Kingdom and Uruguay not only provide the opportunity for all citizens to enjoy legally recognized unions, they also have instituted human rights legislation that protects gay and lesbian citizens from discrimination. The European Union’s *Charter of Fundamental Rights* goes even further by guaranteeing every citizen’s right to marry and form a family (Adam 2003). Mobilized by Christian fundamentalists the United States even used its veto power against United Nations recognition of the *International Gay and Lesbian Association* (Adam 2003).

And maintaining its exception among its peer nations, the United States enacted the *Federal Defense of Marriage Act* (DOMA) in 1996 that effectively endorses the sacredization of the state and institutionalizes heterosexual unions by assaulting the rights of gay and lesbian Americans. Thirty states have instituted some form of marriage amendments in their constitutions to bolster a heteronormative definition of marriage. The Alabama example is telling: “Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, established their relationship as husband and wife, and which is recognized by the state as a civil contract” (*Alabama Constitution*). Ratified in 2006, this amendment reflects a consensus that feels compelled to define marriage as heterosexual as well as sacred. This union between the laws of man—“civil contract”—and the laws of god—“sacred covenant”—shows exactly what the overestimation of marriage looks like.



Statue of Lady Justice in London. Source: freephoto.com

In his provocative analysis of the Christian fundamentalist interpretation of the *U.S. Declaration of Independence*, legal scholar Alan Dershowitz (2007) explains their mistaken understanding of American democracy. He situates Thomas Jefferson, the Declaration’s author, within his intellectual milieu, the Enlightenment. Constitutional framers such as Jefferson, John Adams and Benjamin Franklin were rationalists “who believed that ‘the alliance between church and state’ produces only evil, and that a wall of separation must be maintained.” He continues, “The government of the United States is not in any sense founded on the Christian religion.” Dershowitz’s attention to the historical record is an important response to the religious right’s political maneuvers concerning morality and marriage.

Televangelist and former presidential candidate Pat Robertson believes the nation's original documents of liberty are proof of a Christian government in which "Jesus is the Lord of the government." And James Dobson, leader of the conservative group *Focus on the Family* and major proponent of DOMA, contends "it is utterly foolish to deny that we have been, from the beginning, a people of faith whose government is built wholly on a Judeo-Christian foundation" (Dershowitz 2007). Religious politicians like Robertson and Dobson have failed in the lessons of history since Jesus never had a place in American democracy. Dershowitz points out, the famous lines "We hold these truths to be self-evident, that all Men are created equal, that they were endowed by their Creator with certain unalienable Rights..." are not a declaration for a new Christian nation, but they are an exercise in Enlightenment rationalism and independent thinking. The Declaration's "Creator"—who, incidentally, is never mentioned in the Constitution—is, in fact, a deist god who made the world and left it behind. And, in Jefferson's own words, the holy Trinity is "incomprehensible, unintelligible and insane" (Jefferson 1819).



Source: sodahead.com

The unintelligibility of characterizing marriage as a sacred union between a man and a woman that should be protected by the state is a problem that reveals a religious tyranny, threatening the very principles on which this nation was built. DOMA and state amendments like Alabama's are antithetical to American democracy, a democracy that from its beginnings insists on keeping religion out of government. Federal and local legislation that restricts equal access to marriage manifests a hierarchy of persons in which "moral" people are cast as "better" Americans. Such hierarchies—and the government institutions that keep them alive—produce an apartheid system of citizenship.

This power differential reflects a "moral panic" (Adam 2003) that isolates gay and lesbian citizens in order to promote the diminishing power of the patriarchal hegemony. The ideology and the rhetoric apparent in DOMA revive "the same national imaginary generated around gender and family that had functioned to block the *Equal Rights Amendment* for women" (Adam 2003). The heteronormative "defense" of marriage presents itself as a moral

guardian of the (patriarchal) family and of civil society, even though it is clear that marriage is a political institution. Government, not religion, determines the rights of citizens.



Source: news.lavenderliberal.com

When acknowledged as a political institution, marriage recalls poet Adrienne Rich's (1980) arguments about a compulsory heterosexuality. In her groundbreaking work, she claims that heterosexuality should be recognized as a "political institution," something which has to be "managed, organized, propagandized and maintained," much like the ways in which DOMA and state amendments regulate what marriage means. Rich contends that as an institution, heterosexuality is not a choice or a preference but an imposition. American culture insists on this imposition, positing that married people have no choice but to be "heterosexual." Most directly, the state manifests this coercion on populations least able to resist. In its "war against poverty," the 1996 *U.S. Personal Responsibility and Work Opportunity Reconciliation Act* (PRWORA) encourages "marriage as a means to remedy poverty" (Robson 2009). With its intention to promote "job preparation, work and marriage" (PRWORA), welfare reform uses financial bonuses to encourage women—sometimes even teenagers—to marry. For poor women who are mothers, marriage is less a question of choice and more a question of institutional coercion.

Since Christian fundamentalists have successfully linked their version of morality to legal definitions of marriage, heterosexual monogamy has become the standard against which all other unions are measured. Even children with gay, lesbian and single parents must face the tyranny of this "morality." And as state and federal governments continue to "defend" marriage as heterosexual and procreative, the United States' political system becomes more theocratic than democratic. And while law professor Ruthann Robson (2009) perceptively suggests "recent legal developments regarding same sex marriage raise the possibilities of decoupling heterosexuality with marriage," the United States should do better. In order to keep with its founding principles, it should separate "marriage" from government: let the people who want marriage seek marriage in the Church of their choice. They can determine the morality of their unions outside of civic discourse. For everyone else—heterosexual, lesbian, gay, trans—they should be allowed to register their commitments with the State and then equally enjoy the rights and privileges previously associated with marriage. The United States can then return to democracy.

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MARRYING HETERONORMATIVITY, DIVORCING DIVERSITY: SAME- SEX MARRIAGE IN CANADA

By Nick J. Mulé, PhD*

In 2005 *Bill C-38* on same-sex marriage passed in the Canadian legislature (Whittington & Gordon 2005), permitting same-sex Canadian couples access to the institution of marriage, thus receiving governmental sanctioning of their relationships and all the benefits and privileges associated with matrimony. Yet, this bill did not pass without a fierce debate that preceded it involving its potential impact on issues of ideology, religion, tradition, equality, recognition, discrimination and legalities among others. The media have painted this high-profile issue as polarized between traditionalists (marriage between one man and one woman) and neo-liberalists (same-sex couples gaining access to the institution of marriage). The debate and discussions, however, are not only played out in the general



Source: <http://jeremylatham.com/blog/2006/06/04/gay-marriage-in-canada/>

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populace encompassing both same and opposite-sex couples, they are also played out within LGBT communities (i.e. lesbian, gay, bisexual, transsexual, transgender, two-spirit people, intersex, queer, questioning), and queer liberationists (equitable recognition of all relationships and independent status) in particular, whose broader perspective captures a myriad of relationships within queer culture – an angle the media has largely overlooked.

Utilizing a critical queer liberationist perspective, the purpose of this paper is to highlight how this debate has been restricted in Canada, on the part of LGBT proponents of same-sex marriage, to focus exclusively on traditional and neo-liberal couplist perspectives. A critical queer liberationist perspective challenges the discourse broadening the narrowed frameworks of the debate, raising questions LGBT proponents of same-sex marriage fail to address. Such a perspective is aligned with the works of other structuralists (Mullaly 1998, 2002, 2007) liberationists (Kaplan 1997; Maynard 2000; Mulé 2010; Walters 2001) and numerous feminists (Auchmuty 2004; Bevacqua 2004; Boyd & Young 2003; Cooper 2001; Donovan 2004; Fineman 1995; Phelan 2001; Smart 1984) in deconstructing the place of queers in the institution of marriage and their level of recognition outside it. Thus, the very platforms utilized by LGBTs to support same-sex marriage are questioned here to further a discussion regarding the future direction of queer movements and a consideration of alternatives in the recognition of all relationships within it. In light of the legal right of same-sex couples to marry in Canada, and the pursuit of same in numerous other countries, these questions are important to discuss as they have implications on the future of queer culture.

The critical queer liberationist perspective recognizes same-sex couples' right to marriage as an equality issue when examining it within the confines of coupledness (CLGRO 2002, 2003), and its blatant discrimination when comparing the rights and responsibilities of heterosexual married couples with those of same-sex couples. The legislating of same-sex marriage, strictly in the name of couple-based equality, is understood. Yet, liberationism views equality as merely a means and not an end in and of itself (CLGRO 2004). Additionally, liberationist perspectives operate from the premise of creating systems and structures that best meet the needs and realities of individuals as defined by those individuals, and to not contort individuals to fit into a traditional heterosexual model, that may fit some well, yet ignore the needs and realities of numerous others. This more expansive approach – capturing the variety and diversity of individuals and whom they have formed significant relationships with – that liberationists value and assimilationists have restricted from this debate. By recognizing same-sex marriage, the state is permitted to regulate some of our relationships creating a two-tier system (Ettelbrick 1997), further entrenching the church/state monopoly of sanctioned couples (Butler 2001a).

Canadian queer culture is one in which a myriad of relationships exist, such as conjugal relationships of more than one partner; communal living arrangements; blended families; extended families (especially among immigrant populations) living together and caring for one another; single parent households; queer couples who bear and raise a child with another queer couple or person, in two households; friends and siblings who cohabitate in non-conjugal relationships; adults living with and caring for their parents; grandparents and others raising their children's (and/or a relative's) children; senior citizens living together, in caring constructed family environments; care-giving and partnership relationships providing support systems to those living with HIV/AIDS or other illnesses; among others. Liberationists recognize such relational structures in Canada and beyond. Yet, state recognition is extended only to same-sex couples who choose to marry within Canadian LGBT culture with its accrued legal, economic and social benefits.



Source: jeremylathan.com/blog/2006/06/04/gay-marriage-in-canada

FIVE PRO SAME-SEX MARRIAGE PLATFORMS

Five pro-same-sex marriage platforms were put forth by LGBT proponents as arguments in the Canadian debates that are analytically deconstructed utilizing a critical liberationist perspective:

A NARROWED HUMAN RIGHTS ISSUE

Same-sex marriage proponents argued this is a 'human rights issue' then proceeded to narrowly define it, marginalizing any alternative perspectives such as queer liberationist concerns that this feeds into heteronormative assimilationism. Hence, a plank was created based upon a simplified argument that providing access to the institution of marriage to same-sex couples is a human right, whereas prohibiting such access is in effect an act of discrimination. Although this is understood as a plank in its own right, it is also highly simplistic (which may have contributed to the success of the campaign) for it fails to recognize the socio-cultural implications on LGBTs who choose not to marry. In effect, such

a simplistic argument contributes to a means of restricting the debate to a self serving narrowed version of human rights (those for same-sex marriage were considered equality seekers, those against, homophobic) at the expense of the lived experiences of those in diversified relationships that fall outside the institution of marriage.

Such simplicity leads to generalizations setting an ominous tone that reproduces the social pressures perpetrated in a couplist society in which legally sanctioned couples dominate. In essence, attempts to question or possibly disrupt this institution with new, creative and more inclusive concepts (i.e. the myriad of unrecognized, unsanctioned and uncelebrated relationships that exist outside of marriage) are resisted. Challenging the status quo with diversely constituted relationships, including of the same-sex, is rejected in favour of assimilationism.

A neo-liberal lens is being worn by LGBT proponents who frame same-sex marriage as a human rights issue, which in effect is premised on a traditional couplist (read conjugal) framework. Operationally this narrows the confines of the debate, to the point of excluding other kinds of relationships from legal recognition, benefits and responsibilities (Donovan 2004). A queer liberationist perspective questions the extent of the human rights argument when certain kinds of couples (read same-sex conjugal) only are being elevated to a privileged status of 'human rights' over other kinds of relationships.

EQUALITY, WHOSE EQUALITY?

The argument of 'equality' was promoted without any consideration of the privileging effects on those who choose to marry vs. the socially oppressive effects on those who do not. During the same-sex marriage debates in Canada, the issue was presented in a sweeping fashion, "This is an issue of equality as protected by the Canadian Constitution" (Heale 2003: 5) distorting the highly restrictive kind of relationship recognition being advocated for. Marriage in the West is highly socially endowed thus a driving force for same-sex marriage is an entitlement to what married opposite-sex couples receive creating a competition for status – all within a strictly couplist framework. The pursuit of same-sex marriage was not about achieving equality for same-sex relationships; rather it was about achieving equality for same-sex relationships that most closely resemble those of the traditional heterosexual model. Such sweeping language creates a discourse urging support for an issue of 'equality.'

In essence, this is a liberalized ideal of formal, sanctioned equality that requires an acquiescing to the norms of the majority on the part of the minority. That segment of the minority that most resembles the majority will accept acquiescence forfeiting part of their uniqueness in the process. Consequentially, this splits the minority into those that reap the benefits of assimilation and those further marginalized by their resistance to it (Eskridge 2003).

JOIN THE CLUB, INTERNALIZING HOMOPHOBIA

Some of the rationale for legalizing same-sex marriage in Canada pointed to the need to gain access into a socially sanctioned institution, its impacts on one's sense of personhood and how inaccessibility negatively affected self esteem completely overlooking how LGBTs are subjugated under heteronormative terms and conditions. Domestic partnership agreements are seen by some as a discursive tension between status and contract. This is borne of marriage having an enduring status (Goldberg-Hiller 2002) backed by legal recognition. The powerful symbolism of elevated status associated with marital relationships is substantiated by legally sanctioned and culturally supported legitimacy. Marriage provides insider status and validity (Ettelbrick 1997).

The Metropolitan Community Church of Toronto (MCCT) upholds the status of marriage in their submission to the Parliamentary Panel on Same-Sex Marriage noting:

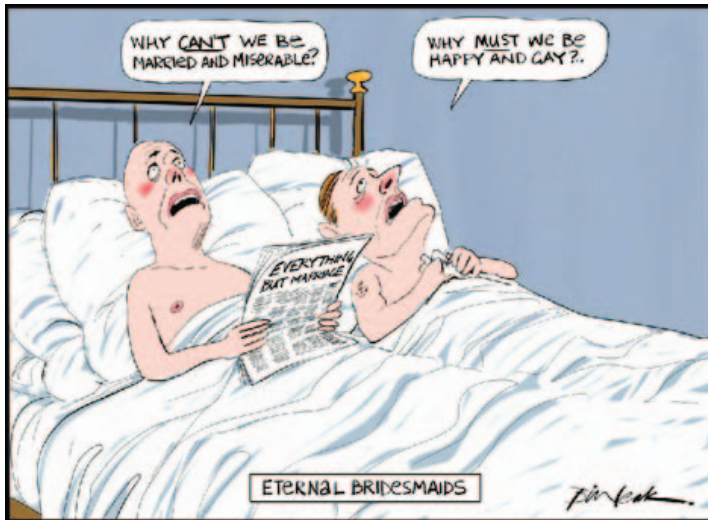
Marriage also confers a status with well-recognized social significance that, rightly or wrongly, is perceived by many to be the commitment of the highest order of one person to another. As with many other Canadians, for gays and lesbians the capacity to marry and the right to marry the person of their choice are an incident of full membership in society. For gays and lesbians, a group that has been historically marginalized, marriage is also the recognition before and by the society of their 'full personhood' (2003).

Some completely abdicate responsibility for interrogating the status marriage has in our society, instead focusing their position on acquiescence and acquisition not only for relational purposes but for that of assigning elevated status to personhood.

The Coalition for Lesbian and Gay Rights in Ontario (CLGRO 2002: 2) explains the socio-cultural impact, partly due to religion, this can have on individuals based upon whether they enter into socially and legally sanctioned relationships or not:

...[M]arriage, because of its religious origins, historically has been given connotations of morality, legitimacy, stability, and respectability. Forms of relationships outside marriage accordingly have been cast as in some way inferior: immature, immoral, illegitimate, unstable, and not respectable. At the same time, those who were not in couple-relationships (other than those in religious orders) were seen as not fulfilling their social obligations, or as flawed, unfulfilled or incomplete persons. Such values and beliefs should no longer be reflected in the public policy or the laws of Canada.

Deeply psychological is the root of the need to belong and be included, and can for some, have a direct impact on their sense of self-worth as a person in their pursuit of public approval and validation (Alderson 2004; Auchmuty 2004). Butler (2001b) surmises that same-sex marriage may be seen by some LGBT people as providing them relief from their own abjection. Warner posits it as "another insidious form of internalized homophobia" (2002a: 222).



Source: <http://arcticcompass.blogspot.com/2010/08/same-sex-marriage.html>

CONFUSING CIVIL UNIONS

At one point during the debate the concept of registered domestic partnerships (RDPs), a form of civil union, was raised. This ignited a fierce response by same-sex marriage proponents, seeing it as offensively segregationist (Egale Canada 2003b). Within the restricted framework of couple relationships, attempting to provide same-sex couples with RDPs as an option outside of marriage is understandably problematic, as Canadian lower courts have ruled. It nevertheless, was an opening for the federal government to remove itself from the business of marriage altogether. Same-sex marriage proponents charged that this was exclusionary, completely missing the irony of their own stance. Such positions demonstrate a neo-liberal commitment to the traditional couple-based lexical term of 'marriage.' As a result there was an unwillingness to recognize RDPs as a structural concept that can level the playing field.

SUPPORTING CHOICE, PRIVILEGING OTHERS

A major argument promulgated by proponents was allowing LGBTs the choice to marry, even if they themselves would not choose to marry. Choice provides the option for same-sex couples who marry to be seen as equal to heterosexual couples who marry, in a traditional heteronormative structure. The hierarchy of relationships, which holds marital ones at the top, is maintained, not questioned. The pro-choice position for others on the part of LGBT people, who do not personally opt for marriage presents, on the outset as altruistic – but simultaneously and usually unbeknownst to the proponent – contributes to the further marginalization of those who do not enter this privileged status.

Not considered is that choice contributes to a privileging of some over others and the further marginalizing of a diverse queer identity. The recognition of choice does not extend to the lack of recognition or benefits to relationships that fall outside of the institution of marriage. Thus, the argument is curtailed within the confines of a neo-liberal perspective. This reductionist approach inhibits a more expansive appraisal of the debate that a liberationist perspective would conduct. Graff (1999) takes issue with utopians imposing

their views on others, arguing that those who choose to pair off for personal reasons should be permitted to do so. What this argument overlooks is the powerful impact of the socio-cultural privilege and status associated with marital relationships and how this imposes itself on queer culture. Individuals who choose to pair off are not of concern to liberationists, but the privileges and benefits they receive should they marry vs. the absence of same for other diversified relationships is what is questionable.



Source: <http://canuctude.blogspot.com/2010/07/5-years-of-gay-marriage-in-canada.html>

QUESTIONING SAME-SEX MARRIAGE AND ITS SOCIAL JUSTICE IMPLICATIONS ON QUEER CULTURE

It has been over five years since same-sex marriage has been legalized in Canada and its implications on Canadian queer culture is evidenced by an increasing divide between the mainstream segment of the LGBT movement that seeks respectability and the queer segment that values difference and diversity. Although queer liberationists may have been sidelined during the Canadian same-sex marriage debates, their discourse on the issue persists. Because same-sex marriage implicates queer culture questions are raised regarding the very platforms LGBT proponents used exposing the campaign and the issue for its limited outcome.

Supporters of same-sex marriage need to be questioned as to what their justification is for legal recognition of same-sex marriage as a human right to the exclusion of the myriad relationships that exist in these communities? Do they even know this pursuit furthers a hierarchy of human rights regarding relationship recognition?

Are same-sex marriage proponents aware of the traditionally defined couplist concept restricting the selective 'equality' they have sought? Where do individuals (regardless of sexuality) who are in polyamorous relationships, live with friends or family, not cohabiting with partners, do not ascribe to a binary definition of gender or who live independently fit on the scales of equality, if at all? In essence, why are conjugal relationships privileged as warranting social, economic and legal recognition over all other kinds of relationships?

What are LGBT individuals saying when basing their sense of self-worth upon their ability to access the institution of marriage? Should the institution of marriage be so revered, that personhood is determined by who can or cannot access it? If so, where does that leave those who reject the institution?

Was the attempt to oppose RDPs, by same-sex marriage proponents a deliberate attempt to obfuscate the option for all couples or as liberationists would ultimately urge all relationships? How do same-sex marriage proponents justify characterizing an RDP structure for all as a loss, compared to marriage's privileged status for some?

Do LGBTs who personally opt not to get married, yet support other same-sex couples who do, recognize their contribution to the perpetuation of a two-tier system that provides a privileged status for those who marry and the continuing marginalization of those who do not? Why are some LGBTs choosing to uphold marital relationships with all its socio-cultural privileges over and above all other relationships?

The option of same-sex marriage certainly does not prevent other types of relationships from existing, being celebrated or practiced. Yet, the option of same-sex marriage extends legal, social and economic benefits (and responsibilities) that are simply not made available to other kinds of relationships, privileging the former. Is it in the best interests of queer culture to have one kind of relationship privileged over all others?

CONCLUSION

Limiting the focus to one of equality within a strictly marital model with overlapping traditionalist and neo-liberal perspectives, excludes the diversity of relationships captured in the queer liberationist perspective that currently exist in today's multicultural Canada. The most vocal of the LGBT proponents of same-sex marriage present an assimilationist position providing access for a segment of these communities into a two-tiered system in which marital relationships are given special status over all others in our couplist society. Counter culturally, queer liberationists do not want to contribute to the perpetuation of marital relationships being seen and treated as superior. Alternatively, queer liberationists urge the creation of a level-playing field, in which all relationships are recognized equitably, legally, economically and socio-culturally. With respect to this, I have set forth a series of questions based upon five platforms utilized by Canadian LGBT proponents of same-sex marriage to critically consider why they urged choice be extended to some in these communities and not others. Despite the victory of same-sex couples attaining the legal right to marry in Canada, I argue the importance of undertaking a queer liberationist critical reflection on the rationale utilized by proponents of same-sex marriage wherever it is debated. This rationale must be deconstructed for the sake of the future of queer movements in determining whose interests are being met and more importantly whose are not and why.

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THE GAY-MARRIAGE BULLIES: WHY U.S. WHITE GAY POWER HIDES BEHIND “DIVERSITY”

By Kheven LaGrone*

When Proposition 8, the gay marriage ban, passed in California, protests erupted. In an op-ed titled “Enter the Gay-Marriage Bullies,” NYPost.com wrote, “Instead of introspection and self-criticism, however, the sore losers who opposed Prop. 8 responded with threats, fists and blacklists.”



Bobby Jones, "Gentle Embrace,"
illustration

***Kheven LaGrone**, in his most recent endeavor, edited a collection of literary criticism by scholars from America, India and China of Alice Walker's *The Color Purple*. His essay "From Minstrelsy to Gangsta Rap: The 'Nigger' as Commodity for Popular American Entertainment" has appeared in several publications. In addition, as artist and/or curator, Mr. LaGrone's work has been exhibited in various cities including San Francisco, Oakland, New York City, Atlanta, as well as in Berlin and Istanbul.

Like the rest of California, some African Americans supported gay marriage and some didn't. But at anti-Proposition 8 rallies, white protesters hurled racial invectives at African-Americans—even at African Americans holding up “No On Prop 8” signs. Angry people often say what they honestly think—obviously, those white attackers believed African Americans were not their equal. Their targeting African Americans said, “How dare you lowly Negroes question our white skin entitlement.” They also expressed white ownership of “marriage equality.”

Critics of the gay movement had often accused it of being a privileged white group demanding special rights or power. “Gay Marriage Bullies” outed that white gay power. After the anti-Proposition 8 protests, America watched the white gay power grab for more power (or “special rights”).

Power often must be evasive in order to protect itself. White gay power immediately rushed out its “diversity camouflage” to counteract its uncovering. When African American talk show host D. L. Hugley asked white gay sex columnist Dan Savage if the (white) gay community held the minority community responsible for the gay marriage ban, the first thing Savage said was that the gay community and the minority community were not two separate things. Hugley's question exposed the whiteness of the gay marriage movement; Savage deflected the exposure by “diversifying” the gay community. Savage's response diverted Hugley away from any revelations of white supremacy and race caste in the gay “rainbow” community. Savage would not mention the annual Black gay prides in cities like Atlanta, Los Angeles and D.C. as evidence of separate black and white gay communities. He would not mention Black men fighting for inclusion in San Francisco's (white) Castro District. He would not mention the blackface drag performer who sold-out venues by mocking African American women.

Savage, like other white gay marriage proponents, decided that the gay marriage movement needed to reach out more to non-whites if white gay activists wanted their votes. In actuality, white gay marriage advocates needed to exploit “diversity”—especially African Americans—to camouflage white gay power. They had to redefine gay America. This required a strategic shift in gay activism. For years, the gay media flaunted surveys that showed its readership's great economic power. They bragged that gays had the most “disposable income.” At one point, activists marked dollar bills to show how much money came through their community. Businesses chased the gay dollar. Like bullies, the community flexed its muscles by threatening to boycott businesses that didn't support a “gay agenda.” Hence, gay money used fear to control the media—including their media image. They defined gay America.

Gay media catered to white men. Its advertisers mainly featured good-looking white men. Occasionally, advertisers included token African American men in ads as fungible props for white men. For many, this represented “the Black man” in gay America. Years ago, I wrote to a newspaper about the lack of Black male love in a well-acclaimed gay sex documentary. The white gay filmmaker wrote back that he didn't cast any Black-men-who-loved-Black-men because he thought they had “political agendas.” He did not bother to expound upon what that “political agenda” was (I guess he assumed we all knew), but obviously he didn't see it in Black men who loved white men—or in other white men.

Thus, stereotypical gay power became young white, affluent and elite. America came to view gays as fashionable, good-looking young white professionals with gym-toned bodies. They were well connected and had “fabulous” homes. Gay men were stereotyped as being

vain, catty and socially competitive; their youth-obsessed community was a decadent playground. Gay life seemed to be non-stop “pride” celebrations, shirtless “white parties” and HOT sex. Because the gay stereotype was effete and self-obsessed, they were too entertaining to be threatening. Gay power, i.e., pink power, became an oxymoron. Thus, these stereotypes sugarcoated (white) gay power in the American imagination. (And because of this stereotype, many African Americans rejected the label “gay” and identify as same-gender-loving or SGL).



Bobby Jones, "Lover's Holiday," illustration

This stereotype of privileged white gay men hurt the gay marriage movement. The researchers of the study titled, “Poverty in the Lesbian, Gay and Bisexual Community” believed the gay movement had to evolve. They wrote, “Gay magazine surveys have found that their readers are affluent ... and anti-gay groups have spun this into an assertion that all gays are rich and powerful and therefore do not need legal protection from discrimination.” The researchers argued that the gay “community” (singular) was financially impacted by discrimination. They concluded that legalizing gay marriage would help eliminate much of the financial obstacles of being gay or lesbian.

Gay marriage advocates hailed this study. On the front page of San Francisco’s *Bay Area Reporter* (March 26, 2009) was an article titled “Study: Many Gay Couples Are Poor.” According to the article, the study asserted that “same-sex couples are as likely, or even more likely, to experience poverty.” Even a USA Today.com essay titled “Study Looks at Poor Among Gays, Lesbians” opened with “Lesbian couples are more likely to be poor than married heterosexuals...”

Skeptical, I read the “gay poverty” study. The articles had been misleading. The data plainly revealed a privileged white, gay male elite. White gay male couples were the least likely group to be poor—even less likely to be poor than straight white couples. White lesbian couples were much less likely to be poor than heterosexual African American couples (contrary to the opening line of *USAToday.com*). However, African American lesbian couples were, by far, the most likely to be poor.



Kheven LaGrone, "Untitled,"
digital photograph

The media editors selected stories that were not accurate enough to reveal the financial privilege of being white and gay—thus helping to redefine gay America as “poor.” I would have argued that the study showed that somehow white couples benefited financially by gayness; in contrast, African American SGL couples were financially handicapped by it. Perhaps white male couples bolstered each partner’s white male entitlement; African American lesbian couples fought off racial and sexual domination while providing nurturance to each other.

My reading of the “gay poverty” study found that the struggles of African American SGL couples are different than those of white gay and lesbian couples. SGL African Americans are not white gays and lesbians “dipped in chocolate.” Talking about a “colorblind” gay agenda is, at best, naïve. It diverts us away from discussing SGL African American experiences that conflated the inequalities in both gay and Black America. By not mentioning race, these articles draw us away from exploring the financial or cultural inequalities that African American SGL couples face. If African American lesbian couples and white gay male couples are at opposite ends of the economic spectrum, how would both groups similarly benefit from “marriage equality”?

Another study helped explore the cultural inequities. San Francisco’s Department of Public Health studied the social and sexual mixing between racial and ethnic groups of gay men in San Francisco. (Their report, titled “Racial Mixing and HIV Risk Among Men Who Have Sex,” appeared in the journal *AIDS and Behavior*, published online on May 29, 2009, and was the subject of a July 6, 2009 Reuters article titled “Sexual Barriers May Up HIV Risk in Black Men.”) Reuters wrote, “black gay men were also counted less often among friends and were perceived as less welcome at the common venues that cater to gay men in San Francisco by other gay men.” In addition, the study revealed a gay sexual community centered on

white men and where African American men were marginalized, if not ostracized. African American SGL men were not truly welcomed or at home in San Francisco's (white) gay community. But who was this study for? The same observations have been made by SGL African American men visiting from out of town.

However, exposing this inequality would be a threat to white gay power. As Hugley's interview of Dan Savage illustrated, inequality risked discussion, exposure and an attack on white gay power. Thus, white gay power must conceal inequality in order to remain elusive. (Later, white gay marriage advocates would argue in court that "all men are created equal." Also, African American couples now appear in A.I.D.S. and public health announcements.)



Kheven LaGrone, "Untitled, #1",
digital photograph

On November 4, 2008, 42 of California's 58 counties voted to support Proposition 8. The state's five largest counties supported it. What happened?

White gay power had gotten too cocky. It felt it no longer needed to be elusive; it opened itself for attack. Before the election, I heard the beginning of the "Yes On 8" backlash on talk radio here in the San Francisco Bay Area. I listened to the "No On 8" movement imploding and roiling that backlash.

Initially, many voters seemed to not have cared one way or another about gay marriage—they certainly didn't care enough to vote against it. However, the video clip of San Francisco Mayor Gavin Newsom's fiery, angry threat that gay marriage was coming "whether they like it or not" moved people to push back against gay marriage. I heard one man call into a talk radio show and say that when he saw all the (to use his word) "wackos" fighting against Proposition 8, he assumed it was a proposition that he should support.

Opponents of Proposition 8 often pointed at a high divorce rate and the “failure” of heterosexual marriages. Some defenders of traditional marriage saw these as attacks against traditional marriage. They issued call-to-actions to “defend” the sacred institution against the “Gay Marriage Bullies.”

Some supporters of Proposition 8 were concerned that gay marriage would be promoted in schools. Opponents of the proposition argued that it wouldn't. However, when school leaders joined in the fray to support gay marriage, the question arose: If they're not going to teach gay marriage in the schools, why are these teacher leaders getting so involved? They repeated the true story about the elementary school teacher who brought her class to her lesbian wedding.

While some white gay marriage activists had overlooked African Americans, others had assumed they were entitled to African American unquestioned support. They colorized gay marriage by comparing the gay marriage ban to outdated anti-miscegenation laws. They appropriated code words like “marriage *equality*,” “equal rights” and “civil rights.” Some even called themselves an “oppressed minority”—in total contrast to the stereotypical white gay male elite. As fellow “oppressed minority,” they presumed all African Americans blindly and uncritically connected to them. In fact, at least one African American journalist wrote that such comparisons offended him. (Even the term “marriage equality” was a misnomer. Traditional marriage would mean a man and a woman marrying, having and raising children together. Love and laws support the marriage. Equality would mean that same sex couples would have equal opportunity to do the same. “Marriage equality” proponents seek to *redefine* marriage. They put “love and laws” first; children are incidental.)



Kheven LaGrone, "Untitled #2",
digital photograph

The passage of the gay marriage ban seemed to surprise the “Gay Marriage Bullies.” After some attacked African Americans, others, suddenly and presumptuously, announced that they would go to the “communities of color” to “educate” the “people of color.” Like missionaries, they would reach out to the primitives. They would even send “activists of color” to reach them.

They realized that their misappropriation of the Black civil rights rhetoric would be less dubious if they presented a Black face. *The Advocate*, a national gay magazine, asked, “Is Gay the New Black?” Many white gay marriage advocates were not reaching out to African Americans with this slogan. They were appropriating their American association of Blackness with inequality. By debating who is more oppressed, gays or Blacks, they clearly redefined even white gay men as “oppressed minority.”

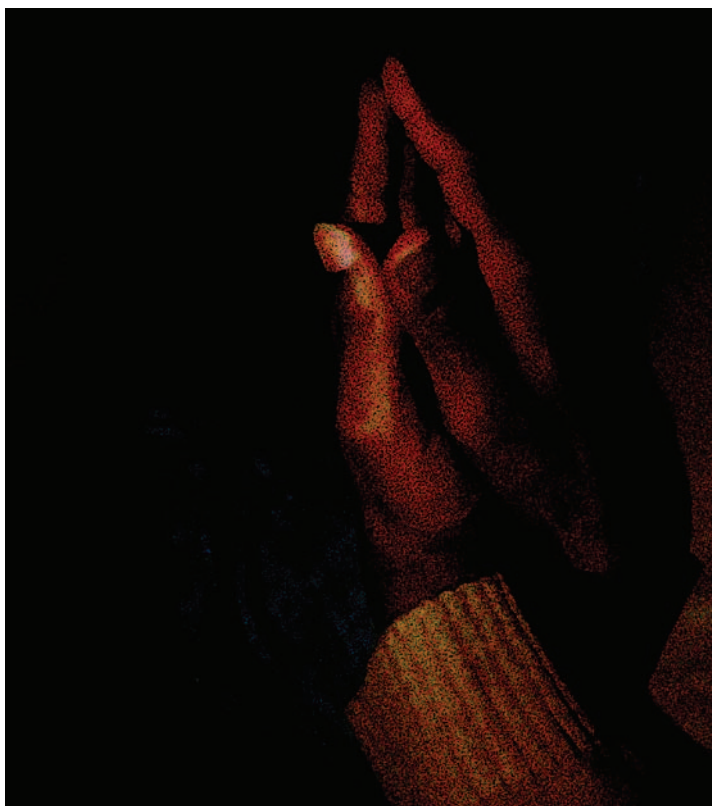
Since the conflation of a Black activist and a gay activist is an SGL African American activist, shouldn't SGL activists have significant roles in shaping the “gay agenda”? “Marriage equality” became the “gay civil rights issue,” but did they decide it was their most pressing issue? Perhaps having no safe space was the most important issue for African American SGL activists; perhaps it is the financial inequality reflected in the “gay poverty” study (what could they do to empower themselves financially?); perhaps they missed images of Black loving couples in the gay media or the Castro.

However, white gay power put on a puppet show for America. They named it “Marriage Equality.” They were the puppeteers; a token SGL African American would have just one of many puppets. They set it in a mythical place called “Diversity-Land.” In this land, everyone is “equal.” SGL African activists should have been entitled to write the play, but they didn't. As the angry “Gay Marriage Bullies” reminded us, SGL African Americans would be “tolerated,” but would not really belong.

Dare the Black male puppet have a Black lover (beyond A.I.D.S. and public health advertisements)? Just as some heterosexual African Americans find Black male love repulsive, some white gay men do too. Some white gay men see African Americans as base and inferior. They see Black male sexuality as unclean, savage and/or animalistic; thus, imagining two Black men together repulses them. Some white gay men prefer seeing a Black man with a white man because it tells them the Black man isn't “bitter and angry.” The mere sight of Black men loving Black men tells some white gay men that those Black men don't depend on white love and approval. That disarms feelings of white supremacy; Black men loving Black men negate white supremacist assumptions of innate Black self-hatred and infantile dependency on white men. The researchers of the San Francisco Department of Public Health's study suggested African American men love each other mainly because other races don't want them. This reaffirmed assumptions of white superiority (only love with white men is healthy), but it also exposed racial inequality. In this “diversity paradigm,” African American men find wholeness only with white men/saviors. Few African Americans I know subscribe to that.

So what do the words “diversity,” “inclusion” and “equality” mean in SGL African American activism? They are not the same for African Americans and whites. For white gay power, they have been shields against detection and attack; for SGL activists, they have been hamster-running wheels. In the name of “diversity,” African American activists continue to protest a blackface drag performer who continues to sell-out venues. “Diversity” has meant taking an African American bar and renovating it to attract an “upscale” (meaning young white) clientele; thereby, alienating older African Americans who had called it home for years. Since

the founding of the Castro as the gay Mecca, SGL African Americans have blindly fought for inclusion and “diversity.” Even today, African American activists organize to make “an African American presence” in the Castro. However, all this has done little more than mislead some white men to believe that every Black man needs a white man for status or identity. This privileged too many white men to be overconfident and rude.



Kheven LaGrone, "Untitled #3",
digital photograph

“Diversity” and “inclusion” are mere diversions for SGL African American activism. The Castro caters to white gay men; SGL African Americans need a place that caters to them. Liberated from white gay power’s cultural chauvinism, SGL African Americans must create spaces for exploring issues important to them—not just be directed to promote gay marriage. The spaces must be financially independent and self-directed. They must nurture informed, challenging debates and free flowing exchange of ideas. In those spaces, SGL African Americans define themselves, develop power and define their own entitlements.

Yet because SGL Africans are true Americans, they BELONG in any national “gay agenda.” Their presence is not to be questioned. They are entitled to jump off diversity’s “hamster running wheel” and help shape that agenda—including respect for SGL African American couples. SGL African Americans must fight to share white gay power—equality is not being tokens and puppets. If necessary, SGL African Americans must wrestle white gay chauvinism—including the paternalistic white gay power’s misappropriation of the word “equality.” SGL African Americans—not white “Gay Marriage Bullies”—decide if gay marriage is the issue they want to bring back home to “their” communities.

“YES, WE CAN” LESSONS DERIVED FROM THE DEBATE OVER THE LEGALIZATION OF GAY MARRIAGE IN ARGENTINA

By Bruno Bimbi*

We were crazy, everybody thought. Either we had no notion of reality or we pretended not to have it with the sole purpose of leaving a testimony, even if we knew that what we wanted was impossible in those days. Or what we did was aimed at appearing in the newspapers and promoting ourselves, no matter how useless that was, as some commented with malice.



Carlos Álvarez and Martín Canevaro, one of the first couples that married by judicial ruling.

Of the seventy-two Argentine senators, two were in favor of gay marriage —Vilma Ibarra and Rubén Giustiniani— and seventy were against it or preferred not to express an opinion; most of them due to political fears rather than on grounds of ideological convictions. Among the MPs, we would be lucky if we could total twenty or thirty votes, headed by the socialists Eduardo Di Pollina and Silvia Augsburguer, with support from those who always accompany other utopian demands, which always left them in the minority. The President did not even want to receive us: to talk about gay marriage might spark off a war with the Catholic

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Church —as a matter of fact, it would provoke it years later, the war that Cardinal Bergoglio termed “God’s war.” The opposition did not take us seriously, except for some center-left and left wing parties —although others said that marriage was a bourgeois institution and ours was a “reformist” demand. The media, except for some progressive newspapers, did not understand very well what it was all about, nor were they interested in finding out. It could be, at most, a topical piece, a piece of soft news. Only a few artists and some feminist militants supported us. At the LGBT movement, we were on our own. The Catholic Church was not even concerned about us, since we were not going to succeed.

This image belongs to 2007.

Three years later, the Supreme Court of Justice had already issued a written ruling to legalize gay marriage, after several judges of first instance had pronounced judgment in favor of different couples that could finally get married and could not believe it, one of these marriages authorized by the Governor of a southern province, Fabiana Ríos, one of our heroines. But the Court’s ruling was not required because both houses of Congress, with support from the President of the Argentine Republic and of the majority of the political leaders of almost all of the democratic parties approved, in July 2010, the Civil Code Reform. The majority of the opposition members were in agreement with the initiative. This included Buenos Aires City Mayor and local referent of the center-right, Mauricio Macri, who admitted, “The world is heading in that direction.” Almost half of the MPs representing his party —Propuesta Republicana (Republican Proposal)— voted in favor of gay marriage in Congress, which is tantamount to saying that half of the Tea Party should have done so in the United States —MP Michetti, the Argentine Sarah Palin, still cannot believe it. Those who expressed their approval included several Catholic priests— who were later penalized- the historical Protestant churches —Lutheran, Methodist, the Río de la Plata Evangelical Church, etc., which confronted the Neo-Pentecostal homophobic groups— and the best-known and most influential rabbis. The same applied to the authorities of most of the public universities. Except for the conservative *La Nación* newspaper and the Neo-Nazi *Cabildo* magazine, the media decidedly took the side of the supporters of the proposal, and so did almost all the actors, actresses and musicians. A survey at the national level showed that more than 70% of the population was in favor of gay marriage, and according to the pollsters, the passing of the law increased the popularity of a Government that, three years earlier, had been afraid of its consequences and had finally become convinced of the need for it. The support of Néstor and Cristina Kirchner was crucial. The law was enacted in the course of a very moving ceremony held at the *Casa Rosada*, and the President delivered a historical speech before an audience of lesbians, gays, transvestites and transsexuals that—who would have imagined!— occupied the first rows of seats. During the 2010 Gay Pride Parade, held a week after his demise, more than one hundred thousand people paid their last respects to former president Néstor Kirchner holding a minute’s applause.

This image corresponds to 2010.

To compare those two stills of the movie of which we were the proud protagonists is the best and hopeful answer to those who, in other parts of the world, believe: *here it is impossible*. That was exactly what we thought when gay marriage was enacted in Spain: *It’s Europe! We are in Latin America, here the Church is more powerful and society more conservative...*

– I don’t even want to hear about *impossibilities*, for in Spain it was also impossible and we achieved it— gay Spanish activist Pedro Zerolo, advisor to President Zapatero and Madrid alderman said to me at the beginning of 2005. And he was right.



Argentinian actress Norma Aleandro, supporting the equal marriage campaign.

The first lesson is: yes, we can.

The first gay marriage in Latin America, celebrated on 28 December 2009— it was Holy Innocents Day, everything had been prepared secretly and many thought that it was a prank —taught us that. The first thing I remember having said to my friend Alex Freyre, who married José María Di Bello on that day, was:

—“Yes, we can”; repeat that every time that you are interviewed.

We borrowed the slogan from Barack Obama. No other words could best explain what we wanted to say.

The journey left us some lessons that I would like to share. In the course of the debate over “egalitarian marriage,” as it was designated here— not gay marriage, but the new civil union, which is now “egalitarian” because it applies to everyone— we had to overcome a series of obstacles, which gradually rendered us specialists in many topics. By dint of necessity, we learned everything that we eventually required to know, whether it is Constitutional Law, theology, mediaeval history, the Senate Bylaws or child psychology.

The second lesson was that we had to break new ground in all institutional areas at the same time, because there is a reciprocal feedback: address the legislative branch through the presentation of bills before both houses of Congress; the Executive by seeking support from the Government and, in principle, from government bodies that must protect citizens from discrimination; and the Judiciary by denouncing that the legal ban violates constitutional principles, disregarding international agreements on human rights subscribed by the country. We did not invent anything: the legal channels were successful in South Africa and in several states in the United States and Canada —before the latter country legalized gay marriage at the national level—; the legislative channel was successful in several European countries, and the Executive one was extremely important in Spain, for instance, where the Parliament enacted the law thanks to the impetus given to the initiative by President Zapatero. But the innovative element in the strategy of the *Argentine Federation of Lesbians, Gays, Bisexuals and Trans* was doing the three things simultaneously and articulating the three fronts into a unified strategy. The progress of the project in Congress and that of conversations with the Government went hand in hand with rulings authorizing marriages and with two test cases that had reached the Court and —the Government and the opposition were aware of this— had a favorable vote from the majority of the court judges. The judiciary channel is extremely important because it conditions the political one: neither Congress nor the Executive have the power to violate the Constitution and therefore, passing the law enabling gay marriage —independently of it being a political decision— is an obligation, a constitutional imperative. It does not suffice to fight for gay marriage before the Law; we must get the Law faculties to express their opinion, the constitutionalists to explain it in the news.



From left to right: transvestite activist Claudia Pía Baudracco, President of Argentina Cristina Kirchner, former president of FALGBT María Rachid and its current president Esteban Paulón, with the Federation's flag, the day of the marriage law's approval announcement at La Casa Rosada.

The Argentine Constitution is not very different from that of the neighboring countries or from those of other Western democracies. And the scaffolding of international law, which is an obligatory element within domestic law -treaties on human rights and precedents set by international courts—, is more or less the same. In such a way that every country where judicial channels make progress gradually builds jurisprudence, doctrine, precedents that it will be possible to apply in other countries. On the other hand, political channels are contagious: as more legislators or civil servants pronounce themselves in favor of the initiative, judges become less afraid to allow a marriage. And the surveys that show that Cristina's popularity increased as a result of egalitarian marriage may perhaps convince José Mujica and Dilma Rousseff.

The third lesson is that we must talk with members of all political parties. At the *Federation* there are LGBT groups from almost every party, and in the course of the debate we gradually convinced leaders from the whole right-left spectrum, pro-government and members of the opposition alike. And we used the ones on one side to put pressure on those on the other: “What do you mean that you are against? You should know that the other candidate is in favor of the initiative.” One must use arguments to convince people, be patient, clear doubts and answer questions, not give in. We must let the enemies of equality know that we shall make them pay an electoral price for their homophobia, and we must take care of our political allies, make sure they know that they can count upon a social movement to support them and upon a team prepared to provide them with solid arguments, for which the item that follows is fundamental.



Argentinian actor Ricardo Darín, supporting the equal marriage campaign.

The fourth lesson is that we must study, read, research, and be prepared to face the most rigorous examining board. It is just like defending a doctoral thesis or taking an exam that is crucial for our academic or work life. We must be able to respond to the most malicious questioning, to the most obscure question or the most cynical attack. One must be able to demonstrate, by means of serious arguments and reliable sources, that the objections to gay marriage do not stand, that they are merely prejudice, ignorance and racism:

- a) If the Bible is recited to you, besides explaining that the civil law must not be subordinated to religious dogmas in a democracy —and sustaining this not only with our secular conviction but also citing legal precedents already accepted by everyone— we must be able to discuss each verse item by item and demonstrate that when they quote Leviticus, they do so without understanding it and concealing 90% of its text; that when they say “abomination,” they ignore what that word meant in Hebrew; that when they speak about Paul, they forget the context and the objectives of the *Epistle to the Romans*; that they use subtly modified versions of the Bible; that the Catholic Church used to interpret the same texts in a different way, etc. And we must be able to convene priests, ministers and rabbis that defend the right to gay marriage and refute, based on faith and theology, the homophobic interpretations of religious texts.
- b) If they say that marriage is a sacrament, we must be able to impart a history lesson and show them that it is not so, that marriage existed before the religious sacrament, and that it was not always exclusively heterosexual.

- c) If they make reference to adoption, we must be able to tell them what the law currently in force states and what will change. We must be able to show that what is at stake are the rights of the boys and girls with two fathers or two mothers—who have no inheritance, no health care programs, no social benefits or the legal protection of their two fathers or mothers—and insist upon this until they no longer know what to say: those boys and girls already exist. And we must cite all the research work on the subject carried out worldwide to prove that there is no scientific argument against homoparental adoption and that there is clear consensus among the international scientific community in this respect. We must be able to explain this in detail, citing bibliography and obtaining support from faculties, universities and professional schools of psychology and pediatrics. And above all, we must show everyone our families, our children, so that theory may be transformed into practice: it is children that we are talking about; look at them and listen to them, too. In such a way that they may not say that they defend family and children: no, sirs, you attack our families and our children, while we do nothing against yours.
- d) If they say that marriage cannot take place between two women because the word “matrimony” is derived from the Latin term *mater*, which means “mother”, we must be able to deliver a class of linguistics and rebuke them with quotes from books by Saussure to Wittgenstein, from Plato’s *Cratylus* to Foucault’s *The Order of Discourse*, but we must also explain to them that “trabajar” (to work) is derived from *tripaliare*, which means “inflicting pain with the *tripaliu*,” an element of torture in Ancient Rome; that the word “family” originates in *famulus*, which means “slave,” and that in the same way that “matrimony” has its origin in *mater*, “patrimony” is derived from *pater*, without this preventing women from having access to it. We must also be able to remind them that in Portugal, where the law refers to “casamento,” they also opposed its being called thus, even though “casamento” is not derived from *mater* but from “casa” (home), since their linguistic arguments, apart from being anti-scientific, are also hypocritical: what bothers them is not that it be called *equal* “matrimony” or “casamento”; what bothers them is that it be called . What bothers them is that the law recognizes us as human beings with equal rights.
- e) We must be able to show how in the course of history the same arguments have been used to defend discrimination against other persons. We must show the parallels between the ban on interracial marriage—see, for instance, the case of *Loving v. Virginia*, but before that, *Scott v. Stanford*—and the ban on gay marriage; we must demonstrate that the “civil union” is a derivation of the doctrine “equal but separate”. We must quote rulings in which “nature”, “God’s will”, and “normality” were invoked to oppose the rights of colored people, of Jews, of women. This must be clear: homophobia is a form of racism and the “civil union” is a form of segregation.



Former president of FALGBT
María Rachid; María José
Lubertino, former president of
INADI (National Institute Against
Discrimination, Xenophobia
and Racism) and Pedro Zerolo,
Spanish gay activist, during the
celebration at the Plaza de los
Dos Congresos, the night of the
law's approval announcement.

And this leads to the fifth lesson: never, never ever must we accept the civil union. When LGBT groups demand the enactment of the civil union, the answer is: none. When they demand the enactment of matrimony, the answer is: civil union. This was the case in Spain, in Portugal, in Argentina...And those who propounded the civil union —to prevent marriage— were those who had previously opposed it— when nobody demanded the right to marriage. We are not fighting for the right to inherit, or for a pension, or for material rights —although we may *also* fight for these and they may be essential for many people—; we are fighting for equality before the law. And there is no half equality, or “a little” equality. Equality is or is not. And only through marriage, it *is*. When this stance is firmly maintained and the enemies of equality acknowledge that they will recognize all the rights except for the word “matrimony”, they show themselves up, they unmask themselves. And it is then, at that moment, that they lose the debate.

The sixth lesson is that, in order to win the debate, there must be a debate in the first place. The first strategy of the Church will always be to avoid discussing the issue, that the topic be not included in the order of the day of Congress committees, that the media hide it, that politicians dare not speak about it. Because it knows that when a debate takes place -and when everyone has access to that debate, it appears on the eight o'clock news and on the front page of newspapers- it will lose it. So our first aim is to see that there is a debate on the issue. To this end, the first allies we must seek are the media. And when financial resources are scarce, we must take advantage of the Web: Facebook, Twitter, Youtube, the different blogs, and produce actions with a strong media impact —as was the case, for instance, of the one hundred writs of amparo filed in different parts of the country, or the videos filmed by artists and screened on Youtube in support of the law, or fiction programs on television that made reference to the issue, etc. If for the media gay marriage is not important as a subject in itself, we must produce mediatic actions that are attractive to them and lead them -as a result of their own logic— to hand us the microphone.

For this item, the previous one is fundamental. Before assuming the risk of opening the debate and taking a public stance, the politicians who support gay marriage will want to be certain that we have all the answers and that we are prepared to win the debates and to provide them with arguments and “discourse.” And the media will pose all sorts of questions to us, often formulating their questions incorrectly and not understanding the answers. Besides having studied, we must be didactic. We must convince the next-door neighbor who watches the news after the soap opera.

The seventh lesson—and here is where the next-door neighbor steps in— is that in order to win the debate in Congress or at the Court of Justice, it must first be won in the streets. When this good lady who had never even thought about gay marriage before and perhaps does not know -or thinks she does not know— any homosexual person, chatting with a friend in the line at the supermarket, remarks: “I think gay marriage is a very good thing,” and the friend agrees, everything has changed. Because that neighbor represents a crucial sector of the voters, and politicians do not want them to turn against them. For this reason, once again the media are important. We must win the cultural battle.

But in spite of this, and it is important to highlight it, we must always bear in mind that our rights are not more or less legitimate because they have more or less consensus or elicit good or bad results in surveys: the rights of minorities are not the concessions of the majorities. And we must make this very clear to politicians, at the same time that we strive to have more social consensus, because in this way it will be easier to win the political battle.



Representative Vilma Ibarra,
author of the marriage law
together with Silvia Augsburger,
with activist Alejandro Vannelli.

The eighth lesson is that our main ally is always the future. Because it is inevitable. Everything that is stated in this article will be obvious in a hundred years' time. Just like at present nobody living in a Western democracy would dream of denying women the right to vote, or of dividing bus seats into sectors for white and colored people, or of confining Jews in a ghetto, in the next century nobody will dream of prohibiting homosexuals from getting married. And at school, children will ask the teacher: "Is it true that during the past century gays were not allowed to get married? Why?"

I told each politician and each judge with whom I had the chance to talk during all these years: "The law allowing gay marriage will be passed now, next year or in ten years time. What you must decide is whether the name that will be included in history books will be yours or that of the ones who take your place."

The year 2010 is ending and almost six months have elapsed since the law on egalitarian marriage was passed in Argentina. Since then, I have received invitations to weddings almost every day, although for personal reasons —I am taking a Master's course in Rio de Janeiro— I could attend only two. But I am still receiving invitations, from people I know and from many people I don't know. There have already been celebrations of marriage in some of the most remote parts of the country, where a year ago nobody would have dared come out of the closet. The first effect of the law was that: never before had so many people come out of the closet in such short time. It was a *collective coming out*.

There are already nearly one thousand married couples. And in Buenos Aires city, in the past few months there have been more homosexual marriages than heterosexual ones. Of course this is because there were many couples that had been waiting for 10, 20, 30 years, and now they are all getting married. Later there will be less weddings, only those of new couples. But all that phenomenon of gay weddings throughout the country is producing a cultural change.



Bruno Bimbi, "Matrimonio Igualitario," book cover, 2010

The debate had already started to prompt this change.

Never before had the rights of lesbians and gays been referred to in the eight o'clock news for several months, on a daily basis. But, more importantly, the subject had never been addressed at the table in millions of homes, in offices, in university or school classrooms, in bars, in neighborhoods. The day when the law was voted—and it was voted after 4 am—thousands of people followed the live broadcast of the more than 12 hours of debate just as if it had been a World Championship soccer match. And they celebrated the votes in the Senate as if they had been soccer goals.

Will gay marriage by itself put an end to homophobia? No, it is far from doing so. But it is the greatest step we have taken in that direction, and in barely three years, we have accomplished what would usually have taken half a century. A great number of heterosexual persons who had never reflected on the subject, or who were even very prejudiced against gays and lesbians, have completely changed their way of thinking.

The school will have to teach about this change. Children will be educated in a country where the law states that homosexuals and heterosexuals have the same rights. This change is much more revolutionary than having access to an inheritance, or a pension, or than sharing assets. That is why the word "marriage" was more important than all those

rights. The social, political and cultural repercussions this law has had —and the ones it will still have with the passage of time— are enormous. Even for those who will never get married because they do not wish to do so, the law also entails a transcendent change: now it is they who decide not to marry, and it is no longer a question of their simply not being allowed to do so.

Lastly, the debate that the law on egalitarian marriage generated in Argentina —as had already been the case in other countries— contributed to give visibility to other issues: the law on gender identity —which will recognize the right of transvestites and transsexuals to an identity, to their having a personal ID with their names and their gender on it—, the law on health care provision for purposes of sex reassignment, the reform of the anti-discrimination law to include sexual orientation and gender identity, and other projects that are historical vindications of the LGBT movement, currently have a consensus they had never attained before, and there is a high probability that they will all be passed by Congress in 2011.

I believe we are living the beginning of the end of a stage in the history of the relationship between the heterosexual majorities and the homosexual minorities, similar to the change that took place at some previous point in time in the relationship between blacks and whites, men and women, Jews and Christians. Gay marriage —like interracial or mixed marriage in its day— marks a turning point. For this reason, for us it is the law of laws.

What lies ahead, finally, is the future. And it will be better.

QUE(E)RYING INTIMATE CITIZENSHIP IN AUSTRALIA: THEORY, ACTIVISM AND POLITICS

By Senthorun Raj*

Combining cultural research on the ethics of queer intimacy and citizenship with activist and policy demands for civil rights in what is broadly termed the 'gay marriage' debate is fraught with difficulties. Mobilizing a dialogue between queer theory and community politics is characterized by an epistemological and methodological disjuncture between policy, activist and scholarly debates. Neo-liberal political arguments that advocate same-sex marriage as a means to achieving legal/social equality are weighted against the conservative (often religious) advocacy that suggests such recognition undermines the value of the 'natural' heterosexual family. Problematizing the binary scope of equality debates that circulate in activism and policy, Judith Butler and Michael Warner provide a philosophical critique of intimacy and citizenship and suggest that suturing love to marriage precludes the possibilities of non-matrimonial intimacy and subsequently produces hierarchies of shame and legitimacy. However, it is difficult to connect such deconstructive queer projects with public policy and community lobbying for 'equality' in terms of same-sex relationship recognition. However, while the arguments circulated by academics, lawyers, politicians and activists have different political and theoretical orientations, taken together they emphasize that marriage is a public regulation of intimacy and citizenship. Working with this shared analytic focus, I attempt to situate academic discussions within



Photograph by Viv McGregor

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both policy and activist debates. Civil rights can only be realized through negotiating cultural difference(s) rather than conforming to a norm. By engaging with legal, neo-liberal, religious, and queer theory arguments; this paper outlines a critical framework to 'intimate citizenship' to articulate a platform for further policy and activist dialogues.

Marriage is the most fundamental means through which the relationship between citizenship and intimacy is crystallized in Australia. For example, in 2004 the then Federal Government in Australia passed a legislative amendment to the *Marriage Act 1961* to expressly define marriage as a union between a man and a woman. By issuing a public legislative amendment, the Government intended to reinforce that monogamous (heterosexual) intimacy remains privileged through precluding same-sex or polygamous marriage. Such an exercise had rhetorical rather than legal significance as common law principles had defined the scope of marriage in gender specific terms previously for many years (Graycar and Millbank 2007: 41).

Marriage as an institution, however, is not a universal or ahistorical discourse limited to legal or political constructs. Socialist feminist critiques of marriage in the 1950s conceptualized the legal and gender specific constructs in marriage as a patriarchal contract designed to regulate female bodies (Hannam 2007: 146). However, Angela McRobbie notes that within a post-feminist context, these historical realities of gendered subjugation or domestication have been 'disarticulated' (2008: 26). Marriage has become a more democratic and self-reflexive expression of intimacy for women. David Shumway elaborates that this shift has emerged in a context of 'social solidarity' within a consumer environment of social fragmentation (2003: 23). What this implies is that marriage now evokes a range of cultural practices, affects and social trends, which are incommensurable to a singular legal or historical term of reference.



Photograph by Viv McGregor

Marriage extends beyond private articulations of love. It is a ritualized performance of heterosexual individual (or couple) citizenship as it entrenches economic and civil rights and responsibilities. The private becomes public. Current neo-liberal approaches to same-sex marriage focus on these symbolic and economic questions of how recognizing intimacy is tied to equality. In a legal and political context, marriage is defined in the *Marriage Act 1961* as 'the union between a man and a woman to the exclusion of all others, voluntarily entered into for life.' Such a gender dichotomous definition prevents same-sex partners from entering into marriage. For Morris Kaplan, this is problematic because 'full equality

for lesbian and gay citizens requires access to the legal and social recognition of our intimate associations' (Kaplan 1997: 201). Advocates and activists define the quest for equal citizenship by engaging with current religious dogma that situates marriage within a field of reproduction, whereby 'same sex marriage' is seen to rupture the traditional rubric of monogamous kinship and the biological processes of 'gender complementarity' (Australian Christian Lobby 2009: 1).

Liberal equality arguments reject such conservative assertions on the basis that desire, sexuality and intimacy are innate features of human existence and hence always already implicated in public spheres (Kaplan 1997: 202). Thus, legal or state recognition is crucial to sustaining such practices of intimacy.

Problematizing the civil rights approach through a queer theory lens, questions of citizenship and intimacy within the gay marriage debate become more difficult to negotiate. Neo-liberal and queer theory arguments on same-sex marriage are difficult to reconcile, primarily because they signify the different psychoanalytic and cultural investments in the monogamous couple. Butler asserts that idealizations of the 'couple' in legal discourse relates to norms surrounding community, family and nationhood (2004: 116). This structured circulation of sexual norms seeks to reify the heteronormative forms of relationships that ought to be recognized (and are desired) by the state. Butler interrogates this logic of marriage, as a heterosexual norm, suggesting it has the capacity to confine rather than liberate subjects (2004: 118-20). Butler's argument relies upon Michel Foucault's notion of power and subjection, where the subject is not an autonomous individual (as conceived in neo-liberal discourses) but a site of disciplined discursive production (1990: 63). Butler positions the heterosexuality of marriage as a 'cultural and symbolic foundation' that renders forms of kinship, monogamy, parenting and community intelligible (2004: 118). In this sense, marriage can be a problematic articulation of state interests, particularly in terms of perpetuating domesticity, economic mobility and the heterosexual family. Such a trajectory is mapped in former Australian Prime Minister John Howard's political rhetoric, which opined that:

'Marriage is...one of the bedrock institutions of our society...marriage, as we understand it in our society, is about children...providing for the survival of the species' (Quoted in Wade 2003).

Howard's politicization of marriage suggests that it remains crucial to the preservation of the nuclear family. In doing so, the statement also exemplifies homophobic anxieties towards non-normative kinship relations 'outside the family.' Howard's words characterize marriage as a framework, which privileges hegemonic ideas of monogamy, biological reproduction and gender dichotomy. Butler responds to these homophobic terms by alluding to the discursive function of a 'heterosexual matrix' that codes and produces dichotomous sex/genders and (hetero)sexual desires (1990: 36). By refusing to accept the binary liberal discourse in which one is either for or against gay marriage, Butler asserts that by prioritizing marriage, the individual accepts the discursive terms of recognition and legitimacy in subjectifying their 'love' (2004: 115). What Butler's argument implies is that by recuperating marital norms, the individual is not liberated, but rather participating in the discursive 'trap,' succumbing to the terms of a 'heterosexual matrix' (1990: 56).

Foucault's philosophical work on sexuality and friendship poses interesting questions for thinking about the possibilities of intimacy beyond political or legal structures of conjugal relationships. Foucault emphasizes that countercultural intimacies rely on desires that are relegated to the margins of mainstream (hetero)sexual culture. For example, the

transformational aesthetics in practices such as sadomasochism or queer polyamorous relationships exist due certain prohibitions in respect to sex (1977: 38; 1984: 169 and Nilson 1998: 104). Foucault notes how forms of resistance that transgress mainstream norms produce new experiences of pleasure. Being 'queer' becomes identified with new modes of living, rather than a static identity (Foucault 2000: 138). Using Foucault, Butler argues that positioning queer intimacies within a field of state recognition risks normalizing relationships in terms of heterosexual norms whilst foreclosing the possibilities of new modes of affection (and pleasure). Butler's reluctance becomes clearer through an examination of recent American jurisprudence in the *Re Proposition 8* case (2010) in California, where the ban on same-sex marriage was overturned:

'To the extent proponents seek to encourage a norm that sexual activity occur within marriage to ensure that reproduction occur within stable households, Proposition 8 discourages that norm because it requires some sexual activity and child-bearing and child-rearing to occur outside marriage.'¹

By connecting the discourse of matrimony and sex with citizenship, the court reifies the value of marriage as an institution of the family, which should be extended to same-sex couples. Therefore, by locating the family in reproductive heterosexual terms, the court forecloses other modes of recognition or rights for those who are in non-monogamous relationships or choose not to reproduce. The legal reasoning in the case evinces the ways in which intimate citizenship or legitimate kinship is understood in highly parochial terms. As Kane Race elaborates, the suturing of domesticity and nationhood, with the rhetoric that 'reproduction occur within stable households,' frames heterosexual nuclear bonds as the means to legitimate sexual relations (2009: 98). By privileging a familial kinship aesthetic to marriage, the state implicitly disregards recognizing the value of intimacy in non-nuclear communities or families (Race 2009: 100).

Australia, however, unlike most foreign nations, has a dual model of relationship recognition. De facto relationships are virtually indistinguishable from marriage, in terms of the rights and entitlements couples are able to access. Since 2008, same-sex couples have been included under Federal definitions of 'de facto,' thereby granting same-sex couples the material rights and entitlements as heterosexual married couples.²

While de facto recognition operates in Australia, it is still necessary to question the jurisprudential implications that marriage provides the only legitimate structure for raising children. As Laurent Berlant suggests, those who seek alternative 'love plots' are denied the spaces of both culture and the law to realize them (1998: 285). Berlant's critique emphasizes how current 'progressive' legal approaches to same-sex relationships rely on a monogamous (heterosexual) trajectory of the 'love plot' which marginalizes those who are in divorced, single, polyamorous or multi-parent situations. For example, in the 'National Year of Action,' a series of marriage equality rallies held across Australia over 2010, peripheral forms of intimacy are sidelined in order to make a claim for marriage rights. In a letter to the *Sydney Star Observer*, titled 'Why Marriage?' a reader laments:

1 Same-Sex Relationships (Equal Treatment in Commonwealth Laws- General Reform) Act 2008 (Cth).

2 Same-Sex Relationships (Equal Treatment in Commonwealth Laws- General Reform) Act 2008 (Cth).



Photograph by Viv McGregor

'As a gay man, I can not understand why gay people would want to engage in a heterosexual ritual called marriage...Why do gay couples want to buy into this ridiculous notion is beyond belief. The laws need to be changed so that gays are treated equal under the law, but this is not to be confused with marriage as these are two separate issues...'³

Marriage occupies a privileged position of citizenship, to which all other gay and lesbian rights claims are tangential. Moreover, as this letter to the SSO implies, by claiming sexual citizenship through the rubric of marriage, discussions about other campaigns for legislative equality are effectively foreclosed. Melissa Gregg corroborates this by noting that the legal responses to equality reiterate a normative relationship between sexuality and power, where only monogamous de facto or married couples are offered comprehensive entitlements by the state (2007: 4).

Correspondingly, much of the public activism around marriage equality in Australia is focused on positioning intimacy in terms of state legitimacy. Butler and Michael Warner argue that when speaking of legitimacy we are implying a relation to what is illegitimate. Lisa Bower corroborates this, asserting that 'legal discourse creates norms, which universalize particular modes of living...while suppressing other practices and identities'

3 Michael, 'Why Marriage?'; Letter to the Editor, *Sydney Star Observer*, Issue 1031, July 20 2010, <http://www.starobserver.com.au/letters/2010/07/20/letters-to-the-editor-issue-1031/28401> (accessed 24th July 2010).

(1997: 267). What both Butler and Bower's arguments reveal, is that legitimacy is obtained through the extension of marriage to homosexual couples. For example, Andrew Barr, an Australian Labor Party (ALP) minister in the Australian Capital Territory (ACT), noted that 'saying no to civil unions is to say that some relationships are more legitimate than others.' What is ironic in such a statement is that civil unions are considered privileged forms of recognition and it makes a normative judgment on what 'counts' as love. As Elizabeth Povinelli argues, the performance of this particular form of 'couple' intimacy, can assert legal and social sovereignty (2006: 112). Jenni Millbank adds that marriage (or civil unions)⁴, if taken alone, can entrench inequalities for those who choose not to engage in formal recognition (2006: 8). Despite Barr's focus on equality and liberalism for legislative reforms, his statement implicitly articulates a hierarchy of intimacy, where the civil union becomes the privileged means of legitimating a same-sex relationship.



Photograph by Viv McGregor

Mobilization strategies around marriage equality activism can tend to invisibilize peripheral forms of intimacy and subsequently shames those who contest the movement towards marriage. Warner argues that those who choose to marry derive pride from their monogamous commitment and 'family' oriented practice, a privilege afforded through marital citizenship (1999: 82). Conversely, individuals and couples who deviate from the 'normal' intimate citizen, such as promiscuous or polyamorous subjects, are rendered shameful or pitiful. This political discourse illustrates that there is a strong impetus in the gay marriage debate to legitimate homosexual 'love' because it mimics the norms of monogamy, stability, continuity and family by only replacing the sex of the 'Other' partner. Thus, the civil rights discourse maintains the privileged political economy of marriage as it involves reproduction (even if it is not biological), mainstream social roles and monogamous sex. By defining social membership and future life in terms of heterosexual life narrative, same-sex couples become wedded to the idea of matrimony as the basis for sustainable intimacy and citizenship (Berlant and Warner 2000: 557). Warner is critical of recuperating discourses that privilege marriage as the ideal form of intimacy. This is particularly concerning when diverse forms of friendship and intimacy networks which are irreducible to 'normal' citizenship are subject to erasure.

4 Relationship registry and civil partnership schemes are available for same-sex couples in NSW, ACT, Victoria and Tasmania.

By connecting liberal equality arguments with Butler and Warner's work on queer ethics, there is a hesitation towards privileging marriage as the ultimate form of intimacy. Moreover, Butler stresses the importance of a transformative practice of queer intimacy:

'It is crucial...that we maintain a critical and transformative relation to the norms that govern what will not count as intelligible and recognizable alliance and kinship' (Butler 2004: 117).

Butler attempts to negotiate the complex terrain of queer citizenship and ethics. On one hand, it is necessary to be made visible in order to engage in political activism and be afforded rights within a state discourse. Yet, there is a simultaneous need to transform the prevailing heteronormative rhetoric of romantic 'love' to prevent pathologizing bodies, or the rendering of certain forms of intimacy as aberrant or deviant because, as Warner notes, they do not conform to our perception of the 'normal.' Foucault's work on the aesthetics of the 'self' offers a possible transformational practice to avoid the risks Warner and Butler mention, as we avoid the 'normative determinations' of moralities and publics, whilst engaging in an 'ethical stylization' (Quoted in Race 2009: 144). Whilst Foucault's work does not explicitly address the question of marriage, his work on friendship gestures to the significance of affective bonds. Queer kinship has the potential to produce new ethics, where bodies do not become subjects of desires, but rather act as agents of pleasure.



Photograph by Viv McGregor

Negotiating the intersection between active citizenship and transformative intimacy requires rethinking the politics of recognition and normalization. Warner is quite ambivalent as to the potential of 'appropriating' marriage for gays and lesbians, despite the historical dynamism of marriage. Rather than acting as a progressive mechanism for rights, it is an institution that operates by refusing to recognize other relations (Warner 1999: 129). However, as Alexander Duttman notes, recognition is more complex and a paradoxical means of relation and identification. It involves a process in which the majority neutralizes the alterity or difference of the (minority) 'Other' in order to assimilate it (Duttman 2000: 27). However, in the process of recognition, the 'Other' which is validated, and then transforms the position of the majority, by altering the terms by which recognition is granted. Marriage no longer simply confers recognition for heterosexual couples to engage in reproduction. Whilst queer couples may conform to a monogamous family structure, they trouble conservative politics, as suggested by the Australian Christian Lobby, of 'fundamental (anatomical) gender complementarity' by transforming the association between marriage and biological reproduction (ACL 2009: 5).

Foucault's work offers another potential subversion to recognition when accounting for the ethics of 'queer friendship.' He describes it as a practice that resists the normative public distinction between romantic and platonic affection and produces new aesthetics for sexual and non-sexual intimacy (Foucault 1988: 170). Linnell Secomb argues that this 'double potential' alluded to in Foucault and Duttman's work, has the capacity to neutralize difference as Warner fears (2007: 133). However, it can also trouble dominant narratives of sexual citizenship, as same-sex marriage necessitates a rethinking of traditional heterosexual or patriarchal 'plots' to marriage (Secomb 2007: 133; Berlant 1998: 286).

Charting the locus of sexuality, intimacy and citizenship in marriage equality debates is complex. Negotiating political and academic discourses, social and community activism, with broader institutions and norms presents a plethora of challenges when thinking about the sorts of intimacy that should be recognized by the state. Whilst the 'right' to marriage (irrespective of gender or sexual orientation) signifies a shift towards a progressive politics of equality, it is important to note that measuring the value of queer intimacy cannot be reducible to a discourse of legal reform. Butler and Warner present considered indictments on the normalization and domestication of same-sex love through marriage and warn of conceiving intimacy in terms of state legitimacy. However, such arguments do not account for the possibilities of 'queering' cultural norms and practices through policy change. Marriage is not a singular or ahistorical construction of state recognition. Rather, it is a negotiation of social, political and legal discourses and affects. Therefore, it is productive to think of the complex nature of state recognition; ritual and aesthetics within marriage in order to que(e)ry the possibilities for articulating intimate citizenship in activist, academic and policy contexts.

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AGAINST EQUALITY: DEFYING INCLUSION, DEMANDING TRANSFORMATION IN THE U.S. GAY POLITICAL LANDSCAPE

By Ryan Conrad and Yasmin Nair*

Years from now, children will draw around campfires and listen to tales of the dark ages when gay marriages were not allowed. Their eyes will widen at this historical fiction: first, gay men and lesbians were repressed; then, they gained a measure of sexual freedom in the 1970s; were struck by AIDS in the 1980s (as punishment for their pleasure-seeking ways); and finally came to realize that gay marriage would be their salvation.



Ryan Conrad, "Just Say No To Marriage," 1" button, 2010.

This is, of course, a revisionist history where invisibility morphs into sexual abandon and is followed by the safety of marriage; gay marriage advocates like George Chauncey, Evan Wolfson, or Andrew Sullivan tell it in different ways. In truth, gay marriage is not a historical inevitability but a deliberate political strategy largely initiated by a gay elite and which

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<http://www.againstequality.org>

has wreaked havoc upon queer people through its rapacious funneling of funds away from more urgent matters facing the community, such as healthcare, homelessness, and mental health. As for the “love” that dares to speak its name so frequently in gay marriage campaigns: the affective rhetoric enveloping the state-by-state gay marriage battles relies on the idyllic notion of the coupled family as an unproblematized site of physical safety, moral aptitude, and financial security. A sham reality that obscures the material lives of many LGBT people whose relationship to anti-queer and anti-trans violence began at home.

This notion of family also minimizes the reality of high rates of domestic violence and divorce in the United States and the fact that most sexual violence committed against children happens within the family. The visual narratives of happy, smiling, white, suburban, middle-class neo-nuclear families along with the conservative family values rhetoric produced on pro-gay marriage campaign materials look and sound no different than the anti-gay marriage campaign materials. This dangerously sentimental and oversimplified notion of family and safety ignores over forty years of feminist critique.

The gay marriage fight continues at a glacial pace: despite over a \$100 million spent and decades of organizing, only 5 states have legalized gay marriage. At the same time, marriage is a failing institution. Over 50% of American marriages end in divorce and fewer people than ever choose to get married. So how did gay marriage become the leading cause of the “gay movement?”



Against Equality, “Against Equality Greater Than Logo”
2” x 3.5”, sticker, 2009.

The 1990s saw the supposed end of the AIDS crisis, when HIV/AIDS finally became a “manageable” disease for some. Many of the well-off and usually white gay men who could afford drug cocktails and long-term care left the struggle, leaving more marginalized communities of color out in the cold. This period also saw the rise of mainstream gay organizations like the *Human Rights Campaign* (HRC) and the *National Gay and Lesbian Task Force* (NGLTF), and the creation of a gay professional class desperate to gain, not challenge,

the status quo. For them, marriage was the cherry on the wedding cake, the final sign of respectability and sameness.

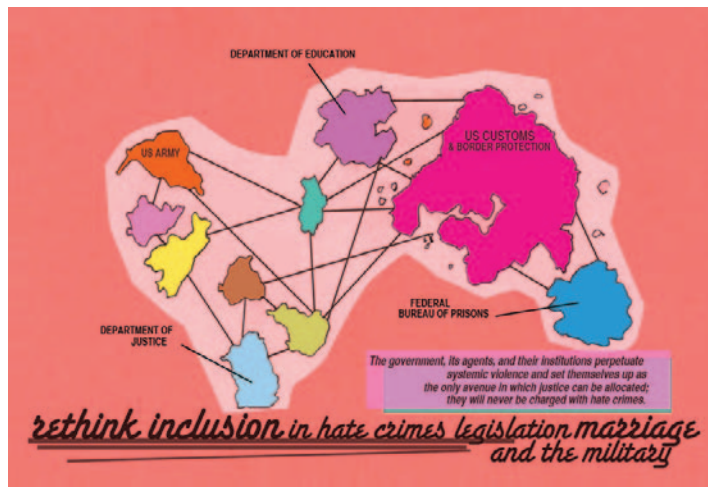
Today, while the gay non-profit industrial complex has grown, the funding for queer non-profits not focused on marriage has dwindled sharply. Those working in fields like youth homelessness and mental health relate how they have had funding explicitly pulled away for not focusing on gay marriage. Often, as in the case of Maine in 2009, HRC and NGLTF will pour money into state efforts as part of their national gay marriage strategy, creating pawns out of poorer rural states. This national strategy, as Conrad has shown in his piece “Against Equality in Maine and Everywhere,” is to attempt to win marriage on a state-by-state basis, without regard for what local communities might actually want and need. In Maine for example, a community poll by the Bangor-based LGBTQ newsletter *The F.A.N. (Family Affairs Newsletter)* and the executive summary of the Equity Fund’s statewide LGBTQ symposium both clearly stated gay marriage was not a priority in Maine. Still, the marriage campaign marched onwards, showing no interest in meeting the needs of the state’s mostly rural, blue collar queer and trans folks, resulting in a failed referendum vote.

Most mainstream gay and lesbian organizations in the United States, the professional-class career activists that prop up these organizations, and the wealthy funders that control the dialog about our communities’ priorities are fervently demanding mere inclusion in systems and institutions designed for the disposal of queer and trans bodies. The national campaigns for gay marriage in the United States have been duping many LGB and sometimes T activists into the so-called “fight of our lives.”¹ This has been done with an affective appeal about how no one should be allowed to tell us whom we can and cannot love while simultaneously drawing on the simple logic of rights-based fairness. These two rhetorical appeals have been replicated around the world regardless of regional context,² obscuring the fact that marriage has little to do with love and everything to do with accumulation of power, property and capital.

Historic critiques of the institution of marriage are politically varied and numerous, like Emma Goldman’s fiery 1911 essay “Marriage and Love,” in which she so aptly refers to marriage as a “state and church begotten weed” or William Hogarth’s 18th century Marriage a-la-mode paintings depicting the wealth and property that continues to be the central tenet of the modern day marriage contract. Although our critique is in many ways unique and historically specific, we are not the first queers to oppose marriage. Broadly, there have been three threads of this critique so far. The first, most evident in the 1970s and borrowed from radical feminism, critiqued marriage as a capitalist and sexist practice which rendered women and children the property of the state. Following this was the idea that gay sexuality needed to be unconstrained by the bourgeois confines of marriage while roaming freely in a queer public sexual sphere. More recently, the critique has been of the *emphasis* on marriage. The “Beyond Same-Sex Marriage” statement which, while bold for its time (and one of us was an original signatory), posits marriage as a range of options without fully engaging the damage done by its centrality, and it positions the “Right” as the chief opponent to reform without noting the gay marriage movement’s extreme social and economic conservatism.

1 As stated in a 2009 Equality Maine pro-gay marriage mailer.

2 However, most industrialized nations provide essential services like health care regardless of marital status - a fact ignored by US gay marriage advocates when they point to countries like Canada as beacons of “gay marriage rights.”



Liz Kinnamon, "Call for Art Project," 4" x 6" postcard, 2010.

Against Equality challenges the centrality of marriage within a neoliberal and highly privatized public sphere. We consider the damage done by those arguing for gay marriage, without simply focusing on the easy target of the "Right." An anti-capitalist critique is at the center of our arguments. While we are sympathetic to the need for a public sexual culture (one of us has theorized it extensively in his work, and we both participate in it), we find that this alone is not a sufficiently political and radical act. It is no coincidence that public sex gatherings like the International Mr. Leather conference are filled with gay marriage supporters. The relationship between a vigorous public sexual culture and a radical *political transformation* of the same is tenuous to non-existent at best.

The anti-capitalist critique has even disappeared from the public discourse on straight marriage. Marriage is now seen as simply one of the choices available to women. Choice is the mantra of neoliberalism; it justifies everything from the housing crisis ("people chose to make bad decisions") to the practices of a banking industry, which disguises its dangerous financial practices in the celebration of its own growth ("So many branches! So many ATMs!") When the critique of marriage as a capitalist and sexist institution disappears from public discourse, the result is a denigration of peoples' ability to form bonds, sustain networks of care, make comfortable livings, or gain basic benefits like healthcare and inheritance outside the heteronormative construction of "family." When marriage becomes simply another "choice" within a privatized "rights" discourse, we lose a radical vision of transformation in favor of the state's perception of the family as an economic unit, while it absolves itself of any responsibility. It is no accident that the emphasis on motherhood as a "choice" has come with a cultural emphasis that women *should choose* it. Along the way, the state has dramatically reduced resources for public education and child welfare, leaving mothers scrambling for childcare.

Similarly, one argument for gay marriage is that it should be a choice that gays can make to gain spousal healthcare. This argument contradictorily places *marriage* as a choice but ignores that the lack of healthcare *forces* people to marry. Between the two of us, we have lost count of the number of friends compelled to marry because they were afraid of being driven to destitution by healthcare expenses (the leading cause of bankruptcy in the US).

Instead of acknowledging marriage's failures, national gay marriage campaigns swim against the tides of history by deploying hollow love and family rhetoric that resonates most readily with fundamentalist Christians and outdated 1950s family sitcoms like "Leave it to Beaver." As noted by gay historian John D'Emilio in "The Gay Marriage Fight is

Setting Us Back,” the material lives of many heterosexual families presently look more like the imagined lives of homosexuals. This is reflected in American popular culture since the 1980s, in sitcoms like *Kate & Ally*, *Full House*, and *My Two Dads*, where the blended families represented are comprised of caretakers and children unrelated by blood, romance, or marriage. To the contrary, gay and lesbian activists try to revive a family values narrative that looks and sounds no different than the way the Christian Right narrowly imagines family.



Ryan Conrad and Renee Castonguay, "Gay Marriage Is...," 11" x 17", silkscreen poster, 2007.

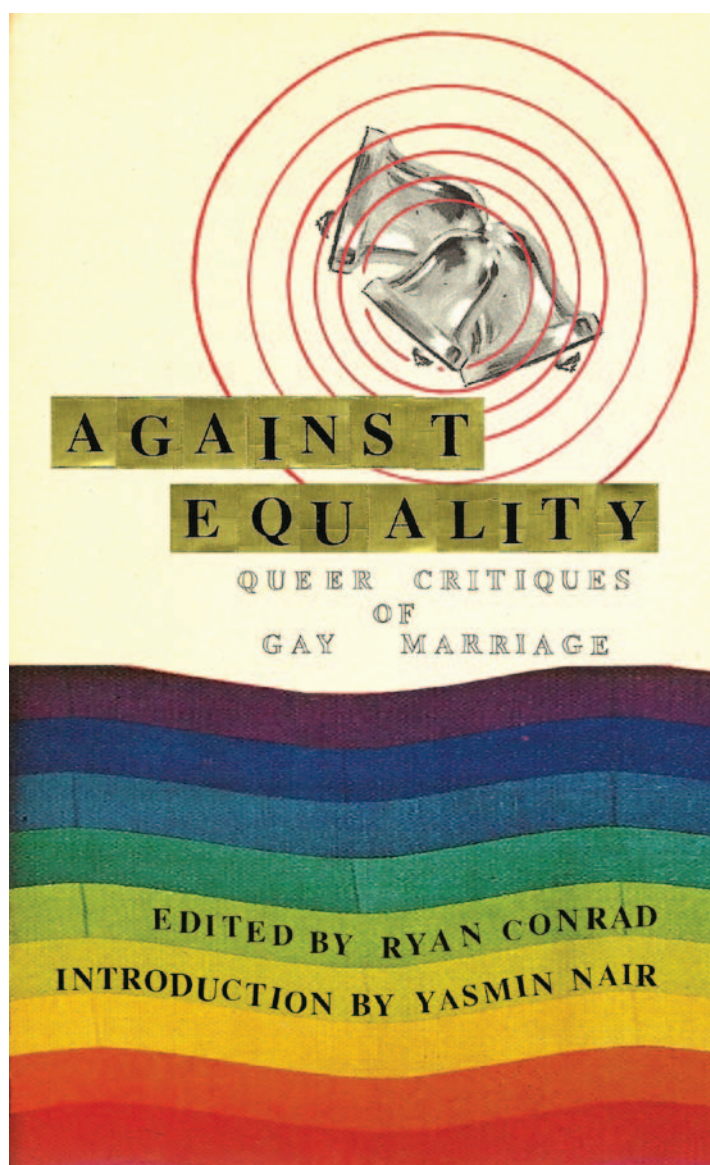
At the core of the gay marriage issue is whether or not we, as a socially and economically conscious queer and trans community, want to settle for mere inclusion in exploitative systems and institutions. Marriage is inherently structured, in its ceremonies and traditions, to exploit the queer and trans people in developing nations whose sweatshop labor produces designer wedding garments and blood diamonds. This exploitation is rendered invisible when first world gays and lesbians celebrate the pomp and circumstance of their weddings at the expense of the labor that makes it possible. Gay marriage, in its overt reaffirmation of the worst traditions, persuades society to ignore the disposal of queer subjects.

In light of such matters, how do we resist the profoundly neoliberal and conservative gay marriage agenda?

One way is by openly opposing the gay marriage movement and voicing and circulating the kinds of critiques we lay out here and in our book, *Against Equality: Queer Critiques of Gay Marriage*. In addition, queers and allies should become more intentional about

integrating an anti-capitalist vision into our work and activism. For instance, one of us heard a representative from a Chicago-based single-payer health-care advocacy group make a speech about “solidarity” with the gay marriage movement’s argument for health care, at a gay marriage rally. We connected with colleagues within that group and pointed out the hypocrisy of such rhetoric coming from, of all people, someone advocating for health care reform. They concurred that both the rhetoric and the political strategy needed to change.

How do we make similar connections in light of what many are celebrating as the dawn of an era of international queer activism? We see a brave new world of infinite possibilities for solidarity but are wary of replicating the universalizing and colonialist mentality of (mostly) white gay men “saving” mostly brown gay people (Peter Tatchell comes to mind). We are also wary of replicating the worst sort of gay and lesbian consumerism. Nepal, one of the poorest countries in the world, recently legalized gay marriage; the government is encouraging international gay marriage vacations. We see Nepal becoming a one-stop shopping and wedding venue for Western gays and lesbians who can now get married, adopt adorable Nepali babies (there is a brisk market in the same), and then continue on to an uplifting mountain climb, leaving their litter and detritus behind.³



Against Equality, “Against Equality: Queer Critiques of Gay Marriage,” 4.25” x 6.88”, book cover, Chris Vargas, 2010.

In our own work with LGBTQ activists internationally, we are aware of our privilege in questioning the notion of solidarity when so many justifiably see a global queer identity as an affirmation in the face of often deadly circumstances. We seek multiple and complicated queer possibilities. In February 2011, the Palestinian queer groups *alQaws* and *Aswat* toured the United States. The fact that they are identified as Palestinian and not Arab groups, and that the accompanying literature complicates notions of “coming out” and “visibility” gives us hope for a queer dialogue built upon a recognition, not an erasure, of critical geopolitical differences untethered by colonialist notions of a global gay identity. Solidarity is complicated and perplexing; as is the notion of a radically transformed society, but both require us to continue resisting the violence of church, state and capital embodied in the gay marriage movement. Through our critique and actions, we seek pathways towards a utopic queer future where all of us can find ways to meet our material and emotional needs on our own terms and without sublimating ourselves to neoliberalism’s global demand to give up on critical difference.
