

Ethelbrick
PR 118-124

SAME-SEX

MARRIAGE:

PRO AND CON

A READER

ANDREW SULLIVAN

WITH RESEARCH ASSISTANCE BY JOSEPH LANDAU

VINTAGE BOOKS / A DIVISION OF RANDOM HOUSE, INC. / NEW YORK

SAME-SEX MARRIAGE: PRO AND CON

the subsequent congressional debate, has raised the issue to a new level among gay men and lesbians.

What follows are among the most eloquent and cogent of the arguments that have emerged over the years—from Paula Ethelbrick's early worries to Evan Wolfson's growing confidence and conviction. Mary Dunlap's poem "Choosing" expresses the acute emotional conflicts many homosexuals feel about the institution as a whole. Lesbian writer E. J. Craft argues that equality in marriage is a deeply radicalizing move; Frank Browning laments its normalizing effect on gay life. Finally, Hannah Arendt—the only heterosexual writer in this chapter—asserts the centrality of marriage to any civil equality.

Since When Is Marriage a Path to Liberation?

PAULA ETHELBRICK

From *OUT/LOOK* National Gay and Lesbian
Quarterly, no. 6, Fall 1989

*A traditional leftist worries about what same-sex marriage
would do to the radical agenda.*

Marriage is a great institution . . . if you like living in institutions," according to a bit of T-shirt philosophy I saw recently. Certainly, marriage is an institution. It is one of the most venerable, impenetrable institutions in modern society. Marriage pro-

The Debate on the Left

vides the ultimate form of acceptance for personal, intimate relationships in our society, and gives those who marry an insider status of the most powerful kind.

Sleeped in a patriarchal system that looks to ownership, property, and dominance of men over women as its basis, the institution of marriage has long been the focus of radical-feminist revulsion. Marriage defines certain relationships as more valid than all others. Lesbian and gay relationships, being neither legally sanctioned nor commingled by blood, are always at the bottom of the heap of social acceptance and importance.

Given the imprimatur of social and personal approval that marriage provides, it is not surprising that some lesbians and gay men among us would look to legal marriage for self-affirmation. After all, those who marry can be instantaneously transformed from "outsiders" to "insiders," and we have a desperate need to become insiders.

It could make us feel okay about ourselves, perhaps even relieve some of the internalized homophobia that we all know so well. Society will then celebrate the birth of our children and mourn the death of our spouses. It would be easier to get health insurance for our spouses, family memberships to the local museum, and a right to inherit our spouses's cherished collection of lesbian mystery novels even if she failed to draft a will. Never again would we have to go to a family reunion and debate about the correct term for introducing our lover/partner/significant other to Aunt Flora. Everything would be quite easy and very nice.

So why does this unlikely event so deeply disturb me? For two major reasons. First, marriage will not liberate us as lesbians and gay men. In fact, it will constrain us, make us more invisible, force our assimilation into the mainstream, and undermine the goals of gay liberation. Second, attaining the right to marry will not transform our society from one that makes narrow, but

dramatic, distinctions between those who are married and those who are not married to one that respects and encourages choice of relationships and family diversity. Marriage runs contrary to two of the primary goals of the lesbian and gay movement: the affirmation of gay identity and culture and the validation of many forms of relationships.

When analyzed from the standpoint of civil rights, certainly lesbians and gay men should have a right to marry. But obtaining a right does not always result in justice. White male firefighters in Birmingham, Alabama, have been fighting for their "rights" to retain their jobs by overturning the city's affirmative-action guidelines. If their "rights" prevail, the courts will have failed in rendering justice. The "right" fought for by the white male firefighters, as well as those who advocate strongly for the "rights" to legal marriage for gay people, will result, at best, in limited or narrowed "justice" for those closest to power at the expense of those who have been historically marginalized. . . .

Justice for gay men and lesbians will be achieved only when we are accepted and supported in this society despite our differences from the dominant culture and the choices we make regarding our relationships. Being queer is more than setting up house, sleeping with a person of the same gender, and seeking state approval for doing so. It is an identity, a culture with many variations. It is a way of dealing with the world by diminishing the constraints of gender roles that have for so long kept women and gay people oppressed and invisible. Being queer means pushing the parameters of sex, sexuality, and family, and in the process transforming the very fabric of society. Gay liberation is inexorably linked to women's liberation. Each is essential to the other.

The moment we argue, as some among us insist on doing, that we should be treated as equals because we are really just like married couples and hold the same values to be true, we un-

determine the very purpose of our movement and begin the dangerous process of silencing our different voices. As a lesbian, I am fundamentally different from nonlesbian women. That's the point. Marriage, as it exists today, is antithetical to my liberation as a lesbian and as a woman because it mainstreams my life and voice. I do not want to be known as "Mrs. Attached-To-Somebody-Else." Nor do I want to give the state the power to regulate my primary relationship. . . .

By looking to our sameness and de-emphasizing our differences, we do not even place ourselves in a position of power that would allow us to transform marriage from an institution that emphasizes property and state regulation of relationships to an institution that recognizes one of many types of valid and respected relationships. Until the Constitution is interpreted to respect and encourage differences, pursuing the legalization of same-sex marriage would be leading our movement into a trap; we would be demanding access to the very institution that, in its current form, would undermine our movement to recognize many different kinds of relationships. We would be perpetuating the elevation of married relationships and of "couples" in general, and further eclipsing other relationships of choice.

Ironically, gay marriage, instead of liberating gay sex and sexuality, would further outlaw all gay and lesbian sex that is not performed in a marital context. Just as sexually active nonmarried women face stigma and double standards around sex and sexual activity, so too would nonmarried gay people. The only legitimate gay sex would be that which is cloaked in and regulated by marriage. Its legitimacy would stem not from an acceptance of gay sexuality, but because the Supreme Court and society in general fiercely protect the privacy of marital relationships. Lesbians and gay men who do not seek the state's stamp of approval would clearly face increased sexual oppression.

Undoubtedly, whether we admit it or not, we all need to be

SAME-SEX MARRIAGE: PRO AND CON

accepted by the broader society. That motivation fuels our work to eliminate discrimination in the workplace and elsewhere, fight for custody of our children, create our own families, and so on. The growing discussion about the right to marry may be explained in part by this need for acceptance. Those closer to the norm or to power in this country are more likely to see marriage as a principle of freedom and equality. Those who are acceptable to the mainstream because of race, gender, and economic status are more likely to want the right to marry. It is the final acceptance, the ultimate affirmation of identity.

On the other hand, more marginal members of the lesbian and gay community (women, people of color, working class, and poor) are less likely to see marriage as having relevance to our struggles for survival. After all, what good is the affirmation of our relationships (that is, marital relationships) if we are rejected as women, people of color, or working class?

The path to acceptance is much more complicated for many of us. For instance, if we choose legal marriage, we may enjoy the right to add our spouse to our health insurance policy at work, since most employment policies are defined by one's marital status, not family relationship. However, that choice assumes that we have a job and that our employer provides us with health benefits. For women, particularly women of color who tend to occupy the low-paying jobs that do not provide health-care benefits at all, it will not matter one bit if they are able to marry their women partners. The opportunity to marry will neither get them the health benefits nor transform them from outsider to insider.

Of course, a white man who marries another white man who has a full-time job with benefits will certainly be able to share in those benefits and overcome the only obstacle left to full societal assimilation—the goal of many in his class. In other words, gay marriage will not topple the system that allows only the privi-

The Debate on the Left

leged few to obtain decent health care. Nor will it close the privilege gap between those who are married and those who are not. Marriage creates a two-tier system that allows the state to regulate relationships. It has become a facile mechanism for employers to dole out benefits, for businesses to provide special deals and incentives, and for the law to make distinctions in distributing meager public funds. None of these entities bothers to consider the relationship among people: the love, respect, and need to protect that exists among all kinds of family members. Rather, a simple certificate of the state, regardless of whether the spouses love, respect, or even see each other on a regular basis, dominates and is supported. None of this dynamic will change if gay men and lesbians are given the option of marriage. . . .

If the laws changed tomorrow and lesbians and gay men were allowed to marry, where would we find the incentive to continue the progressive movement we have started that is pushing for societal and legal recognition of all kinds of family relationships? To create other options and alternatives? To find a place in the law for the elderly couple who, for companionship and economic reasons, live together but do not marry? To recognize the right of a longtime, but unmarried, gay partner to stay in his rent-controlled apartment after the death of his lover, the only named tenant on the lease? To recognize the family relationship of the lesbian couple and the two gay men who are jointly sharing child-raising responsibilities? To get the law to acknowledge that we may have more than one relationship worthy of legal protection?

The lesbian and gay community has laid the groundwork for revolutionizing society's views of family. The domestic-partnership movement has been an important part of this progress insofar as it validates nonmarital relationships. Because it is not limited to sexual or romantic relationships, domestic partnership

provides an important opportunity for many who are not related by blood or marriage to claim certain minimal protections.

It is crucial, though, that we avoid the pitfall of framing the push for legal recognition of domestic partners (those who share a primary residence and financial responsibilities for each other) as a stepping-stone to marriage. We must keep our eyes on the goals of providing true alternatives to marriage and of radically reordering society's view of family. . . . We must not fool ourselves into believing that marriage will make it acceptable to be gay or lesbian. We will be liberated only when we are respected and accepted for our differences and the diversity we provide to this society. Marriage is not a path to that liberation.

Choosing

MARY C. DUNLAP

From Law and Sexuality: A Review of Lesbian and Gay Legal Issues 1 (1991)

In a poetic footnote to a legal article, Mary Dunlap confronts her own conflicts about marriage as an instrument of her oppression—and liberation.

The girls I watched so closely and adoringly
in fifth grade, then young women in eighth,
eleventh, college, law school, life after
At first, they varied so, a bright rainbow
I cherished

124

But revolved more and more, faster and faster
Around a common, central myth
Of devastating, even deadly, force:

To marry
Would give life, value to the life,
Identity to each female
Lucky enough, attractive enough
To draw a man
To vows.

This myth, this centrifuge of sexist conformity,
Built on a vicious cycle of female inferiority
Tossed, cajoled and ultimately smashed these beings
into a sameness: increasingly fearful deference
To the male.

Meanwhile, my sister scolded me, "you'll never say, 'yes,'
in a wedding, the most you'd yield is
'Maybe.'"

"Or, maybe not," I answered.

Proud and hurt, and very deeply blessed
by my belief, defiant, resilient
That I am valuable in my self,
I escaped
The centrifuge of marriage.

And now I see
The vows they took have turned to blows
Too often, and jokes, and infidelities

125