

Gay Marriage and Queer Love

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Love, the strongest and deepest element in all life, the harbinger of hope, of joy, of ecstasy; love, the defier of all laws, of all conventions; love, the freest, the most powerful moulder of human destiny; how can such an all-compelling force be synonymous with that poor little State and Church-begotten weed, marriage?
—Emma Goldman, *Marriage and Love* (1911)

Mainstream gay and lesbian rights organizations in the United States have mobilized confusing and at times contradictory rhetoric to solidify their moral high ground in the contentious battle over gay marriage. These organizations deploy both the affective rhetoric of an individual's right to love whomever they choose alongside more analytic rhetoric that demands full and equal access to a myriad of benefits and privileges administered by the State. By pulling on our heartstrings and appealing to the simple logic of equality, many have been duped into entering the shortsighted gay marriage debate when energy would be better focused elsewhere. In 1911 Emma Goldman ripped marriage to shreds in her essay *Marriage and Love* by fiercely critiquing marriage's reinforcement of prescribed gender roles, patriarchy, and the nuclear family. She also wrote critically and extensively on the mobilization of a notion of love to justify the coercive State and Church violence we call marriage. In the following essay I will queerly continue where she left off, one hundred years later...

In 2009 I was helplessly kicking and screaming while the national campaigns for gay marriage descended on my mostly poor, mostly rural home state of Maine. Now, in the aftermath of the nauseatingly class-elitist failed campaign,¹ gay and lesbian organizations, and the professional activists that prop them up, remain resiliently resistant to critically questioning what we, as queer and trans subjects, are seeking to be equal to in the first place. Do we really want full inclusion in the institution of marriage, a social contract





that explicitly limits the ways in which we can organize our erotic and emotional lives? Furthermore, do we really want to reinforce a social institution where our immediate needs and access to collective benefits are contingent on this singular articulation of partnership? Or have many of us allowed ourselves to be convinced by some vague notion of equality, with all its empty promises,² that gay marriage is a battle worth fighting for?

Mainstream gay and lesbian organizations position their campaign strategy and engrossing rhetoric around two competing discourses roughly examined here. By dissecting these competing discourses, one can see that marriage has little to do with love and that the mainstream gay and lesbian organizations' investments in winning the gay marriage battle further erode any possibility for a radically equitable queer future—a future that was once dared to be imagined by radical queer and trans folks organizing with ACT UP, Queer to the Left, the George Jackson Brigade, and is still imagined today by radical grassroots organizations like Queers for Economic Justice, La Gai-Queer Insurrection, and Gay Shame to name a few.

The first of these discourses is the highly affective and emotionally charged rhetoric of the individual's right to love whomever one chooses. The messaging that the gay marriage campaigns invoke here actively re-inscribes the institution of marriage as one that is defined by and organized around a notion of love. With protest signs displaying slogans like “Who else is fighting for love!?” or “It's my right to love whomever I want!” one is to believe that love is primarily what is at stake in the gay marriage debate. But as many historians have shown,³ marriage has never been centrally organized around love, but the buying and selling of women as property through a patriarchal dowry system that evolved into the soft coercion of domestic indentured servitude that Goldman so aptly dismantled in her writing. Although many of the more explicitly violent machinations of marriage have abated in the US, the structural and individual violence continues.

Nearly half of all first marriages end in divorce.⁴ If marriage were the loving, providing, social safety net that those invoking family values rhetoric claim it is, then one is left wondering why divorce rates are so remarkably high. Perhaps it is that nearly 7.8 million women have been raped by an intimate partner at some point in their lives⁵ or that domestic violence is the leading cause of



injury to women between the ages of fifteen and forty-four in the United States.⁶ Or maybe it is that sixty-eight percent of sexually abused children are victims of their own family members.⁷ Empiricism aside, the so-called healthy and privatized familial structures through which the institution of marriage seeks to minimize violence cannot be emulated if we, as a radical queer and trans community, are to confront the violence within our own community and families (chosen or otherwise).

In addition to the affective discourse outlined above, a more analytic approach is being deployed in tandem. This rhetoric relies on a certain brand of rugged American individualism that has spawned gay and lesbian organizations that invoke a rights-based discourse in their attempt at achieving what they contend is full equality. It is here we find numerous LGB and sometimes T activists in a rage over their 1,138 rights that federally recognized marriage will bring them, but are denied. These State benefits and privileges, as outlined in the Defense of Marriage Act, are overwhelmingly about the transfer of money and property (including children, as the only way marriage allows us to think about them is like property). The almost exclusive emphasis on property rights highlights that marriage has little to do with love, but with benefits and privileges as doled out by the State to those who adhere to a specific set of moral values determined by the Church.

Gay marriage organizations are mobilizing this rights-based discourse focused on “equal” access to state benefits and privileges in tandem with highly affective love rhetoric to win over public opinion by appealing to socialized emotional responses while simultaneously making a more strategic/analytic argument for gay marriage. This two pronged approach has successfully dragged many LGBT activists into its blinding double discourse by affectively motivating the engagement of many queer and trans folks who would be better off putting their energy elsewhere. What if we, as a queer and trans social justice movement, focused on achieving access to many of marriage’s forbidden fruits (i.e. healthcare, freedom of movement across nation-state borders, etc) for all people, not just citizen couples, gay, straight or otherwise?

Fortunately this double discourse will fail miserably in the long term because it is impossible to claim marriage is an institution based on love when the only way to do so is to mimic the



hyper-conservative family values rhetoric of the Christian right. The normalizing function of this claim, that loving families can only exist within the narrow confines of an immediate nuclear family structure (gay or straight), will continue to mark some families as worthy of survival and others as a deadly threat.⁸ As noted by gay historian John D’Emilio in his piece “The Marriage Fight is Setting Us Back,” greater acceptance of gay and lesbian people has largely come from straight people abandoning fantasy familial conservatism opting for queerer more non-traditional ways of organizing both their erotic lives and their families.⁹

The smiling white families posed in picturesque suburban backyards that appeared on pro-gay marriage campaign materials in Maine looked no different than the anti-gay marriage propaganda of smiling white families in picturesque suburban backyards. Not only did the visual narratives mimic one another, save the difference in gendered couples among neo-nuclear gay families, but the accompanying family values rhetoric was nearly identical. The fervent re-investment in the nuclear family (gay or straight) as a site of financial security, moral aptitude, and physical safety for the child should be horrifying to us all. This kind of logic around familial safety has been challenged by three decades of feminist critique that problematizes the nuclear family as the primary site of sexual violence against children and cannot be erased or obscured through this rhetorical appeal.¹⁰

Yet, this neoliberal fantasy of the nuclear family as the only provider of emotional and economic safety is being recovered and deployed by the contemporary gay rights movement. In a bizarre twist in history, gays and lesbians are turning their backs on the kinds of radical new configurations of “family” that have liberated straight people.

Neoliberalism, which I broadly define here as the concentrated privatization of every facet of our daily lives, depends upon this affective discourse, which asserts that the immediate family constitutes an unproblematized site of safety and security while the rest of the world is rendered a dangerous outside. By insisting that the gay and lesbian nuclear family (a retrograde hetero-mimicry throwback to the nineteen-fifties) needs protection, gay marriage activists are further enabling the privatization of social safety nets.

For example, the heightened emphasis on the idea that gay marriage is necessary for same-sex partners to gain health insurance



allows the State to further justify not creating a system of universal health care where all people, regardless of marital status receive necessary medical care. In the 1980s, queers agitated for universal health care in the face of a devastating AIDS epidemic that left them caring for those whom the state refused to consider worthy of the most basic care. Today, they are calling for the opposite by insisting that only those in state-mandated relationships are worthy of health care.

The campaigns for gay marriage and their accompanying confused rhetoric have been neatly folded into a handful of other issues under the banner of equality across the United States.¹¹ Equality rhetoric is short sighted at best and positions our most fantastic queer futures as not only unattainable, but also unreasonable. It demands that we put our time and energy into the desperate fight to be equal participants in oppressive and archaic institutions instead of attempting to actualize our dreams of queer utopia.¹² Furthermore, equality rhetoric has created a vacuum of gay pragmatism¹³ in which our queer political imagination has withered away allowing no time or space to even imagine more just, more equitable ways of meeting our material and affective needs as a larger community.

The question remains then: How do we, as radical queer and trans folks, push back against the emerging hegemony of rainbow flavored neoliberalism and the funneling of our energy into narrow campaigns that only reinforce the hierarchical systems and institutions we fundamentally oppose? How do we reconcile the contradiction of our anger and fervent criticism of so called equality when presently many of our material lives depend on accessing resources through the very subject of our critique? Although I do not have concrete solutions to offer, I do believe we must create more space and time to have these vital conversations, be more open and public about our critique of marriage, build coalitions with others who stand little to gain from marriage, imagine other worlds together, and dream up new ways of meeting our material and affective needs.

- 1 See Ryan Conrad, "Against Equality, in Maine and Everywhere," *UltraViolet* (December 2009).
- 2 The promise of health care, freedom of movement across nation state borders, the inheritance of property, etc. These promises only apply if one or both of the people entering into a marriage agreement have a



- considerable amount of wealth/property/assets, professional employment, and citizenship status. For many, this is not the case and therefore many will not gain materially from marriage.
- 3 See Erwin J. Haeberle, *The Sex Atlas* (New York: Continuum Publishing, 1983). See section three, chapter eleven for an overview of marriage from ancient history to modernity.
 - 4 According to the US Census Bureau and the National Center for Health Statistics.
 - 5 Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control, *Costs of Intimate Partner Violence against Women in the United States* (Atlanta, Georgia, 2003).
 - 6 “Violence Against Women, A Majority Staff Report,” Committee on the Judiciary, United States Senate, 102nd Congress, October 1992, 3.
 - 7 Childhelp factsheet, <http://www.childhelp.org> (accessed July 1, 2010).
 - 8 I would love to see gay marriage propaganda that includes the queer families I know: two leather daddies and their twink house boy, queer collective polyamorous households, or the enclaves of queer/trans street hustlers that still populate some urban centers (like Sylvia Rivera and Marsha P. Johnsons STAR house).
 - 9 *The Gay and Lesbian Review* (Nov/Dec 2006).
 - 10 See Steven Angelides, “Feminism, Child Sexual Abuse and the Erasure of Child Sexuality,” *Gay and Lesbian Quarterly* (2004): 141-177.
 - 11 Gay marriage, military inclusion through overturning Don’t Ask Don’t Tell, and inclusion in hate crimes legislation make up this holy trinity of gay neoliberalism. For extended discussion on the intersections of these “equality” issues see Against Equality’s online archive at www.againstequality.org.
 - 12 I invoke utopia here not as a naively conceived physical time or space, but rather as a mode of critical inquiry. An understanding that we should always be attempting to realize our most fantastic and equitable queer futures in the here and now. Why aim for anything less than the horizon of becoming?
 - 13 For further clarification on this phenomenon and terminology see Jose Esteban Muñoz, *Cruising Utopia: The Then and There of Queer Futurity* (New York: New York University Press, 2009).