Same-Sex Marriage: An Ambiguous Victory

written by Peter Drucker | July 13, 2015

In the summer of 1994, my partner and I happened to be on vacation in Stockholm for the Pride celebration, so we joined in. I remember it as a rather modest, subdued affair compared to the ebullient marches I remembered from New York and San Francisco. But what struck me most was the lesbian/gay federation's emphasis on legal recognition for same-sex partnerships, at a time when Sweden banned sex in gay bathhouses. I thought these were upside-down priorities. Swedish same-sex couples would win in fact the right to register for partnership benefits in 1995, while the ban on bathhouse sex stayed on the books until 2004. What a curious country this is, I remember thinking.

Little did I know. With the US Supreme Court's ruling on June 26 establishing a nationwide right to same-sex marriage, tens of millions of people in the 28 states without laws against discrimination based on sexual orientation are now free to marry someone of the same sex – and be fired or thrown out of their homes if their bosses or landlords find out and disapprove. The stage is set for countless repetitions of the plot of the 2014 film Love Is Strange, where two gay men who get married after decades together end up broke and homeless as a result – though that story is set in New York City, where both city and state anti-discrimination laws make an exception (as is usual) for "faith-based" employers like Catholic schools.

How did we end up in this peculiar situation? The fight for partnership rights originally gathered steam as a reaction against glaring injustices. Especially during the height of the AIDS epidemic, the trauma of a partner's sickness and death was compounded for thousands of gay men by having their hospital visits barred and being thrown out of apartments that were in their dead partners' names. We can only rejoice at the spread of protections that have safeguarded health insurance, housing rights, immigration rights, tax equality and more for people in same-sex relationships. In this sense, the Supreme Court's ruling is the culmination of a positive trend.

But at the same time, the lesbian/gay movement's increasing focus on marriage has reflected a negative trend. From the 1970s to the 1990s, the leadership of US LGBT movements was largely in the hands of the left. Its high points were the national marches in 1979, 1987 and 1994, which were organized through a painstakingly inclusive, democratic process and championed a broad range of progressive demands. The balance of LGBT forces shifted dramatically with the Millennium March on Washington in 2000, organized from the top down by the right-leaning Human Rights Campaign and the Universal Fellowship of Metropolitan Community Churches (a gay-founded Protestant denomination). Although the National Equality March in 2009 was more broad-based, the movement has never fully returned to the left-leaning agenda of the previous century.

The emphasis on marriage has been an ambiguous legacy of the movement's political shift. Wherever in today's world same-sex marriage is won, it is a victory for equality – and at the same time a contribution to growing inequality. It is a victory for equality, because it allows millions of same-sex partners to enjoy basic rights that cross-sex spouses take for granted, like not being

thrown out of your home when your partner dies. It is a contribution to growing inequality, because it allows the state to pursue the neoliberal agenda of transferring its social responsibilities for people in need to their families. In return for the rights they are granted, same-sex couples pledge to form stable, difficult-to-dissolve households that bear the burden of supporting their members when they are unemployed, disabled or sick. And in fact, initial studies have shown that same-sex marriage helps increase inequality in LGBT communities. Well-off lesbians and gay men gain from it, notably from lower inheritance taxes. Low-income LGBT people often lose out on average, particularly where poor people's social benefits are slashed when they have an earning spouse.

This helps explain a paradox of sexual politics: marriage equality has been making rapid, relatively easy gains, while abortion rights remains a hard-fought battle. As Katha Pollitt has pointed out, "Marriage equality has cross-class appeal [whereas it's] low-income women who suffer the most from abortion restrictions – and since when have their issues been at the top of the middle and upper classes' to-do list?" Furthermore, "Marriage equality costs society nothing [but] reproductive rights come with a price tag."

For at least a decade now, there has been a steady drumbeat of criticism of the one-sided focus on marriage from progressive LGBT veteran activists and intellectuals. A high point was the 2006 statement "Beyond Marriage," which urged "alternative forms of household recognition beyond one-size-fits-all marriage," access "for all, regardless of marital or citizenship status, to vital government support programs," an end to all "state regulation of our sexual lives," a push for a "caring civil society" instead of privatization of social services, and LGBT movement strategies that speak to the "widespread hunger for authentic and just community."

As long as marriage equality offered a simple approach and a prospect of fast, easy victories, support for progressive alternatives has been limited. Now, however, more and more same-sex couples will be experiencing joys of marriage that have previously been a monopoly of cross-sex couples, from tensions over sexual exclusiveness and the division of housework to custody and alimony fights. Especially if the broader left gains more support in response to economic crisis, wars and racist violence, a big audience may yet be won for a radical vision of domestic equality.

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