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THE STATE OF THE UNION

Marriage in the Shadow of Electoral Politics

CONFERENCE COMMENTS BY KATIE OLIVIERO WITH VANGE HEILIGER

In the days leading up to the 2008 election, the airwaves were peppered with commercials about Proposition 8, the California ballot initiative to ban same-sex marriages and amend the state constitution to limit the definition of marriage to a union between a man and a woman. An unprecedented fundraising campaign, second only to that of Barack Obama, generated over \$74 million. Proponents associated “traditional” heterosexual marriage with the well-being of children, tradition, and the moral content of early-childhood family education. Their opponents countered that marriage confers dignity, equal

protections, and full citizenship rights upon gays, and is a core part of the equality movement. As an institution that is legally and culturally associated with the private spheres of love and family, the debate over government definitions of marriage restages its emphatically public, state-centered parameters.

Ten days before the election, the UCLA Center for the Study of Women hosted a conference that specifically explored how marriage is imbricated with state regulation and cultural recognition. Kathleen McHugh and Juliet Williams, co-organizers of “State of the Union: Marriage in the Shadow

of Electoral Politics,” positioned the event as investigating how the law seeps into marriage, and how in turn matrimony protects and produces various experiences of intimacy. Not only same-sex marriage debates but also political sex scandals, immigration policy, polygamy prohibitions, and welfare reform emerged as salient sites staging some of the most heated controversies over the proper role of the state in recognizing and



regulating sex, sexuality, intimacy, and national citizenry.

★ LAWS of LOVE

The opening panel, “Laws of Love,” examined how culture and laws produce and police some forms of intimacy, while excluding others as perverse. Paul Apostolidis unpacked these relations in his examination of how sex scandals are enjoined to biopolitical discourses of immigration to recuperate the sexual indiscretions of political figures. The Whitman College Professor and Chair of Political Science

pointed out that salacious fascination with sex scandals reveals a voyeuristic pleasure in watching the most powerful figures fall. The public disgrace of Eliot Spitzer, John Edwards, and Bill Clinton, among others, rewrites their sexual dominance and centrality as deviant, redressing in part broader inequalities in social and sexual power. Apostolidis observed, however, that many of these men are able to recuperate their public image and position of power through publicized apologies and counseling. These performances of contrition have the ideological effect of reasserting control over what was their overzealous sexuality, restaging the myth of masculine self-restraint and autonomy.

When we refract sex scandals through the Foucauldian lens of biopolitics, Apostolidis suggested, we start to see how the recuperation of political figures' public stature is reliant upon denying marginal groups social and political visibility. Biopolitical power disciplines individuals and populations by promoting health,

vitality, and economic productivity to optimize a state of life. But it doesn't affect all groups equally: the vigor of dominant groups such as political celebrities rely upon exposing to physical or political death those groups that are constructed as threatening. Apostolidis argued that immigration is one biopolitical site that enables the recuperation of political figures' public lives and illuminates the muted contours of race in sex scandals. Historians have understood anti-immigration sentiment as fueled by the perceived threat of a degenerate population polluting the cultural purity and reproductive future of the nation. This older discourse of moral degeneracy haunts contemporary immigration debates. Unprecedented incarceration, detention, and deportation of immigrants signal that the specter of moral degeneracy has returned in the guise of protecting national security. Fears over undocumented women's reproductive excess and so-called "anchor babies" (American-born children who could insulate their mothers against



*Silda Wall Spitzer
with disgraced husband
Eliot*

deportation proceedings) are layered over concerns about insecure borders to characterize national identity itself as at risk.

Apostolidis argued that public figures' ability to recuperate their political status and sexual self-control relies upon the specter of racialized, moral degeneracy in immigration discourse. Their reprieve relies upon discourses of racialized hypersexuality to reinforce the unmarked norms and morality of

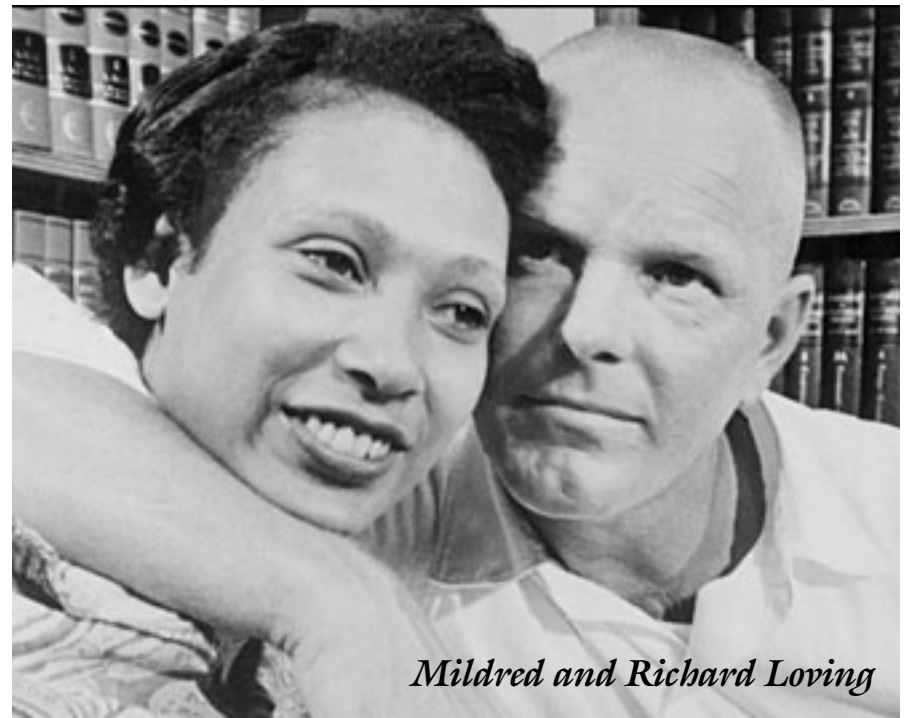
white sexual privilege. If the Nativist movements at the turn of the nineteenth century outlawed abortion and birth control to boost the declining fertility of white women, then Apostolidis hypothesized that abstinence-only education may be the new eugenics program. Bristol Palin's pregnancy is less of a sex scandal when positioned as a means of regenerating the biological viability of the white race. At a time when undocumented immi-

grant women's choice to continue a pregnancy is considered a threat to the body politic, the public's relatively easy acceptance of Bristol's pregnancy as a private family matter exposes a form of biopolitics where white reproductive life is valued through a denigration of the reproductive capacities of women of color. Cultural scripts of nationally accepted intimacy and sexual recuperation are once again reliant upon racialized asymmetries in biopower.

The unstable production of national intimacies is evident in the ways that we are making sense and nonsense of identity politics and cross-racial coalitions in the 2008 election. Susan Koshy, a professor of English and American Studies at the University of Illinois, Urbana Champaign, argued that coalitions across identity politics for both Obama and McCain render race, gender, and sexuality uncertain and unrecognizable, – what Freud referred to as “uncanny.” The campaigns attempted to restore identity-based legibility through strategies of tokenism and moral

discourses of family values. Sarah Palin's femininity is thought to counterbalance Barack Obama's blackness. It is a token of gendered difference that is supposed to be easily fungible with and equal to that of race. Koshy argued that this simultaneous marking of bodily difference and disavowal of its significance exposes conservative cooptations of identity politics' and civil rights discourse. Tokenism is what remains after their radical potential has been appropriated and emptied.

The stable ground of essentialized identity difference is also recuperated through a discourse of family values and moral authority. As Anna Marie Smith also highlighted in a later paper, Obama's fatherhood initiatives inoculate undecided voters against the threat of his blackness. Because conservatives depend upon racist assumptions that black fathers are delinquent, family-values proposals sooth anxieties over African Americans' rising political power, reassuring them that an empowered black father will displace the sexual excesses of overly dominant, single



Mildred and Richard Loving

black mothers. With “soft-lighted global cross racialization” and by “cherrypicking family values,” campaigns can sooth the anxiety stemming from the political uncanniness surrounding a black presidential candidate. Palin also deployed the moral authority of her motherhood in this way. Rather than making her an outsider, her strength and enthusiasm for such traditionally male, rural pastimes as hunting are balanced by her femi-

ninity and fecundity. She embodies a kind of frontier feminism, where her risks of motherhood should be rewarded with political power. Thus normative gender, heterosexual, and family values conceal, normalize, and nationalize gender and racial uncanniness.

The panel's final paper, “Loving and the Legacy of Unintended Consequences” explored how a kind of uncanniness is

transmitted in legal understandings of marriage and their social movement applications. Rachel Moran, a Professor of Law at UC Berkeley, argued that we are just starting to understand the curious consequences of *Loving v. Virginia*, the historic 1967 Supreme Court decision overturning anti-miscegenation statutes forbidding interracial couples from marrying. *Loving* is frequently cited as precedent for contemporary gay rights frameworks, including the movement for same-sex marriage. Moran notes, however, that *Loving* may have actually reinforced ideological and essentialist understandings of marriage and race. Marriage is designated as a foundation of the nation, producing moral order and social good whose denial is damaging. At a time when the culture and law were starting to be able to grapple with the complexities of interracial identity, *Loving* relied upon a dichotomous understanding of race as either black or white. In stabilizing changing meanings of marriage and race, the decision legally codified nationalist under-

standings of matrimony and a form of colorblindness that appealed to both liberal and conservative proponents. In challenging Jim Crow, the ruling satisfied liberals, but because colorblindness inhibits our ability to name and challenge the structural racisms and power asymmetries creating de facto social and school segregation in a post-Brown era, the verdict appealed to conservatives as well.

This consequence complicates the easy transmission of *Loving*'s legacy. Its heirs, particularly multiracialism and same-sex marriage, attempt to broaden state-recognition of racial complexities and marriage by using a decision that stabilized them. They are trying to expand the penumbra of marital protections through a state-produced form of intimacy that valued tradition and concealed that multiracial complexity.

✦ THINKING through SAME-SEX MARRIAGE

By mapping a range of political, national, interracial and

marital intimacies, the opening panel implied that contrary to narratives of progress surrounding same-sex weddings, marriage functions conservatively as well as radically. The final two panels take up the implications. The first, "Thinking through Same-Sex Marriage," complicated the well-established queer critique of same-sex marriage as "homonormative." Gay matrimony is charged with retaining heteronormative models of the family that enlist the state to authorize those relations. This homonormativity mandates that same-sex marriage always take place in an exclusionary system, where "good gay sex" must reauthorize the monogamous reproductive family, producing once again a category of "bad queers" practicing perverse forms of nonprocreating, promiscuous, and public sex.

Tom Boellstorff noted in his talk "Queer Normativity and New Orders of Same-Sex Marriage" that all factions of the marriage debate—conservative, gay, or queer—rely upon a shared paradigm of linear, apocalyptic time. Narratives of causality

and progress imply that the events of the past inevitably lead to the present and future. For conservatives, the purportedly heterosexual tradition of marriage's past cannot co-exist with contemporary initiatives to include same-sex couples, leading to an apocalyptic future where marriage can only be destroyed. This linear framework—what Boellstorff dubs "straight" and "apocalyptic" time—is evident in same-sex proponents' progress narratives. Marriage is historically associated with civil rights and social dignity, and consequently expanding it to include gays will bestow these privileges upon us. Queer critiques, too, replicate these apocalyptic temporalities where the imbrications of marriage with heteronormativity and the state ensure that queer difference and political potential most be subsumed by them. All three factions employ a mode of straight time that cannot take into account the co-presence of multiple meanings of marriage with very different political effects. In this temporality, traditional and

queer understanding of marriage cannot coexist, full civil rights are inconceivable without civil matrimony, and it is impossible to support gay marriage or to be married without betraying queer commitments to subvert normativity.

Boellstorff argued that queer critiques of homonormativity reproduce a fantasy of being outside of power relations. It risks reasserting binaries of false consciousness, and forecloses our ability to consider why marriage is still desired in spite, or perhaps because, of its association with the normative state, or how gays can transform marriage by engaging with it. In turn, the convergence of queer opposition to gay marriage with conservatives is ignored, and we are unable to theorize why queer marriage rites are considered such a threat by the political and religious Right. Instead of focusing on the binary of whether we should or should not marry, Boellstorff urged us to ask whether same-sex marriage can act from within dominant social systems to do more than sustain them.

Because it is impossible to ever step outside of normativity, we should contest the ontologization of the meaning of marriage, intimacy, and queerness. He advanced a notion of “coincidental time,” a temporality where gay and straight marriage could be co-present but not equivalent, as a point of intervention. Doing so would open up the possibility for differentiating between conservative and alternative forms of marriage and for acknowledging the myriad family forms and heterosexual couples who work to diversify the relationships between the state, sexuality, morality, and marriage.

Mignon Moore, Assistant Professor in the Department of Sociology at UCLA, elaborated upon some of these more coincidental possibilities in her paper “Gay Marriage and the Search for Respectability among People of Color.” In contrast to queer critiques of normativity, when a culture persists in associating people of color with deviance and promiscuity, marriage functions as

a mode of legitimation and respect that counteracts the stigma of the black family and sexuality. African American opposition to homosexuality and gay marriage may be framed by some in the community as compromising this fragile bid for dignity. Moore points to the possibility of hitching these respectability politics to larger anti-poverty and anti-racism frameworks to advance gay rights among people of color. Thus the middle-class lesbians she interviewed need to publicly perform their marriages and commitment to reassert their respectability within their black community and larger social fabric. The respectability conferred by their professional and educational accomplishments often counterbalanced stigma within the community over their sexuality. Visible political mobilizations around bisexuality are often suspect because they can be perceived as forming an alliance around sexuality that might marginalize other commitments to the African American collectivity. But when members of the black

community connect gay rights with such bread-and-butter issues as poverty, mobilizations around gay marriage are more successful. In contrast to queer critiques disavowing marriage for its assimilationist valence, Moore highlights the more intersectional meanings of marriage where respectability coincides with normativity to redress persistent stigmas of hypersexuality and the deviant family. By retaining the dignity associated with marriage and conferring it upon marginalized queers and people of color, the conservatism of marriage is tactically used to broaden a democratic agenda.

Nancy Polikoff, a Professor of Law at American University, delved into some of the more pernicious consequences of this conservative valence. “Beyond Straight and Gay Marriage” unpacked how the conferring of any special rights upon marriage—straight or gay—disavows the everyday lived experiences and needs of a majority of the population. Early

feminist and gay rights movements pursued legal and cultural strategies to make marriage matter less. They challenged laws around adoption, illegitimacy, and social security distribution to emphasize that situations of *dependency*, and not state-recognized marriage, should dictate state and caretaking responsibilities. For example, when the state attempted to disincentivize premarital and extramarital sex by drawing legal distinctions between legitimate and illegitimate children, these movements fought hard-won battles to emphasize that it is parent's biological, and not marital, ties to their children that generate their responsibility. But over the past 25 years, the New and Religious Right has striven to retain the special rights attached to marriage and to make matrimony the monolithic gateway to respectability, healthcare, and a very limited menu of social welfare benefits. Despite the larger movement's commitment to a broader social justice agenda, same-sex marriage equality initiatives maintain these

special entitlements, only narrowly expanding their scope. Such measures still leave out the majority of US households, who are organized according to a diverse potpourri of cohabitation, co-parenting, caretaking, queer, and multigenerational arrangements that go beyond the singular model of marriage, gay, or straight.

Polikoff argued that the focus on same-sex marriage forecloses public policy initiatives to recognize this diverse array of households; however it would be rhetorically impossible to argue for extending the special right of marriage to a range of nonmarital arrangements. The backlash against gay marriage has generated a patchwork of statutory and constitutional Defense of Marriage Acts (DOMA), which in many states not only define marriage as between a man and a woman but also forbid legal recognition and transmission of benefits of all other cohabitation, kinship, and caretaking forms. For example, the successful 2008 ballot measure banning same-sex marriage in

Florida also prohibits the recognition of such "substantial equivalents" as domestic partnerships. Arkansas passed a measure excluding unmarried cohabitating "sexual partners," gay or straight, from adopting or fostering children.

Instead of focusing our economic resources and cultural capital on gay marriage, Polikoff argued that we need to pursue local, state, and federal initiatives that make available the special rights of marriage to a range of caretaking and kinship forms. Even if President Obama does not fulfill his promise to repeal the 1996 federal DOMA, the array of domestic partnership, power of attorney, second-parent adoption, federal and private benefits arrangements, and healthcare registries provide existing means to democratize many of the rights currently tied to marriage. Thus when Hawaii and other states permit individuals to domestically partner with someone over the age of 62 or the District of Columbia extends this arrangement to siblings, they generate frameworks for provid-

ing legal recognition of caretaking relationships. Marriage becomes only one of many ways to recognize the diverse dependencies, commitments, and desires through which people structure their lives.

✪ INTIMACY and INTERSECTIONALITY

The conference's final panel, "Intimacy and Intersectionality," highlighted how racialized and masculinized understandings of respectability and responsibility determine which types of intimacy are legitimate. Anna Marie Smith's paper, "Obama's 'Responsible Fatherhood' Discourse and the Unacknowledged Promotion of 'Simulacra Marriages' in Poverty Law," unpacked how limiting our understanding of family to marriage generates public policies that recreate racialized binaries of morality and deviance. Marriage promotion initiatives were prominent in 1996 Welfare Reform as well as the 2001 and 2005 Deficit Reduction acts. Smith, a Professor of Government at Cornell University, argued that poor women's access to a very limited pool of social benefits

was often conditioned upon revealing the identity of their children's father so that the state could ensure these "delinquent fathers" would contribute to child support. These "paternafare" provisions reveal the overlap of the conservative marriage and fatherhood movements with public policy. The identified fathers are criticized for having marginal economic impact—they are often poor themselves—while reinforcing outmoded, patriarchal family models and exposing poor and nonwhite men and women to state surveillance and regulation. Echoing Susan Koshy's application of the uncanny, Smith argued that Obama has drawn upon components of the fatherhood movement in ways that revitalize sexist and racist assumptions about black sexuality and the family.

The fatherhood movement is comprised of two wings: The Religious Right and Civil Rights. Obama adopted components of the latter in his arguments that the lack of economic activity for black men leads to shame and frustration in not being able to provide for a family. His vision for a more perfect

parental union are vulnerable to decades-old critiques from women of color feminists who point out that this rhetoric ignores the needs of black women and rewrites their mothering as another form of sexual deviance. It also revitalizes racist associations of black fatherhood with delinquency, while reassuring conservatives that the rehabilitated father will contain and displace the purported excess of black maternal power and promiscuity.

Smith acknowledged that Obama's fatherhood initiative improves upon previous ones: 100 as opposed to 50 percent of paternal child support money would "pass through" to the mother, and there would be additional protections for those women and children at risk of domestic violence. But the moral impetus betrays how more religiously-oriented Fatherhood Initiatives are still evident in this overtly rights-based one. Paternity identification still invades a woman's sexual privacy, forces a relationship that potentially exposes women to intimate violence, privileges biological fatherhood over caregiving, and ascribes a moral value

to marriage. It diverts precious public funds away from effective anti-poverty initiatives, substituting the fetish of marriage as a cure for our social ills. The marital family is presumed to have the moral and national obligation to protect their own from economic insecurity. This neoliberal displacement of distributive justice and socioeconomic rights improperly positions the family as "the first port of call" for these problems.

Judith Stacey, an NYU Professor of Social and Cultural Analysis, observed in her paper "The Race to Marriage: Lessons from South Africa," the strange ways that polygamy, gay marriage, and incest are linked with one another in the public imaginary. Juxtaposing media accounts of polygamy and same-sex marriage in the US and South Africa, she illuminated how the often-overlooked factor of race differently determines the legal and social acceptability of these forms of marriage, to the detriment of many forms of intimate relationships. Tropes of parental responsibility and the wellbeing of children

are mechanisms deployed by the state to further legitimize the policing of sex, sexuality, intimacy, and family. The April 2008 raid on the Yearning For Zion (YFZ) ranch in Eldorado, TX—a polygamous, Fundamentalist Mormon compound led by Warren Jeffs—televised images of hundreds of children in prairie garb being torn from their mothers, despite no evidence of abuse, neglect, or endangerment. State social services and law officers presumed that polygamists lack responsibility and caring for children, while regularly engaging in incest and child abuse. Stacey notes that Mormon association with polygamy marked them as sexually deviant and historically racialized them as nonwhite. This suggests that contemporary policing of polygamist communities for abusing child welfare are animated by similar discourses of deviance leading to the hyper-surveillance of communities of color. Polygamists have been accused of being "race traitors," who participate in "barbaric African and Asiatic practices"—a startling contrast with the ultra-white bodies of many US

Mormons and a history of racism within the Church of Latter Day Saints.

Polygamy and same-sex marriage are legally entwined in ways that neither side may be comfortable with. In May 2008, six weeks after the YFZ raid, a ruling came down in favor of same-sex marriage in California, a decision upheld as a right embedded in the California constitution. Interestingly, Chief Justice Ronald George did not merely rule in favor of same-sex unions, but took this as an opportunity to reinforce the constitutional soundness of prohibitions against polygamy and the marriage of close relatives. This distancing of same-sex marriage from polygamy is a tool used frequently by same-sex marriage advocates, and Stacey argues that we must scrutinize such attempts at “respectability” if we are to understand how race is deployed both to legitimize and demonize diverse intimate practices.

South Africa stands as a foil to US marriage and racial ideologies. A January 2008 newspaper simultaneously published two joyous accounts: Zackie Achmat,

a well-known AIDS activist, wed his longtime male partner in an interracial, same-sex ceremony. On the same day, Jacob Zuma, president of the African National Congress, celebrated a polygamous wedding to the mother of two of his children in a Zulu ceremony. Neither group felt the need to distance their wedding from the other. While this seems on the surface to reflect a more progressive South African view towards both same-sex marriages and polygamy, the latter is only legal in South Africa for indigenous black men. This limitation reproduces complicated understandings of polygamy as rooted in cultural practices that are at best, only appropriate for indigenous black Africans, and at worst, “barbaric” cultural practices tolerated only among backward indigenous peoples. At the same time, Achmat’s same-sex union can be seen both as progressive on the grounds of race and sexuality, and as reinforcing stigmas by linking the mixing of race with the sexual “impurity” of homosexuality.

The juxtaposition between South African and US marriage



ideologies reveal an uneasy linkage between racial impurity, racial inferiority, polygamy, and homosexuality. It is complicated by the ways both polygamists and homosexuals try to distance themselves from the other’s association with incest and pedophilia, while some polygamous groups try to draw comparisons in the ways they are similarly oppressed. Polygamy and same-sex marriages are newly linked in the public imaginary

through the television show *Big Love*, in which the wives in a polygamist family consistently draw comparisons with homosexuals by referencing “being in the closet,” “coming out” as a polygamist, and struggling to have their polygamist intimate family arrangement legally protected, culturally accepted, and socially respected. The character modeled after YFZ leader Warren Jeffs explicitly references the decriminalization of sodomy and

the Massachusetts's legalization of same-sex marriage to forge a case for his community's right to be let alone. In light of both marital forms' associations with sexual deviance, and the implicit racialization of that stigma, their jockeying over who is more respectable than the other recreates hierarchies of sexual degeneracy that reference race even as it conceals it.

Paralleling Moore's paper on black lesbians' search for respectability and Polikoff's contention that we need to make marriage matter less, Stacey criticized gay marriage advocates for having a weak racial and kinship vision. She argued that marriage is always about inequality—it will never apply to everyone. Gay marriage advocates would be more successful if they focused not on the love between two people in a same-sex union, but rather on the issues that affect many who are denied rights afforded only through marriage: housing, food, healthcare, legal protection, and family medical leave, among other benefits. This means making cross-racial, cross-class, and cross-sexual alliances, and working to de-link the benefits of

marriage from the institution of marriage. This includes fighting for respect and legitimacy of consensual polygamous family arrangements. Referencing Smith's work on absent fathers and welfare, Stacey asked why it is that we punish men "for sticking around, not for having children with multiple wives."

Although polygamy and same-sex marriage have very different historical trajectories and constituencies, both types of marriage challenge the primacy of a monogamous heterosexual marriage that has come to be identified as embodying the ideal American sexual and familial arrangement. As such, they highlight the stark differences between intimate practices, and the mainstream ideologies that inform "proper" sexual and familial relationships.

The conference's participants highlighted how the state is foundationally invested in producing and policing intimacies, within and beyond marriage. It maps how a range of neoliberal, religious, and conservative interests deploy matrimony as a proxy through which they create political traction for

more explicitly moralistic parenting, sexual, class, and racial narratives. For instance, California Proposition 8 proponents successfully broadened their campaign beyond the question of marriage, framing it as involving the infringement of the state upon parenting and religious rights. Same-sex marriage became an effigy to transmit fears that public school children would be indoctrinated with the moral acceptability of gay marriage and sexuality; that churches would be sanctioned for refusing to perform same-sex blessings; and that the tradition of marriage itself would come undone. This apocalyptic narrative frames civil marriage as a gatekeeper protecting families' purportedly private parenting and religious decisions. It is the border patrol guarding against the illegal incursions of an overzealous state.

But as the successful Arkansas initiative forbidding unmarried couples to adopt or foster children attests, a narrow definition of marriage—and not broader understandings of privacy, equality, or even family—is the primary entity invested with defining who is legally and morally defined as family, and who

is not. Marriage then is not only a site of state regulation, but produces what citizens the state should recognize. Protecting patriarchal and heteronormative understanding of marriage is code for shoring up the traditional understandings of nation as well. Beyond the passage of Proposition 8, the success of this rhetoric is evident in the fact that the majority of the more than \$40 million in funds raised to support the ballot initiative came from outside California, representing every state but Vermont.

The contemporary, conservative marriage movement is retrofitting not only well-worn moral arguments for the twenty-first century, but racial ones as well. This is particularly evident in the sense made of voter demographics: exit polls show that a narrow majority of the white population opposed Proposition 8, and a similarly lean margin of Latinos upheld it, while African Americans supported it by a 2 to 1 margin. The narratives making sense of these statistics acknowledge that heterosexual marriage hails African Americans into moral discourses of sexual normativity and dignity.

They then conflate this appeal to dignity with homophobia, concealing how new forms of racism and sexual deviance in a compulsory heterosexual culture may compel this social distancing. The association of gay rights with civil rights in “No on 8” ad campaigns, and their analogization with segregation and anti-miscegenation laws has generated a discourse where African American support for Proposition 8 is cast as at the very least perplexing and more often a hypocritical betrayal of their own history. These “explanations” serve to shift focus from the state to an already marginalized social group with diverse sexual practices and family arrangements, rather than shining a light on the state’s investment in using marriage to legitimize intimate relations. This minimizes the sexual intolerance and fear of white Proposition 8 supporters, championing their ideological opposition to gay marriage as morally consistent, while paradoxically condemning that of African Americans as another form of sexual deviance.

In the historic shadow of Obama’s election, the state of the

union—both national and marital—is in flux. When protestors bedecked in colorful “Stop H8” and “No More Mr. Nice Gay” signs took to the streets on November 5th in West Hollywood to oppose this amendment, and when the ACLU, NCLR, and Lambda Legal file suit, it is clear that gay marriage has an enduring practical and emotional purchase. The subsequent question should not be whether or not social justice paradigms—queer or otherwise—should or should not support gay marriage, but how to combat its conflation with monolithic visions of respectability and national security. This starts by taking seriously how the Right is deploying marriage as a placeholder to reinvigorate patriarchal and neoliberal narratives. It closely examines the arenas where state recognition is invited, such as legally codifying marriage as only between one man and one woman, and where it is constructed as a privacy-threatening incursion, evident in fears that gay marriage threatens parental control over children’s education. It confronts how gay marriage equality initiatives foreclose the ability to legally and culturally recognize the diverse

family forms in which people actually live. It must also take seriously the immensely varied reasons why people still desire to marry.

This electoral moment is heralded as another threshold in the history of race relations, of economic insecurity, of global relations, and of sexual mores. History shows that times of crisis such as these often revitalize dominant power relations, and reassert older narratives of sexual, social, and political deviance. As the shadow of electoral politics not so much recedes as flickers with the uncertain social and legal ramifications of recent cultural and public policy initiatives, we might have a narrow moment to redefine the relationship of marriage to the state of the union. Making marriage matter less, and democratizing its special rights to all, includes diversifying the meanings attached to marriage beyond heteronormative and homonormative, regressive and progressive, conservative or radical, to work from their interstices. This prepares the ideological ground to expand upon existing legal forms that recognize the myriad ways of

caretaking, kinship, living, and loving that structure people’s lives.

Katie Oliviero is a doctoral candidate in the Department of Women’s Studies at UCLA. Her dissertation explores how sensationalism, performance, and effigies are used by twenty-first century conservative movements to construct the national citizenry, heterosexuality and human life as vulnerable. Her research interests include performance, socio-legal, American and cultural studies, with an emphasis on the roles of embodiment, memory, and pedagogy.

Vange Heiliger is a doctoral candidate in the Department of Women’s Studies at UCLA. Her dissertation research utilizes a feminist analysis of class, shopping, and branding to investigate how social marketing campaigns of ethical capitalisms deploy race, gender, poverty, and morality to bolster neoliberal narratives touting the redemptive power of transnational capitalist trade. Her research interests include media and cultural studies of economics and development in the Americas, discourses of sustainability, and the new political ecology, with an emphasis on the discursive and embodied intersections of poverty, sexuality, race, religion, gender, rurality, and the environment.