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The Same-Sex Marriage Campaign in the Age of Neoliberalism

*Ayumu KANEKO**

IS SAME-SEX MARRIAGE THE STORY OF AMERICAN FREEDOM?

America's move toward legalization of same-sex marriage has accelerated in the last decade. In 2004, only Massachusetts had legalized marriage of same-sex couples. As of January 1, 2015, same-sex marriage is legal in thirty-six states and the District of Columbia. The US Supreme Court ruled in 2013 that the main premise of the Defense of Marriage Act (DOMA), which limits marriage only to heterosexual couples, is unconstitutional.¹

Since the early twenty-first century, the same-sex marriage movement has gained momentum. US public opinion has drastically changed in regard to same-sex marriage over the last decade. According to a poll by the Pew Research Center in 2003, 58 percent of Americans opposed same-sex marriage, and only 33 percent approved of it; in 2013, 49 percent approved of it, whereas 44 percent opposed it. In particular, nearly 70 percent of millennials approved of it.² The United States seems to be experiencing a trend toward the public acceptance of legal same-sex marriage.

Supporters of same-sex marriage have described their cause as the road to more perfect American freedom. In 2004, Evan Wolfson, a lawyer, founded Freedom to Marry, a nonprofit organization to further the same-sex

*Assistant Professor, Meiji University

marriage campaign, and published a book supporting same-sex marriage. In his book, he expressed his faith in the American ideals of freedom and love:

Fortunately, the general story of our country is movement toward inclusion and equality. The majority of Americans are fair. They realize that exclusionary conceptions of marriage fly in the face of our national commitment to freedom as well as the personal commitment by loving couples. Americans have been ready again and again to make the changes needed to ensure that the institution of marriage reflects the values of love, inclusion, interdependence, and support.³

Similarly, Lambda Legal and Educational Fund, one of the oldest (established in 1973) gay rights advocacy organizations, in the 2010s insisted that the founding principles of the republic should justify legalization of same-sex marriage. It stressed that “the United States fought against Britain’s tyrannical power and then founded itself on a constitution promising equality and liberty to keep government tyranny in check” and urged the public “to show that the words of our constitution mean what they say, and help people keep their commitments to loved ones.”⁴

The narrative of the rise of same-sex marriage as the progress of freedom inherent in American history has resonated with the arguments of non-LGBT American liberal-leaning people. In January 2013, President Barack Obama stated in his second inaugural address that “the most evident of truths—that all of us are created equal” has guided the American people “through Seneca Falls, and Selma, and Stonewall.”⁵ For Obama, the same-sex marriage movement is the latest successor to the legacy of freedom struggles in American history. Some state and federal judges have employed similar logic regarding the American ideal when ruling same-sex marriage bans unconstitutional. In *Bostic v. Rainey* (2013), Federal Judge Arenda Allen ruled Virginia’s same-sex marriage ban unconstitutional, saying that her decision was “consistent with our nation’s traditions of freedom.” She continued, “Our nation’s uneven but dogged journey toward truer and more meaningful freedoms for our citizens has brought us continually to a deeper understanding” of the concept “we the people,” so that in legalizing same-sex marriage we “celebrate the freedom of choice.”⁶

In the early twenty-first century, activists, historians, jurists, and social scientists began to publish books on same-sex marriage. They elaborated on the pros and cons of same-sex marriage in debates, the court’s roles in legalizing gay marriage, and activists’ networking and maneuvers. Most of

this discussion has been within the narrative framework of progress, in which forces for the promotion of equality have faced and overcome backlash from social conservatives and the religious Right.⁷

Some critics of the same-sex marriage campaign, however, point out that proponents of same-sex marriage sanctify a nuclear family-like form of a legal union of two adults, often with children, and marginalize other forms of intimate relations, including single-person households, single parents with children, cohabiting couples without legal marriage, nonsexual unions of adults, various forms of extended kinship, and communal child rearing.⁸ This critique suggests the need to locate the same-sex marriage movement in a broader context of contemporary conditions of marriage in its social, economic, cultural, and political milieu. The issues of gay marriage cannot be discussed without understanding the context of American governance and society. What sort of policies, institutions, systems, or governances can be legitimized by the discourses justifying same-sex marriage?

In this article I analyze the meaning of the same-sex marriage movement in the context of the historical transformation in American governance—that is, the neoliberal turn—from the 1980s to the 2010s. Neoliberalism is a comprehensive historical project that emerged in the political arena as a response to the recession, deindustrialization, and fiscal crisis of the 1960s and 1970s, and has been dominant since the 1980s. Its scheme is to promote and naturalize the dominant status of the principle of the free market, to shrink the public sector by commodifying or privatizing it, and to legitimize these transformations by promulgating a new culture celebrating private corporate management and trumpeting the virtues of self-help, self-reliance, and self-management for the individual.⁹ I elucidate the ways in which America's mainline marriage-equality campaign has acted in complicity with the forces promoting and legitimizing neoliberalism at the turn of the twenty-first century.

FROM REVOLUTION TO ASSIMILATION

The same-sex marriage campaign is a relatively new movement. When the gay liberation movement emerged in the late 1960s, activists did not seek the right of legal marriage but rather the subversion of heterosexist social structures, including the institution of marriage. In 1969, immediately after the Stonewall protest, the influential Gay Liberation Front declared themselves “a revolutionary group of men and women formed with the realization that complete sexual liberation for all people cannot come about

unless existing social institutions are abolished.” Their goal was to create “new social forms and relations, that is, relations based upon brotherhood, cooperation, human love, and uninhibited sexuality.” It was natural that the idealized “existing social institutions” the radical activists desired to “abolish” included the institution of marriage. Many of their liberation efforts were successful through the coming out of individuals and direct-protest actions.¹⁰

The HIV/AIDS panic in the 1980s and the rise of homophobia deeply influenced gay and lesbian movements. Explicitly sexual gay subcultures relatively declined, while nonsexual social, cultural, and political institutions in gay communities gained momentum. Gay sexuality was reconfigured to conform to that of the heterosexual majority of Americans, and many gays and lesbians came to emphasize “dating” and “weddings” as their own expressions of intimacy. Many came to prefer mutual commitment to casual sexual relations, which might be seen as promiscuous by mainstream heterosexuals.¹¹ In the 1990s, having children through adoption or reproductive technology became popular among gay and especially lesbian couples. Consequently, these couples came to confront various types of legal discrimination such as denial of inheritance rights and custody, and they thus became more eager to marry.¹² From this background emerged the same-sex marriage campaign.

A characteristic of this new movement was an inclination to break off from the radical ideology and tactics of gay liberation and to conform to the idealized straight lifestyle. One of the first major protagonists of same-sex marriage along this line is Andrew Sullivan, a British-born conservative gay commentator. In a 1989 essay in the *New Republic*, of which he was editor, he suggested legalizing “old-style marriage for gays.” Sullivan decried “much of the gay leadership” for clinging to “essentially outsider, anti-bourgeois, radical” notions of a gay lifestyle and argued that for many gays and lesbians, “a need to rebel has quietly ceded to a desire to belong.” “To be gay and to be bourgeois” no longer seemed “such an absurd proposition.” Since the AIDS panic, he asserted, “to be gay and to be responsible has become a necessity.”¹³ For Sullivan, legalizing same-sex marriage had a disciplinary effect on homosexuals, imposing “more responsibilities upon gays.” Once same-sex marriage was legalized, gays and lesbians would become the same as straight citizens except for their sexual orientation. He continued:

[Same-sex marriage] would foster social cohesion, emotional security, and economic prudence. . . . It is not, in short, a denial of family values. It's an extension of them. . . . It could bring the essence of gay life—a gay couple—into the heart of the traditional straight family in a way the family can most understand and the gay offspring can most easily acknowledge.¹⁴

In 2011, Sullivan wrote that legalization of gay marriage would provide many gay children with “a model of commitment and responsibility and love,” and would imply “integration.” He continued that same-sex marriage was consistent with “the conservative tradition of reform and inclusion, of social change through existing institutions, of the family and personal responsibility.”¹⁵ By this, he meant that same-sex couples should have the same marital life with heterosexual couples.

Contemporary same-sex advocacy organizations have shared this assimilationist emphasis. In 2010, *Freedom to Marry* published a pamphlet that consistently chose the words “the freedom to marry” over “same-sex marriage,” because “what we want is not some sort of separate and unequal ‘gay marriage,’ but marriage itself,” claiming the need to acquire the “same rules, same responsibilities, same respect” as non-gay couples.¹⁶ It also admonishes activists that they should not overemphasize the rights and benefits of marriage for same-sex couples, for it might make heterosexual people afraid that “same-sex couples really don’t understand, or share.” Instead, the pamphlet suggests, activists should “portray themes that [straight people] can identify with, that are common to us all—e.g. the idea of marriage and what it means, having your commitment publically witnessed, taking care of your family.”¹⁷ Occasionally, marriage equality advocates have conflated the discourse of right with that of duty. *Lambda Legal* argued that if a same-sex marriage ban is lifted, “we all have equal opportunity to contribute as best we can to our families, communities, and country.”¹⁸ Similarly, *Third Way*, a think tank for the promotion of moderate policy-making, exhorted a strategic use of language to persuade non-LGBT citizens. A *Third Way* report by Lanae Erickson Hatalsky urges gay and lesbian couples to prioritize the use of the term “commitment” over “right,” because most Americans think of marriage as a commitment. Framing same-sex marriage as an issue “of rights and benefits” would make mainstream American people wrongly believe that “gay couples want to marry for reasons different than other couples.” Therefore, Hatalsky alerts, “Don’t say ‘gay marriage’ or even ‘same-sex marriage.’ These terms can

reinforce the notion that gay couples are seeking a different kind of marriage.” Hatalsky recommends to use terms such as “marriage for gay couples,” “allowing gay couples to marry,” or “the freedom to marry,” and to “avoid using an adjective modifying the word marriage.”¹⁹ Choosing terminology as similar as possible to that used by heterosexual couples is an important strategy for the mainstream same-sex marriage advocates.

For the activists and organizations, the stress on their similarity to straight citizens is not only about abstract values of love and commitment. They have also endeavored to show that same-sex couples seeking the right to marry are respectable, patriotic, and socioeconomically middle-class citizens. Andrew Sullivan described fund-raising dinner parties of the Human Rights Campaign (HRC), one of the largest advocacy organizations for gay rights, in these terms: “These dinners are a social venue for the openly gay bourgeoisie: In tuxedos and ball gowns, they contribute large sums and give awards to local businesses and politicians and community leaders. There are silent auctions, hired entertainers, even the occasional bake sale. The closest heterosexual equivalent would be the Rotary Club.”²⁰ Activists for same-sex marriage in *Goodridge v. Department of Public Health* (2003) also exemplified such efforts. Gay and Lesbian Advocates and Defenders, a Boston-based LGBT organization, carefully selected seven couples as its plaintiffs for the trial. All the plaintiffs were in professional or managerial positions and in long-term committed relationships with their partners; they were highly civic minded, and their socioeconomic status and civic activities were cited in the majority opinion of *Goodridge*.²¹ The advocates’ efforts thus struck a chord with the judges of the *Goodridge* case, particularly Judge John Greaney, who wrote a concurring opinion citing the impressiveness of the plaintiffs’ respectability:

The plaintiffs are members of our community, our neighbors, our coworkers, our friends. As pointed out by the court, their professions include investment advisor, computer engineer, teacher, therapist, and lawyer. The plaintiffs volunteer in our schools, worship beside us in our religious houses, and have children who play with our children, to mention just a few ordinary daily contacts. We share a common humanity and participate together in the social contract that is the foundation of our Commonwealth.²²

The plaintiffs’ respectable middle-class profiles made a good impression on Judge Greaney. If the plaintiffs had been working class or even lower

class, would the perception of the judges have been different? It is impossible to know, but it is plausible that the plaintiffs' class status, the nature of their relationships, and their active civic participation had a positive effect on the decision.²³

For non-LGBT people, the image of same-sex couples as respectable, productive, and patriotic citizens is important for legitimizing their support for the cause of same-sex marriage. During his campaign for reelection in 2012, President Obama publicly advocated the legalization of same-sex marriage when interviewed by Robin Roberts of ABC News. He said that "if a soldier can fight for us, if a police officer can protect our neighborhoods—if a fire fighter is expected to go into a burning building—to save our possessions or our kids," denying them the right to marry should be impermissible. Obama concluded, "That's not who we are."²⁴

Following the assimilationist strategy, advocacy organizations argued that same-sex marriage would not undermine the existing institution of marriage. HRC's pamphlet maintains that "opening marriage to couples who are so willing to fight for it could only strengthen the institution for all. It would open the doors to more supporters, not opponents." It continues, "Granting same-sex couples the right to marry would strengthen the institution of marriage by allowing it to better meet the needs of the true diversity of family structures in America today."²⁵ Advocates are insistent that same-sex couples would neither destroy nor radically change the institution of marriage but, rather, sustain and energize it.

Such claims are appealing even to conservatives wanting to preserve the ideal of marriage. For instance, wealthy businessman Paul E. Singer founded the American Unity Fund, an organization to increase gay marriage support among Republicans. He came to believe that same-sex marriage would reinforce the normative status of marriage. Singer argued that same-sex marriage "fits very well within our framework of individual liberty and our belief that strong families make for a stronger society. . . . The institution of marriage is in very bad shape in this country, yet gay and lesbian couples want very much to be a part of it, to live as committed husbands and wives with their children in traditional family units."²⁶

The mainstream same-sex advocacy organizations' assimilationism has represented same-sex couples wanting to marry as respectable and patriotic middle-class citizens hoping to legally confirm their mutual love and commitment. This has been a common phenomenon in US history among minority groups demanding inclusion and equal treatment.²⁷ The politics of respectability may have been effective, especially for relatively resourceful

members of a minority group, in promoting their cause of inclusion. According to a Pew report published in 2014, the percentage of people who think homosexuality is sinful is higher than the percentage of people who approve of same-sex marriage in all religious and racial groups.²⁸ While Americans' acceptance of gayness itself is fragile, the same-sex marriage campaign may have been effective in persuading Americans who have difficulty in accepting gay people to at least respect their humanity.

But, this strategy has another aspect: it often strengthens the existing institutions, policies, and customs that marginalize disadvantaged minorities. As historian Lisa Duggan has remarked, by relying on the politics of identity decoupled from socioeconomic structural issues, mainstream same-sex marriage advocates have narrowed the meaning of equality or freedom so as not to drastically change the systems or institutions.²⁹ Mainstream advocates' strategies for same-sex marriage have indeed been complicit in the neoliberal project.

MARRIAGE IN THE AGE OF NEOLIBERAL GOVERNANCE

As historian Nancy Cott has noted, from the colonial era until the nineteenth century, the traditional marriage of a patriarchal male breadwinner and a subordinate female housekeeper was important for the state to govern society through heads of households. But throughout the twentieth century, the growth of state functions directly affecting the everyday life of individuals diminished the necessity for the state to govern in this manner. This has led to post-second-wave feminism's efforts to secure legal reforms to equalize men and women in marriage and divorce and the "disestablishment" of the traditional marriage. This resulted in a situation in which the traditional model of marriage received less official support. Sociologist Andrew Cherlin argued that contemporary American marriage became "deinstitutionalized": it became less an institution of patriarchal control than a symbol of life achievement and the ultimate means of fulfillment of emotion and identity for both partners. But, as Cott said, the concept of marriage as a realm of privacy is not antithetical to the concept of marriage as an institution for governance.³⁰ When we discuss the historical meaning of the same-sex marriage movement, we should be reminded that, for several decades, neoliberal reform projects have tried, and to a considerable extent succeeded, to revive the function of marriage as an institution of governance in place of state apparatuses.

Since the 1970s, both social conservatives and neoliberals have hoisted

the banner of “family values,” just as Ronald Reagan put it in 1986: “All those aspects of civilized life that we most deeply cherish—freedom, the rule of law, economic prosperity and opportunity . . . all these depend upon the strength and integrity of the family.” Reagan emphasized not only conservative Christian moralism but also the logic of neoliberal governance. He lamented the decline of traditional marriage: “[The American family] has lost authority to government rule writers. It has seen its central role in the education of young people narrowed and distorted. And it’s been forced to turn over to big government far too many of its own resources in the form of taxation.”³¹ For Reagan, the decline of marriage led to bigger government while “family values” would make a contribution to the privatization of the public sector. This logic has been shared by conservative defenders of traditional exclusively heterosexual marriage. For example, a conservative group of jurists argue that legalization of same-sex marriage would “further erode marital norms, thrusting the state even more deeply into leading roles for which it is poorly suited” such as “parent and discipliner to the orphaned” or “provider to the neglected.” For these jurists, “as the family weakens, our welfare and correctional bureaucracies grow.”³²

Neoliberal discourse and institutional reforms have been based on an assumption that marriage would solve problems such as poverty, teenage delinquency, and social disorder. They have assumed that the cause of individuals’ poverty and social dysfunctions is their rejection of marriage, not the curtailing of the public sector or a socioeconomic structure of inequality. Conservative intellectual Charles Murray published *The Losing Ground* in 1984, in which he argued that welfare was not the solution to poverty but rather that welfare was the cause of poverty by giving women, especially black women, incentives to become single mothers dependent on welfare. He assumed that the reason many women became single mothers was a matter of their making morally wrong choices, and his logic was to penalize single mothers by withdrawing public assistance. He argued the following in an article in the *Wall Street Journal* in 1993:

To restore the rewards and penalties of marriage does not require social engineering. Rather, it requires that the state stop interfering with the natural forces that have done the job quite effectively for millennia. . . . Throughout human history, a single woman with a small child has not been a viable economic unit . . . [and therefore it has not] been a legitimate social unit. . . . In large numbers, they must destroy the community’s capacity to sustain itself. *Mirabile dictu*, communities

everywhere have augmented the economic penalties of single parenthood with severe social stigma.³³

In Murray's view, if governmental policy were to encourage marriage by refusing welfare to single mothers, poverty would substantially decrease. He assumes that the root cause of poverty is women's choices to become single mothers, not because of pressure from the state or the socioeconomic structure but, rather, because of the poor policy of lenient welfare provision.

Murray-like antiwelfare logic was incorporated in the welfare reforms of the 1990s. It aimed not to support poor families but to induce people to marry and form more two-parent families to raise children and to penalize those who deviated from the norm of a legally married two-parent family. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which abolished the Aid to Families with Dependent Children program and installed the Temporary Assistance to Needy Families program, is typical of such a project. TANF limits the term of assistance to five years at the maximum and forces single-mother applicants to participate in the labor market. This system, often called "workfare," in reality forces poor single-mother applicants to become low-wage workers. Moreover, TANF also strengthens the system of requiring biological fathers of welfare applicants' children to pay for child support. This means that not the state but fathers are required to buttress child welfare programs. This system, called "paternafare" by Anna Marie Smith, registers the biological fathers of welfare applicants' children and forces them to pay the costs of child support, making it more difficult for the fathers to escape from cycles of poverty. This system, moreover, discourages single mothers from applying for welfare if they fear revenge from the biological fathers of their children.³⁴

The "Findings" section of the Personal Responsibility and Work Opportunity Reconciliation Act embodies the logic of neoliberalism. It delivers the message that responsibility for child welfare should be held not by the state but by the two-parent family, and that the cause of poverty and poor child welfare is single mothers' rejection of marriage. The act proclaims, "Marriage is the foundation of a successful society," "Marriage is an essential institution of a successful society which promotes the interests of children," and "Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children." It continues, "The negative consequences of an out-of-wedlock birth on the mother, the child, the family and society" leads to children's poor physical and mental development, poverty, delinquency, and the future possibility of

dependence on welfare.³⁵ The act is based on the assumption that the lack of marriage *is the cause* of poverty and social disorder, and places responsibility on neither the socioeconomic structure nor governmental policies. It is as if personal risk is determined by personal choices about marriage and poverty a self-inflicted wound by those who reject marriage.

In the 2000s, a new movement emerged. The marriage movement, advocated by various scholars, journalists, and commentators, deplored the declining marriage rate in the United States that had extended for three decades and endeavored to promote legal marriage among Americans. According to Linda Waite and Maggie Gallagher, two of the leading ideologues of the movement, married couples have superior physical and mental health, economic conditions, and child welfare than unmarried people: "Marriage is . . . an important public good. As marriage weakens, the costs are borne not only by individual children or families but by all of us taxpayers, citizens, and neighbors. We all incur the cost of higher crime, welfare, education and health-care expenditures, and in reduced security for our own marriage investments."³⁶ In the same year, the Institute for American Values, a conservative think tank and Gallagher's sponsor, collaborated with other similar nonprofit organizations and launched "the marriage movement," by collecting signatures of politicians, commentators, activists, and scholars. Contradictory to the trend that many Americans "see marriage as too personal to be a proper matter for public concern or intervention," the movement's statement declares that marriage is "a social institution" that "must be monitored and ordered for the public good." According to the statement, even an unhappy marriage is better than divorce for children's welfare because children "do better, on average, when they are raised by their own married parents." Child rearing by divorced or unwed parents "create[s] substantial public costs, paid by taxpayers." A decline in marriage would increase "taxpayer costs" to meet the heightened demands of "crime, drug abuse, education failure, chronic illness, child abuse, domestic violence, and poverty" in the form of "welfare expenditure; increased remedial and special education expenses; higher day-care subsidies" among other problems. The marriage movement recommended several programs to promote marriage, from public educational campaigns to lectures and workshops on marital relationship skills to legal reforms introducing the "covenant marriage" option.³⁷

President George W. Bush's initiative to promote marriage incorporated the marriage movement's proposals into his federal policy and strengthened the "it's not the public sector but marriage that is the solution to poverty"

discourse. Initiating his pet policy of encouraging marriage by subsidizing marriage counseling and coaching programs, Bush stated in 2002, “Statistics tell us that children from two-parent families are less likely to end up in poverty, drop out of school, become addicted to drugs, have a child out of wedlock, suffer abuse, or become a violent criminals and end up in prison. Building and preserving families are not always possible, I recognize that. But they should always be our goal.”³⁸ His policy program was to make the institution of marriage the solution to social problems by encouraging people to marry and stay longer in marital relationships. The program’s assumption was that marriage is purely a matter of free choice.

In the neoliberal project of marriage promotion, the institution of marriage becomes a panacea for almost all major social problems. Its discourse on marriage assumes that marriage is strictly in the realm of free choice and that the poor are those who have chosen not to marry. In this discursive configuration, the elitist-assimilationist strategy adopted by mainstream same-sex marriage advocacy organizations suggests that same-sex marriage legalization would contribute to the neoliberal project of marriage as a solution to social ills.

SAME-SEX MARRIAGE ADVOCACY CONTRIBUTING TO NEOLIBERALISM

In the light of the new meaning given to marriage in the neoliberal project, we shall find that the discourse employed by mainstream same-sex advocacy organizations not only complies with, but actively contributes to, neoliberal marriage policy.

On a micropolitical level, same-sex marriage may be interpreted as an act of resistance to the hegemonic institution of heteronormative marriage. Same-sex weddings conducted in a similar style to heterosexual weddings in a state that prohibits same-sex legal marriage are charged with political meaning, implicitly protesting the antigay legal marriage system. When gay or lesbian couples attend marriage-promotion workshops designed for opposite-sex marital couples, they might be subverting the program’s heteronormative assumptions.³⁹ On a macro level, however, even their actions of implicit protest would be incorporated into the neoliberal politics of marriage as a panacea for social problems.

While same-sex advocacy organizations have emphasized that their primary reason to want the right of legal marriage is to confirm the love and commitment of same-sex couples, they have also argued that one of the most important reasons gay and lesbian couples need the right to marry

legally is that so many benefits would accrue to the couples. The HRC insists that “many [gay and lesbian] parents want the right to marry because they know it offers children a vital safety net and guarantees protections that unmarried parents cannot provide,” and many same-sex couples need “the protections all other [legally married] families are eligible to enjoy.” The HRC enumerates the rights and benefits guaranteed to legally married couples: hospital and nursing home visitation, Social Security benefits, immigration of noncitizen partners, health insurance coverage, tax credits, unpaid family leave rights, and pensions.⁴⁰ Freedom to Marry also emphasizes the benefits and rights involved in legal marriage such as “medical decision-making for your partner and your children,” “parenting and immigration rights,” and the “ability to pool resources to buy or transfer property without adverse tax treatment.”⁴¹

These organizations, especially single-issue advocacy organizations such as Freedom to Marry or Marriage Equality USA, have focused their claims almost solely on getting access to the rights and benefits already existing for married opposite-sex couples but not on expanding, or rather universalizing, institutions of the safety net. They rarely take notice of issues such as universal health care, mandatory *paid* family leave,⁴² expansion of the child-care allowances, or affordable day-care services.

Furthermore, rather than demanding a universal safety net, many organizations, activists, and commentators lobbying for same-sex marriage have stressed that it would contribute to the curtailment of public-sector spending. Since the 1990s, gay rights advocacy has included a certain number of conservatives—not social or religious conservatives in a narrow sense but those showing strong allegiance to the principles of neoliberalism, which means small government, privatization of formerly public sectors, dominance of the free market, and self-help. Andrew Sullivan, one of the earliest conservative advocates of same-sex marriage, also confessed his lifelong support for “lower taxes, less government spending, freer trade, freer markets, individual liberty, personal responsibility, and a strong anticommunist foreign policy.”⁴³ Also in the 1990s, several gay writers and commentators, disappointed with left-leaning gay activism, launched the Independent Gay Forum (IGF) and declared that its members would support legal and social equality of gays and lesbians, and in exchange, they would “contribute to the creativity, robustness, and decency of our national life.” The IGF also showed their “belief in the fundamental virtues of the American system and its traditions of individual liberty, personal moral autonomy and responsibility, and equality before the law” and in “a market economy, free

discussion, and limited government.” Lastly, the IGF further insisted their opposition to both antigay conservatives and progressive activists who advocate “radical social change or restructuring of society.”⁴⁴ Since the late 2000s, several neoliberal conservatives have promoted the cause of same-sex marriage. For example, Log Cabin Republicans, a group of Republicans advocating LGBT rights, also combines tenets of neoliberalism and LGBT rights, including same-sex marriage, in their “About Us” statement: “We believe in limited government, strong national defense, free markets, low taxes, personal responsibility, and individual liberty. Log Cabin Republicans represents an important part of the American family—taxpaying, hard-working people who proudly believe in this nation’s greatness. . . . We believe equality for LGBT Americans is in the finest tradition of the Republican Party.”⁴⁵ These conservatives aim to detach the issue of same-sex marriage from that of social or religious conservatism; they adhere to a rigid concept of traditional marriage and represent it as compatible with neoliberal ideals.

For major gay marriage advocacy organizations and activists, neoliberalism seems to legitimize their cause. Freedom to Marry insists that Republicans could and should support same-sex marriage because it is “consistent with conservative values of limited government and individual freedom.” The organization also argues that same-sex marriage “reduces the size of government by, among other things, creating stability in the lives of same-sex couples, reducing their tax burden, and cutting their need for government-run social services.”⁴⁶ The HRC uses a similar logic: “Treating same-sex couples as families under law could even save taxpayers money because marriage would require them to assume legal responsibility for their joint living expenses and reduce their dependence on public assistance programs such as Medicaid, Temporary Assistance to Needy Families, Supplemental Security Income disability payments, and food stamps.”⁴⁷ Economist Mary L. V. Badgett and her colleagues at the Williams Institute, a think tank at the University of California, Los Angeles, Law School have emphasized that legalizing same-sex marriage would boost the economy and reduce public expenditures. For example, they estimated in 2006 that if the state of Washington legalized same-sex marriage, its welfare expenditures would be reduced by \$300,000 to \$2.1 million per year. According to their report, “spouses are obligated to provide for one another’s basic needs. After marrying, a same-sex spouse’s income and assets will be included in assessing an individual’s eligibility for means-tested public benefits, reducing the number of people eligible for such benefits.”⁴⁸ Such discourse

represents same-sex marriage as an institution of privately provided welfare that will substitute for public welfare provisioning, thus furthering retrenchment and privatization of the public sector.

Judges favoring same-sex marriage have well recognized this aspect of marriage. Judge Margaret Marshall of the *Goodridge* case argued in her decision that marriage is the commonwealth's key institution that "ensures that children and adults are cared for and supported whenever possible from private rather than public funds."⁴⁹ In *Hollingsworth v. Perry* (2012), which ruled that California's Proposition 8 was unconstitutional, the majority opinion, citing Mary V. L. Badgett's testimony, stated that the ban on same-sex marriage would "reduce same-sex couples' income" and "make them more likely to need and be eligible for those means-tested programs that are paid for by the state." In addition, according to the court, because unmarried same-sex couples would face more difficulty in obtaining health insurance for their partners and children, there would "be more people who might need to sign up for the state's sponsored health programs."⁵⁰ Marriage would not just improve the conditions of gay and lesbian couples but contribute to curtailment of the public sector and its spending of taxpayers' money.

So it seems natural that neoliberals would eventually welcome same-sex marriage, if they could abandon their belief that the only normal family is the traditional nuclear family with the husband as breadwinner and the wife as housekeeper raising their children. Indeed, Charles Murray has dropped his opposition to same-sex marriage. He addressed a meeting of Republicans after Obama defeated Mitt Romney in the presidential election of 2012. Murray said that one of the causes of the defeat might have been the Republican Party's strident opposition to same-sex marriage and recommended that his audience accept it. He said that in the past he had believed that "all they wanted [were] the wedding, and the party, and the honeymoon—but not this long thing we call marriage." Since then Murray said he had gradually changed his mind. He said, "We have acquired a number of gay and lesbian friends," and they are "excruciatingly responsible parents."⁵¹ He has come to welcome legally married same-sex couples who raise children in "responsible" two-parent families. In the context of neoliberal welfare reform, Republican proponents of same-sex marriage such as Charles Murray and Paul Singer seek to promote further transference of welfare responsibility from the public sector to the institution of family through the legalization of same-sex marriage.

Many professional associations support LGBT parents' claim that gay

and lesbian couples are as responsible parents as heterosexual couples and support legalization of same-sex marriage. The American Psychological Association adopted a resolution in 2004 that stated that “research has shown that the adjustment, development, and psychological well-being of children is unrelated to parental sexual orientation and that the children of lesbian and gay parents are as likely as those of heterosexual parents to flourish,” therefore supporting joint or second-parent adoptions of “children being reared by same-sex couples.”⁵² This declaration compared same-sex couples with heterosexual ones, not with single straight or gay parents.

The American Psychological Association’s official website in 2014 explicitly states that single parents cannot be as responsible as same-sex couples: “Life in a single parent household . . . can be quite stressful for the adult and the children. . . . The single parent may feel overwhelmed by the responsibility of juggling caring for the children, maintaining a job, and keeping up with the bills and household chores. And typically, the family’s finances and resources are drastically reduced following the parents’ breakup.”⁵³ This opinion implies that the single parents’ precariousness is conditioned by their socioeconomic problems such as relatively lower household income, difficulty in balancing work and domestic caretaking, and the like. The American Academy of Pediatrics published its policy statement on gay parenting in 2013, and it states more plainly the importance of two-parent child rearing and the implications for single-parent families.

If a child has two living and capable parents who choose to create a permanent bond by way of civil marriage, it is in the best interests of their child(ren) that legal and social institutions allow and support them to do so, irrespective of their sexual orientation. If two parents are not available to the child, adoption or foster parenting remain acceptable options to provide a loving home for a child and should be available without regard to the sexual orientation of the parent(s).⁵⁴

According to this group of pediatricians, being adopted or fostered by same-sex couples would be preferable to being raised by single gay or straight parents.

These professional organizations’ statements on same-sex couples’ parenting ability and the predicament of single-parent families, however, assume that the context of parenting in contemporary America is set and cannot be changed. In other words, these arguments naturalize existing socioeconomic structures and public institutions. Their affirmation of same-

sex couples' parenting is based on the premise that the existing social structure and institutions are natural and not to be reformed. But this premise itself naturalizes neoliberal governance.

The boundary for being a "responsible" parent has now been redrawn between a married two-parent family and a single-parent household. In this view, children's welfare can be improved not by strengthening the safety net provided by the public sector but by giving same-sex couples the right to marry and encouraging them to share the tasks of child care through adoption or foster parenting.⁵⁵ At the same time, the neoliberal policy regarding child welfare presumes that single parents, especially those of African American descent, are "irresponsible," which requires that they be under strict supervision, interference, and punishment through direct state police power. The state often arbitrarily deprives such people of their children, transferring them to the foster care system. The foster care system, combined with a policy of mass incarceration of black men, has driven many African American households into an isolated and desolate status.⁵⁶

In the neoliberal arrangement, the success of the campaign for elite or economically secure same-sex couples to gain the right to legally marry and then choose to marry and raise their children is concurrent with the loss of freedom and privacy for those who have children but cannot afford to marry because of racial and class inequality. The same-sex marriage movement has been complicit with the system, which regards those who cannot enjoy the benefits of marriage as irresponsible and unable to manage themselves, and thus punishes them.

CONCLUSION

Same-sex marriage advocacy organizations have been complicit with neoliberal politicians, commentators, and professionals in promoting the policy of privatizing and diminishing the public sector, transferring responsibility for poverty and lack of well-being to those who are its very victims, and legitimatizing this treatment with the discourse that marriage would improve everything.

Neoliberal promoters of marriage, intentionally or unintentionally, confuse the correlation between marriage and economic, physical, and mental well-being with a causal relationship, and thus justify their argument that choosing to marry would solve social problems. Is the choice not to marry, however, truly the cause of poverty? Is marriage really a matter of purely free choice, and are the poor who reject marriage reaping what they

have sowed when they find themselves in even more difficulty?

A close look at the mechanism of “marriage markets” in contemporary America may well disconfirm such neoliberal assumptions about marriage. The process of deindustrialization, accelerated by neoliberal free market-oriented policies since the 1960s, has produced two significant transformations in the socioeconomic conditions of men and women. Due to second-wave feminist reforms, many women have become more educated and have benefitted from high-compensation employment, and an increasing number of less-educated women have also participated in a labor market opened by the commercialization of domestic service and caretaking, which had previously been unpaid domestic work done by women. At the same time, many working-class men lost their stable blue-collar jobs because of the decline of manufacturing, and thus they became economically unstable and underemployed.⁵⁷

The relative expansion of economic independence for women and increasing economic inequality among men has triggered hierarchical marriage markets. While the marriage rate of highly paid women has increased, with their marrying similarly high-status men, working-class women have come to refrain from marriage because they became afraid to assume liability for a poor partner with an unstable job status. For them, marriage has become a highly risky endeavor. They would rather keep their economic and legal independence than take on an unreliable male partner, even if this means raising their children alone. Statistically, African American women, even the most highly educated and highly paid among them, have become the least likely people to marry because of the lack of acceptable black male partners due to serious poverty, underemployment, and mass incarceration.⁵⁸

These studies imply that it is not the rejection of marriage that causes poverty but poverty that is the cause of the overall decline of marriage, and this poverty is the product of socioeconomic structural transformations brought about by neoliberal policies. This means that marriage-promotion policies have been blaming the victims of structural inequality, and this inequality is supported by neoliberal policies. Moreover, some studies show that building marriage promotion into welfare reform has forced poor, low-wage single mothers to become dependent on underemployed partners, worsening their already unstable economic condition.⁵⁹ As sociologists Dawne Moon and Jaye Cee Whitehead correctly note, the promotion of marriage has scapegoated victimized individuals for the failure of institutions through the illusion of marriage as a free choice based on love and

commitment, making invisible the socioeconomic conditions of marriage as an institution.⁶⁰

Mainstream same-sex marriage advocates have been complicit in this blaming-the-victim dynamics of the neoliberal marriage project. But it is not fair to call gay and lesbian proponents of same-sex marriage the leading victimizers, for they too have been victims of the heterosexist society. Same-sex marriage may be one of the few realistic ways for gays and lesbians to improve their conditions and hedge their risks in neoliberal, postindustrial America.⁶¹ Still, we have to pay attention to and critically inquire into the mechanism encouraging minority group leaders to conform to the very system that marginalizes them.

NOTES

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⁵ <http://www.whitehouse.gov/the-press-office/2013/01/21/inaugural-address-president-barack-obama>.

⁶ *Bostic v. Rainey*, 970 F. Supp. 2d 456 (E.D. Va. 2014).

⁷ See, e.g., Richard D. Mohr, *The Long Arc of Justice: Lesbian and Gay Marriage, Equality, and Rights* (New York: Columbia University Press, 2004); Daniel R. Pinello, *America's Struggle for Same-Sex Marriage* (New York: Cambridge University Press, 2006); Michael J. Klarman, *From the Closet to the Altar: Courts, Backlash, and the Struggle for Same-Sex Marriage* (New York: Oxford University Press, 2013); and Jason Pierceson, *Same-Sex Marriage in the United States: The Road to the Supreme Court* (Lanham, MD: Rowman and Littlefield, 2013).

⁸ See, e.g., Nancy Polikoff, *Beyond (Straight and Gay) Marriage: Valuing All Families under the Law* (Boston: Beacon Press, 2008).

⁹ See, e.g., David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005); and Raewyn Connell, "Understanding Neoliberalism," in *Neoliberalism and Everyday Life*, ed. Susan Braedley and Meg Luxton (Montreal: McGill-Queen's University Press, 2010), 22–36.

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¹² Chauncey, *Why Marriage?*, 95–98, 105–11.

¹³ Andrew Sullivan, “Here Comes the Groom,” *New Republic*, August 28, 1989, 21–22.

¹⁴ *Ibid.*, 22.

¹⁵ Andrew Sullivan, “Why Gay Marriage Is Good for America,” *Newsweek*, February 19, 2011, <http://www.newsweek.com/andrew-sullivan-why-gay-marriage-good-america-68453>.

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¹⁷ Freedom to Marry, “Moving Marriage Forward,” http://freemarry.3cdn.net/cc86bd386cbe909dcd_z8m6bup0w.pdf.

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¹⁹ Third Way, “How to Change Your Public Position on Marriage,” http://content.thirdway.org/publications/503/Third_Way_Talking_Points_-_How_to_Change_Your_Public_Position_on_Marriage.pdf; and Third Way, “Commitment: The Answer to the Middle’s Questions on Marriage for Gay Couples,” November 2011, http://content.thirdway.org/publications/463/Third_Way_Report_-_Commitment_The_Answer_to_the_Middle_s_Questions_on_Marriage_for_Gay_Couples_-_OUTSIDE_UPDATED.pdf.

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²² John Greaney in *Goodridge v. Department of Public Health*.

²³ On judges’ negative attitudes toward poor people, see Michele Neitz, “Socioeconomic Bias in the Judiciary,” *Cleveland State Law Review* 61 (2013): 137–65. The socioeconomic biases at times have encouraged judges to take more liberal stances on cultural issues than average public opinion. Klarman, *From Closet to Altar*, 169–72.

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⁴⁴ <http://igfculturewatch.com/about/>.

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