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Holy Matrimony!
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The political storm over marriage is now intensifying as gay couples wed in San Francisco and President Bush vows to stop them with a constitutional amendment. Gay marriage threatens to wreak havoc as a "wedge issue" in the November elections, but it isn't entirely clear which party's prospects will be promoted, and which damaged, through marriage politics this year. Progressives certainly haven't figured out how best to enter the contentious and confusing public debate. Widespread anxiety over changing demographics and contested social norms is producing the background noise for a relatively volatile political calculus on all sides.

If Britney Spears's high-speed annulment and the competitive gold-digging with a sucker punch on TV's *Joe Millionaire* are any indication, concern over the state of the marital union is justified. Statistics confirm what entertainment culture spectacularizes--marriage is less stable and central to the organization of American life than ever. There are now more unmarried households than married ones, and a variety of formal and informal, permanent and transient, solemn and casual partnership and kinship arrangements have displaced any singular, static model of domestic life. Political responses to these changes have long been polarized between those who want to bring back Ozzie and Harriet and those who are fighting for the democratization of state recognition of households, along with equitable distribution of services and benefits to Americans, based on how we actually live rather than on some imagined, lost ideal. But today, in part because of the public's own ambivalence, the major political parties have been reluctant to come down firmly on either side of this divide.

What is most vexing the political parties right now is same-sex marriage. The Republican electoral alliance is split on this issue. On the one hand, hard-line religious and moral conservatives have been working to rigidify the boundaries of "traditional" marriage and to shore up its privileged status. These groups are now pushing to pass a constitutional amendment defining marriage as between "a man and a woman." On the other hand, libertarians, states' rights advocates and social moderates prefer to retain conventional gendered marriage but support allowing some diversification of forms of partnership and household recognition at the state level. They oppose a constitutional amendment as a federal imposition on the states, or as just too mean to help Republicans during an election year. The religious and moral right appears to be winning out in the wake of the Massachusetts Supreme Judicial Court's decision that the state

must extend civil marriage to same-sex couples. Bush, however grudgingly, fulfilled his promise to the Christian right when he announced on February 24 that he will support a federal marriage amendment.

With their convention in Boston, and Massachusetts Senator John Kerry the likely presidential nominee, Democrats will be fighting any "too liberal" charge associated with gay weddings by noting their opposition to same-sex marriage (the only remaining candidates who support it are Al Sharpton and Dennis Kucinich), while opposing a federal marriage amendment and emphasizing support for civil unions and domestic partnerships. Their carefully calibrated rhetoric will urge tolerance without questioning the supremacy of married, two-parent families. Indeed, the Bush Administration's recent proposal to spend \$1.5 billion promoting marriage, "especially" among low-income populations, has not encountered energetic opposition from many Democrats, who have supported like-minded efforts in the past. Progressives, meanwhile, are struggling to articulate a small-d democratic politics of marriage that demands full equality for lesbians and gays without accepting the logic of the "family values" crowd.

It may be tempting to see this squabble as an example of symbolic politics, with the debate over the future of marriage potentially displacing bigger and more significant battles over war and peace, taxes and fairness, corporate greed and good government. But state regulation of households and partnerships does in fact affect the basic safety, prosperity, equality and welfare of all Americans--it determines who will make medical decisions for us in emergencies, who may share our pensions or Social Security benefits, who may legally co-parent our children and much more. It's just hard to sort out the real issues from the smokescreens as the rhetoric heats up this election year.

Moral conservatives have so far taken the lead in the struggle to frame the meaning of the "marriage crisis." In their apocalyptic imagination, the stability of heterosexual unions and the social order they insure are threatened on all sides--by the specter of gay marriage, by women's independent choices within and outside marriage, and by government neutrality, toleration or support of single-parent and unmarried households, especially among the poor. But wait! It gets worse: As Stanley Kurtz argued in *The Weekly Standard* last August, "Among the likeliest effects of gay marriage is to take us down a slippery slope to legalized polygamy and 'polyamory' (group marriage). Marriage will be transformed into a variety of relationship contracts, linking two, three, or more individuals (however weakly and temporarily) in every conceivable combination of male and female."

I'm not sure, given the rise of transgender activism, just how many combinations there are of male and female. But the dystopic vision is clear. Moral conservatives want to prevent courts and legislatures from opening a Pandora's box of legal options--a flexible menu of choices for forms of household and partnership recognition open to all citizens, depending on specific and varying needs. Such a menu would threaten the normative status of the nuclear family, undermining state endorsement of heterosexual privilege, the male "headed" household and "family values" moralism as social welfare policy.

The problem is not that any such flexible menu is currently available anywhere at present. What has emerged over decades of political wrangling at the municipal and state level is a hodgepodge

of legal categories--civil marriage, civil union (with the same state-level benefits as civil marriage but without the portability from state to state, or federal recognition), domestic partnership (with fewer benefits than civil marriage) and reciprocal beneficiaries (which carries the fewest benefits). The categories are neither equivalent nor open to all. Civil marriage, thus far (and until May in Massachusetts) open only to one man and one woman who are not close blood relatives, carries the most specific benefits and mutual responsibilities (more than 1,049 automatic federal and additional state protections, benefits and responsibilities, according to the federal government's General Accounting Office). It endows couples and their children with both real and symbolic citizenship rights at the highest level. Civil union (in Vermont) or domestic partnership (in five states and over sixty municipalities) has been made available to gay and lesbian couples and sometimes to heterosexual couples who choose not to marry (or not to have to divorce) as well. Only the reciprocal beneficiaries status has been available (in different versions in Hawaii and Vermont) to close relatives, or those with no proclaimed conjugal bond. It has so far provided the most limited benefits, but it is in some senses the most radical innovation. It potentially separates state recognition of households or partnerships from the business of sexual regulation altogether.

The right wing's fear of a "slippery slope" suggests some ways that this eclectic array of statuses might move us in a progressive direction. Kurtz himself, citing Brigham Young University professor Alan Hawkins, sketches out what is to him a distasteful scenario:

Consider the plight of an underemployed and uninsured single mother in her early 30s who sees little real prospect of marriage (to a man) in her future. Suppose she has a good friend, also female and heterosexual, who is single and childless but employed with good spousal benefits. Sooner or later, friends like this are going to start contracting same-sex marriages of convenience. The single mom will get medical and governmental benefits, will share her friend's paycheck, and will gain an additional caretaker for the kids besides. Her friend will gain companionship and a family life. The marriage would obviously be sexually open. And if lightning struck and the right man came along for one of the women, they could always divorce and marry heterosexually.

In a narrow sense, the women and children in this arrangement would be better off. Yet the larger effects of such unions on the institution of marriage would be devastating. At a stroke, marriage would be severed not only from the complementarity of the sexes but also from its connection to romance and sexual exclusivity--and even from the hope of permanence.

Gee. Sounds good. Then consider how such arrangements might benefit women, children and others even more substantially. What if there were a way to separate the tax advantages of joint household recognition, or the responsibilities of joint parenting, from the next-of-kin recognition so that such rights might go to a non-co-resident relative, a friend or a lover? And what if many benefits, such as health insurance, could be available to all without regard for household or partnership status? The moral conservative's nightmare vision of a flexible menu of options might become a route to progressive equality! That could happen--*if* all statuses could be opened to all without exclusions, allowing different kinds of households to fit state benefits to their changing needs; *if* no status conferred any invidious privilege or advantage over any other, or over none at all; and *if* material benefits such as health insurance were detached from partnership or household form altogether (federally guaranteed universal healthcare, for instance, would be far more democratic and egalitarian than health insurance as a partnership benefit). Meanwhile,

the "sanctity" of traditional marriages could be retained and honored by religious groups and families, according to their own values and definitions.

Efforts to stop any such democratization of households have escalated steadily ever since a Hawaii state court decision conjured up visions of legitimate gay weddings in 1993. Thirty-eight states have passed legislation or constitutional amendments restricting marriage to heterosexual couples. In 1996 Bill Clinton signed the federal Defense of Marriage Act, designed to prevent any future state-level same-sex marriages from carrying the federal recognition and portability that civil marriage has so far guaranteed (though many believe DOMA is vulnerable to constitutional challenge). The proposed federal marriage amendment, with more than a hundred sponsors in the House and a handful of supporters in the Senate so far, would go much further than DOMA to write marriage restriction into the Constitution. Depending on the final wording, and the results of inevitable litigation over its interpretation, the amendment might also put a stop not solely to gay marriage but to all diversification of partnership and household recognition. In one stroke all the hard-won civil union, domestic partnership and reciprocal beneficiary statuses could be wiped off the books, leaving civil marriage, restricted to heterosexual couples, as the sole form of recognition available at the federal, state or municipal level (and possibly at private businesses and organizations as well) throughout the country.

Fortunately for advocates of partnership and household diversity, a marriage amendment faces a long, steep uphill battle as supporters struggle to pass it, first in Congress and then in three-fourths of the state legislatures, before it can become law. Many conservatives are clearly leery of the expensive, acrimonious battle ahead. George W. Bush withheld his own endorsement of the amendment until after his State of the Union address, in which he chose to emphasize his plan to promote conventional marriage instead.

To many, this looked like election-year strategy--an effort to pander to moral conservatives without giving them the explicit approval they craved. And surely such tactical concerns are shaping every word uttered by Bush on this issue. But it would be a mistake to attribute this Administration's interest in marriage promotion solely to such motives. There is a deeper commitment to preserving gendered marriage, on economic as well as moral grounds.

Bush's marriage-promotion initiative isn't new; it first appeared in the welfare reauthorization legislation passed by the House two years ago, which is now before the Senate and may come up for a vote as soon as this spring. Bush's \$1.5 billion package, to be used to hire counselors and offer classes in marital harmony, extends the commitment contained in the 1996 welfare "reform" bill, passed under Clinton, to "end the dependence of needy parents on government benefits by promoting...marriage." Women and children, in other words, should depend on men for basic economic support, while women care for dependents--children, elderly parents, disabled family members, etc. Under such a model, married-couple households might "relieve" the state of the expense of helping to support single-parent households, and of the cost of a wide range of social services, from childcare and disability services to home nursing. Marriage thus becomes a privatization scheme: Individual married-couple-led households give women and children access to higher men's wages, and also "privately" provide many services once offered through social welfare agencies. More specifically, the unpaid labor of married women fills the gap created by government service cuts.

Besides being sexist and outdated, this model of marriage is not exactly realistic. Relatively few men today earn a "family wage," and employed married women are not able to care fully for dependents by themselves. Marriage promotion, moreover, has not proven an effective means of alleviating poverty and reducing the need for government benefits. But even without any measurable economic impact, the effort to promote marriage among low-income populations works at the rhetorical level to shift blame for economic hardship onto the marital practices of the poor rather than on the loss of jobs, employment benefits or government services.

Republicans and Democrats are by and large in agreement that as social programs are whittled away, gender-differentiated marriage (heterosexual, with different expectations for women and men) should take up the slack. Clinton's marriage-promoting welfare law embodied this principle, which also helps to explain the ambivalence of conservative and centrist Democrats toward genuine gender equality in marriage (illustrated in the retro discussion of the proper role of political wives in the current presidential campaign) and their opposition to gay marriage. So there is an economic agenda, as well as surface moralism, attached to calls for the preservation of traditional marriage. The campaign to save gendered marriage has some rational basis, for neoliberals in both parties, as a politics of privatization.

Unwilling to support gay marriage, defend Judith Steinberg's remote relation to her husband's now-defunct presidential campaign (though Laura Bush did so) or openly attack marriage promotion as public policy, the Democrats are left with lame advocacy of second-class status for gays, mandatory secondary supportive roles for political wives and public silence about welfare policy. No viable Democratic candidate has yet been able to shift the frame of reference to escape a weakly defensive posture on these issues. So it's left to progressives, both within the Democratic Party and outside it, to formulate a clear, positive vision of how best to address the needs of real households for state recognition and social support.

But progressives are divided, too, in their approach to marriage politics. The hateful campaign to exclude same-sex couples from full marriage rights creates tremendous pressure on gay-rights advocates and supporters to emphasize access to civil marriage as a core right of citizenship. A few marriage-equality advocates have continued to call for the multiplication of democratically accessible forms of state recognition for households and partnerships, and for the dethronement of sanctified marriage as privileged civic status, but many have couched their advocacy in language that glorifies marital bliss, sometimes echoing the "family values" rhetoric of their opponents. The "Roadmap to Equality: A Freedom to Marry Educational Guide," published by Lambda Legal Defense and Education Fund and Marriage Equality California, begins with the kind of banal American Dream rhetoric that appeals to some gay people, but misdescribes, annoys and even stigmatizes many others:

Gay people are very much like everyone else. They grow up, fall in love, form families and have children. They mow their lawns, shop for groceries and worry about making ends meet. They want good schools for their children, and security for their families as a whole.

The guide goes on to recycle some of the more noxious views routinely spouted by conservative moralists:

Denying marriage rights to lesbian and gay couples keeps them in a state of permanent adolescence.... Both legally and socially, married couples are held in greater esteem than unmarried couples because of the commitment they have made in a serious, public, legally enforceable manner. For lesbian and gay couples who wish to make that very same commitment, the very same option must be available. There is no other way for gay people to be fully equal to non-gay people.

No other way? How about abolishing state endorsement of the sanctified religious wedding or ending the use of the term "marriage" altogether (as lesbian and gay progressives and queer leftists have advocated for decades)? In a bid for equality, some gay groups are producing rhetoric that insults and marginalizes unmarried people, while promoting marriage in much the same terms as the welfare reformers use to stigmatize single-parent households, divorce and "out of wedlock" births. If pursued in this way, the drive for gay-marriage equality can undermine rather than support the broader movement for social justice and democratic diversity.

Meanwhile, critics of marriage promotion, located primarily in feminist policy and research organizations, are working to counter rosy views of the institution of marriage. The National Organization for Women's Legal Defense and Education Fund has documented the planned flow of money and services away from poor women and children and toward conservative organizations, contained in the proposed welfare reauthorization bill (see www.nowldef.org). A group of academic researchers and professors organized by Anna Marie Smith of Cornell University, Martha Albertson Fineman of Emory University and Gwendolyn Mink of Smith College have created a website to circulate critiques of marriage promotion as a substitute for effective social welfare programs (falcon.arts.cornell.edu/ams3/npmbasis.html). As they point out, "While marriage has provided some women the cushion of emotional and economic security, it also has locked many women in unsatisfying, exploitative, abusive and even violent relationships." Their research findings and legislative analysis demonstrate that "federal and state governments are transforming the burden of caring for our needy sisters and brothers into a private obligation."

The agendas of lesbian and gay marriage-equality advocates and progressive feminist critics of marriage promotion don't necessarily or inevitably conflict, though their efforts are currently running on separate political and rhetorical tracks. Given the rising political stakes, and the narrow horizons of political possibility, it seems imperative now that progressives find ways to make room for a more integrated, broadly democratic marriage politics. To respond to widespread changes in household organization and incipient dissatisfaction with the marital status quo, progressives could begin to disentangle the religious, symbolic, kinship and economic functions of marriage, making a case for both civil equality and the separation of church and state. They could argue that civil marriage (perhaps renamed or reconfigured), like any other household status, should be open to all who are willing to make the trek to city hall, whether or not they also choose to seek a church's blessing. Beginning with the imperfect menu of household and partnership statuses now unevenly available from state to state, it might not be such an impossibly utopian leap to suggest that we should expand and democratize what we've already got, rather than contract our options.

Such a vision, long advocated by feminist and queer progressives, may now be finding some broader support. Kay Whitlock, the national representative for LGBT issues for the American Friends Service Committee, circulated a statement at the National Religious Leadership

Roundtable last fall that argued, "We cannot speak about equal civil marriage rights and the discrimination that currently exists without also speaking of the twin evil of coercive marriage policies promoted with federal dollars.... For us, it is critical that the LGBT movement work for equal civil marriage rights in ways that do not further reinforce the idea that if a couple is married, they are more worthy of rights and recognition than people involved in intimate relationships who are not married." The statement continued, "We do not want to convey the message that marriage is what all queer people should aspire to. We also do not want the discussion of marriage to overwhelm and suppress discussion about a broader definition of human rights and basic benefits that ought to accompany those rights."

This seems like a good place to start. The question is, How can arguments like this be heard in the midst of the clamor against gay marriage on the right, when Democrats are reduced to a timid whisper and gay groups are too often sounding like the American Family Association? Might it be possible to tap into an undercurrent of dissatisfaction with the current state of the marital union--and appeal to the public's understanding of the enormous distance between rhetoric and reality on this subject? Politicians pay lip service to conservative family values, but voters do not always bolt when their actual lives fail to conform to the prescriptions--as Bill Clinton's enduring popularity despite repeated sex scandals demonstrated. Polls show widely contradictory public views on the subjects of marriage and divorce, adultery and gay rights. Questions with only slight wording changes can yield widely differing results. Why not muster the courage to lead the public a little on this issue? Civil unions, considered beyond the pale only a few years ago, are now supported by many conservatives. The political center can and does shift--and right now, it is particularly fluid and volatile in this area.

In the current climate, progressives might profit by pointing out the multiple ways that conservative marriage politics aim to limit freedom in the most intimate aspects of our lives--through banning gay marriage as well as promoting traditional marriage. Given current demographic trends, it couldn't hurt to ask: Why do Republicans want to turn back the clock, rather than accept reality? And why can't Democrats find some way to support law and policy that advances the goals of intimate freedom and political equality, even during an election year?

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