



# Same-Sex Couples, Families, and Marriage: Embracing and Resisting Heteronormativity<sup>1</sup>

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## Abstract

This article focuses on lesbian and gay couples and families and the politics of same-sex marriage. Drawing from the literature on same-sex couples, same-sex marriage, and queer theory's concept of heteronormativity, we argue that gay and lesbian couples and families both affirm and challenge heterosexual and gendered family forms. First, we review literature that discusses how same-sex relationships and families are similar to and different from conventional heterosexual relationships and families. Second, we discuss the socio-legal and cultural inequalities faced by LGBT families. Third, we discuss the politics of same-sex marriage, examining the debate among social conservatives, pro-marriage activists, and queer critics over the desirability of same-sex marriage. We conclude that the growing visibility of LGBT couples and families has made their exclusion from the institution of marriage more conspicuous and that recognition of LGBT relationships and families seems likely to increase.

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## Introduction

In 1970 Richard Baker and James McConnell, a gay couple from Minnesota, filed the first lawsuit seeking recognition of a same-sex marriage in the United States. Two years later their case, *Baker v. Nelson*, reached the United States Supreme Court, which, in a one sentence order, dismissed the case “for want of a substantial federal question.” In the nearly 40 years since *Baker v. Nelson*, the social and cultural landscape regarding lesbian and gay relationships has shifted dramatically. The visibility of lesbian and gay couples has increased substantially (Bernstein and Reimann 2001; Seidman 2002), and a growing number of same-sex couples are raising children and forming families (Biblarz and Savci 2010). In the United States, increased public acceptance of homosexuality (Loftus 2001) and organized efforts to gain formal recognition of same-sex relationships have encouraged legislatures and courts to expand the rights of same-sex couples through domestic partnerships, civil unions, and civil marriage (Andersen 2005). In many parts of the industrialized world, same-sex marriage has taken center stage in the lesbian and gay movement (Badgett 2009; Merin 2002; Rydström 2011), and contentious legal battles regarding same-sex marriage are now common across the United States (Rimmerman and Wilcox 2007). Yet, even as efforts to obtain marriage equality and familial recognition for same-sex couples are no longer being dismissed out of hand in courtrooms, legislative chambers, or the public square, contentious debates about the desirability of same-sex marriage as the appropriate institutional mechanism for providing socio-legal and cultural protections for LGBT couples and families continue within the LGBT movement and opposition movements (Bernstein and Taylor forthcoming).

In this article, we draw on the literature on same-sex couples and families and same-sex marriage to consider how same-sex couples and families are similar to and different from heterosexual couples and families, the legal and social inequalities same-sex couples face as they establish families, and the increasingly complex political contestation regarding same-sex marriage. Our aim is to bring recent research to bear on questions raised by feminist and queer theorists who have argued that the legalization of same-sex marriage will reinforce the heteronormative foundation of traditional marriage (Martin 2009; Ward and Schneider 2009), erase the distinctive forms of family and kinship that characterize gay communities, and undermine the transformative potential of LGBT identities and communities (Berkowitz 2009; Duggan 2002; Sullivan 1995). We begin by providing an overview of social science research that highlights the similarities and differences between same-sex and conventional heterosexual relationships and families (Green forthcoming; Weston 1991). Next, we explore how unequal access to the rights associated with legal relationship recognition creates serious challenges for same-sex couples in a range of family policy areas including adoption, custody and parenting, and health care and end-of-life decision-making (Cahill and Tobias 2007). As same-sex couples have pursued access to marriage to secure important socio-legal and economic benefits and to reinforce the cultural legitimacy of their relationships and families, tensions have developed within and outside of the LGBT community, making same-sex marriage a political battle ground. Here we consider scholarly arguments that suggest that LGBT demands for access to marriage as a means of protecting and legitimizing their relationships represent a “post-gay” politics or an assimilation politics that emphasizes the similarities of same-sex couples and families to their heterosexual counterparts, rather than a politics that emphasizes and celebrates their differences (Ghaziani 2011). We conclude that, while same-sex marriage is likely to remain a contentious political and cultural issue both within the LGBT community and society at large, the growing visibility of LGBT families makes their exclusion from marriage increasingly “conspicuous” (Cott 2000). Existing research also raises questions about the dire predictions of queer scholars that same-sex marriage will spell the end of gay identity and community.

### **Lesbian and Gay couples and families**

Over the last two decades a sizeable literature has emerged on same-sex relationships and families (Biblarz and Savci 2010). Much of this literature has been concerned with the ways that same-sex couples raising children have challenged the definition of what constitutes a “legitimate” family, a definition that is closely linked to normative understandings of marriage and childrearing (Powell et al. 2010; Stacey 2003). As same-sex couples and families have become increasingly visible, so have their demands for access to socio-legal protections and cultural recognition (Chauncey 2004). For some scholars and activists influenced by feminist, liberationist, and queer theory, these claims signal a dangerous trend among gays and lesbians to reproduce conventional or heteronormative conceptions of marriage and family (Butler 2004; Duggan 2002). By heteronormativity, we mean the set of ideas, norms, and practices that sustain heterosexuality and gender differentiation and hierarchy, including romantic love, monogamy, and reproductive sexuality (Ortyl 2012).

Historians and sociologists have documented the multiple ways that lesbians and gay men have constructed their families (Carrington 1999; D’Emilio 1983; Weston 1991). Often forced out of their biological families, gays and lesbians formed alternative kinship networks or “families of choice,” constructed through relationships with friends, lovers,

and allies (Weston 1991). Early research in this area uncovers a tension that remains present in both contemporary LGBT politics and scholarship on LGBT couples. At the same time that LGBT activists and scholars have confronted an anti-gay politics that stereotypes lesbians and gay men as over-sexualized and incapable of maintaining committed relationships and stable families, many gays and lesbians, particularly those influenced by the gay liberation movement of the 1970s and queer theory, continue to advocate for alternative relationship models that de-privilege the monogamous dyad and reproductive sexuality as the center of the family (Bernstein and Taylor forthcoming; Sullivan 1995). While this tension remains present today, in the last 30 years the significant growth in the number and visibility of same-sex couples raising children within committed relationships means that same-sex couples are now more similar to heterosexual couples and families than ever before. The demographic data on LGBT couples shows clear longitudinal trends. For example, Cahill and Tobias (2007) note that same-sex couples reside in 99 percent of U.S. counties, and Simmons and O'Connell (2003) use data from the 2000 Census to show that approximately one in three lesbian couples and one in five gay male couples have at least one child under 18 in their household. Similarly, Gates (2011) draws on recent census data and the 2005–2009 American Community Survey to show that the overall proportion of unmarried same-sex couples with children under 18 in the household increased from 12 to 17 percent between 1990 and 2009.

At the same time, research shows that notable variation exists both in terms of which same-sex couples are raising children, and where they are raising them. Baumle et al. (2009, 118–19) find that the odds of having a child in the household are 40 percent higher for lesbians compared to gay men, and 73 percent higher for non-white individuals compared to white individuals. Gates (2011, F3) finds similar patterns, noting that in comparison to white same-sex couples, African-American same-sex couples are 2.4 times more likely to be raising children, Latino / Latina same-sex couples are 1.7 times more likely, and American Indian / Alaska Native same-sex couples are 1.5 times more likely. Gates (2011) also shows that same-sex parenting is most prevalent in the American South, a region that provides few socio-legal protections for LGBT families. While same-sex couples use multiple methods to become parents, including adoption (Goldberg 2012), surrogacy, and reproductive technologies (Mamo 2007), most children are the biological offspring of one partner (Macomber et al. 2007). For example, in a national sample of 2431 lesbian and bisexual women, Morris et al. (2002) find that nearly 85 percent of both white and African-American women became parents through relations with a husband or male partner.

With increasing numbers of same-sex couples parenting and forming families, recent scholarship demonstrates that same-sex couples and families are both similar to and different from conventional families. For example, social psychological research on childrearing shows that the children of same-sex couples are as socially and psychologically well-developed as the children of heterosexual couples (Goldberg 2010; Patterson 2005). Nonetheless, some scholars have critiqued this research as de-emphasizing the differences between families headed by same-sex parents and those by heterosexual parents (Berkowitz 2009; Stacey and Biblarz 2001). In their extensive review of the literature, Stacey and Biblarz (2001, 177–78) suggest that children raised by same-sex parents will develop in “less gender-stereotypical ways” than those with heterosexual parents and that children raised by same-sex parents “do seem to grow up more open to homoerotic relationships.” They attribute the bias toward de-emphasizing difference to the need for positive research on LGBT families for public policy reasons but suggest that exploration of these differences might illuminate the ways that same-sex couples and families challenge heteronormative assumptions about gender, sexuality, marriage, and families.

In addition to parenting, researchers have also explored the similarities and differences between same-sex and heterosexual relationship models. This research has tended to contrast an “equal partnership” (Weeks et al. 2001) model of same-sex relationships with a traditional (heterosexual) model based on gender difference. Dunne’s (1997) research on lesbian lifestyles identified two core aspects of heterosexual relationships that undermine the egalitarian model: the existence of economic and material inequalities that tend to exist in heterosexual relationships and the gendered assumptions built into heterosexual relationships that typically lead to unequal expectations regarding each partner’s contributions to the relationship or family. This is especially evident in the domestic sphere, where household labor and childcare are often assumed to be the responsibility of the female partner. By contrast, many same-sex couples strive for an egalitarian form of relationship that problematizes traditional gender-based roles. As Weeks et al. (2001, 198) explain, “many non-heterosexuals engage in relationships based on trying to achieve an egalitarian model, where power inequalities ... are not necessarily accepted without discussion and compensatory behaviors.” Carrington’s (1999, 184) research on 52 “lesbigay” families also found strong preference for an egalitarian distribution of “feeding work, kin work, consumption work, and housework,” although only one quarter of the families in his sample maintained a robust egalitarianism with parity in domestic labor. Similarly, Green (forthcoming, 22) notes that the married same-sex couples interviewed for his study differed from heterosexual married couples “by adopting explicit non-monogamous sexual norms and practices and through a highly negotiated domestic division of labor.”

In comparison to heterosexual couples and families, then, same-sex couples and families are not only more likely to acquire children through a range of methods including adoption, surrogacy, and reproductive technologies, but are also more likely to challenge traditional gender roles, sexual norms, and domestic divisions of material and emotional labor (Carrington 1999). Moreover, recent scholarship shows that some same-sex couples choose to co-parent with partners (sometimes multiple) who are unrelated by blood or marriage, thereby challenging the idea of biological or legal “relatedness” as a key component of the definition of family (Berkowitz 2009, 154; Richman 2009). Lesbians and gays construct identities as “parents” that simultaneously intersect with dominant discourses about gender and parenting and also “undermine dominant family ideology” (Berkowitz 2011, 531). Thus, as Lewin (1994, 1998), Lannutti (2005), and Green (forthcoming) underscore, in the context of a heteronormative society, same-sex couples and families continually negotiate a “dialectic of accommodation and resistance” such that they both reproduce and challenge conventional norms of relationship and family.

### **Social, legal, and economic inequalities**

Families headed by same-sex couples are distinguishable from conventional families by the fact that they face a number of socio-legal, economic, and cultural challenges stemming from the continued stigmatization of homosexuality in American society and the exclusion of same-sex couples from legal relationship recognition (Herek 2011). In this section, we discuss literature that examines the inequities faced by LGBT couples and families, at the same time highlighting how the pursuit of legal relationship recognition, especially marriage, as a means of redressing these inequities is contested within LGBT communities.

Scholars have documented the ways that events of the 1980s highlighted the inequalities faced by lesbians and gay men due to their lack of access to almost any form of legal relationship recognition. For example, the lesbian “baby boom” brought lesbians seeking to form families in contact with institutions that stigmatized homosexual relationships and

parenting (Stein 1997). Lesbian parents found themselves facing unfriendly courts and bureaucracies as they fought to maintain custody of children born into previous heterosexual relationships and attempted to gain access to reproductive medical technologies and parenthood rights for the non-biological parent (Richman 2009). Similarly, the HIV/AIDS crisis of the 1980s highlighted the economic and legal consequences of unequal access to legal relationship recognition as gay men and their partners and care-givers struggled to navigate institutions that did not recognize their relationships and frequently denied them medical, estate, and spousal benefits (Chauncey 2004).

Over the last two decades, many in the LGBT community have argued that marriage, as the most universally accepted form of legal relationship recognition, is the most appropriate vehicle for remedying such inequities. Advocates of same-sex marriage often point to a 2004 report by the U.S. General Accounting Office that found 1,138 federal statutory provisions in which various rights, benefits, and privileges are determined by marriage. Moreover, same-sex marriage proponents, such as Wolfson (2004, 15), argue that this bundle of rights and benefits is too broad and complex to be obtained through other legal remedies. Marriage is unique precisely because it is a universally recognized relationship status that allows for the portability of its rights and benefits. Equally important, in addition to providing essential socio-legal rights and benefits, marriage is often seen by both unmarried (Hull 2006) and married (Green forthcoming) same-sex couples as important for strengthening the “legitimacy, status, respect, recognition or validation” of their relationships and families (Hull 2006, 127). With demographic data relating to partnered lesbians and gay men now increasingly available, scholars have finally begun to investigate the economic inequalities faced by same-sex couples. Cahill and Tobias (2007) argue that exclusion from marriage at the state and federal levels exacerbates these inequalities. Among other economic challenges, same-sex couples are not able to claim Social Security survivor benefits, and health insurance obtained through a partner is not tax-exempt as it is for heterosexual married couples. Further, same-sex couples often earn less than their married heterosexual counterparts, meaning there is an “economic penalty for being gay” (Badgett 2001). Baumle et al. (2009, 147), using data from the 2000 Census, show that, on average, partnered gay men earn nine percent less in wages than heterosexual married men. These inequalities are often compounded by other social characteristics such as race and gender. For example, Dang and Frazer (2005, 7) use 2000 Census data to demonstrate that the annual median income of black lesbian couples is nine thousand dollars less than black married heterosexual couples.

Same-sex couples and families also confront inequities in nearly every aspect of family law and policy, including adoption and parenting. Sociologists have examined how same-sex couples experience family-related difficulties when they decide to become parents (Lewin 2009; Mezey 2008), how same-sex couples of lower socio-economic status struggle to develop “legitimate parental credentials” and expand their children’s social capital (Taylor 2009), how the intersection of race and sexuality complicates black lesbian mothers’ relationships with their families and communities (Moore 2011), and how same-sex couples are more likely to suffer from housing discrimination (Lauster and Easterbrook 2011). In some states, parenthood rights have only been extended to LGBT parents along with the advent of domestic partnerships or civil unions, although Richman (2009, 25) notes that in some states “changes in LGBT custody law have also progressed independent of formal” relationship recognition policies. Many lesbians and gay men have successfully achieved the right to adopt or be recognized as a parent to a non-biological child through the courts by accessing existing legal parenthood statuses that were “originally formulated to accommodate heterosexual extensions of family, such as stepparents



and grandparents” (Richman 2009, 37). Nevertheless, family law is not standardized across jurisdictions, and some states have statutes specifically prohibiting lesbian and gay adoption (see Mezey 2009 and Sterett 2009).

The inequities faced by same-sex couples and families also extend to the cultural sphere (Goldberg and Kuvalanka 2012). In their multi-wave survey of Americans’ views of family, Powell et al. (2010) argue that one of the most difficult challenges for same-sex couples is the way they are “counted out” of the definition of family. While raising children substantially increases the likelihood that a same-sex couple will be viewed as a family, only 55 percent of respondents viewed two women with children as a family, compared to 79 percent for an unmarried man and woman with children, and 100 percent for a married husband and wife with children (Powell et al. 2010, 21). Thus, to the extent that both parenting and non-parenting same-sex couples are prevented from obtaining legal relationship recognition, especially “marriage,” they are excluded from the cultural category of “family.” Drawing on interviews with lesbian and gay couples who married in San Francisco in 2004, Kimport (forthcoming) further highlights how the cultural connections between parenting and marriage extend to same-sex couples. Kimport finds that same-sex couples raising children value marriage differently because they are more likely to emphasize the legal and social meanings of marriage rather than individualistic and personal meanings, contributing to a heightened awareness of the consequences of not having access to marriage.

The unique characteristics of marriage as a social institution, its ability to confer both socio-legal rights and protections and cultural legitimization, means marriage is seen by many in the LGBT community as an effective remedy for the inequities faced by same-sex couples and families. In fact, recent studies not only confirm that many lesbians and gay men support the right to marry, but that they prefer marriage over other forms of legal relationship recognition (Gates et al. 2008, 11). Moreover, in their assessment of what ordinary LGBT individuals think of the job the LGBT movement is doing, Hull and Ortyl (forthcoming, 24) show that marriage and family issues were prioritized more than twice as much as any other issue. However, not all scholars, activists, and same-sex couples favor same-sex marriage as the means of remedying the inequities outlined above. Scholars and same-sex couples critical of the patriarchal and heteronormative foundations of the institutions of marriage and family have expressed concerns that LGBT claims for access to marriage reify existing structures of inequality rather than challenge them (Duggan 2002; Sullivan 1995). As Warner (1999), Polikoff (2008) and Richman (2009, 172) suggest, attaching parental rights to marriage could be a “significant hindrance” to people who choose not to marry or whose relationship configurations do not conform to the dyadic norm. Additionally, some scholars argue that because marriage “privatizes many of the economic functions of the state,” extending marriage benefits to same-sex couples reifies an economically unjust system that mostly benefits white middle-class gay male couples (Kim and Duggan 2005; Heath 2012; Stein forthcoming).

Access to civil marriage has become a contentious political issue both within the LGBT movement and the larger society (Pinello 2006; Rimmerman and Wilcox 2007). Since gays and lesbians have only recently had access to legal marriage, there is a dearth of empirical studies that examine the effect of marriage on lesbian and gay couples and families. Green’s (forthcoming) study of same-sex couples legally married in Canada suggests that marriage has complicated effects on couples. Respondents in his study “experienced same-sex marriage as a superior arrangement that strengthens the bonds of the dyad, promotes deeper commitment and stability, and ties the same-sex marital family to larger networks of social support vis-à-vis extended family and work settings, thereby

consolidating the marital dyad itself.” At the same time, Green notes that the same-sex spouses in his study “depart from and innovate upon the traditional marital ideal,” with a significant number of gay men reporting that they continued to be non-monogamous after getting married to a same-sex partner (forthcoming, 29). Thus, emerging literature suggests that the efforts of same-sex couples to overcome inequities by seeking various forms of legal relationship recognition, including marriage, has the dual effect of both reproducing and challenging heteronormative models of relationship and family.

### **The politics of same-sex marriage**

In the previous sections we discussed the multiple ways that lesbians and gay men have constructed their relationships and families and why they have sought to access socio-legal protections and cultural recognition for those relationships and families. Bernstein and Taylor (forthcoming) note that while it is no surprise that the same-sex marriage movement faces formidable opposition from social conservatives, the ongoing opposition to marriage equality from within the LGBT movement is exceptional. Here we consider how same-sex marriage became a primary movement goal and assess the contemporary state of marriage equality in the U.S. Following Green (forthcoming, 2), we highlight three broad positions on same-sex marriage in the United States that developed over the past decade as the battle for same-sex marriage has raged both inside and outside the LGBT movement: *social conservative*, *critical feminist/queer*, and *lesbian and gay assimilationist*.

Despite a few early efforts to achieve marriage equality, same-sex marriage has only recently become a central movement goal. The socio-political climate of the 1970s and 1980s was so repressive that achieving protections against discriminatory housing policies, workplace discrimination, and anti-gay violence were of immediate importance. Legalization of same-sex marriage was viewed as so improbable that its pursuit was considered a waste of time, even nonsensical, by activists (Chauncey 2004). Social movement scholars have argued that the emergence of the same-sex marriage movement was less the result of demand on the part of lesbians and gays than it was a convergence of: (1) increasing consciousness among gays and lesbians of the legal inequalities faced by couples and their families; (2) the tactics of an increasingly powerful religious right using anti-gay politics to mobilize their conservative base; and 3) the organizational development of the LGBT movement to counter powerful opposition to same-sex marriage (Fetner 2008; Staggenborg 2011; Stone 2012).

Beginning in the 1970s, the organizational infrastructure and political backing of the religious right grew dramatically, creating a strong conservative backlash against progressive rights struggles, including lesbian and gay rights. In 1993 a same-sex marriage case (Baehr v. Lewin) brought before the Supreme Court of Hawaii captured the attention of the religious right and the LGBT movement when the Court found that the State Constitution guaranteed lesbians and gays access to relationship recognition. Hawaii voters later vested their state legislature with the power to define marriage in order to overcome the ruling, and the highly symbolic and polarizing nature of the same-sex marriage issue provided the religious right and conservative political allies with the opportunity to mobilize their constituent base in unprecedented ways (Staggenborg 2011, 94).

*Social conservatives* argue that because LGBT relationships and families challenge heteronormative definitions of family, extending same-sex marriage to lesbians and gays will “undermine the stability of traditional, nuclear families” that are the foundation of a “healthy, moral society” (Green forthcoming, 4). Blocking marriage equality, and often

any form of legal relationship recognition, has become a primary goal of the religious right. Because marriage law is predominantly regulated by the states, rather than the federal government, the religious right has challenged same-sex relationship rights in state legislatures across the United States. They also successfully lobbied for the 1996 adoption of the federal Defense of Marriage Act (DOMA), which defined marriage as a “union between one man and one woman,” banning federal recognition and leaving the issue of inter-state recognition of same sex marriages performed legally in other states up to individual states. But the religious right’s most effective tactic against same-sex marriage has been their use of the ballot box on a state-by-state basis (Stone 2012). During the 1990s, conservative religious and political groups began sponsoring anti-gay ballot initiatives that threatened to repeal existing protections against discrimination, and in some cases, to prevent the extension of rights and protections to lesbians and gays in the future. In large part due to LGBT organizations’ inexperience with ballot campaigns and the superior infrastructure and financial resources of the religious right, the majority of anti-gay ballot initiatives, including thirty-two electoral challenges to same-sex marriage, have successfully passed. By the end of 2011 opponents of same-sex marriage had successfully used either the ballot box or legislative campaigns to pass constitutional amendments banning same-sex marriage in ten states, as well as to pass amendments in twenty additional states that ban same-sex marriage *and* any legal recognition of same-sex relationships including civil unions or domestic partnerships. There can be little question that it was the fervent opposition of the religious right and conservative political allies that induced the LGBT movement to prioritize marriage as a goal, and to develop the organizational infrastructure, resources, and strategies to fight ballot initiative campaigns (Stone forthcoming).

Despite the opposition of the right, some lesbians and gay men view marriage through *critical feminist/queer perspectives* and, as a result, have not historically privileged same-sex marriage as the remedy for anti-gay discrimination. Those who hold this position draw on the feminist argument that marriage is a patriarchal institution that structures the oppression of women through the gendered division of household labor and childcare. Legalizing same-sex marriage would, according to this view, “produce institutionalized gender-role differentiated marriages and a new kind of same-sex, nuclear ‘patriarchal family’ based in monogamy, parenthood, and the conception of partners as property” (Green forthcoming, 5).

A related critique draws on queer scholarship that argues that the institution of marriage normalizes a dichotomous model of sexuality and gender, thereby marginalizing alternative sexualities, forms of intimacy, and family structures that historically have characterized queer communities. Queer theorists such as Warner (1999) and Duggan (2002) raise a host of fears about the pursuit of same-sex marriage. They argue that marriage is a white, middle-class institution that marginalizes poor queers, LGBT people of color, and those who choose not to be in marital relations by giving the stamp of normality to “good” gays at the expense of “bad” gays. Further, queer theorists strongly believe that marriage should not be the basis for fundamental rights such as citizenship, parenthood, inheritance, and health and welfare benefits because it privatizes many of the economic functions of the state. The queer position claims that the pursuit of same-sex marriage takes away energy from more pressing movement goals, such as transgender rights, universal health care, the redistribution of wealth, and eradicating other injustices associated with the neoliberal state. In short, queer theorists fear that marriage will produce a new “homonormativity” (Duggan 2002, 188) that will sound the death knell of a distinctively “queer” LGBT identity and culture by marking the final assimilation of LGBT people into mainstream culture and its most conservative and patriarchal of institutions, marriage,



resulting in the containment and control of queer sexuality within monogamous, state-sanctioned relationships.

Green (forthcoming, 7) characterizes proponents of same-sex marriage as “*lesbian and gay assimilationists*.” Sexuality scholars argue that gay and lesbian identity increasingly is less central to a person’s self definition and day-to-day life. The concept “post-gay” (Ghaziani 2011) refers to the increasing assimilation of LGBT individuals and communities into the mainstream. According to Ghaziani (2011), post-gay politics can be characterized as building bridges to the dominant culture. Rather than accentuating differences between “us” versus “them,” post-gay politics emphasize perceived similarities to the majority, muting differences and suppressing what is distinctive about gay identity. According to this view, the right to marry is a marker of the assimilation of lesbians and gays into mainstream society (Eskridge 1996), and the denial of marriage licenses to same-sex couples only underscores the continued legal and social exclusion and marginalization of LGBT people. Several recent studies suggest, for example, that the majority of same-sex couples who support marriage equality consider their marriages to be not only markers of commitment, but acts of political protest in a discriminatory society (Kimport forthcoming; Stiers 2011; Taylor et al. 2009). For proponents of same-sex marriage, marriage is a simple matter of equality and a sign of progress toward achieving that goal. Same-sex couples desire marriage not only for the legal and economic equality it affords, but also for its symbolic significance. Using “rights discourses” and judicial and legislative strategies, however mainstream these tactics may seem, has nevertheless allowed the LGBT movement to obtain significant victories and to make LGBT relationships and families more visible.

In 1999, Vermont’s Supreme Court ruled that excluding same-sex couples from marriage was unconstitutional (*Baker v. State*). The legislature did not legalize same-sex marriage at that time, instead choosing to create civil unions – a “parallel system that offers same-sex couples every legal benefit and responsibility of marriage without the name” (Mello 2004, 12). Then, in 2003, the Massachusetts Supreme Judicial Court ruled that excluding same-sex couples from marriage was unconstitutional (*Goodridge v. Mass. Dept. of Public Health*), and Massachusetts became the first state to issue marriage licenses to same-sex couples. Since 2003, the LGBT movement has developed stronger organizational infrastructures, built alliances with progressive political, corporate, and religious elites, developed research-based messaging, and diversified its tactical repertoire. Perhaps one of the most significant tactics used to mobilize were the 2004 marriage counter protests where same-sex couples showed up in mass demanding marriage licenses, the largest of these occurring in San Francisco, where more than 4000 couples married over a month-long period (Kimport forthcoming; Taylor et al. 2009). At the end of 2011, six states and the District of Columbia had legalized same-sex marriage by court decision (Massachusetts 2003; Connecticut 2008; Iowa 2009) or legislation (Vermont 2009; New Hampshire 2009; District of Columbia 2009; New York 2011). In the 2012 elections, this number grew to nine as voters in Maine, Maryland, and Washington approved same-sex marriage, marking the first time that marriage equality passed by popular vote. Also, Minnesota voters rejected a constitutional amendment that would have banned same-sex marriage, a significant event because it was the first time a constitutional amendment limiting marriage was defeated at the ballot box. Proponents of same-sex marriage also continue to challenge the constitutionality of existing same-sex marriage bans in state and federal courts. Regardless of the outcome of these legal cases, it is clear that the LGBT movement has both expanded its base and achieved significant success by pursuing judicial, legislative, and electoral

strategies to expand access to civil marriage for same-sex couples. As Bernstein and Taylor (forthcoming) document, the majority of LGBT individuals favor marriage, and, as the research we have summarized on gay couples and families demonstrates, the “post-gay” claim that assumes that embracing marriage means saying that “we’re just like you” may be overstated.

## Conclusion

Our aim in this article has been to examine recent research on same-sex couples and families and to understand how their increased visibility, the legal and social injustices they encounter, their activism to redress their grievances, and the strong opposition they have encountered has contributed to the national debate surrounding same-sex marriage. We find that increasingly many same-sex couples are no longer “sexual strangers” (Phelan 2001); rather, they are “married with children.” That so many same-sex couples are now raising children means that LGBT families more closely resemble conventional heterosexual families than in the past. At the same time, the literature shows that same-sex couples and families have not fully embraced the heteronormative ideal. They acquire children in a variety of non-traditional ways, they raise their children to adopt more fluid gender roles, they form more egalitarian families in terms of household labor, and they do not necessarily embrace monogamy and reproductive sexual relations. Nevertheless, when same-sex couples become parents and seek legal recognition of their relationships through marriage, they embrace a fundamentally heteronormative and heterosexist institution that has traditionally defined what kinds of sexual relationships, gender roles, and families are legitimate (Ortyl 2012). Thus, same-sex couples and families, including those that pursue legal relationship recognition, both embrace and resist heteronormativity.

It is not surprising that marriage, as the most widely recognized and valued form of legal relationship recognition, has become such a central issue in the contemporary LGBT movement. The profound social and cultural meanings of marriage have led some LGBT activists to oppose alternative legal constructs, such as domestic partnerships and civil unions that are premised on a “separate but equal” logic as inadequate substitutes. At the same time, as we have seen, many feminist and queer activists are dubious about the pursuit of marriage as a cultural project because of its potential to undermine a distinctive gay identity and because they oppose its function as a social welfare institution conferring citizenship rights in neoliberal society (Duggan 2002; Josephson 2005). In this article, we have argued that the consequences of same-sex marriage and the marriage equality movement are far more complex and challenging than gay critics fear. There can be little question that the institution of marriage was changed when gay people earned the right to marry. Further, by adopting a broader array of reproductive, relational, and familial practices and throwing a spotlight on marriage as a civil rights issue (Cott 2000), same-sex couples challenge one of the most fundamental institutions in society. The extent of opposition to same-sex marriage and the sustained attempt of opponents to preserve marriage as a timeless union between husband and wife is, itself, a testament to the challenge same-sex couples pose to marriage.

It remains to be seen where the movement for marriage equality is headed. But it cannot be denied that same-sex couples and their families are increasingly being recognized by, and incorporated into, a broad range of social institutions from health to education to the law, despite the widespread lack of legal relationship recognition (Eskridge 2001). A growing body of survey evidence shows that public support of same-sex marriage is steadily rising in the United States among all demographic

groups, but especially among young people (Benenson and van Lohuizen 2011). While same-sex marriage will remain a contentious political issue for the foreseeable future both within the LGBT community and American society at large, it seems likely that same-sex couples' access to legal relationship recognition, including marriage, will expand over time and that families headed by same-sex couples will become increasingly normalized in American society.

### Short Biographies

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Anna Sorensen is a doctoral candidate in the Department of Sociology at the University of California, Santa Barbara. Her interests include the study of social movements and the sociology of gender and sexuality. Her dissertation examines leadership, organizational dynamics, and tactics in the California same-sex marriage movement. She teaches courses on social movements and the politics of gender and sexuality, and has served as an organizer for local and county LGBT rights organizations. She holds a BA in sociology from the California State University, Chico, and an MA in sociology from the University of California, Santa Barbara.

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