

People

The Queer Issue

The Irresistible Banality of Same-Sex Marriage

How opponents of marriage for gays will be bored into submission

by Kenji Yoshino

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"All tragedies are finished by a death,/All comedies are ended by a marriage." I was glad to come across Lord Byron's lines in Jonathan Rauch's *Gay Marriage*, because they helped me understand why same-sex marriage has vaulted to the top of the gay-rights agenda. I had wondered for years why we have pursued the right to marry so much more ardently than other, seemingly more attainable rights. For instance, we still lack a federal statute prohibiting employment discrimination on the basis of sexual orientation. And in a Gallup poll conducted last month, 87 percent of the public thought gays should have equal job opportunities, while only 39 percent thought gay marriages should be recognized. So why not start in the hiring hall rather than the banquet hall?

The answer: We want to lift the gay life story into a happier genre. For too long, gay biography has been the tragedy "finished by a death." That death has at times been metaphorical, as in the suffocation of the closet, or the social death some experience in their communities after coming out. But it has also been all too literal. The Centers for Disease Control estimated in 2004 that over a quarter million people had died of AIDS after acquiring the syndrome through male-to-male sexual contact. And two recent studies suggest that the lifetime risk of suicide attempts for homosexuals is approximately six times that of our heterosexual peers.

As gay liberation proceeded, we would inevitably rewrite that story. How better to do so than to have it end in marriage rather than in death? If we take Byron seriously, we can turn the mask of tragedy into the mask of comedy only by replacing the elegy with the epithalamium. Marriage in this formulation stands for life itself.

The ideal and banal registers of same-sex marriage

So it is no surprise that most of the recent books on same-sex marriage treat it in hushed and reverent tones. These books speak in what I will call the ideal register, characterizing same-sex marriage as a fundamental Constitutional right (Evan Gerstmann's *Same-Sex Marriage and the Constitution*), a sacred pact (Mark Jordan's *Blessing Same-Sex Unions*), or a core social institution with a rich (though changeable) history (George Chauncey's *Why Marriage?*). They argue for marriage in the abstract, serious, and rational tones of scholars and policymakers. These are the books with which I am most comfortable. When I teach the right to marry in Constitutional Law, my lectures join them in this register.

A few of the recent books on same-sex marriage, however, speak in a different voice, which I will call the banal register. These are not books about *whether* to marry. They are advice manuals on *how* to do so. And we are not talking here about "how" in any philosophical sense. We are talking about catering. It would be

unthinkable for me to assign these manuals to a class.

Yet in thinking over this crop of guidebooks, I have come to believe the march toward same-sex marriage cannot be understood without them. These manuals testify that same-sex marriage, once a ludicrous hypothetical, is now an everyday reality. They also powerfully reinforce the trend they reflect—the banalization of same-sex marriage. Indeed, the banal register is almost certainly more important than the ideal one in propelling us toward full equality.

Marriage in an ideal register

Let me first give the ideal register its due. In fairness, the books written in this register are not "ideal" in the sense that they ignore practicalities. On the contrary, many remind us of the profound material consequences of marriage. Sean Cahill's *Same-Sex Marriage in the United States*, which makes good on its subtitle's promise to "focus on the facts," describes marriage as a bundle of rights, including 1,138 federal benefits and protections. Evan Wolfson similarly opens *Why Marriage Matters* with a discussion of how marriage provides benefits in most spheres of human life, including health, housing, immigration, inheritance, insurance, parenting, retirement, and taxation.

But these marriage advocates want more than tangible goods. This can be seen in their resounding rejection of civil unions that provide the material but not the symbolic benefits of marriage. In a chapter titled "Accept No Substitutes," Rauch argues that such "marriage-lite" arrangements deprive gays of the symbolic capital of the word "marriage." It is the social expectations created by the word, he argues, that explain marriage's "near-magical ability to create kin out of thin air, to turn passion into commitment, to make people healthier and happier." Buckle your seatbelts: We are beginning our ascent into the upper climes of the ideal register.

When pro-gay advocates of same-sex marriage speak in this register, they are well met by anti-gay conservatives. Both camps generally idealize marriage, disagreeing only about who should be permitted access to it. The task of puncturing that idealism has traditionally fallen to queer opponents of the institution, such as contributors to the anthology *I Do/I Don't*. Some of these writers excoriate marriage as evil. An author identified only as Gay Shame San Francisco fumes that "marriage is violent, racist, and homophobic—serving as one of the central institutions necessary for organizing a misogynist, sexist, and oppression-ridden world." Others argue only that marriage is banal, as Meredith Maran maintains in her essay "We're Here, We're Queer, We're Married. Yawn."

Readers with taxonomic minds will see that one position has gone unmentioned. We have marriage proponents arguing in the ideal register (many liberals), marriage opponents arguing in the ideal register (many conservatives), and marriage opponents arguing in the banal register (some queers). Where is the proponent of marriage who accepts its banality?

Marriage in a banal register

The advice manuals on same-sex weddings fill that gap. Of course, the manuals often cast marriage in ideal terms. But they cannot tarry there, because the wedding will not plan itself. *The Essential Guide to Lesbian and Gay Weddings* and *The Complete Guide to Lesbian and Gay Weddings* dole out a daunting litany of advice on invitations, locations, rings, catering, cakes, attire, flowers, receptions, music, dancing, and honeymoons. Much of this advice is not specific to gay weddings, which is itself a weighty proof that we

are talking about a single institution.

But these manuals also tailor some of their advice to same-sex couples. David Toussaint's *Gay and Lesbian Weddings: Planning the Perfect Same-Sex Ceremony* asks and answers gay-specific questions with particular brio: How do you treat those who refuse to treat your wedding as "real"? (Do not invite them). Who carries whom over the threshold? (Whoever is stronger and has no history of back pain.) How do you tell your parents you are gay before the wedding? (Say: "Could be worse. I could be marrying Liza.")

Unlike the policy books, these manuals were not written to make the case for same-sex marriage. They incline toward jokes and pictures rather than toward arguments. But to see photograph after photograph of same-sex couples feeding each other cake is to feel an argument being won without being made. It is to feel that same-sex marriage is happening, is happening everywhere, and is possessed of an absolved necessity.

Of course, the ideal and banal registers are not mutually exclusive. Yet I have come to believe that I, at least, have focused too much on the ideal register in which I was trained. The ideal register persuades only those committed to the dream of reason. The banal one presents the world with a *fait accompli*.

Consider the startling case of Massachusetts. On May 17, 2005, the first anniversary of the authorization of same-sex marriage in that state, Deb Price wrote an article in *USA Today* titled "The Sky Didn't Fall in Mass." She found that between February 2004 and March 2005, the percentage of Bay State voters who supported gay marriage rocketed from 35 percent to 56 percent. This "breathtaking turnabout" can only be explained by the fact that some 6,000 couples got married without incident during that period. The hysterical claims made by conservatives, such as James Dobson's May 2004 contention that same-sex marriage would "threaten the entire superstructure of Western civilization," were simply not borne out. Far from being apocalyptic, same-sex marriages were mundane.

Gay-rights activists should not underestimate the power of banality. I'm reminded of a friend who wrote his grandfather a 14-page, single-spaced coming-out letter. After saying all the right things, the grandfather added: "And by page eight, I have to say that I was thinking, 'All right, all right, I get it, you're gay.' "

The coming-out story is now a cliché, and we should celebrate that politically, if not aesthetically. Marriage is headed in the same direction, and we should celebrate that as well. For if we cannot persuade our opponents with high-minded argument, we can still bore them into submission with wedding pictures.

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