Saying ‘I Do’ to Broadening the Debate

Culture: The issue of whether same-sex marriages should be recognized has been raging with the same arguments for decades.

By PETER M. NARDI

One of the most contested cultural debates since that of gays in the military is whether states should recognize same-sex marriages. The impetus is that Hawaii may become the first state to legalize same-sex unions. Several states are considering legislation that would limit the customary reciprocity of recognizing marriages that took place in other states. Last week, the California Assembly passed a bill to deny recognition of same-sex marriages; it now goes to the Senate. Meanwhile, several cities, including San Francisco, New York and Madison, Wis., have already instituted civil commitment ceremonies in their city halls for same-sex couples.

The same-sex marriage debate is hardly new. The primary arguments center on whether the institution of marriage can survive this so-called threat and whether a union of this nature legitimizes homosexuality to a social acceptability it does not deserve.

At an American Bar Assn. meeting in 1970, American representative to the U.N. Human Rights Commission Rita Hauser said that laws banning same-sex marriages were probably unconstitutional. Ronald Ziegler, President Nixon’s press secretary at the time, responded that Nixon didn’t think people of the same sex should marry. He “hasn’t been for it, he’s not for it and he won’t be for it,” Ziegler said.

More than 40 years ago, gay Americans were debating same-sex marriage. In the August 1953 issue of One magazine—a publication that grew out of the original Mattachine Society in Los Angeles and became one of the nation’s most important gay publications—an article asked whether copying heterosexual marriage would mean introducing into gay relation- ships the limitations that such marriage imposed. When the article appeared, there were laws forbidding interracial marriage; wives were viewed not as equal partners but subordinates; many cultures continued to arrange marriages for economic purposes; and procreation was the publicly spoken reason for condoning heterosexual sex. Could homosexuals follow these same limitations? Could they get married if they couldn’t procreate, they asked?

Another warning appeared in the April 1959 issue of One: Marriage was a legal sanction for possessing another person, similar to property rights. Is this what we gay people really want?

In a 1963 One article, several of the key points raised today were put on the table. Some argued that gay marriage would be a “much, much superior” way of life than the unfulfilling single life faced by homosexuals in pre-gay liberation American society. Others felt that we shouldn’t be copying heterosexual life and that homosexual unions would be viewed by heterosexuals as making a mockery of the institution which would, in turn, set back acceptance of homosexual people.

Whether gays and lesbians should assimilate and adopt the heterosexual ways of living or whether they should transform the oppressive institutions are still contested issues in the gay community.

In perhaps the most famous case on the topic, the Australian same-sex spouse of a California man was denied a visa in 1975 after the U.S. Department of Justice failed to recognize the couple’s “marriage” that had been held in Boulder, Colo. The L.A. district office stated that “You have failed to establish that a bona fide marital relationship can exist between two faggots.”

After a storm of protest, it was rewritten: “A marriage between two males is invalid for immigration purposes and cannot be considered a bona fide marital relationship since neither party to the marriage can perform the female functions in marriage.” Whether a similar statement would have been issued to couples in which the female could not or chose not to have children is unclear. Perhaps “the female function” meant subordination to the husband.

The statements from the debate in the 1950s and 1960s are the same heated arguments being heard today. Perhaps it’s time to go beyond these points and approach the topic with reasoned discussions about equality and dignity—values that should guide all forms of committed relationships.

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