



The Confession II

'Conservative' proponents of same-sex marriage are about to be overtaken by radicals

November 1, 2006

By Stanley Kurtz

In his well-received 1997 book on the AIDS crisis, *Sexual Ecology*, journalist Gabriel Rotello said:

The anti-marriage sentiment in the gay and lesbian political world has abated in recent years, and the legalization of same-sex marriage is now an accepted focus of gay liberation. Yet it is rarely posed as a major issue of AIDS prevention. Prevention activists generally don't include marriage as a goal because they generally don't include monogamy as a goal....such advocates are generally careful not to make the case for marriage, but simply for the *right* to marriage....This is undoubtedly good practical politics, since many if not most of the major gay and lesbian organizations who have signed on to the fight for same-sex marriage would instantly sign off at any suggestion that they were actually encouraging gay men and lesbians to marry. (pp. 256-257)

According to Rotello, then, many or most gay-marriage activists have a decidedly un-conservative view of marriage itself. But if gay-marriage advocates actually reject monogamous marriage as a family ideal, what sort of families do they favor instead?

That question was answered this past July, when hundreds of activists, artists, and academics signed on to a manifesto entitled, "Beyond Same-Sex Marriage." That statement called for government recognition and benefits to be expanded beyond traditional marriage to cover a wide variety of family forms, from extended immigrant households, to single-parent households, to "queer couples who decide to jointly create and raise a child with another queer person or couple in two households," to unmarried domestic partners, to polygamous/polyamorous households with three or more partners, to many other family forms.

In Part I of "The Confession," I showed that the united political front behind same-sex marriage is sustained by a pattern of censorship and self-censorship regarding the ultimate policy preferences of the movement. Here in Part II, I show that Rotello was right. Many, if not most, of the gay and lesbian organizations which have signed on to the battle for same-sex marriage do not take marriage itself as their goal. Instead, these advocacy groups are broadly supportive of the radical family agenda announced in the Beyond Same-Sex Marriage manifesto. By following the public response of gay-marriage activists to the Beyond Same-Sex Marriage manifesto, we can see that the policy goals of family radicals are largely shared, even by most mainstream supporters of same-sex marriage.

DOMESTIC PARTNERS

Around the time the Beyond Same-Sex Marriage statement was released, a controversy broke out over news that the *Boston Globe* had told its gay employees to marry their partners or face losing their domestic-partnership benefits. That decision by the *Globe* (a division of the New York Times Company) was touted by pro-gay-marriage "conservatives," like Jonathan Rauch, as evidence that same-sex marriage would bolster the social significance of marriage, at the expense of other family forms.

Yet reaction to the *Globe* decision within the gay community told a different story. An investigation of the *Globe* controversy by journalist Zak Szymanski, published in the *Bay Area Reporter*, made it clear that many mainstream supporters of same-sex marriage actually condemned the *Globe*'s decision, and promised to fight such policy shifts in the future should they multiply beyond this one "isolated incident."

According to Szymanski, "Many national LGBT [lesbian, gay, bisexual, and transgender] groups, despite their large investment in securing gay marriage, agree that there is a problem with a society that values marriage over all other family forms." **For example, Matt Foreman, executive director of the National Gay and Lesbian Task Force and a major spokesman in the battle for same-sex marriage, said, "We're deeply disappointed by the *Globe*'s decision, and we do not feel that benefits should flow only from marriage, because a married couple does not reflect the reality of the American family, gay or straight."** Michelle Granda, of GLAD, which Szymanski calls "the group that is widely credited with winning same-sex marriage in Massachusetts," said, "We have always believed families are configured in many ways and that marriage is not the answer for all families."

Granda went on to point out that, "when other Massachusetts companies previously announced similar intentions to drop DP [domestic partnership] coverage, marriage activists expressed their concerns and were able to reverse such changes. One employer, the Dana-Farber Cancer Center, not only reversed its decision but expanded its DP system to cover opposite-sex partners."

Let's pause to consider what's happened here. A spokesperson for GLAD, the organization credited with bringing gay marriage to Massachusetts, has just boasted about undermining marriage for gays and straights alike. According to Granda, same-sex "marriage activists" objected to Dana-Farber's restriction of benefits to married couples, and instead prompted an expansion of benefits for unmarried domestic partners, gay and straight. Marriage activists undermining marriage. Here we have a clear indication of the family radicalism that hides beneath the only apparent conservatism of same-sex marriage advocacy groups.

Szymanski goes on to quote Shannon Minter, of San Francisco's National Center for Lesbian Rights, which has strongly backed the movement for same-sex marriage: "I don't think same-sex marriage means we aren't also fighting for protections for other people." Minter went on to celebrate the way in which the movement for same-sex marriage has actually promoted legal recognition for non-marital partnerships.

While Jonathan Rauch has claimed that the adoption of formal same-sex marriage would put a stop to the creation of various forms of "marriage lite," Szymanski quotes Molly McKay, media director of Marriage Equality USA, making the opposite claim: "McKay believes, as do many marriage activists, that redefining the family through winning same-sex marriage is one of the best ways to earn protections for families outside of marriage...[Said McKay,] 'By allowing us to be married it will allow us to enter into a conversation, as equals, about who is next.'"

Again, let's pause to think about what McKay has just said. Here, a "marriage activist" has actually made an open promise to use gay marriage to pull society down the slippery slope. Once we can speak as married people, McKay promises, our calls for still more radical re-definitions of marriage will have that much more authority. Marriage activists undermining marriage.

MAINSTREAM RADICALS

After the Beyond Same-Sex Marriage manifesto's release, Jonathan Rauch grudgingly conceded that several of the signatories (for example, Georgetown University law professor Chai Feldblum) were prominent figures in the movement for same-sex marriage. Yet Rauch dismissed the rest of the signatories as unrepresentative anti-marriage radicals.

As responses to the Beyond Same-Sex Marriage statement poured in, however, it quickly emerged that even many prominent figures in the movement for same-sex marriage who may not have personally signed the radical manifesto nonetheless broadly endorsed the statement's goals. Whereas Rauch condemned the Beyond Same-Sex Marriage manifesto ("they don't want to put gays or polygamists on the marriage pedestal; they want to knock the pedestal over."), mainstream leaders of the movement for same-sex marriage expressed approval of the substance, if not the timing, of the statement.

Take Shannon Minter, who just a week before, in the wake of the *Globe* controversy, had talked to the *Bay Area Reporter* about marriage as part of a broader and more radical family agenda. Faced with the Beyond Same-Sex Marriage manifesto's premature announcement of that agenda, Minter told the *San Francisco Chronicle* that the manifesto was "very poorly timed" because equality of marriage rights must come before other forms of relationship recognition. "Gay legal groups already agree with them and are doing the things they recommend for the most part."

Commenting on Minter's remarks, same-sex marriage critic Maggie Gallagher said, "This lawyer pushing for [same-sex marriage] sees gay marriage as a step in this [radical "family diversity"] evolution, and says it's not helpful to point that out at the current time." Gallagher added, "[I]t is clear that many of the same people and forces that are pushing for gay marriage support family diversity as their key value and yes, often covertly precisely because they think arguments made by people who think like [Jonathan Rauch] and [Dale Carpenter] are more helpful at this point in history." A look at the broader response to the Beyond Same-Sex Marriage manifesto yields still more evidence in support of Gallagher's view.

Take Matt Foreman, another major figure in the battle for same-sex marriage whom we've already seen taking a radical line in the wake of the *Globe* controversy. **Commenting on the Beyond Same-Sex Marriage Manifesto, Foreman said, "Of course we share its values, and I think its values and aspirations are something that gay and straight people can embrace because our nation needs to find ways to protect the reality of the American family, which is far beyond one man and one woman, or two men and two women."** Or take John Davidson, legal director of Lambda Legal, who said that "Lambda Legal did not disagree with the principles of the [Beyond Same-Sex Marriage] statement." Or take Geoffrey Kors, executive director of Equality California, which sponsored the California gay-marriage bill recently vetoed by Governor Schwarzenegger. Responding to questions about the Beyond Same-Sex marriage statement, Kors said he could see his organization "supporting a hypothetical effort to expand statewide domestic partnerships for LGBT and straight families of all kinds." Even Jay Smith Brown, communications strategies director for the Human Rights Campaign, a giant in the gay-marriage movement, noted that, while focused on marriage, HRC is "supportive of domestic partnership benefits in the workplace."

One of the more interesting responses to the Beyond Same-Sex Marriage manifesto came from Evan Wolfson, surely one of the most important and influential figures in the movement for same-sex marriage. Wolfson is founder and executive director of Freedom to Marry, was co-counsel in the historic Hawaii same-sex marriage case, and is the author of *Why Marriage Matters: America, Equality and Gay People's Right to Marry*. On the one hand, Wolfson clearly rejected the strategic utility of the radical, Beyond Same-Sex Marriage agenda. For example, the Beyond Same-Sex Marriage statement points to Canada as a model, since Canada has not only approved same-sex marriage, but has also eliminated most legal differences between marriage and cohabitation. "The United States is not Canada," said Wolfson. "We have much more of an organized right-wing infrastructure," he noted, arguing against the adoption of a radical strategy. (See previous link.)

Yet Wolfson also noted: "Ninety percent of what's in that document could have been signed onto by virtually every person working in the gay movement today." And like other gay-marriage advocates, Wolfson went on to credit the fight for same-sex marriage for doing more to bring

about non-marital domestic partnerships and civil unions than any overtly radical strategy. So, despite Wolfson's strategic qualms about an "alternatives to marriage agenda," this prominent advocate of same-sex marriage seemed remarkably comfortable with the radicals' policy preferences, even to the point of boasting that the battle for gay marriage was, in the end, the surest way to achieve more radical goals. In short, even a same-sex marriage champion like Evan Wolfson seems comfortable with the broader aspirations of a manifesto that is in fact a profound assault on the institution of marriage.

NO CONSERVATIVES

Perhaps more significant than anything said in response to the Beyond Same-Sex Marriage manifesto is what was not said. After a reasonably thorough search for Internet-accessible news and opinion pieces about the Beyond Same-Sex Marriage manifesto, I was unable to find any gay-marriage supporters publicly criticizing the radicals on "conservative" grounds. To be sure, Rauch and a few like-minded "conservative" supporters of same-sex marriage strove mightily to allay the concerns of gay-marriage critics like Robert George and Maggie Gallagher, by downplaying the manifesto's significance.

Yet these reassurances would have been vastly more credible had "conservative" proponents of same-sex marriage addressed themselves to the gay community itself, especially to figures like Minter, Foreman, Davidson, Kors, and Wolfson. Had Rauch or his supporters publicly criticized Minter, Foreman, or Wolfson for all-but-endorsing at least portions of the "alternatives to marriage" agenda, and had large numbers of grassroots gay-marriage supporters piped up on behalf of the "conservatives," that would have been impressive. Instead, the "conservative" understanding of same-sex marriage played little or no role in the gay community's response to the Beyond Same-Sex Marriage manifesto.

The closest thing I could find to a "conservative" criticism of the Beyond Same-Sex Marriage manifesto was a piece by two "marriage equality activists," Rob and Clay Calhoun. The Calhouns actually broached an objection to legalized polygamy/polyamory (just about the only such objection I was able to find), noting that multi-partner marriage would create practical difficulties in end-of life-decisions and in the allocation of insurance benefits. Yet in the main, the Calhoun's sent the radicals the usual message: "Most of your overall goals are commendable, and we agree with most of them, but we feel that this is an ill-timed attempt." This is about the most "conservative" direct public critique of the Beyond Same-Sex Marriage manifesto I was able to find. Yet it is an ocean away from the "conservative case" for same-sex marriage.

A STRIKING DEVELOPMENT

In late 2005, I published a piece entitled "Here Come the Brides," about the role of bisexuality in the drive for legalized multiple-partner marriage. It's notable that the Beyond Same-Sex Marriage manifesto justified its radical platform, in part, by lamenting the short shrift historically given to bisexuals by the broader LGBT movement. Among the signers of the Beyond Same-Sex Marriage manifesto were a number of bisexual activists. In "Here Come the Brides," I also noted the role of Unitarian polyamory activists, and the potential role of arguments made by Yale law professor Kenji Yoshino in a pro-polyamory movement. Sure enough, the Beyond Same-Sex Marriage manifesto was signed by a number of Unitarian ministers and by professor Yoshino.

Shortly after "Here Come the Brides" appeared, Rob Anderson, a reporter-researcher at *The New Republic*, published a response. (I answered Anderson in "Triple Dutch Wrong.") Like many who dismiss the "slippery slope" argument against same-sex marriage, Anderson claimed that there was no constituency for multi-partner unions: "There is no meaningful leadership, no agenda, no broad-based organizational structure, no PAC, no lobbyists, no fundraising." Yet as is evident in the substance of and from the signatories of the Beyond Same-Sex Marriage manifesto, we now have the agenda and the leadership of an "alternatives to marriage movement." Equally important, the overt or implicit pledges of assistance (when the time is right) from mainstream gay-marriage activists promise to supply the organizational structure, the PACs, the lobbyists, and the fundraising for yet another radical reform of marriage.

There are even indications that Rob Anderson himself might join up. This past September, Rob Anderson participated in a four-day debate with a radical supporter of the Beyond Same-Sex Marriage manifesto. It's remarkable enough that, after pooh-poohing the very idea of taking polyamory radicalism seriously, Anderson should find himself debating a full-fledged family radical. And despite his time with *The New Republic* (the journalistic home-base of the "conservative case" for gay marriage), Anderson took a remarkably un-conservative line in his debate, happily endorsing various forms of "marriage lite."

Anderson ended his debate by offering a more sweeping pledge to his radical opponent: "My position boils down to this: I believe you should have the ability to lead your life as you choose, with whomever you choose. And I will fight for your right to do so. But, in return, I expect you to fight for mine." My best reading of this is that Anderson has declared his support, in principle, not for the timing and tactics, but for the substance of the Beyond Same-Sex Marriage agenda, polyamory included. Perhaps I'm over-reading here, but it's tough to avoid the impression that the fellow who said there was no constituency for polyamory has just promised to join that constituency himself. At a minimum, Anderson seems to have signaled a willingness to cooperate with at least a significant portion of the "alternatives to marriage agenda."

A POLITICAL FUTURE

Dale Carpenter, a law professor and an ally of Rauch, has acknowledged that the "love makes a family" argument for same-sex marriage "does indeed entail the recognition of many forms of relationships, including same-sex couples and polygamous/polyamorous groups." Yet, like Anderson, Carpenter has steadfastly maintained that there is no radical constituency politically well-placed enough to cash in on the logical payoff of the "love makes a family" ideology.

Nonetheless, after extensive exchanges with Robert P. George and Maggie Gallagher on the significance of the Beyond Same-Sex Marriage manifesto, Jonathan Rauch offered some remarkably frank concessions: "I had originally hoped that the [same-sex marriage] debate would not be followed by a polygamy debate, but clearly it has been. Some [same-sex marriage] advocates maintained that there was no significant constituency for polygamy, but that's proving to be wrong as well." Then Rauch added: "polygamy advocates are going to try to hitch a ride with [same-sex marriage], and some or many [same-sex marriage] advocates (hardly all!) are disinclined to throw them out of the car."

The key phrase there is "some or many," which neatly finesses the fact that, as we've seen, many gay-marriage advocates are willing to give polygamy supporters a ride, while precious few are inclined to "throw them out of the car."

This all means that in a post-gay-marriage world, the political organization of the gay community will shift. For now, "conservative" proponents of same-sex marriage are out in front, supported by a vast array of considerably less conservative activists and lobby groups. Meanwhile, the radicals are marginalized and/or intentionally keeping a low profile. In a post-gay-marriage world, this situation will flip. The radicals will step out in front, supported by largely the same coalition of activists and lobby groups who currently support same-sex marriage. At that point, the conservatives, no longer needed to run interference for the larger movement, will be quietly put out to pasture. By then we shall be well beyond same-sex marriage. Listen carefully to the words of same-sex marriage supporters, and they confess as much themselves.

— Stanley Kurtz is a senior fellow at the Ethics and Public Policy Center.