The Defense of Marriage Act and American Exceptionalism: The “Gay Marriage” Panic in the United States

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Since 1995, when Utah passed the first law of its kind, thirty-seven states and the federal government have moved rapidly to legislate bans against something that does not, in fact, exist in the United States, namely, “gay marriage.”^1 Termed the Defense of Marriage Act (DOMA) at the federal level, the speed and success of the passage of this law and the “mini-DOMAs” at the state level show many of the earmarks of a moral panic, especially when swept into law through referenda. What is especially noteworthy about this American trend is the degree to which it is exceptional on the world scene. At a time when the legal recognition of gay and lesbian relationships has been proceeding apace in advanced industrial nations around the world (most notably, in Scandinavia, the Netherlands, Belgium, France, Canada, Germany, and Hungary and partially or locally in Australia, Austria, Brazil, Colombia, Czech Republic, New Zealand, Portugal, South Africa, Spain, Switzerland, and the United Kingdom), the efforts of U.S. legislators to prohibit legal recognition demand explanation.^2 While none of these countries introduced full legal recognition of same-sex relationships all at once, and few have granted the full range of

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rights and responsibilities accorded to heterosexual relationships, legal reform has steadily become more comprehensive in sociopolitical environments that lack comparable DOMA-style countermobilizations.

Ever since Edwin Sutherland observed in his classic 1950 article that “dangerous and futile laws are being diffused with considerable rapidity” and asked, “What is the explanation of this diffusion of laws which have little or no merit?” sociologists have been attempting to explain various sorts of moral panics and symbolic crusades. Sutherland was referring to the exceedingly ill-defined “sexual psychopath” category that was rushed into law in twenty-one states and the District of Columbia between 1947 and 1955. Though Sutherland’s own explanation of the spread of sexual psychopath laws has since attracted critical scrutiny, the problem of the diffusion of punitive laws rooted in a politics of panic or resentment remains a primary issue that should be amenable to sociological analysis.

Some of that analysis has been done through measuring social phenomena against the set of criteria laid out by Stanley Cohen for moral panics, which he characterizes as focused on “threats to societal values and interests . . . presented in a stylized and stereotypical fashion by the mass media,” when “moral barricades are manned by editors, bishops, politicians,” and so on, and “experts pronounce their diagnoses.” Hurried legislation is typically followed by an abatement of moral fervor. While a small but fruitful set of studies has emerged around this concept, especially in criminology, the identification of a moral panic can be no more than the start of an analysis, not its conclusion. As Angela McRobbie and Sarah Thornton argue, the moral panic idea has tended to function as something of a taxonomy: once the criteria for a moral panic are checked off, central questions of how constituencies are mobilized for and against or why moral entrepreneurs are successful or unsuccessful in generating a panic are often left undeveloped.

The moral panic frame, then, opens the way to a range of analytic possibilities for making sense of this complex countermovement to gay and lesbian equality. The use of the concept “American exceptionalism” pays homage to Seymour Martin Lipset’s comparative approach to the general question. The “gay marriage” ban requires picking apart complex historical processes of hegemony formation. Contending constituencies, wield-

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ing traditional and innovative rhetorics around nation, race, gender, and sexuality, all play roles in a national drama of many acts that pronounces on who is in control, who is the “other” to the national self, and who gets to assume the mantle of the “good” and, indeed, the “American.”

**American Exceptionalism**

The DOMA phenomenon is consistent within the larger context of the recent history of gay and lesbian rights in the United States. Same-sex relationship recognition has typically emerged in countries with existing human rights legislation that protects citizens against discrimination on the basis of sexual orientation. Human rights laws were, in turn, preceded by decriminalization of sodomy statutes that penalized sexual contact between men and, less often, between women. While legislative change of this type has been widespread in the European Union, Canada, Australia, and New Zealand and in some jurisdictions in Latin America, eastern Europe, and South Africa, the legislative record has been much more checkered in the United States. While legislatures and referendum proponents have proven to be quick off the mark in prohibiting “gay marriage,” legislation to bring gay and lesbian Americans full citizenship rights has been proceeding at a glacial pace. After four decades of reform (starting with Illinois in 1961), fifteen states still subject gay male and sometimes lesbian sexuality to criminal penalties, and only eleven have passed no-discrimination laws on the basis of sexual orientation. This, again, stands in stark contrast to the legislative record of the European Union, Canada, Australia, and New Zealand. Much of continental Europe decriminalized homosexual relations in the nineteenth century; a few stragglers completed decriminalization in the 1960s and 1970s. Many instituted human rights legislation to protect gay and lesbian citizens from discrimination in the 1980s and 1990s. The trend has culminated in the European Union with the adoption in 2000 of the Charter of Fundamental Rights, which prohibits discrimination on the grounds of sexual orientation and also guarantees a right to marry and form a family.

In the United States, by contrast, the Supreme Court in 1986 upheld state laws that make their gay citizens criminals. In 1992 Colorado voted by a 53 percent majority to prevent the passage of equality rights laws for lesbian and gay people, striking down existing city ordinances. In 1996

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11International Lesbian and Gay Association, “World Legal Survey.”
the U.S. Supreme Court overturned the Colorado ban on human rights laws, leaving gay and lesbian residents in the state with the status quo ante, that is, no statewide human rights protection. In 1999 the state of Maine revoked its equal rights law through a statewide referendum, an action reconfirmed in the 2000 election. Local referenda to overturn equality rights laws across the United States have won repeatedly from the 1970s into the twenty-first century, and statewide referenda have implemented DOMA laws in Alaska and Hawaii in 1998 and in California and Nebraska in 2000.12

It is in this sense, then, that the United States appears to be “exceptional,” though several qualifications of this concept are in order. First, the term American exceptionalism has frequently been used to refer to doctrines that at times run far afield from the observation adduced here. Second, any use of terms such as American and United States as units of analysis risks glossing over significant historical and regional variations. Twenty-five years ago, the state of equality rights for gay, lesbian, bisexual, and transgendered citizens in the United States was not so clearly different from that in other advanced industrial nations. There is still significant regional variation inside the United States. Edward Laumann and others have argued on the basis of national survey data that the United States is divided into five regional cultures regarding issues of family, sexuality, and reproductive rights.13 A geography of legislation shows that many of the northeastern states (except for Maine) have decriminalized same-sex relationships, have human rights laws, and have resisted the DOMA wave. Vermont granted full relationship recognition in 2000 (though not without the subsequent rapid mobilization of the “Take Back Vermont” countermovement to repeal the new legislation). Hawaii, while passing DOMA-style legislation, has nevertheless provided for limited legal recognition of same-sex relationships. In an analysis of the congressional voting record on DOMA in 1996, Gregory Lewis and Jonathan Edelson point out that anti-DOMA votes came primarily from legislators in “the most progay third of the states . . . in New England and along the Pacific Coast, with a number in the Middle Atlantic and along the country’s northern border.”14 Clearly, regional forces are at work that diverge from the dominant trend in some places.

With these caveats in mind, the question remains: What accounts for American resistance to same-sex relationship recognition? Among the factors to be considered are American Protestantism, the labor movement, and gender and national identity.

13Edward Laumann et al., The Social Organization of Sexuality (Chicago, 1994).
Perhaps the most obvious factor is the number of self-identified evangelical Protestants in the United States who, depending on the measure employed, comprise approximately 22 percent of the population. While not all evangelical Protestants endorse social conservatism, those who do not are more than made up for by conservative allies among Mormons, Roman Catholics, and Orthodox Jews. This factor plays a large role in Lipset’s account of American exceptionalism. In his words, “polls indicate Americans are the most churchgoing in Protestantism and the most fundamentalist in Christendom.” He continues, “Americans are utopian moralists who press hard to institutionalize virtue, to destroy evil people, and eliminate wicked institutions and practices. . . . Americans, in harmony with their sectarian roots, have a stronger sense of moral absolutism than Europeans and even Canadians.” The comparative rate of evangelical Protestantism in Canada is 6 percent; in the European Union, even less. And indeed, evangelicals appear among the most consistent opponents of equality for lesbians and gay men in U.S. political coalitions, reproducing a cosmology where homosexual people are placed among the “evil people.” The particular strength of conservative Protestantism and Mormonism in the Rocky Mountain and southern states and to a lesser degree in the Midwest is borne out in the legislative record.

Still, religious doctrine alone explains only so much. Perhaps the most liberal nations in the area of gay and lesbian rights are those of northern Europe, which share many of the same Protestant roots. Yet these countries have clearly reconstructed Protestant traditions in very different ways than have many Americans. Within American Protestantism and even within the same denominations, there are radically opposed interpretations of the place of homosexuality, along with a series of other contemporary issues. One need only think of Jesse Jackson and Jerry Falwell, both Baptists, who represent polar opposites in these debates. Similarly, Unitarians and Quakers were pioneers in including lesbians and gay men in their religious fellowships, and many other liberal Protestant denominations have found their way to (sometimes qualified) affirmation of gay and lesbian rights and relationships.

This raises the further question of what differentiates conservative Protestants and their supporters from other Protestants. What is the social location of the Protestants who propel the DOMA wave? Val Burris has...
shown the centrality of small city, small business leaders in Oregon’s antigay referenda, pointing toward status defense theory as a likely explanation for their conduct. This analysis is consistent with a larger tradition of analyzing the sources of prejudice, right-wing authoritarianism, and fascism in particular. Campaigns of persecution directed against gay and lesbian people as well as Jews and national minorities from the nineteenth century through McCarthyism have often drawn on social constituencies threatened by declining status in capitalist economies who strike out against symbols of modernity in a politics of resentment.

The symbiotic relation between the Republican Party and the Christian Right has helped consolidate conservative Protestant political influence beyond its numerical voting weight. Fundamentalists have built an efficient institutionalized system of cultural reproduction, propagating a cosmology that constructs homosexuality as one element in a semiotic chain signifying “moral decline.” In addition to a vast network of churches, the Christian Right includes national organizations such as Focus on the Family (led by James Dobson) and his Family News in Focus on Christian radio. Focus on the Family played a leading role in mobilizing the Colorado for Family Values ballot initiative through its nationwide radio program. Also noteworthy are Concerned Women for America (headed by Beverly LaHaye), with its program on the Christian Broadcasting Network and its concerted DOMA lobby; the American Center for Law and Justice (founded by Pat Robertson), codrafter of DOMA and a major litigant against relationship recognition in Hawaiian courts; the Family Research Institute (headed by Paul Cameron), which generates pseudoscientific research for antigay political campaigns; and Lambda Report (edited by Peter LaBarbera), which successfully mobilized the Christian Right to convince the United States to exercise its veto against UN recognition of the International Lesbian and Gay Association. (The consequence of this action is that gay and lesbian people continue to have no formal voice in UN human rights forums.) The Republican Party has, at times, had an uneasy relationship with Christian Right institutions, drawing on their organizational resources without fully embracing their platform. However, Christian Right influence was especially evident during the Reagan-Bush presidencies in the appointment of Supreme Court judges who have consistently stalled equality-seeking litigation on behalf of gay

22Didi Herman, *The Antigay Agenda* (Chicago, 1997).
24Ibid., 87.
25Ibid., 166.
and lesbian appellants and in the (unsuccessful) 1992 campaign of George Bush for a second term in which antigay rhetoric played a prominent role.

LABOR AND SOCIAL CITIZENSHIP

Ever since Werner Sombart’s classic 1906 text, Why Is There No Socialism in the United States? the lack of a tradition of social democracy or an effective labor party has figured among the analyses of American exceptionalism. This lack, in turn, appears to be linked to the relatively low rate of union membership—15.5 percent of workers.26

Labor unions and social democratic parties are often the first to respond to their gay and lesbian members and the first to “break the ice” by placing new social issues on the public agenda even when they are not in power. In Canada, the first legal institutionalization of no-discrimination provisos and subsequently of workplace benefits for same-sex partners has typically come about as a gain made through collective bargaining. The creation of working models of citizenship rights in pioneering work sites often has the effect of “testing the waters” and “lowering the barrier” of political risk in subsequent years. With working models in effect and soon taken for granted, opposing arguments grounded in fear of the unknown, “thin edge of the wedge” rhetoric, moral decline claims, and other scare scenarios gradually lose credibility. Unions have been important supporters of human rights initiatives by inserting sexual-orientation protection into labor contracts and by advocating for human rights policies with the state.27 While on-the-job organization of gay and lesbian workers has been happening in the United States, it has more often been as a single-issue initiative apart from or in the absence of existing labor union resources and organizational skills.28

Compared to other political parties, social democrats have most often taken the initiative in forwarding civil liberties and in advancing the status of social minorities. They have had an important role in advancing the equality rights of gay and lesbian people and have often been first to bear the political brunt of early controversy, making subsequent reform easier for more timid liberal and conservative parties.29

The power of corporate capitalism, the intensity of state suppression of all things “socialist” in the name of anti-Communism, and the related, comparative weakness of the labor movement in the United States have

had wide-ranging effects on the construction of social citizenship rights, the establishment of a social wage, and the generation of a legitimate national discourse around the inclusion of disenfranchised peoples. Studies of the United States have often noted the constrained and underdeveloped nature of social welfare benefits and the national provision of medical services in comparison with other advanced industrial countries. This, in turn, has shaped a social climate much less hospitable to claims for entitlements, benefits, or simply comparable treatment, which are vulnerable to stigmatizing as demands for “special rights” or to discrediting as “victim” talk. Thus, comparatively speaking, discourses of humanist reform are less able to call upon socialist or social democratic argumentation; the public space for communication about “the good” remains more strongly occupied by religion and competitive individualism.

**Gender and National Identity**

One of the flashpoints in the debate over the status of lesbians and gay men in American society in the 1990s occurred in the opening weeks of the Clinton administration. The nation was treated to several weeks of television coverage of senators gazing over the bunks of sailors, conjuring together with viewers the specter of gay sexual predation upon innocent young recruits. As with DOMA legislation, the gays-in-the-military debate has no parallel in other countries. Special bans and prohibitions against lesbians and gay men serving in the military have been dissolving away during the last quarter of the twentieth century, and their presence in the military is not the springboard for public hysteria. The dénouement of this moral panic was the peculiar “don’t ask, don’t tell” policy, an official agreement to pretend not to recognize what was simultaneously being recognized. The U.S. military has created a voyeuristic apparatus to catch and dismiss military men and women who admit to or have same-sex relations, justifying this panopticon as a means of preventing gay men and lesbians from gazing upon the bodies of fellow recruits.30

The gays-in-the-military debate appears to have been triggered at the confluence of two intersecting discourses of nation and gender. A number of observers of American society have remarked on the utopian impulse of the American project, which has survived from colonial days. While no one claims a simple direct or unmediated lineage from the religious communities that fled Europe in the seventeenth and eighteenth centuries for the New World, many who grapple with defining the boundaries of the modern, secular, discursive frameworks still owe something to these worldviews. Anders Stephanson refers to “visions of the United States as a

sacred space providentially selected for divine purposes [that] found a counterpart in the secular idea of a new nation of liberty as a privileged ‘stage’ . . . for the exhibition of a new world order, a great ‘experiment’ for the benefit of humankind as a whole” and notes these visions abound in contemporary American political rhetoric.31 Sacvan Bercovitch points out the ways in which the eighteenth-century clergy turned the rhetoric of Christian messianism to American nation building:

In effect, they substituted a regional for a biblical past, consecrated the American present as a movement from promise to fulfillment, and translated fulfillment, from its meaning within the closed system of sacred history, into a metaphor for limitless secular improvement. These transformations have been described as a process of secularization. It would be more accurate to speak of a process of adaptation, revision, and extension within a certain secular-sacred outlook.32

Lipset’s remark about American utopian moralism, based on contemporary public opinion polls, concurs with these assessments. If there is any truth to this argument for cultural survivals, it may help explain why explicitly religious Protestant discourses evoke a resonance outside of their own arena and retain sufficient plausibility to remain credible in American civil society when they have become increasingly marginal elsewhere. It is also an argument that speaks to the fervor of the protectiveness—or defensiveness—directed toward the “sacred space” upon which is founded a national identity. Contrary to the postmodernists’ claim of a general fall of grand narratives, many Americans’ continuing attachment to transcendent narratives of national identity appear to make the United States an especially unpostmodern sort of place.

This missionary vision, even when entirely secular, likely draws sustenance as well from the particular location of the United States as the preeminent superpower in the modern world system. It is a social location that confers a sense of powerfulness and of specialness that reinforces the national imaginary; it is a site upon which national iconographies come together in the overdetermined figure of the soldier, such that the military functions as a privileged site for symbolic contention over national identity.

Superpower states are clearly gendered as male.33 National identity and pride are caught up with masculinist ideologies of strength and belligerence. In this context, lesbians and gay men are cast as transgressors upon the “sacred space” of gender and national identity. The construction of homosexuality as the feminization of men entails a world of implications

31Anders Stephanson, Manifest Destiny (New York, 1995), 5.
33Susan Jeffords, The Remasculinization of America (Bloomington, 1989).
that are debilitating to military effectiveness; possessing the traits traditionally assigned to the “feminine” (weakness, submission, passivity, softness, compassion, and peaceableness), homosexual men are made to represent military failure and a threat to national security. Eighty years ago, this same semiotic divide underpinned national debates over extending the vote to women. Later, similar hurdles hampered the integration of African Americans and women into the military. The targeting of gay men as threats to national security has recurred during moments of national crises in the United States, notably during McCarthyism, and in other superpower states of the past.34

Cross-cultural comparisons show that this kind of “reasoning” is neither necessary nor logical. Other societies have just as easily constructed homosexual relations among men as masculinizing and as a military asset.35 In the United States, the centrality of the messianic vision and the military to national identity, the ways in which nationhood are constructed through masculinist discourses, and the positioning of homosexuality as the perversion of these values assign to ordinary lesbians and gay men a historical destiny they find difficult to avoid. During the gays-in-the-military debate, gay and lesbian organizations attempted to place military men and women before the cameras in order to disrupt this logic by showing their ordinariness and, in some cases, their extraordinary service duly rewarded with medals and honors—but to no avail. They found themselves unable to disrupt the symbolic value that homosexuality-as-transgression holds in dominant masculinist and nationalist discourses and unable to place on the public agenda the mundane experiences of lesbian and gay people who have served in the military.

**MANUFACTURING POPULIST DISCOURSES**

The studies of Stuart Hall and of Ernesto Laclau and Chantal Mouffe have raised fundamental issues concerning the ways in which national, racial, gender, class, and sexual discourses can be woven together into political hegemones, such that peoples and policies once identified with social democratic projects may later find themselves relocated and redefined as elements of neoconservative projects.36 With the entry of openly gay and lesbian people into the electoral arena in the last quarter of the twentieth century, there is no lack of examples of progressive coalitions where lesbian and gay constituencies have found a place. From the municipal politics of several American cities to the nationalist movements of Québec and Catalonia to the social

34Terry, chap. 10.
35Adam, “Anatomy of a Panic.”
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Democratic parties of the European Union to the antiapartheid struggle in South Africa, gay and lesbian people have won a place among organizations of the dispossessed. Openly gay or lesbian politicians have succeeded in constructing coalitions where voters identify a continuity between their lives and gay and lesbian experiences: in the desire to care for loved ones, to hold a job and be judged on job performance, to have the freedom to conduct one's own personal life without state intrusion, and to want redress for unjust victimization. Yet DOMA and the list of human rights referenda show how lesbians and gay men may also be successfully repositioned as the "enemy" of common folk.

DOMA-style campaigns, typically with major financial and organizational resources provided by Christian Right institutions, have frequently succeeded in drawing a discourse of solidarity around rural or small town, less-educated people by constructing gay men and, to a lesser degree, lesbians as privileged, spoiled, and demanding "special rights." The Oregon Citizens Alliance (OCA), which promoted several ballot initiatives, including a Colorado-style embargo on any form of redress for antigay discrimination, mobilized a constituency that identified itself as the victims and outcasts of unfeeling liberal elites, including gay people among them. In his analysis of OCA pamphlets, distributed door to door during its campaign, David Douglass identified four narratives:

"Van Hoomissen's Dissent" is a story of conspiracy in government. Justices and other governmental officials entrusted with overseeing fair use of public resources have betrayed that trust. The second story, "No Special Rights for Private Behavior," identifies homosexuals as "a well housed and well employed" class that uses private behaviors to constitute its identity, and which is especially prone to use the media to "manipulate public opinion" in its favor. The third story, "Misuse of Public Funds," tells how homosexuals are spending our tax dollars in their own special, illegitimate interest. The fourth story is about our desire to protect our children from health risks of AIDS, as well as other risks associated with homosexual lifestyle.

The Oregon campaign succeeded in winning most counties in the state but ultimately failed by a narrow margin when it could not win over the people of the major city of Portland. The Colorado campaign showed a similar pattern, with Denver and Boulder voting against the antigay tide that swept the rest of the state.

37 Davina Cooper, Sexing the City (London, 1994); Adam, The Rise of a Gay and Lesbian Movement; Adam, Duyvendak, and Krouwel; Robert W. Bailey, Gay Politics, Urban Politics (New York, 1999); Wald, Rimmerman, and Wilcox, eds.
These narratives identify gay and lesbian people as moneyed elites, a construction often aided and abetted by a gay press that is quick to claim, like magazines everywhere, that their readership has a good deal of disposable income ready to respond to advertisers. They also draw on a long-standing semiotic link between homosexuality and the high arts, employing a gendered, class trope of the effete, unmasculine, upper-class male. The construction of a phantasm of emasculated and treacherous elite males in opposition to the virile, patriotic, and anti-Communist real American was a major theme of McCarthyism during the 1950s and of conflicts concerning the teaching of evolution during the 1920s and later. This meaning system is further linked to and reproduced in that stream of Christian theology that constructed the medieval sin of sodomy by assimilating homosexuality to more ancient ideas of the sin of luxuria as unproductive sensual indulgence. Furthermore, the combination of symbols of sex and privilege are made to act as a semiotic hammer for striking the traditional chord of American suspicion of government and valuation of individualism. “Anti-gay advocates depict themselves as stigmatized and powerless, victims of harassment and violence who are subject to an increasingly authoritarian state controlled by elites bent on undermining free American institutions . . . [and on] forcing approval of homosexuality, silencing protests against sodomy, and abridging parents’ rights to protect and train their children.”

David Douglass argues that the pro-gay “coalition’s heavy reliance on public denunciation of OCA legislation by ostensibly credible opinion leaders” fulfilled rather than contradicted the populist identification of homosexuality with the elite. It also unwittingly colluded with suppressing the visibility of the full diversity of gay, lesbian, bisexual, and transgendered people by obscuring the many poor, working-class, rural, and/or non-white community members.

**White Nativist and Individualist Currents**

Joseph Gusfield’s classic work on American temperance, *Symbolic Crusade*, made a strong case for the thesis that the temperance debate can scarcely be understood on its own terms; rather, abstinence from alcohol served as a symbol of white, Protestant cultural dominance over the increasingly multicultural and immigrant population of the United States in

42Douglass, 26.
the post–World War I period. Gusfield’s analysis raises questions today about how white, nativist cultural currents continue to assert themselves at the turn of the twenty-first century. A quick comparison with the temperance movement in Canada shows how much more successful the “symbolic crusade” was in the United States. In Canada Anglo-Protestant nativism was more effectively checkmated by the national deadlock between English and French that has characterized the country since its founding. While in the United States Prohibition ruled during the 1920s as an assertion of rural Protestant culture over a heterogeneous population of Catholics, blacks, and immigrants, in Canada it turned out to be much more temporary and regional; the enthusiasm for temperance never found a comparable response in Québec.

The disaccord between Québécois and Anglo-Canadian cultures has curbed the ability of white Anglo-Protestantism to consolidate a singular national identity and to become a hegemonic social group with the power to define and regulate the “deviant” and the “treasonous.” In that sense, Canada bears some resemblance to the Netherlands, where a national ethos of liberal tolerance emerged out of the “pillarization” of Dutch society among Protestant, Catholic, and humanist sectors. None of these was able to gain ascendancy over the others, and all were instead forced to adopt a degree of cultural relativism and compromise.

In the United States the primary sociopolitical fault line is one of race. A great many of the post–World War II gains in human rights and civil liberties must be credited to the struggles of the African American civil rights movement, which created new models for social change and opened the way for a range of new social movements that further amplified demands for inclusion in the democratic rights proclaimed by the Constitution. Movements for gay and lesbian rights in the United States are among those shaped by the rhetoric and political frameworks that came out of that period. As affirmative action programs slowed or were reversed in the 1980s and 1990s, the prospects for other equality-seeking groups have been similarly affected. Indeed, DOMA and related campaigns to block or withdraw gay and lesbian equality rights are part of a larger history of citizens’ initiatives, referenda, and legislative moves that have sought to roll back civil rights legislation benefiting African Americans. The failure of the Equal Rights Amendment for women can be attributed to some of the same array of social forces. The more recent English-only ballot initiative that withdrew education, welfare, medical, and related state services from primarily Latino immigrants in California is consistent with this same history.

44Ibid.
Jill Quadagno contends that the widely observed propensity of Americans to favor libertarian individualism and their corresponding distrust of the state are reinforced by racist ideology. “The positive liberties it [the War on Poverty] extended to African Americans were viewed by the working class as infringements on their negative liberties, the liberty for trade unions to discriminate in the selection of apprentices and to control job training programs; the liberty to exclude minorities from representation in local politics; the liberty to maintain segregated neighborhoods.” 46 Martin Gilens makes a cogent case for a similar thesis in demonstrating how social, legal, and economic benefits guaranteed by the state run up against a deep popular suspicion that their recipients will fail to be self-reliant, a failure more often attributed to African Americans and embodied in the media trope of the single mother on welfare.47 David Roediger’s history of American labor documents repeatedly that “the subjective way in which white workers perceive and define class is thoroughly shaped in the US by their whiteness.”48 Proposals to increase the social wage ran aground in numerous instances when workers thought not of their families, their friends, or themselves as potential beneficiaries of a social safety net but of an “undeserving” racial “other” as the beneficiaries of “their” taxes. The relative meagerness of the social wage further feeds a sense of insecurity and a politics of resentment that spill over into renewed racial attacks. The uneven distribution of American prosperity, coupled with dominant rhetorics of individual responsibility, continue to generate large constituencies of the dissatisfied, suspicious of all attempts by out-groups to gain democratic inclusion and bereft of either an adequate analysis of their own plight or a solidarizing identity from which to mount effective resistance.

Instead there is individualism, an ideology promoted as the entrepreneurial, get-ahead, rags-to-riches credo so favored by corporate power and embraced and elevated as religion by the Protestant Right. Equality rights can thereby be tainted as the refuge of the lazy, the “special” plea for favoritism among those who “can’t cut it” on their own. The Supreme Court ruling on the Colorado referendum seems to follow such logic: gay and lesbian people are not to be excluded from the basic political and constitutional rights as a group, but neither are they to be protected as a group against systemic discrimination. Todd Donovan, Jim Wenzel, and Shaun Bowler’s study of antigay referenda discerns a similar pattern, concluding that American voters appear to be intent on not changing the status quo.49 Public opinion polls show that while Americans, in most instances, do not

47Martin Gilens, Why Americans Hate Welfare (Chicago, 1999).
wish overt discrimination upon lesbians and gay men, they also refuse to support any legislative remedy against it. Lesbians and gay men are to be permitted legal status only as “individuals”; the social exclusions enforced against sexual orientation, like race, are denied in favor of the juridical monad as the only permissible legitimate status, a doctrine that passively reaffirms white, nativist, and heterosexist hegemony.

“Gay Marriage” Discourse

That “gay marriage” should be such a burning issue is itself a piece of the American context. In Scandinavia, the Netherlands, France, Germany, and Canada same-sex relationship recognition has been accomplished through a careful separation of “marriage” from homosexual partnerships. In those countries, legislation has assured same-sex couples most of the rights and obligations associated with marriage without calling it “marriage,” employing instead the local language equivalent to common-law spouses, civil unions, conjoints, and same-sex partnerships. To some degree, this has been a political tactic on the part of gay and lesbian movements that have found that a reference to marriage incites paroxysms of outrage among heterosexual politicians and publics, but it also reflects a major, often prevailing view of gay and lesbian communities themselves that prefer not to import the deeply gendered and patriarchal strictures that marriage carries. Marriage tends to be viewed as a supplement to rather than the goal of relationship-recognition movements and as an option that must be made available if genuine legal equality is to be achieved rather than a good in itself. The Netherlands in 2000 and Belgium in 2003 have added marriage subsequent to same-sex relationship recognition. This followed a debate over whether equality would be best achieved through granting marriage to gay people or whether the state should simply withdraw from marriage regulation altogether, leaving marriage to churches and relationship recognition to the state for everyone regardless of sexual orientation.

Despite the fact that the few successes in relationship recognition in the United States, those in Vermont and Hawaii, have engaged this same model, the public domain is largely occupied by a debate framed in terms of “marriage.” For the most part, the conflicts over same-sex relationship recognition, whether it is the DOMA proponents on one side or gay and lesbian advocates on the other, have taken the form of a high-stakes, all-or-nothing symbolic contention over “marriage.” Even the debates inside gay and lesbian communities have shared, to use Foucauldian terminology, a power/knowledge complex in which both sides appear relatively to have agreed upon the frame of the debate, a frame that again is far more dominant in the United States than in other countries. The result of this has been the development of a “Left” and a “Right” position over “gay marriage.” Gay right-wing proponents such as Gabriel Rotello and Andrew Sullivan unabashedly
import a vision of marriage remarkably consistent with Christian Right ideals. For them, marriage is desirable because it is “civilizing,” marking a post-AIDS “maturity” following the “adolescent promiscuity” of the 1970s, and it is of course “monogamous” and a road to “respectability and public acceptance.” Not surprisingly, this has stimulated a “Left” opposition that wants nothing to do with marriage because of its denial of the value of existing relationships, its stigmatization of sexual adventurism, and its potential invention of a hierarchy of respectability inside lesbian and gay communities where the newly “unmarried” end up being “queers” all over again. In a lengthy diatribe against gay marriage, Michael Warner allows, in a single revealing line, that other options “might be [open] if we did not think the question was simply same-sex marriage, pro or con,” yet that appears to be just what has happened. Cindy Patton once pointed out the uncanny degree to which Christian Right and gay-lesbian public rhetoric in the United States have influenced and even mirrored each other. Just as the ostensibly radical notion of the “queer,” much promoted today by queer theory, owes a remarkable amount to traditional moral notions of “deviance,” relationship recognition seems unable to disentangle itself from a “marriage” defined against its binary others in American culture, namely, the single mother on welfare, the promiscuous pervert, or the immature and irresponsible. The hold of religion on civil society has impoverished the alternatives, curbed recognition of common-law relationships and thus the viability of heterosexual alternatives, and shaped the vision of relationship recognition even for gay and lesbian Americans. The power of the family-and-marriage paradigm in American civil society raises the question of whether same-sex relationship recognition and, indeed, marriage can be constructed as just another equality right or whether, as Cheshire Calhoun argues, it has become unavoidably the central symbolic axis around which the inclusion and participation of lesbian and gay men turns.

**CONCLUSION**

Marriage has long been implicated in a politics of exclusion. It has been commonplace for ecclesiastical authorities in many places and eras to attempt to maintain religious endogamy by ruling nonbelievers outside the pale. Nation-building rhetoric employing analogies of the nation to the family (and thus marriage) inevitably manufactures a series of “others” thrown out of the national family and uses marriage laws as a tool to mark that exclusion. In the American context, Nancy Cott points to a lengthy

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51Ibid., 146.
record of marriage prohibitions based on race intended to prevent legal recognition of relationships between whites and Asian or African Americans.  

Lesbians and gay men find themselves unavoidably placed at the nexus of similar forces intent on capturing national identity, social privilege, or the moral high ground.

Indeed, many of the alliances and rhetorical forays evident in DOMA revived and replayed the same national imaginary generated around gender and family that had functioned to block the Equal Rights Amendment for women. Even in the 1970s anti-ERA campaigners invoked the specter of gay marriage as the baleful consequence of eliminating sex discrimination.

There is perhaps a danger in offering too tight a case for American exceptionalism in regard to DOMA and gay and lesbian rights in general by constructing a monolithic account of what is not possible. The current situation is, after all, provisional, moving, and unstable. While this analysis has focused on why same-sex relationship recognition has not advanced as quickly as in comparable countries, future history may come to show the degree to which this is more a question of “lag” than of a divergent path. There are, of course, a good many social forces in American society that are similar to those in other societies where relationship recognition has come about. An additional essay would be necessary in order to spell them out fully. Still, the United States at the turn of the twenty-first century has shown a particular mix of contending social constituencies, discourses, and political opportunities that have inhibited the realization of equality rights and freedoms comparable to those in many other countries. Indeed, it is only with a strong sense of irony that a notion like “lag”—so often applied to societies outside the United States by measuring them against an American standard—might be applied to aspects of American society itself.

The DOMA phenomenon is not easily explicable through reference to one or two overriding factors. DOMA is a heterosexist project symptomatic of several complex interacting processes. To remain alive and effective, historically rooted homophobic discourses must be reproduced continually either in social structures that passively exclude or limit democratic participation or in institutions that intentionally and actively block avenues of redress that would be provided, for example, through human rights legislation. (Such legislation, ironically, already provides protection for the religious institutions that oppose human rights protection for lesbian, gay, bisexual, and transgendered people.) Given the proper mix of social ingredients, homophobic ideologies and practices can shift into virulent campaigns of persecution—especially if they are adopted by constituencies resentful of perceived

54Nancy Cott, Public Vows (Cambridge, Mass., 2000).
55Kristin Luker, Abortion and the Politics of Motherhood (Berkeley, 1984).
threats to or an actual decline in their social status. Political and economic elites may have a hand in amplifying such campaigns by attempting to “harvest” popular insecurity for programs of neoliberal economic restructuring and for the reconstruction of a conservative hegemony.

The DOMA is just one of many projects through which national hierarchies and hegemonies are re-created. Such projects are deeply implicated in exclusionary efforts based in gender, race, class, and nation. They may be fully derailed only through the de(con)struction of the social mechanisms that generate the range of “others” in opposition to which Anglo-Protestant, white, nativist identities and moralities manufacture themselves.57