The Difference of Queer

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L'auteure qui a examiné les implications de la proposition de la Loi sur des mariages civils qui accepte les différences des politiques « queer », assure que l'institution du mariage sera plus règlementée et privatisera le sexe et la politique.

The civil marriage bill, or Bill C-38, has been hailed as a sign of Canada's progressiveness. Many mainstream gay and lesbian organizations pushed for it as a human right to increase lesbian and gay awareness, visibility, and acceptance. After decades of feminist theories warning (straight) women about the inevitable slavery and patriarchal structure of marriage, I am now being asked to embrace marriage as a new freedom and right for queer people and lesbians. Instead of creating legislation that would either remove some of the privileges accorded to married couples (thereby nullifying exclusive heterosexual access to the benefits of marriage) or legislation that would allow people to determine for ourselves our closest relationships (regardless of whether or not these relations are sexual) the *Civil Marriage Act* offers an opportunity to enter into a heterosexual institution.

Instead of challenging our society's homophobia and regulation of sexuality, we have merely changed the status of certain members so that they, too, can have access to the privileges of straight culture. Marriage offers a way of expressing our *similarity* to straight culture. It is this positioning of similitude that is dangerous to queer and progressive politics alike. It is through a politics of difference that we can hope to come closer to a truly democratic and just society.

Similitude and Difference

The adoption of marriage as a platform for the rights of gay and lesbian people is a position based on identity politics. Identity politics is a politics that includes people on the basis of their similarity to the group. It posits a common and essential way of being in the world as a point of departure, rather than political or experiential affiliation.

It is from a standpoint of similitude that marriage becomes necessary for queer people, as marriage rests on an assertion of equivalency to straight culture. Without thinking about what is best for our communities, we are instead forcing ourselves to adopt the limitations of straight culture through legislation and law.

On the other hand, a politics of difference aspired to by queer culture (although one should note that this political agenda is not necessarily the practice of all queer people or organizations) offers a way to refuse legislation of our bodies and sexualities whilst retaining basic rights. Queer politics in its proscriptive form is a politics of difference:

> Queer politics embraces not only radical, self-defined lesbians and gays, but also sadomasochists, fetishists, bisexuals, gender-benders, radical heterosexuals, single parents, queer artists, black and white—the list is potentially infinite because the organizing principle is not an assumed sexual identity based on orientation or practice, but identification with the forms of politics and patterns of transgression that define queerness. (Weeks 112)

It is this refusal of queer culture to draw distinct boundaries around who qualifies and who doesn't that most radically separates it from heterosexual *and* homosexual culture. Queer politics is not a politics based on who you are, or on your similarity to a group, but a politics that uses experiences of oppression and desire as a means of collective political affiliation. Queer is based on a political position which embraces the stigmatized sex, seeks to challenge the privatization and regulation of sex and includes all people who are interested in pursuing this type of politics. It is not a politics of who you are, but of what you do and what you think.

Queer politics seeks to create alternatives to the normalizing practices constituted, in part, by marriage. It is from this standpoint and understanding of queer culture that I seek to challenge the assumption that same-sex marriage is essentially progressive and good for people affected by homophobia, heterosexism, and sexual stigmatization. I seek to question a

politics, as it is constituted through this discourse of intelligibility, [which] demands that we take a stand, for or against gay marriage; [instead] critical reflec-

simultaneously and necessarily involves a deep regulation of our sexuality. This is counter to a project that seeks to increase sexual autonomy, for sexual autonomy

requires more than freedom of choice, tolerance, and the liberalization of sex laws. It requires access to pleasures and possibilities, since people commonly do not know their desires until they find them. (Warner 7)

But marriage, with its restrictive codes and behav-

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tion, which is surely part of any seriously normative political philosophy and practice, demands that we ask why and how this has becomes the question, the question that defines what will and will not qualify as meaningful political discourse. (Butler 107)

Regulation and Privatization of Sex

Queerness, by the very fact of its subordination, has often embraced the politics of shame imposed on us from straight culture. Sex *is* animalistic, performed in public, sometimes among multiple partners, accompanied by indecent smells, secretions, tastes and experiences and it is by way of affirming these "shameful" aspects of human existence that queer politics has gained its power. The common stigmatization of sex has allowed queer people to mobilize politically: "The frank refusal to repudiate sex or the undignified people who have it, which I see as the tacit or explicit ethos in countless scenes of queer culture, is the antithesis of identity politics" (Warner 75). Queer culture is a refusal of the shame of sex or the "vileness of the flesh." Queer culture embraces sex beyond the boundaries of whore/virgin paradigms and other guilt-ridden religious complexes. Queer sex can open up the possibilities of sex into a full realization of the pleasures of life and existence: "Sexuality is the rendering artistic of life" (Grosz 2005). Queerness refuses to repudiate the body, opening up lines of flight and avenues of unrealized potential into the mediocrity of the everyday. Marriage, on the other hand, coerces us into accepting the politics of sexual shame, regulating it, instead of embracing sexuality as a radically open potentiality in life.

If marriage is an attempt to remove the stigma of queerness and to embrace identarian sameness by way of its adoption of an existing heterosexual institution, it

iours—that it must be monogamous, that it involves only two people, that it invokes the powers of ownership, that it is life-long, that its sexual activities are performed in the privacy of our bedrooms—seems to further regulate and restrict our sexual possibilities, rather than extend them. The institutionalization of our sexual desires will not increase our access to sexual autonomy. Instead, we will be increasingly coerced into a model that further privatizes our desires in the form of marriage as well as further stigmatizes those who choose not to take advantage of this new found "freedom." Instead of embracing the multiple ways that we have learned to love and fuck each other, necessarily outside of prescribed norms, we are closing ourselves off, and implicitly rejecting queer culture.

Some people will argue that lesbians will shift the meanings of marriage in order to transform its practices. However, part of the appeal of marriage *is* this normalization of queer life. Married lesbians will be expected to conform to the same forms of behaviour as our straight counterparts. The power of the law constitutes us as particular subjects which then limits our identities and actions: "The pure form of power resides in the function of the legislator; and its mode of action with regard to sex is of a juridico-discursive character" (Foucault 83). With the creation of these new linguistic and legal categories for our desires, we in turn are brought into being as new social, legal, linguistic creatures. We become the "good, clean lesbians."

It is not only those who choose marriage that will be subjected to new forms of regularization and privatization of sex. Marriage legitimizes lesbian identities to conform to the desires of the state. Those who choose not to follow these codes of behaviour will be ostracized from straight and mainstream lesbian culture (although one could argue that this happens already, the experience will inevitably be

intensified). By providing space for lesbian identities inside of socially and legally entitled relationships, we will all be further pressured into these forms of behaviour. By legislating lesbian sex, more people will be expected to conform to these rules. The freedom and plurality of sex is undermined not by the practitioners of marriage alone, but more importantly by the institution of marriage. Marriage will have us become subjects of the state, rather than subjects of our desire.

Same-sex marriage will result in the further marginalization of those subjects who would not qualify for its privileges. As a privilege, marriage "is possible only because its cost is borne by subordination" (Grosz 1994: 135). It will result in the increased surveillance and stigmatization of those who either do not qualify or refuse this legal status. As Michael Warner aptly puts it:

> As long as people marry, the state will continue to regulate the sexual lives of those who do not marry. It will continue to refuse to recognize our intimate relations ... as having the same rights or validity as a married couple. It will criminalize our consensual sex. It will stipulate at what age and in what kind of space we can have sex. It will send the police to harass sex workers and cruisers. It will restrict our access to sexually explicit materials. All this and more the state will justify because these sexual relations take place outside of marriage. In the modern era, marriage has become the central legitimating institution by which the state regulates and permeates people's most intimate lives; *it is the zone of privacy outside of which sex is unprotected.* In this context, to speak of marriage as merely one choice among others is at best naïve. It might be more accurately called active mystification. (96)

Therefore, the privatization and regulation of sex will not simply be an issue for those who choose to follow this ideology.

De-queering Politics

Marriage also essentially restricts the lives of queer people by regulating not only our sexuality, but also by refusing to acknowledge the majority of our relationships. The types of relationships that are brought into being through queer lives and politics are tremendous, most of them operating outside of linguistic categories, familial institutions or legal structures. Through processes of ostracization and oppression we have been forced to create our own communities and relations. Queer love seeks relations not restricted by blood or fixed on one sexual object, but is opened up through the possibilities of friendship, fleeting intimacy, life-long partnerships, and bonds created through similar oppression. Marriage would imply an adoption of straight culture's impoverished

dichotomization of relations based upon the strict division of sexual companions from friends. This would indeed be a powerfully negative blow to a community that has survived because of its ability to form relations outside of privatized, nuclearized norms.

The privatization of our sexualities lends itself to a depoliticized sexual culture: "Marriage is the perfect issue for this dequeering agenda because it privatizes our imagination of belonging" (Warner 139). In other words, instead of imagining ourselves as individuals within a community, we begin to imagine our relations to the world mediated through a dyad. By dividing our lives into the privileged spaces of private couples, we will also divorce ourselves from the necessary relations that foster political mobilization. The alternative relationships that we have built in queer communities not only enrich our lives on a personal level, but also help to embrace a politics that is non-hierarchical and inclusive. Queer relations

> constitute a "break-down" of traditional kinship that not only displaces the central place of biological and sexual relations from its definition but gives sexuality a domain separate from that of kinship, which allows for the durable tie to be thought outside of the conjugal frame and thus opens kinship to a set of community ties that are irreducible to family. (Butler 127)

Marriage will further remove and marginalize these alternative forms of kinship. With state recognition, I fear we will passively accept our consumerist duties to pay our mortgages and direct our political lobbying into "cleaning up the neighbourhood."

Alternatives

Through this argument I do not mean to imply that the privileges of marriage should continue to be denied to homosexual partnerships. Rather, we should be allowed access to the legal, material and social benefits of marriage without accepting the state's regulation of our sexualities. We should be given legal entitlement to care for our loved ones, regardless of the form that those relationships take. Two (or more) long-term friends caring for one another should be granted the same rights as a married couple, without the corollary sexual regulation that marriage otherwise implies. We should be allowed to have multiple connections to people, and for those connections to be publicly and socially recognized. We should have access to proper health and dental coverage without the necessity of marriage, whether that means broader state benefits or entitlement through friendships and other kinds of relationships. This kind of legislation is already partially in place in Alberta, where "the newly legislated status of 'adult interdependent partner' for purposes of several family-related provincial statutes provides for rights and

obligations of persons in a variety of non-married but not necessarily conjugal relationships involving interdependency"[1] (Hurley 2). This would give us all the benefits that should be ours without the accompanying restriction and regulation of our sexualities. Pushed further, the legislation could recognize existing adult interdependencies that involve more than two people.

Against these privatized, de-politicized, assimilationist strategies implied by the adoption of sexually marginalized people into a straight institution, I would like to propose a return to queer politics. This would mean a true acceptance of a politics of difference; one that will involve a continuing evolution, questioning, and critiquing of the spaces that we occupy in order to fully explore the possibilities of sexual becoming. This type of politics would not rely on a system of privileges (and corresponding subjections) but on a mutual respect for the multiplicity of identities, sexualities, and forms of relationships that people discover. We would not be forced to hierarchize our love relationships and we would not be dependent on the state to determine which relationships are of central importance to our lives. Embracing queer politics would also mean a refusal to allow sexuality to bear more weight in determining our lives than necessary while also allowing us to truly enjoy our bodies:

> It is a refusal to link sexual pleasure with the struggle for purpose (whether political, spiritual or reproductive); it represents a desire to enjoy, to experience, to make pleasure for its own sake, for where it takes us, for how it changes and makes us, to see it as one, but not the only, trajectory or direction in the lives of sexed bodies. (Grosz 1994: 153)

This is not to say that we should abandon politics that seeks to challenge homophobia and heterosexism whilst improving the lives of the sexually stigmatized, but that sexual freedom means freedom from purpose. A politics can emerge on the basis of a common oppression, as it has done with queer culture, but sexuality should be open to the endless possibilities and experiences of our bodies.

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[1]Marital-type benefits are provided for under the 2002 Adult Interdependent Relationships Act where a "relationship of interdependence" is defined as two persons of the same or opposite sex, outside of marriage, including non-minor relatives.

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