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The purpose of this research is to critique existing kinship ideologies embedded in case law regarding marriage rights in the United States. The research centers on the gay marriage rights movement and critically analyzes how *U.S. v. Windsor* has been taken up legally, politically, in the media, and by organizations. By examining exclusionary practices stemming from the marriage equality movement I navigate the motives of an ethical politics of kinship care. The thesis focuses on the differentiation between mainstream agendas such as the ones employed by Human Rights Campaign (HRC) with the comprehensive approach to legal reform suggested by queer advocacy organizations. By building coalitions and employing queer politics, an ethical politics of kinship care can be envisioned in order to create transformational change. My interest lies with how the (re)distribution of resources come to exist through legal/political operations; in particular, my thesis examines how the well-being of vulnerable populations and people deemed disposable by society can all be protected within a future vision of an ethical politics of kinship care.

CREATING AN ETHICAL POLITICS OF KINSHIP CARE
THROUGH COALITIONS

by

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For everyone I share a kinship relationship with; you remind me of what matters in life – each other ...

Your life and my life flow into each other as wave flows into wave, and unless there is peace and joy and freedom for you, there can be no real peace or joy or freedom for me. To see reality – not as we expect it to be but as it is – is to see that unless we live for each other and in and through each other, we do not really live very satisfactorily; that there can really be life only where there really is, in just this sense, love. (Frederick Buechner)

APPROVAL PAGE

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CHAPTER I

TRANSFORMING KINSHIP CARE

So many of us long for communities in which there is systemic affirmation, valuing, and nurturing of difference, and in which conformity to a narrow and restricting vision is never demanded as the price of admission to caring civil society (Acey et al.).

How does “family” get constructed within political policy? What are different ways of looking at or defining “communities”? How are people demanded to live out kinship, and in what ways? What is the discursive life of kinship: how is it being defined even if it is not being talked about in the same way?

Kinship ideologies and the differing ways in which people are demanded to live out kinship appeals to me from a personal as well as academic standpoint. My academic understanding of marriage is based upon its location within the spaces of capitalism, colonialism, and consumerism accompanied by its racist, homophobic, and classist (“historical”) affiliations. As an adolescent, I felt firsthand the detrimental effects from not belonging to or appropriately displaying the cultural ideals of an intelligible “family” structure. Facing puberty within the rural walls of an all-girls home in a small Montana town, my kinship reality which consisted of two legal guardians and thirty-three teenage girls was continually scrutinized within public spaces and the local community. The public school system perpetuated the idea of a nuclear family model through non-inclusive language (i.e. assuming every student had a mother, father, sibling(s), blood

relationship, and/or non-institutionalized home life) in addition to assessing academic and societal successes based on traditional assumptions concerning extracurricular activities/hobbies (i.e. students who participate in a sport show a lower chance for “at risk” behaviors) without any regard to situations that don’t grant that necessary support (transportation, funding, emotional, etc. supports) for such commendable choices or “accomplishments.” As in my case, I was required to rely on the public school bus every day as the only possible form of transportation back-and-forth from the all-girls home to school and was often denied any additional financial support or income for extracurricular activities, in particular dancing since that was a passion of mine prior to living at the Montana home. Considering the constructed ideal of kinship enforced by dominant systems/institutions, I felt rejected from both social/academic arenas and was faced with economic/political/legal inequities. Re-conceptualizing what/who constitutes as “family” and recognizing diverse kinship care formations will assist in the big-picture endeavor of creating social/political/economical/legal justices and safe spaces through an ethical politics of kinship care.

Each girl came from different backgrounds and led different lives prior to the Montana home. All of our varied paths crossed one another at the common ground of suddenly becoming “family,” and therefore there is a bond between all of the girls that no one can ever take away from us. We are bonded by our shared experience as lost souls who were placed together; we gave new meaning to “sisterhood” and have since learned the importance that this has had in shaping our young adult lives. Uncertainties in life and in life’s journey were a shared understanding we all came to know through the years

of adolescence: which ones of us would have the magical story of leaving by virtue of someone wanting us; who would run away from the girls' home next; what happens when we age out of care systems; etc.? We now know to prepare ourselves, mentally and physically, for the inevitable unknown. And, most importantly, we now know what it feels like to be considered disposable people whose well-being was a second thought or sometimes even non-existent within political and socio-economical arenas.

We were ostracized by the local community since no one could understand what kind of lifestyle we went home to after school, or why we didn't have the "normal parents." How could we all, thirty-four teenage girls, live under the same roof (metaphorically, there were actually 4 roofs within the same property line) and why were we there? What was wrong with us? Why didn't our "real families" want us anymore? The all-girls home was our form of kinship care now. New "parents/guardians," and for some girls, the first parents they had ever known, were now in charge of our quality of life. Over the past few years, I have regained a solid relationship with my "biological" parents and now view them as part of my close kinship formation. Yet, "parent" doesn't even begin to define what my relationship with any of these individuals who have held that sort of responsibility over me really is like. There is more complexity to our relationships, and there is more chronological meaning and emotional depth to each of those relationships than can be understood in one normalized word such as "parent."

In order to narrow the scope of this thesis, I focus on the kinship topic of marriage rights over the last 30 years in the U.S. within case law and queer organizing. Based on this analysis, I propose an ethical politics of kinship care for future visions and offer a

starting point to the critical praxis of applying kinship theory into practice. I investigate gay marriage rights as one specific site as to where kinship ideologies get taken up and disposability gets produced. My critical analysis reaches farther than current liberal critiques regarding exclusionary practices within the gay marriage rights movement; instead, I am claiming that the current version of the gay marriage rights movement actually produces disposable populations through exclusionary practices and the reiteration of kinship norms.

Since the basis of my recommendations center on the core understanding of how we treat one another as human beings, I apply the term *ethical*; and I use the term *politics* due to the political framework surrounding my thesis. *Kinship care* is a more inclusive term that extends past the exclusionary practices of marriage and instead recognizes any and all forms of kinship. The term *kinship* is taken up and understood in complex and diverse ways. Social anthropologists study the kinship of nonwestern cultures, while sociology tends to focus its studies on modern kinship within the West (i.e., gay and lesbian family structures). Originating from the discipline of anthropology, kinship studies' focus is on social and cultural relationships. Morgan's *Ancient Society*, published in 1877, focused on "evolutionary kinship and marriage theory" and is considered the literary origin of kinship (Makarius 709).

I am not the first person to introduce the idea of kinship care structures that question marriage equality as a political goal (Spade; Cohen; Eng; Duggan; Acey; DeFilippis; Dasgupta; Boggis; Pharr; Polikoff; among others). Nonetheless, "not many theorists who invoke intersectionality have interpreted identities as coalitions, nor have

many pursued coalition as a challenge to single-axis conceptions of identity” (Carastathis 946). Kinship discourses pertaining to the marriage debate and the foster care system account for the vast majority of accessible resources. However, there is a lack of scholarship on intersectional analysis that reconfigures kinship or attempts to remove it completely from regimes of power disparities. Literatures on kinship care regarding children who have aged out of foster care are unfortunately slim to nonexistent. The foster care system often enforces kinship structures by taking children, disproportionately children of color and/or from a low income class, away due to familial incarceration; imprisonment can also leave families with extreme cases of financial loss. Queer politics offers promise of identifying issues left out of dominating institutions. Borrowing from Gust Yep, Karen Lovaas, and John Elia’s closing paragraph within their introduction in the *Journal of Homosexuality*, I find my own thesis’ goals accurately represented within the following citation:

It is our hope that you find the pages of this volume filled with ideas that stimulate, provoke, and galvanize you to think about the multiplicity of issues relating to queer theory and communication studies in terms of theory, praxis, intervention, and the lived experience. In the spirit of queer theory, none of these terms can be contained by neat boundaries; they often bleed together, offering unique opportunities for each of us to explore and expand (8-9).

Kinship issues are often thought about in separated areas of focus; however, I am calling for a coalition approach to advocate for kinship policies that focus on intersectional situations within a decolonized framework. By building a coalition, issues of kinship which have been taken up within political movements would align themselves

with one another as allies instead of many mainstream movements' common approach of using differences among kinship formations as a foundational evidence for identity/group segregation. In other words, instead of gay marriage advocacy groups' promotion of gay marriage rights, there would be an alliance between that movement's aims and that of all of the other kinship advocacy groups such as the ones dealing with child care, chosen families' rights, immigrations rights, etc. I understand that there is no such thing as a unified objective which all groups agree on, due to the diversity among the groups as well as within the groups. However, many kinship advocacy groups are fighting "the good fight" without regard to how their assimilation tactics within the greater government institution will affect the future of all kinship ideologies.

Alliances can be formed based upon common ground found among different identity categories. David Crimp states, "Political identifications remaking identities are, of course, productive of collective political struggle, but only if they result in a broadening of alliances rather than an exacerbation of antagonisms" (16). In addition to building a coalition around political motivations, "Ideally, integration occurs not only at the level of the political movement but at the very personal level of one's own embodied identity" (Carastathis 960). According to Frost, "personal projects allow for a transactional approach to personality, behavior, and motivation, placing a person in context and understanding context through a person's project pursuits" (286). My research is focused on how present-day activism or "movements" contribute to or impact the future rather than simply applying a quick-fix Band-Aid over existing political and legal issues without regard to kinship's origins and existence within imperialist and

colonialist structural inequities. Although some good models for coalition building centered on different areas of kinship already exist (i.e., Sylvia Rivera Law Project), none have discussed kinship in the way that I wish to pursue it as a fulcrum which connects distinct – yet intersecting – arenas within socio-political movements. As a way to narrow my research for the purposes of this thesis, I have chosen to focus on the LGBTQAI communities’ relationship to/with/within kinship ideologies. As I locate myself within the community of queer scholarship, I hope to critically engage in the discussions concerning how kinship care is regulated and produced. However, I understand my thesis as merely a small portion of a deeper and more complex conversation advocating for movements to build coalitions extending beyond the scope of LGBTQAI communities; nonetheless, for the purposes of this scholarly work, I focus my research on a more specific undertaking of kinship care within the gay marriage rights movement. In an attempt to continue this necessary dialogue on transforming how property and other economic resources are distributed, I plan to extend my research’s scope in the future to address how kinship care can affect and be experienced by additional vulnerable populations. I hope that other activists and scholars apply my findings to their own curriculums, perspectives, and/or epistemologies.

My research is two-fold. First and foremost, I focus on how case law impacts/influences the social condition/understandings of kinship. Chapter II will follow one famous/major legal case regarding gay marriage rights – *U.S. v. Windsor* – along with Chapter III’s focus on the involvement of the Human Rights Campaign Foundation (HRC). I chose *U.S. v. Windsor* because of its significant impact on gay marriage rights,

the concurrent timing of the court's legal decision with my own thesis research, and the explicit examples it provides of how legal issues of kinship care can intersect with other political areas. For the purpose of this thesis as well as the driving force behind my own scholarly interests in queer theory, I will not use the original legal document of *U.S. v. Windsor* to summarize the case, court decision, and/or the legal policy changes that follow it. I will gather my information through law reviews found on LexisNexis, case summaries/breakdowns published by queer organizations, and news coverage reported by popular/well-known media sources. I have chosen mainstream media as a valid source for analyzing the political and social climates surrounding gay marriage rights since, "The media and the personalities they have envisioned have replaced the dominant image of the democratic sphere that we have traditionally had" (Crenshaw, "Identity Factor Multiculturalism"). Following up with the case's verdict and HRC's media focus, I will summarize the impact of the decision on the public's understanding of ideologies of kinship care, the redistribution of resources, as well as any future implications it holds on creating an ethical politics of kinship care.

Secondly, I focus my thesis on contrasting mainstream movements with queer organizing methods. The concluding chapter, Chapter IV, centers on coalition politics both within the legal/political arena and on a social grassroots platform. Taken up as a queer response to Chapter II's focus on the institution of marriage along with Chapter III's focus on mainstream assimilationist agendas, Chapter IV integrates how queer politics can be influential in the creation of an ethical politics of kinship care.

I will also focus on the limiting ways that specific usages and assumptions of kinship are taken up within politics and case law to affect nationalist economic and social projects/agendas. Although the purpose of my thesis does not include a concrete endorsement for an exclusive envision of kinship care, my hope is to ignite a critical discussion regarding the creation of a future ethical politics of kinship care centered on the social and political needs of the most vulnerable people. I interchange the terms *kin* and *kinship* to validate both words, since legal discourse surrounding the issue of kinship often uses the legal phrase “next of kin” in U.S. policies.

For current and historical representations of kinship, I use the term *ideology* to describe an idea/concept as belonging to a group of kinship ideologies. According to Valocchi, an ideological dimension includes how meaning is developed through systematic movements “that both legitimate the movement’s existence and move people to act” (445-6). Kinship ideologies are understood as knowledge that produces/uses normative force through institutions and are fixated on what is established as “natural” – an unchanging, traditional sense of essentialism. As for current kinship ideologies, I research the documented arenas in which kinship already has a functioning role within our culture in order to acknowledge the interdependence among all of the arenas. For any references to my future hopes and recommendations, I use the phrase *ethical politics of kinship care* which is based in political policy and social plans. Throughout the thesis, I continuously add insight and depth to the phrase’s meaning so as to let the reader also envision their own hopes and make their own connections of my research findings. In other words, I am critiquing kinship ideologies in their current state, while envisioning a

future for an ethical politics of kinship care by supporting a critical analysis and forwarding a meaningful/ongoing discussion.

In creating an *ethical politics of kinship care*, I call for a three-pronged approach. The first point involves (re)definition. Changing definitions is the principal claim I make in regards to the transformation of current kinship ideologies towards a more inclusive, comprehensive, and intersectional understanding or definition of kinship care; in other words, this arena encompasses my vision's key *kinship care* element. We need to generate an inclusive understanding of kinship, an understanding that cannot be limited to a singular definition and that can also reach any-and-all realities of how people experience kinship. Commonly, kinship has usually been defined in terms of marriage and/or lines of descent. In crafting an expanded definition of kinship, I include these traditional definitions as well as expand upon them. Ideally, people should be able to claim/name the people whom they wish to have kinship ties with and also be able to declaim/denounce kinship ties even if they are blood-related. My idea for an ethical politics of kinship care extends past the legal bounds of romantic monogamist relationships as well as beyond the scope of LGBTQAI (lesbian, gay, bisexual, transgender, queer, asexual, intersex) relations.

Secondly, we must understand economic viability within ethical objectives. By changing the socio-political values placed on all kinship possibilities by validating and valuing all formations and types of kinship care, I consider this to be related to my vision's *ethical* piece based on how we treat one another as human beings. Many vulnerable groups of people feel the effects of state control over who is allowed to define

kinship ties and in what ways; examples of state control include but are not limited to: tax benefits, property rights, and power of attorney. Through this vulnerability of political and socio-economical inequities, instances of disposable people are found.

I am not interested in analyzing legal rights in great detail, but rather my interest lies with the (re)distribution of resources through legal/political operations. Disposability is central to my thesis and the scholarly discussion I am calling for in regards to creating an ethical politics of kinship care. Kinship provides differential access and distribution of economic resources (e.g. property rights) based on legally recognized relations/ties. There are several ways in which kinship is used politically, legally, socially, and economically in order to distribute resources. Employers can regulate kinship relations, socially and economically, by determining the “legitimate” time to mourn over the death of a “family relative” by regulating the “appropriate” amount of personal days to take off work. Other non-traditional forms of families, including chosen families, are not legally or politically recognized as being eligible for economic resources. Chosen families are often formed in LGBT communities due to marginalization; for example, during the AIDS crisis of the 1980’s and early 1990’s, “Pockets of community members became caretakers overnight and across the region were comrades in action with lesbians stepping into the breach to help their fallen brothers” (Murphy 12). Senior citizens living together who rely emotionally on one another are considered having nontraditional kinship bonds; i.e. some relationships found in nursing homes between senior citizens. Native American families were legally regulated – and oppressed – through the Dawes Act of 1887 which distributed small amounts of land to individuals based on age and relationship status

(Stremlau). This act also operated to assimilate Native Americans within colonial policies due to Native families' unlikeness with that of the "traditional" nuclear family (Stremlau 265). Mormon family structures are not considered legal due to their polygamous nature (Witte).

The third prong surrounding my ethical politics of kinship care involves politics and policy. Changing laws to better protect the well-being of all humans rather than a select, privileged few undergirds my vision's *politics* stance. Instead of using assimilating strategies regarding kinship in current legal and political arenas, I call for a deconstruction of those arenas that create/reiterate structural inequities while focusing on what/where/how kinship alternatives exist within the world. Queer organizing methods offer an alternative strategy for LGBTQIA communities in obtaining equitable justices through building coalitions with other vulnerable populations to reform kinship care policies.

In writing this thesis, I have made a conscious decision to not explicitly name the connections I have made during the analysis that I share throughout the following chapters. Since the goal of this scholarly work is to ignite an ongoing conversation rather than finding a clear cut solution, I wanted to allow for the reader to engage in self-discovery; thus, opening up more space for the reader to make connections and add their own conversational insight into the discussion. In other words, I expect the questions that I open each chapter with to be a guiding force for the reader to problem-solve through and come to their own opinions/conclusions since each reader has important intellectual power/insight to bring to the conversation of disposability and an ethical politics of

kinship care. In the critical moments of decomposition throughout my thesis, my hope is for you to engage in a critical discourse analysis that promotes a sense of hesitation. In other words, when considering legal reform to kinship care policies, it is useful to hesitate before making any certain claims on kinship care policies. This enactment of hesitation reduces the tendency to create assumptions and instead promotes the methodology of critical analysis.

Theoretical Framework

Guided by a queer approach, my thesis examines the intersections between queer theory and kinship ideologies. I see queer scholarship/inquiry as a potential radical site that continuously contends against the normalization of being simplistically defined, disciplined, and regulated. Queer theory engages in a “discussion that links perception, practice, performance and the politics of sexual identity to race, ethnicity, culture, time, place, and the discourse produced within these disparate locations” (Alexander 349-50). This interdisciplinary approach is essential in building coalitions centered on the reformation of kinship care politics.

Queer politics “has the effect of pointing out a wide field of normalization, rather than simple intolerance, as the site of violence” (Warner 16). By implementing queer politics in the context of kinship care, my analysis seeks greater depth into questioning the implications shaped by the mainstream gay rights movement. My claim that the movement not only embodies exclusionary practices but also actively participates in the production of disposable persons is grounded in queer politics. The process of queer politics further signifies my call for hesitation: prior to claiming any future ethical

politics of kinship care, we need to hesitate on any potential shortcomings that dispossess any groups/populations.

Queer scholarship/theory, although appropriate and necessary, also needs to adhere to a critical analysis of its own development and implementation of discourse within the circular/fluid framework of reflection, negotiation, and/or transformation. By implementing a moment of hesitation, we can identify any detrimental effects stemming from the implementation of queer politics. Without a clear definition and/or distinct intentions, “queer” can reiterate dangerous assumptions within any given context. However, I view this lack of a singular definition as an opportunity for flexibility by not clearly defining the uses or intentions of queer politics. Unfortunately, some individuals assume the term “queer” is read within a context of a polarized dichotomy between essentialism/heterosexual versus intersectionalism/queer. By distinguishing heterosexual from “the other,” this polarized dichotomy groups all areas that do not fall within the narrowly defined essentialism/heterosexual as queer which significantly devalues the plurality and multiplicity that queerness has the opportunity to diversely value. Although this can be a plausible definition, I define queer as holding the figurative position of an active verb with the potential to alter normalized research approaches and to further challenge power disparities generated from declaring and/or focusing on subjecthood. In my thesis, queer represents an anti-assimilationist approach that opposes previous social movements’ inclusionary goals within dominating institutions.

Contrasting some of the ineffective outcomes from civil rights strategies, Cathy Cohen’s “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer

Politics?” introduces a left political framework. Cohen’s leftist political framework leads my own theoretical framework concerning power differentials, political frameworks, and transformative solutions. Her article also contributes information regarding ACT UP, a New York-based advocacy group, and its influence. ACT UP participates in queer organizing and is made up of “a diverse, non-partisan group of individuals united in anger and committed to direct action to end the AIDS crisis” (*ACT UP New York*). The organization has built a coalition among any-and-all areas/issues/people affected by the AIDS crisis; this is an example of a leftist approach’s multiple-oppression framework (as opposed to the single-issue framing of marriage taken up by the mainstream gay marriage rights movement) in the formation of coalition politics.

I explore the future possibilities for an ethical politics of kinship care within a leftist political framework. According to Cohen, a leftist political framework centralizes the interdependency among several dominating systems and institutions with emphasis on economic exploitation and/or class structure (“Punks, Bulldaggers, and Welfare Queens” 442). The following are overarching questions to consider during the following investigation into political reforms regarding kinship care: What does it mean to engage in political and legal discussions regarding kinship? What is at stake? When something disrupts the boundaries/regulations of pre-established social constructions similar to the queering of a supposed normative, feelings of discomfort and unease tend to persist in the face of the unknown or the unexplored.

In hopes of pacifying some of the discomfort associated with creating an ethical politics of kinship care that is not yet conceivable or identifiable, a radical advocacy

group commonly referred to as *Beyond Marriage* has requested the marriage equality campaign's agenda "to include a broader set of relationships and the goals of social and economic justice for more of us than marriage, as it exists in current law, can provide" (Duggan). In 2006, the radical group issued a leftist strategic vision that has the potential to be used as a preliminary guideline to re-defining and re-conceptualizing kinship care, families, and communities. Its vision statement makes certain to disarm itself from condemning the kinship choice of marriage, and instead it acknowledges the unfair treatment of marriage within larger kinship legislation and situates the strategic vision's scope to include all human beings. According to the vision statement, one of the primary goals for the future of kinship care involves humans' abilities in:

Shaping for themselves the relationships, unions, and informal kinship systems that validate and support their daily lives, the lives they are actually living, regardless of what direction the current ideological winds might be blowing (Acey et al.).

This statement from the group's vision clearly outlines the visionary principles I also hope to enforce, together with recreating the term "communities" through encouraging and non-exploitive terms. I want to imagine a world where this possibility can become a reality for all humans.

Identity Politics

Even though I focus on the role of identity politics primarily in Chapter III, I feel it is important to incorporate a brief overview here since identity politics can be applied to many significant and foundational aspects throughout my thesis. Identity politics is

also one of the methodological bases my thesis process undertakes. I understand identity politics to be multi-faceted and varied in use. In the context of this thesis, identity politics refers to the use of identity categories that can create a feeling of solidarity and inclusion as well as a theoretical place for celebration among differences.

In keeping with Butler's understanding of identity categories as a "political imperative to these necessary errors or category mistakes, as it were to rally and represent an oppressed political constituency" (356); I agree with the assertion that although sometimes problematic, identity formations are a necessary evil within academic research and disciplined studies. Nevertheless, I feel it is important to negotiate and document this paradox rather than to accept it as an unexplored truth in order to cognize the persistent investigation into how this paradox affects the production of knowledge. I intend to engage in deconstructionist politics by disrupting and negotiating identity categories and examining the limited constructions found in some perspectives on a collective identity theory.

Many scholars (Cohen, Puar, Butler, Spade, Kirsch, and others) have contemplated the possibility/potential to fuse identity politics, radical/leftist frameworks, and coalition politics. Kirsch emphasizes the "need to identify with social movements rather than solely identify as an individualized I" (12). I apply this concept to the assessment of alternative ways in which identity politics could benefit from an ethical politics of kinship care through using identity "as a mode of affiliation rather than strictly as a category of personal definition" (Kirsch 7). Cohen references how leftist politics can be positively linked with identity politics: "while undoubtedly informed by our identity,

must extend beyond our particular circumstances and take root in a larger vision of how we actualize, at the very least, a just and equal society” (“Movement to My Politics” 115). I will be investigating the use of identity politics to address the gay marriage rights movement as well as to claim a transformational approach to queer/radical discourses concerning kinship.

My choice to incorporate identity politics within my research stems from my uneasiness with it due to the common misunderstanding and misuse of identity politics within political arenas. I understand the benefits that identity politics necessitate, which include the creation of a rallying point which many activist movements center on, the feeling of solidarity among individuals, and the ease in which academics input “identity politics” within research as a concept that is assumed to be widely understood and “accepted.” It is of equal importance not to dismiss identity politics as a political/legal strategy without first evaluating any potential risks at stake in addition to any benefits of employing it.

Identity politics’ role in kinship could have a detrimental effect if used inappropriately – as in essentialist language or assimilation tactics. Using identity politics, groups of people have the option to categorize or label themselves within a set identity category. However, neoliberal movements tend to use identity politics as a method of regulating and demanding individuals to be categorized or labeled. Neoliberalism can be defined as “the investment and integration of social movements into state-sponsored institutions, such as electoral power, market power, marriage, citizenship, and the military” (Brooks). My vision for a future ethical politics of kinship care resists

these boxes and allows individuals to name their own relationships with other people based on personal opinion rather than criteria. According to Spade:

Because equality- and rights-seeking arguments often reproduce deservingness frameworks, participate in logics and structures that undergird relations of domination, and become sites for the expansion of harmful systems and institutions, they often divide constituencies seeking change (“Intersectional Resistance” 1039).

And this further proves my point that in order to assimilate into an existent legal institution; one must simultaneously validate the institution as admirable and, therefore, neglect opportunities for the necessary support in a critical analysis of the institution’s effectiveness and ethical politics status.

Identities are not static as sometimes assumed within conservative discussions referencing identity politics; sometimes, identity politics can be used in a problematic standpoint by not negotiating or acknowledging all individuals’ choice to self-identify within/to a particular identity category/label, but instead individuals are sometimes forced into them. For example, some women from “Third world countries” (I acknowledge the problems and complexities which this phrase carries; however, for the purpose of this explanation it is fitting) who come to the United States are faced with – and labeled as – an identity category that may not fit with their self-identification: “women of color.” The identity category “women of color” does not reflect the complexities and diversities within that identity marker but instead proposes/implies that the category references a shared, universally understood experience. The phrase “becomes an inclusive and difference-erasing shorthand for a long list of ethnic, national, and racial groups”

(Gamson, "Identity Movements Self-Destruct" 396). And yet, at the same time, many people who choose to self-identify as "women of color" rejoice in solidarity among the common identity while simultaneously celebrating their differences internally within the group.

Identity politics are often considered to be affiliated with assimilationist tactics and tend to be misunderstood as essentialist. According to Valocchi, "Implicit in this problematic is the assertion that personal identities need to be amplified, consolidated, extended, or transformed to correspond to the collective identity of the movement" (449). Some of the gay marriage movement's common flaws come from its failure "to make connections between the domestic oppression, to which many of us contribute and from which many of us benefit" because "people still find it easier to examine and oppose oppression elsewhere than to examine privilege and oppression" within their own projects (Spade, "Fighting to Win" 51). Mainstream LGBfakeT organizations, a term adopted from Dean Spade, rally for inclusion in institutions of power rather than fight for the underlying issues affecting individuals who remain marginalized and below the bottom economic layer.

Not all the effects/attributes of identity politics are negative, and thus the possibility of its implementation should continuously be considered while evaluating its potential benefits and/or risks; for instance, an argument that is framed within identity based language tends to be more widely understood by individuals outside of the communities who are engaged in conversations pertaining to theories of gender. Currah recognizes that a liberal rights-based framework ignores the recognition of class which is

caused by the conviction that political/legal movements should take “the legal structures as we find them, not as they ought to be” (6). I understand Currah’s statement to imply an unwillingness to question the existing legal structures or a misunderstanding of the impermanence of the current structures as well as advocates for the potential spaces in which movements can be critiqued, evaluated, and exposed to suggestions on how to favorably transform current legal structures.

Cohen also offers insight into the potential of radical coalition work by stating, “Only through recognizing the many manifestations of power, across and within categories, can we truly begin to build a movement based on one’s politics and not exclusively on one’s identity” (“Punks, Bulldaggers, and Welfare Queens” 459).

Accompanied by outlining strategies to maintain an integrated analysis, Cohen analyzes the benefits and the detriments connected to identity politics. Cohen questions how power informs and constitutes privileged and marginalized subjects (“Punks, Bulldaggers, and Welfare Queens” 438) by continually bringing the discussion back to the assorted levels of power dispersed among queer identities, including but not limited to race, class, sex, gender, ability, nationality, etc. By applying queer theory’s intersectional analysis to my research, I hope to further understand identity politics and transition the strategic conversation from assimilation tactics toward a more leftist political framing in the creation of an ethical politics of kinship care.

I am not only interested in the critique of identity politics; I am also intrigued by queering my perspective on the role of identity politics in order to create an ethical politics of kinship care: “Recognizing that identity politics takes place at the site where

categories intersect thus seems more fruitful than challenging the possibility of talking about categories at all” (Crenshaw, “Mapping Margins” 1299). Due to the limitations of kinship terminologies accepted by politics as well as social spheres, how are we settling? And in the same breath, how are we progressing?

Others have pointed to how identity politics impacts the gay rights movement and/or kinship discourses (Warner; Mohanty & Wetherell; Gamson; and Crimp). I see my work as adding to these critical scholarly texts. A different approach to identity politics is needed that recognizes the mobilization of identity as a negotiation or “a discussion among those in identity groups to put forth an agenda that fully recognizes the various political interests, conflicting though they may be, that exist within an identity category” (Crenshaw, “Identity Multiculturalism”). Conceptualizing identity categories as coalitions and/or potential for coalitions “by virtue of their internal heterogeneity and the tacit or explicit creative acts through which they are organized and represented as unified” (Carastathis 945) challenges the single-axis notions of identity politics. Intersectionality has often been taken up as a buzzword associated with identity politics and critiqued as assimilationist discourse. Crenshaw’s definition of intersectionality rejects the common descriptors of its buzzword counterpart:

It rejects both the declaration of a universal experience of a given vector of harm and the notion that people affected by multiple vectors are enduring conditions that are simply experiences of single-axis harm added together (Spade, “Intersectional Resistance” 1050).

I agree with this conceptual understanding of intersectionality. It further supports my claims that universal/essentialist viewpoints are harmful and that people do not experience single-issue lives but rather embody multi-faceted and complex realities. Since I see all identities as integrated, I do not separate and pull out specific identities within disconnected categories such as sexuality versus gender versus race. Instead, I approach my thesis with the understanding of intersectionality's role in identity politics.

In order to move towards the full potential of identity politics, it must incorporate an intersectional analysis and approach, as evidenced by Cohen's call for "not necessarily abandoning identity politics but building on or working through identity politics" ("Movement Doing Politics" 117). Cohen recommends articulating identity formations based on politics or political groupings rather than identity categories of gender, race, sex, class, etc.; "Refining our political analysis forces us to reexamine the basis of our unity and explore just how far we can proceed with our current political configurations" ("Movement Doing Politics" 117). Crimp believes, "the eradication of homophobia – of this already institutionalized ignorance – depends on our collective political struggle, on our identity politics" (13). An ethical politics of kinship care is a prime example of building a coalition around the collective political struggle of kinship care policies; its political struggle reaches/affects many different identity populations in different ways while simultaneously connecting them all on the collective basis of being affected by kinship care policies.

Negotiating the Political

This section discloses my interpersonal negotiation of the U.S. government's political and legal involvement with and within kinship care systems. As you will read, I do not provide – or know of – a clear cut-and-dried suggestion for the future of kinship politics, but rather I focus on exploring various approaches and their potential outcomes by critically analyzing current kinship care ideologies' implications. I firmly believe in following a left political framework/guide, hence I recommend a critical deconstruction of current policies and legal/political governing bodies of power. I understand this deconstructive process to be transformative, coalition-based, long-lasting, and unpredictable. It needs to have fluid/flexible phases guided by activists rather than abrupt political/legal changes administered by the U.S. government; for example, the government can't effectively shut down one afternoon without people creating – or at least being in the process of creating/initiating – new alternatives. That alternative creation must have the support of a significant number of people in order to be widespread and successful, be made to encompass all kinship care formations/realities, and should include the implementation of legal administrative reforms that protect the well-being of all kinship realities.

As exemplified by the shutdown of the government from October 1st through 16th 2013, “citizens” of the U.S. rely on their government's presence to varying degrees with situations ranging from a person's application for a passport to a person's visit to a national forest – both situations were unattainable during the 2013 government shutdown. I have mixed/complex feelings about the term “citizens” used in most legislation to

denote subjecthood of the specific law/regulation. “Citizen” has more than one meaning and does not entail equal rights for all identified U.S. citizens as many would hope; however, for the purpose of this research, it is referring to people who are deemed U.S. “citizens” *by* the U.S. government. The government shutdown was a result of Congress’ inability to “agree on a spending plan for the fiscal year...as they [Republicans and Democrats] wrangled over Obamacare, leaving federal coffers short” (Yan). Out of the 225 years of U.S. presidency starting in 1789 with George Washington, the 2013 disagreement on federal budget and the preceding lack of mutual bipartisan understanding caused the 17th government shutdown in the history of the U.S. (Cillizza). Furthermore, all 17 government shutdowns have occurred between the years of 1976 to 2013 (Cillizza), which is only a 37 year time period. From this information, I find the current legal and socio-political setting/climate to be at a critical fulcrum that opens up future possibilities including the deconstruction of the seemingly malleable legal systems.

It is unrealistic to wish away the government’s existence and legal regulations and legislation. Rather, if a “bottom-up” approach to kinship care is applied in legal arenas, then we are participating in the deconstruction component of a left political process.

According to Cohen:

A left framework of politics, unlike civil rights or liberal frameworks, brings into focus the systematic relationship among forms of domination, where the creation and maintenance of exploited, subservient, marginalized classes is a necessary part of, at the very least, the economic configuration (“Punks, Bulldaggers, and Welfare Queens” 442).

This would include multiple-oppressive frameworks and deconstructive analysis as well, both strategies that have not been acknowledged by the gay marriage rights movement as of yet. By “bottom-up,” I am referring to a coalition approach initiated on addressing the needs of the most vulnerable populations affected followed by the integration of other, (slightly) more privileged populations affected by the given issue.

Neoliberalism acts as a predatory system against “the radical openness to alternative futures” (McRuer). Within the gay marriage debate’s neoliberal framework, the limiting “pro versus con” discourse disregards the very-real complexities and diversities found within LGBTQIA communities. In the model for the supporting side of the gay marriage rights debate, the “pro” discourse centers on marriage rights’ assumed benefits for “the” essentialized LGBTQ population without consideration of an intersectional analysis or comprehensive alternative; while the “con” discourse among these supporters uncritically labels current legislation related to the ban on gay marriage as inherently “bad” without regard to the role of the institution of marriage. Supporters of gay marriage rights center their debate on assimilation into dominant hierarchies by re-codifying traditional kinship views rather than deconstructing the structural institution of marriage. The marriage equality debate locates the idea of legally-recognized gay families as structural effects of heterosexual institutions (Shapiro 1) – viz. the marriage equality movement mimics the heterosexist, racist, and classist foundations that constitute the institution of marriage. In the beginning of Chapter II, I return to this claim of the institution of marriage’s oppressive foundations in more depth.

The equal marriage rights agenda *can be* harmful – and in my opinion, *is* harmful, – due to its assimilation tactics coinciding. In order to assimilate into an existent institution for “same/equal” rights such as marriage, the movement is forced to focus on and affirm the socio-political institution of marriage as inherently “good” in an attempt to demonstrate the movement’s desire for assimilation as valid. That is to say in order to assimilate into an existing institution, you must desire that institution’s current status of legal “benefits” for yourself and/or group; thus, qualifying those “benefits” and legal proceedings as inherently good and/or desirable. I use the word *inherently* here because if you didn’t consider the institution’s current “benefits” as good or desirable, then you wouldn’t want to assimilate into them; rather, you would choose an alternative approach to addressing the specific issue you hope to advocate for. Alternatively, if you do have criticisms of an institution’s established “benefit” but/and also feel that the current state of things related to your issue are not acceptable, then, queering your approach to social justice activism is the most effective/efficient option; examples of a queer approach include deconstructing the existing regulation to create something more comprehensively equitable in its place, or finding another alternative tactic such as considering the emancipation of legal control over the subject/issue.

By trying to assimilate into the institution of marriage, no one is questioning the harms and discrimination that result from that institution; nor does it leave room for critical engagement, discussions, or criticisms. For instance, advocating for marriage equality does not address the issue of someone’s employment lacking health care benefit plans – it actually justifies that the current health care institution and its exclusionary

practices is correct on the basis of how the marriage equality movement neglects to engage in a critical analysis. Marriage excludes many “legions of people – straight and gay, bisexual or transgendered, and others – whose lives are intertwined in ways that do not fit with one-size-fits-all marriage” (Duggan). By focusing only on one issue, the realistic matrices of oppression are blurred in order to justify a single origination source; “The focus on access to marriage may be constricting the imagination of advocates for LGBT families who attribute every problem a same-sex couple experiences to marriage discrimination” (Polikoff, Introduction 8). Do you really want to lift up marriage as a “good” institution? Do you want to support it without creating critical space to name its exclusionary policies and its narrow definition of kinship care? Consequent to the single-issue framework of assimilating into marriage and therefore (implicitly) disregarding other forms of kinship care as disposable or not as worthy of legal recognition, do you want to actively participate in creating/reiterating the legal protections of marriage as the only “good/intelligible” kinship care relation within a hierarchal structure that demonizes people choosing more legally vulnerable kin alternatives/relations? These rhetorical and polemic questions are intended to conceptually prepare you for my deconstruction of the gay marriage rights movement while also engaging in a more comprehensive undertaking that creates an ethical politics of kinship care through coalition building.

I am interested in the concept of moving past the current U.S. rights-based strategies that fight/advocate for certain single-issue political/social/economic justices. For some people, this possibility might alter the ways in which they understand the U.S.’s role within political decisions affecting themselves as well as others. It will also disrupt

the neoliberal framework behind “human rights” legislation. The discourse concerning human rights often serves as a façade eluding any serious form of inquiry on the legislative context and socio-political power disparities in which “human rights” are often applied. Although human rights are considered to be universal in context, the level of access and the amount of granted acceptance relies greatly on the governance of the sovereign state and its given position within the global hierarchy of nations (Asad). Applying the phrase “human rights” can be an insufficient strategy in advocating for legal protection of the welfare for *all* humans – viz. the U.S.’s version of “human rights” frequently does not apply to or cover the rights for immigrant/migrant humans.

Within political and legal arenas, discussions concerning kinship can either approach or resist current U.S. policies. Kirsch poses a central question while considering how to interact with U.S. policies: “Is it possible that we [queer activists] are foreshadowing disappointment by working within the framework of accepted political norms?” (17). I believe the answer to this question (as it applies to my analysis on the gay marriage rights movement) is *yes*. Disposable populations fall through the cracks and are made even more vulnerable through a deficiency of rights protecting their well-beings; the current institution of marriage is producing disposable persons by not recognizing all forms of kinship care and therefore not legally protecting the well-being of all individuals.

We cannot simply add “marriage equality” to the legal agenda in hopes that it will foundationally change the oppression faced by many vulnerable groups within and outside of LGBTQAI communities. The additive model does not address the structural

institutions and other dominating oppressive frameworks that work to produce disposable people or marginalized groups. Some inequities that are not addressed through “access to the state-regulated institution of marriage” include “full equality, universal health care, or expansively reimagined forms of kinship that reflect our actual lives” (Duggan). For example, the fact that not all employees (which in and of itself fails to address unemployment) are awarded health care is often a nonexistent issue within gay marriage equality discussions; “They fight for people who are employed to be able to get their partners on their private health coverage, but take no stand on Medicaid and do nothing to promote universal healthcare” (Spade, “Fighting to Win” 51). The mainstream gay agenda has fixated itself upon advancing the movement for marriage equality; and in the process, has neglected the entirety of the LGBTQAI population, some of whose needs consist of more economic and socially equitable priorities.

My suggestions for the future resist an assimilationist political approach and instead are grounded within a decolonized framework. Andrea Smith specifies that decolonization strategies “should not be premised on the notion that the U.S. should or will always continue to exist” (51); meaning that current legislation/institutions are not static and have the potential to be deconstructed and transformed to better embody everyone’s well-being. However, it is important to keep in mind that any “analyses that we choose to pursue are a reflection of our relationship to this dominant economic nexus [capitalism] and our willingness or refusal to oppose it or deny its presence” (Kirsch 18). Even when starting from a decolonized perspective, we can never be removed from our relation to or position within colonialism, capitalism, and/or other dominant systems.

The first step is to acknowledge the historical location in which we find ourselves in hopes to better understand the complex and multi-faceted spaces in need of further socio-political navigation; for instance, the understanding of socio-political spaces that are *capable* of – but are not currently – protecting all kinship care formations.

CHAPTER II

WHY MARRIAGE

From these social movements, we understand marriage as a technology of social control, exploitation, and dispossession wrapped in a stain ribbon of sexist and heteropatriarchal romance mythology (Spade & Willse, “Marriage Will Never Set Us Free”).

Where is kinship care recognized? How does political policy regarding kinship impact social conditions (such as economic distribution or health care)? How are kinship laws censored, regulated, and made intelligible? Who is affected – and in what ways – by kinship? How are court cases taken up in the media and/or by organizations; and what’s lost when this happens? How do legal cases affect different areas of public spaces after a decision has been made?

To cover the large scope of people impacted by the vast spectrum of issues related to kinship care would be too large of a task for a single thesis paper. In this chapter, I use a legal case as a pivotal point that explicates/supports my vision for a future ethical politics of kinship care by recognizing the shortcomings of the court’s decision as well as connects how the existence of other kinship formations are neglected by the case’s legislative results. Although I suggest building a coalition among the numerous groups of people affected by the multi-faceted issues of kinship care in order to create an ethical politics of kinship care, this thesis will only concentrate on one particular issue within kinship care systems – marriage rights. I want to make clear that I see marriage as a

social institution regulated by legal and socio-political frameworks. Since “gay marriage” has been a hotly contested topic for decades in the U.S., it is a sound focus for this thesis. Furthermore, research on the gay marriage rights movement is also a reasonable place of origin for a more comprehensive line of inquiry/research into my concept of coalition building which is crucial for future projects of an ethical politics of kinship care.

Since academic climate and political media conversations regarding the gay marriage debate prompted my primary research for the thesis, I feel it is important to keep this legal system of kinship care as the main jumping off point in examining the potential for an ethical politics of kinship care. According to Willse, “this requires developing a politics that sees the importance of legal battles such as this one and also sees the costs of a liberal model of politics represented in this fight” (“Ban Marriage”). I explore how political policies regarding kinship has impacted the cultural/social climate and conditions surrounding the LGBTQIA community, how *U.S. v. Windsor* specifically has become intelligible to the general public via media’s censorship/regulations of the case law, and who is affected – and in what ways – by kinship policies. I will also focus on the limiting ways that specific usages and assumptions of kinship are taken up within political and case law to affect nationalist economic agendas and socio-economic projects. To demonstrate the left political agenda that my thesis suggests, I refer to the methodology used by Paisley Currah. In his “Gender Pluralisms” article, he outlines potential opportunities to build coalitions by political connection and intersectionality. Unlike Currah’s article, the close proximity of writing this thesis with the court’s decision

in the *U.S. v. Windsor* case prevents me from recording any long-term outcomes/effects which are not yet known.

In looking at who is affected by *U.S. v. Windsor* and in what ways, it is beneficial to analyze/examine how identity politics have been taken up in the gay marriage rights movement. Gamson poses an important question regarding targeted populations to be included and to be excluded: “for whom, when, and how are stable collective identities necessary for social action and social change?” (“Queer Dilemma” 403). In relation to kinship care policies, we should consider Gamson’s question from two perspectives. The first perspective pertains to asking the questions of who is the subject of the policy, who is left out, who creates such policies, and in what ways are these policies carried out. The second portion to consider is who we envision an ethical politics of kinship care to include and how could it be implemented in such a way that maintains its aim to be comprehensive, intersectional, leftist, and transformational.

In recent years, an increasing number of critiques of the gay marriage debate have surfaced. The “gay marriage debate” has engulfed the consciousness of what has become known as the mainstream gay movement (primarily shaped by white, middle- to upper-class, U.S. American citizens). It promotes a faulty impression that there exists a collective identity – the LGBTQIA identity – that is not affected or impacted by the intersectionality of other identity categories and/or lived experiences. Being mindful of identity politics is important while exploring *U.S. v. Windsor* in greater detail, specifically noting how Windsor’s identity is taken up and/or portrayed in mainstream media. The mainstream movement’s lack of inclusion for the rest of the LGBTQIA

communities is made apparent by its agenda's disregard for political/legal/economic injustices and inequities that disproportionately affect vulnerable groups within LGBTQIA communities. Who is left out and excluded in the movement's agenda for assimilation? Kinship care systems do not only include romantic, monogamous couples who wish to participate in the institution of marriage; so therefore, a lot of people who do not have the goal of marriage but rather are involved in other forms of kinship care are excluded or left out of the mainstream movement's plan of marriage assimilation.

It is important to be cognizant of the history behind the institution of marriage in the U.S. In this section, a brief historical overview of the institution of marriage foreshadows the accounts of inequities overlooked by the "gay marriage debate" (e.g. unequal access to health care and employee benefits). In looking at its historical timeline, the status of marriage "as a *tradition* ties its current meaning to its past" (Chambers 128); this is an intriguing and compound idea that maintains two opposing thoughts or feelings wholly and simultaneously. On the one side, even institutions that have tried to take on contemporary concepts are still largely connected to their historical background based on the very notion of *tradition* – the basis of the validation of its institutional existence in modern times; and, at the same time, the very notion of *tradition* – being a part of the past – is often used to dismiss any past oppressive implications from contemporary times as if to say the institution has the magical power to disassociate its origins from its current statute. Scholars set up their discussion on contemporary issues of "the gay marriage debate" in a particular way in order to invoke a historical and cultural life of marriage. I'm looking both in terms of the past legal and social atmospheres as well as predicting

future outcomes of the political marriage debate in order to demonstrate the historical significance the past plays and the significant impact the future can hold.

Chandan Reddy focuses on how liberal motives/values cannot be regarded as separate from the important role they play in promoting and maintaining the nation-state. An example of a liberal value is the validation for the military through assimilationist agenda of military inclusion on the basis of creating egalitarianism; the significance of the liberal agenda on the level of equality or “all-inclusion” within the military authenticates the very existence of the military as a “good” institution and does not intend to critically engage in a critique of the militaries’ institution nor does it suggest any alternatives for war reform. Reddy calls for an alternative approach in understanding the relationships among sexuality, race, and gender that include intersectionality and historical backgrounds; for example, “sexual equality cannot lose its own shadows of racial struggles against the systemic disposability that defined the limits of the Civil Rights Act” (“Freedom’s Amendments” 17). In this example, Reddy is referencing how the racial tensions and racist implications from the feminist movement for sexual equality during the 1960’s to 80’s, which is commonly referred to as the “Second Wave,” cannot be forgotten or removed from contemporary feminist movements. Reddy also importantly uses the term “disposability” to connect to the effectual limitations of a rights-based movement, an idea that I explore further and more in-depth at the end of Chapter III.

Reddy’s proposal to frame political struggles in terms of amendments – amendments are legal modifications to current state and federal legislation – instead of

“intersections” allows for an alternative historical hindsight. As discussed in Chapter I, an intersectional approach frames the political struggle in terms of coalitions and identity politics within a multi-faceted intersectional analysis. I believe implementing both approaches of amendments as well as intersectionality is imperative. There needs to be a mixture of both applications in the creation of an ethical politics of kinship care in order to reap the benefits from both approaches while limiting the shortcomings apparent in each of the approaches. I believe “amendment” was chosen purposefully by Reddy in order to play on the term’s multiple meanings related to political terminologies and verbal transformation. By understanding political modernity through amendments, “the discursive and historical formations or bodies that the amendment reanimates and keeps alive continually exceed its framing” (Reddy, “Freedom’s Amendments” 17). Unlike the concept of an intersectional model which has the potential to combat identity politics’ essentialist references, looking at issues through the legal sphere of amendments allows for an additional perspective on the topic including both its past significance as well as any future implications. Likewise, only looking at a political issue through amendments could potentially overlook current/contemporary matrices of domination that reiterate certain norms not historically relevant.

A panel of three scholars held at the New College of California in 2004 importantly attempted to answer the anticipated question of whether or not marriage can be disassociated from its damaging past by looking at it within queer politics. The three speakers – and I agree with them full-heartedly – believe that the institution of marriage cannot be removed from its historical past or its contemporary implications. As stated by

Marlon Bailey, “Not everybody’s relationship to the state is the same; therefore, people’s different investments in same-sex marriage or lack thereof should be discussed” (88). In other words, along with the undertaking of marriage within a historical/amendment approach, there also needs to be an intersectional approach in order to account for the modern lived experiences of people’s relationships with one another, themselves, and the state. The panel remarks on the tragic reality of how African Americans have not been embraced within U.S. legislation; particularly exemplified by the pathologization of Black families as demonstrated by excessive police force used to terrorize neighborhoods of Black communities along with a disproportionate number of incarcerated African Americans within the prison system (Bailey). Marriage has also played a role in anti-Black racism due to the institution of marriage’s racist history as well as current legislation’s classist and heteronormative undertones. For example, President Obama’s “*Health Marriage Promotion* initiatives have been used to encourage low-income women to marry, including at times through cash incentives” (Spade and Willse, “Marriage Never Free”). This example highlights how a governmental strategy that advertises the conformance towards social normatives/narratives of marriage in order to obtain supplementary – and often necessary – resources to a certain group of people based on class further personifies the neoliberal concept of pulling oneself up by their bootstraps; in other words, if a low-income woman don’t choose to marry in order to obtain that cash incentive, then it is her fault for not taking every possible “opportunity” for success. This whole idea/example is ludicrous. Instead of analyzing the dominating systems of

oppression that divide levels of class, the government creates incentives for low-income women to marry in order to have financial assistance.

Researching marriage rights using legislative amendments exposes marriage as an institution rooted in racism, classism and sexism. In 1691, Virginia law banned all forms of interracial marriage (Stoler 41). More than 200 years later during the 1967 *Loving v. Virginia* ruling, a Virginia statute finally removed the ban against “mix-raced marriages” (Eng 37). During the seventeenth and eighteenth centuries, U.S. slave codes banned imprisoned slaves from legal marriage (Cohen 453). As stated by Stoler, “colonial authority in the seventeenth and eighteenth centuries was secured through a pervasive system of political and familial alliance” (42). Considering the institution of marriage’s historically horrific origins/meanings, what are the reasons to support it or assimilate into it?

By having assimilation as the goal, “queer liberalism extends the right of privacy to gay and lesbian U.S. citizen-subjects willing to comply with its normative dictates of bourgeois intimacy, and able to afford the comforts of bourgeois domesticity in their reconfigured globalized incarnations” (Eng, *Feelings of Kinship* 45). This statement directly connects with my interventions previously mentioned. The first connection is how the statement uses “liberalism” to refer to the liberal motives/values I examined earlier in this chapter as well as its contribution to the creation of neoliberalism. Secondly, the statement outstandingly mentions “U.S. citizen-subjects” which further demonstrates my point that nationalist agendas are directly tied into the continuation of the institution of marriage. In line with my own understandings, Eng’s statement also

expresses how norms are produced through compliance as well as comments on classist undertones of the issue supported by an intersectional analysis. The notion of “reconfigured globalized incarnations” will be revisited later in this chapter when I discuss the impact of gay marriage rights on immigration law.

My attention to marriage legislation, specifically gay marriage rights, offers insight into some of the complexities existent in kinship care systems. These complexities refer to the convoluted agendas and strategies enforced by (usually) well-intentioned organizations in the name of “marriage equality” and to the modern-day pluralistic effects as well as future hidden implications that gay marriage legislation and its supportive movements have on all the varying formations of kinship care. As specified by Spade and Willse:

The idea that same-sex marriage advocacy is a fight for the ‘freedom to marry’ or ‘equality’ is absurd since the existence of legal marriage is a form of coercive regulation in which achieving or not achieving marital status is linked to accessing vital life resources like health care and paths to legalized immigration (“Marriage Never Free”).

Instead of recognizing these complexities and pluralities, the mainstream gay marriage rights movement takes up a single-oppression framework which leaves out a portion of the LGBTQIA community and ignores the multiple-oppressive structures that situate vulnerable populations. Single-oppression frameworks including the one used in the gay marriage debate fail to understand the intersectionality and pluralisms found within systems of power. Where is the discussion and recognition of class differences within the

mainstream gay marriage debate? It is silenced through the strategic approach of single-oppression frameworks.

The gay marriage rights movement is based on a “middle-up” class strategy, rather than a “bottom-up” approach – remember that “bottom-up” strategies are most desirable since they start with the issues affecting the most vulnerable individuals and more effectively lead to transformative socio-political justice by limiting the foundations of oppressive systems, and thus increasing the number of people helped. We need to be looking at the core populations hit hardest by kinship policies, including legislative policies on rights affiliated with the act of legalized marriage. The gay marriage rights movement needs to reflect on ways in which it is oppressive to others; specifically reflecting on the privileged assumption that marriage equality is the top priority for all, when in reality equitable resource distribution is one of the primary goals for people who are marginalized in more than one aspect of their identity categories. Even though LGBTQIA communities are considered to be a marginalized population, additional considerations need to be implemented on how the intersections of race, income, ability, and gender further affect individuals in these communities; i.e., couples whose employment does not grant any type of health insurance (married or not) are not affected by marriage rights regarding healthcare insurance plans, single individuals whose immigration status is now dependent upon whether they find a U.S. citizen to marry, and so on. However, I do understand that marriage rights are a goal for some LGBTQIA couples and therefore must be taken into account while creating an ethical politics of kinship care; but marriage should not be the end-all-be-all political answer. If the gay

marriage rights movement deconstructed the multi-faceted forms of institutional oppressions, then marriage equality could follow – and might have a stronger chance of – concrete legal, political, social, and economic change.

***U.S. v. Windsor* Case Summary**

U.S. v. Windsor case's decision overturned Section 3 of the Defense of Marriage Act (DOMA) in 2013. Section 3 of DOMA states that, “the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife” (Banks and Smolla). In order to understand kinship ideologies, I analyze the *U.S. v. Windsor* case that recognized a legal kinship bond through making gay marriage intelligible through legal reformation.

In 1996, President Clinton passed DOMA which deemed marriage as a fortification of state sovereignty (Helfman 19). DOMA defined marriage within federal law as “a legal union between one man and one woman as husband and wife” and determined that “no state is obligated to recognize same-sex marriages performed in another state” (Helfman 19). Prior to DOMA, the federal government relied on rights and legislation concerning marriage at the state-level due to the locality between state government officials and their constituents: “political authority that is closest to the family and most representative of the community values animating marriage as an institution” (Helfman 19). According to the House, DOMA expressed “moral disapproval of homosexuality, and a moral conviction that heterosexuality better comports with traditional morality” (Gray).

Furthermore, “DOMA may well be the first occasion for a familial definition offered by Congress to come into direct conflict with the definitions states are adopting” (Helfman 21). Many national gay-rights leaders predict an outburst of state-by-state lawsuits “seeking to expand gay marriage rights...bring the issue back to the Supreme Court in a quest for a ruling that would establish a 50-state policy” (Crary) as a result of the *U.S. v. Windsor* case rulings. These national gay-rights organizations believe *U.S. v. Windsor* to be a pivotal point for success in the near-future of marriage legislation/rights.

Under DOMA, same-sex married couples have their lives burdened, by reason of government decree, in visible and public ways. By its great reach, DOMA touches many aspects of married and family life, from the mundane to the profound. It prevents same-sex married couples from obtaining government healthcare benefits they would otherwise receive (Banks and Smolla).

The above quote locates the featured feelings among most gay marriage rights activists concerning how DOMA impacted same-sex married couples prior to the *U.S. v. Windsor* case. So as you could deduce, the case’s success of abolishing DOMA’s Section 3 was considered to be a major triumph. Keeping in mind this example of the current social climate surrounding the case, I will now provide a summary of the case, any historical relevance to the case’s subjects, as well as an overview of how the case has been publicly represented within mainstream channels.

In 2009, New York citizen, Edith Windsor, sued the U.S. government for a refund of an estate tax bill totaling \$363,053 that was charged on the property inheritance left for her after the death of her partner, Thea Clara Spyer. Legally married in Canada, the couple had celebrated 40 years together before Spyer’s passing. The *state* of New York

recognized their marriage union under New York's Marriage Equality Act; however, the union was not *federally* recognized due to DOMA, and therefore the estate tax was not covered under federal law that declares "married people can leave an unlimited amount of assets to their spouses" (Nather) without being taxed. In addition to having an estate tax bill that could even total a sum as expensive as \$363,053, having the financial ability to pay such a large bill prior to suing the U.S. federal government for a refund are both indicative of Edith Windsor's privileged class status.

Bearing in mind Reddy's definition of amendments, Windsor's case has been taken up in a particular way by mainstream media as to ignore the racist implications and historical foundations surrounding the topic of legal marriage. Reddy poses an important question to apply to the issue of marriage: "What were the epistemological means for conveying this transition to ordinariness and acceptance in our changed political circumstances?" ("Freedom's Amendments" 5). Supporters of equal marriage rights deemed marriage as ordinary and normalized which, in turn, further separates the idea of "the other" or alternative kinship ideologies. Marriage rights also "abstract and idealize the acts passed by Congress, rather than seeing them as mediations of specific social and historical conditions" (Reddy, "Freedom's Amendments" 9-10). The court's decision on *U.S. v. Windsor* effectively introduced federal marriage rights to gay or same-sex married couples for the first time in history. Although this statement appears to be a positive indication of marriage, also assessing marriage based on its historical amendments is necessary.

Many marriage rights are often classist or class-based, similar to the example of Windsor's inheritance estate tax. As for estate tax benefits, legal marriage doesn't require spouses to pay large estate taxes after their significant other's death but "only affects same-sex couples who are wealthy enough to have a lot of assets" (Nather). As a result of the case, same-sex married couples now can have a tax break for workplace health coverage, which is dependent on whether or not their current job offers health care coverage. Social Security benefits are also available for legally married couples, however "the way the benefits are calculated, a two-income couple gets higher payments than single people, but not as high as a couple where only one person worked" (Nather). A couple whose financial stability only requires/depends on one income has a wealthy and privileged standpoint. This one-income marriage also has greater tax benefits. Federal tax bills depend on the joint income of a married couple – couples will have "lower tax bills if there's a big gap in their incomes" (Nather). On the other hand, if both spouses have similar incomes, then they "won't get all of the tax breaks that they could have gotten if they'd filed individually" (Nather). This summary of how tax benefits are distributed based on the case decision is very telling in how marriage reiterates classist hierarchies. Coming from a marriage that can be financially stable on a single income is a privileged position; whereas, most marriages in low- to middle- income families often rely on the dual income of both married partners to sustain themselves and/or survive.

The New Yorker's "The Perfect Wife" article is a great example of how mainstream media portrays Windsor using a narrative of neoliberal progress focused on a white, wealthy elderly socialite woman. Her relationship with her spouse Spyer - "who

came from a wealthy family in Holland, spoke Dutch, played the violin beautifully and had been thrown out of Sarah Lawrence for kissing a woman” (Gray) – is portrayed within heteronormative gender norms. The article focused on her love story with Spyer and how she won a monumental “landmark case for gay marriage” (Levy). The goal of the article was to create compassion around the love story and to establish the couple’s normalcy among other heterosexual couples.

To further create compassion around same-sex love stories, Windsor implies how Republicans who previously opposed gay marriage come to accept it based on the idea that everyone knows (or will soon enough know) a gay person, and therefore, will innately have compassion for all LGBTQ individuals. Her answer to why individuals against gay marriage later decide to support it after a loved one comes out as gay specifically focused on republicans: “That’s how everybody who’s not gay decides to support gay marriage. They discover that somebody they know and love is gay, and they say, ‘Oh, Jesus, I had no idea’” (Goldman). I find this compounded idea hard to believe considering the harsh and sad realities faced by numerous LGBTQ individuals whose biological kin have disowned them or worse for “coming out” as any category, variation, or non-abbreviated form of LGBTQAI. Windsor gives an example of her own compassion for Bill Clinton when she forgave him for signing DOMA; this political reference with the concept of compassion implicitly opens up a window of opportunity to nonchalantly add in a few remarks about compassionate Republicans. When asked about what she thought about Bill Clinton signing DOMA into law, she answered, “Hated it. I hated him. I would trust no Clinton anywhere any time” (Goldman). However, when

asked about how she currently felt about Clinton, she responded with non-hateful forgiveness for the mistake of passing DOMA – which she believes Clinton now regrets and has learned from.

In *The New York Times* interview, Windsor refers to herself as a “middle-class woman in New York” and compares her subjective exploration of being gay with her experience in graduate school which also indicates educational privilege. Responding to the question regarding what her plans were if her legal case won in court, she replies, “I want to have a street party, that’s all I know. I am going to be one of the grand marshals in the gay-pride parade.” This further complicates the implications of a white, rich, gender-normative, apolitical woman living in New York City’s wealthy neighborhood being the poster child for gay rights. Also, it is important to acknowledge Windsor’s previous quote portraying the case’s decision as a win for a generalized understanding of “gay rights” versus the actual case’s focus on gay *marriage* rights. Gay rights isn’t synonymous with the marriage debate, since the gay marriage rights movement neglects a large portion of vulnerable groups in LGBTQIA communities and ignores a comprehensive outlook on the political issues at hand regarding gay rights. Also, viewing gay rights as pertaining only to gay marriage legislation depoliticizes marriage as a personal choice rather than part of politics. This is very telling of how she positions herself within “the gay marriage debate.”

Windsor sees herself as a key leader in “the gay marriage debate” rather than as an individual within a broader/greater scope of the LGBTQIA community – or any other community for that matter. In particular, I found her answer to the question of whether or

not she considered herself a feminist quite interesting; her response, “Not really” (Goldman). While I understand that not all feminists promote gay marriage and not all proponents of gay marriage consider themselves as feminists, her strong stance on the issue is worth noting. I believe her stance implicitly denies the feminist concept of the personal is political and further depoliticizes gay marriage as personal but not political. Windsor stated that she wouldn’t be a part of NOW due to the organization’s separatist ideas between men and women (Goldman,) yet she admitted to separating herself from drag queens and other identities within the LGBTQIA community (Gray) that are often portrayed as deviant. Her distinction between who or what types of identities should be separated and which ones should be considered on a collective platform is very important. However, Windsor believes that the Stonewall Riots along with the lesbian response to nurse the gay men in the 1980s AIDS crisis both brought the LGBTQIA community together. I think that the Stonewall Riots is an example of a once-contested historical event that has become to be known as an appropriate example of “fighting for” civil rights or the “good for humanity”; and I think her reference to the lesbian response to the AIDS crisis is consistent with neoliberals’ nationalist savior complex that rewards neoliberals as saviors to seemingly incapable “others.”

In addition to Windsor’s own high self-regard as a leader of the gay right movement, the media also frames her as “an icon of the gay-rights movement” by revealing Windsor’s leadership roles “at different points in her life” while softening her reputation with sociable features such as “feisty, funny and extroverted” (Gray). In Gray’s article, the examples of her past leadership roles include being vice-president of

8th grade and her position as a computer programmer “managing (at times reluctant) men” (Gray). Neither of which involve the LGTQIA community, marriage, legislation, kinship, or anything else regarding the supposed reason she was nominated as *TIME*’s “Person of the Year” for 2013. Gray’s article also references Windsor’s sworn affidavit to the U.S. District Court for the Southern District of New York stating, “I certainly didn’t want to be a ‘queer.’ Instead, I wanted to live a ‘normal’ life”. This statement relates back to the previously mentioned distinction Windsor made to separate her from drag queens; and thus, reinsuring the public that her ultimate goal was to be “normal” which could be accessed via assimilation strategies. Assimilation strategies speak to Reddy’s concept of amendments; the institution of marriage being founded in racist strategies to normalize societal behavior.

Edith Windsor is the runner-up for *TIME*’s 2013 “Person of the Year” Magazine edition, more specifically she is ranked as the 3rd most influential/impactful person in 2013. According to *TIME*’s official webpage:

TIME's Person of the Year is bestowed by the editors on the person or persons who most affected the news and our lives, for good or ill, and embodied what was important about the year. See who made the grade over *TIME*'s first eight decades (*TIME*).

To put this nomination into context, *TIME*’s 2012 “Person of the Year” winner was President Obama. There are serious implications conveyed by nominating both Windsor and the U.S. president for the same title (although different years.) *TIME* further announces her as “the matriarch of the gay-rights movement” and describes her gay

sexual identity previous to 2009 as “low-profile” – whatever that may mean, one can only speculate – until she was “triggered... to fight for her rights in the U.S. Supreme Court” (Gray). The preceding statement captures how *TIME* portrays Windsor as being a “low-profile” – i.e., ordinary, modest, restrained, and subdued – U.S. citizen who “fights” for “her rights in the U.S. Supreme Court;” selecting the verb “to fight” signifies her as a hero, while the latter phrase binds the existence/narration of “[human] rights” with the authorization from the U.S. Supreme Court systems. Implicitly, this demonizes many grassroots strategies used for political forms of activism; for instance, queer organizations tend to advocate for the elimination/deconstruction of certain legal structures instead of asking for the government to edit (add/delete) an existent legal structure. These types of activism are devalued by discourse concerning the fight for rights similar to *TIME*’s reference. This next sentence, found later in the article, concerning Windsor’s reaction to the estate tax bill is also very telling: “Furious, Windsor did what so many other ordinary gay people in her generation had been forced to do in response to adversity: she decided to fight” (Gray). Please note *TIME*’s choices to use the following words and phrases: “ordinary gay people,” “forced...in response to,” “adversity,” and “to fight.” There are an endless list of implications both explicit and implicit resulting from this statement. To address them all would be too much for this project, instead I want to emphasize how ridiculous this statement can be understood when you look at the choices of words/phrases that I listed.

Furthermore, the title of the *TIME* article “Edith Windsor, The Unlikely Activist” is of equal interest to me. Out of all potential titles, why choose “unlikely activist”? Is

she “unlikely” because of her sexuality, gender, class, race, age, etc.? Is she an unlikely activist because activists are unjustly assumed to be civil-deviants, unruly, disorderly, etc.? Windsor identifies and is portrayed as “apolitical” referencing the possible connotation of what *TIME* means by “unlikely.” She is constantly exemplified as a “good gay” by following gender-normativity in relationship roles and being apolitical. *TIME* fleetingly mentions her relation to the activist label: “Though she had always been quietly supportive in the gay community, generous with her time and money, she had not been—in the most literal meaning of the word—an activist” (Gray). The most intriguing and neglected statement in the whole article was momentarily listed as if it was void of significance while switching the sentence’s focus to another aspect of the case:

After gay-rights organizations turned her down—they worried, among other things, that she was too privileged to serve as the face of an important case—she connected with Roberta Kaplan, a lesbian and corporate litigator at Paul, Weiss, Rifkind, Wharton & Garrison, who had argued in favor of gay marriage before New York’s highest court (Gray).

I feel that the fact that she was turned down by “gay-rights organizations” – conveyed by generalizing/essentializing the category of gay rights with ambiguousness – for reasons regarding her overtly- privileged position should be expanded upon in greater detail, with more specifics and critically engaged discussion. This article also leaves out one of the key members of Windsor’s legal counsel, James Esseks, who is the Director of the LGBT project at the American Civil Liberties Union (ACLU).

TIME’s article describes Windsor and Spyer’s residential home to be a “modest Greenwich Village apartment” and further describes the spouses as an “upwardly mobile

professional couple” reiterating their higher class status (Gray); I think the first quote to be a contradictive analogy considering Greenwich Village’s reputation of housing upper-middle to upper class families. Spyer and Windsor’s marriage announcement was published in *The New York Times*, a luxury not afforded to most couples nor desired among all LGBTQIA individuals. Windsor’s Manhattan location in a “cleaned-up” part of the city is very symbolic of the gentrification of mainstream organizations that overwrite the work of many queer organizations. New York City has become a global center for gay politics in many ways starting with the Stonewall rebellion in 1969.

According to Spade:

In the very neighborhood where the Stonewall Inn is located, a coalition of gay and straight high-income renters and home owners have teamed up to rid their streets (their group is literally called RID, Residents in Distress) of the queer and trans youth of color who have found each other and formed community in the public spaces of that neighborhood for years (“Fighting to Win” 48).

The regression of inclusivity between 1969 and 2014 seems to be correlated to the regression of the mainstream gay agenda. Both of the queer/radical groups in Chapter IV are located in New York City. Although my thesis is not focused on geographical location, I still think the centralized focus in New York City on both national and local level LGBTQ groups/organizations is interesting to note.

The most significant quote from Windsor regarding the significant motivation behind her purpose of fighting for marriage was in her interview during March 21, 2013 on a special edition of NPR’s *All Things Considered*. The following excerpt stated by Windsor is important and therefore needs to be portrayed in its entirety:

The fact is - you know, marriage is this magic thing. I mean, forget all the financial stuff. Marriage symbolizes commitment and love, like nothing else in the world. And it's known all over the world. I mean, wherever you go, if you're married, that means something to people. And it meant - the difference in feeling, the next day, was profound. And I've asked everybody since, who gets married after long-term relationships, did it feel different the next day? And the answer is always yes, absolutely (Totenberg).

I hope you get the idea of how mainstream media uses *U.S. v. Windsor* as a mode of normalizing and rewarding marriage.

Aftermath of the Case

Even though the legal case is chiefly *about* DOMA and the media portrayal of Windsor is chiefly *centered* in regards to the marriage debate, it is important to acknowledge what the stakes are of only regarding it as particular to these issues related to gay marriage rights; in reality, the case affects other realms of identity politics as well as issues of class and race. While reading this thesis, please keep in mind that the core focus on marriage is a result of the restricted margins set by the terms of the thesis and is not determinative of the level of importance of different kinship care formations; if you read this scholarship as just about marriage, then you are not engaging in the intersectional approach of coalition building nor are you understanding the full comprehension of assemblages that queer organizing requires us to do if we want transformative change. DOMA not only affects the right to marriage, it also controls “over 1,000 federal statutes and numerous federal regulations...laws pertaining to Social Security, housing, taxes, criminal sanctions, copyright, and veterans’ benefits” (Goad). These mentioned federal regulations are bundled as one package and are distributed

based on the legality of marriage – both of which are unacceptable forms of an ethical politics of kinship care, according to me.

Steve Ralls, a member of the advocacy group Immigration Equality, believes *U.S. v. Windsor* is “a development that could affect 35,000 same-sex couples where one of the partners is an immigrant” (Nather); Ralls is referring to legal tax benefits, recipients of asylum, and citizenship as well as permanent residency statuses. However, his statement does not take into account intersectional issues that can’t be encompassed by the legal ramifications of “gay marriage” legislation. For instance, class status determines the level of tax benefits – or lack thereof – that any federally recognized marriage can produce/attain/obtain.

I could focus on many intersecting issues resulting from *U.S. v. Windsor*, because its outcomes encapsulate the idea of intersectionality; however, I will give a brief synopsis of how the case has affected immigration rights in order to demonstrate an example of this case’s impact on what are seemingly unrelated aspects of marriage rights and/or gay rights.

As many scholars have pointed out (A. Smith; Puar; Spade; Reddy), the granting of green cards through certain gay marriage rights post- *U.S. v. Windsor* further supports U.S. ascendancy by deeming the U.S. as a “safe” place for LGBTIQ folks. *U.S. v. Windsor* exemplifies how one legal case differentiated by the specific issue of marriage and its targeted community can affect the present and impact the future of other areas of kinship care and rights-based legislation such as immigration rights. Looking at the aftermath from the *U.S. v. Windsor* case:

The Obama administration has adopted the view that federal immigration benefits with regard to immigration visa petitions under Section 201(b) extend to same-sex foreign spouses of American citizens, and has moved quickly, since the repeal of DOMA section 3, to put this view into action (Jeang).

Sponsoring a spouse to get a green card is now a benefit of legal gay marriage from the *U.S. v. Windsor* case decision, as long as one of the spouses is legally labeled as a U.S. citizen. It does not matter what state you live in or its state marriage policies, as long as you were legally married in one of the states that currently recognizes same-sex marriage, then you can apply for a green card. To be more clear, “even if they don’t live in a state that has legalized same-sex marriage, these couples should be able to take advantage of the ruling as long as they get married in a state where it is legal” (Nather). The first example of *U.S. v. Windsor*’s aftermath on immigration rights was documented in Florida when a green card was issued to Traian Popov, “a Bulgarian immigrant who lives with his American spouse, Julian Marsh” (Preston).

Mainstream media’s portrayal of Edith Windsor as a “good citizen” is supported by how Spyer is often displayed in the media. The vast majority of media sources intentionally mention Spyer’s familial origins in Holland and/or her knowledge of the Dutch (language); from this, we could posit that the media’s intentions are to further validate Windsor as a “good” U.S. citizen as opposed to either the lack of mention of Spyer’s citizenship to the U.S. or the explicit mention of her “foreignness” as Dutch. In other words, Windsor’s spouse is mentioned as “foreign” to some degree as opposed to Windsor’s “Americanness;” however, due to Spyer’s “background” in Holland, she is simultaneously painted as a “good foreigner” rather than what Jasbir Puar has termed as a

“terrorist body.” The earlier legal cases about immigration and Windsor’s own case raises the question of what kind of immigrants and/or “foreigners” are considered “good enough” or legitimate enough to be added to the U.S. populace and, consequently, who are not – as important/vital as this question is, the necessary critical analysis expands past the scope of this thesis. In addition to the mainstream media’s implicit references to Windsor’s ethnicity and citizenship status, the normalizing of ableism is also applied to what constitutes a “good citizen” as demonstrated by Windsor’s portrayal in the media as elderly but still mobile.

In keeping with Reddy’s amendment approach, the historical discussion of immigration status and same-sex marriage is important. In 1982, *Adams v. Howerton* determined “that the homosexual marriage of an American citizen and a non-citizen did not qualify the non-citizen as a spouse” (Jeang). The legislation was based on the description of a “homosexual” as “afflicted with a psychopathic personality, sexual deviation, or mental defect” (Jeang); in 1990, Congress “repealed the statutory exclusion of homosexuals as psychopaths” (Jeang). Although *U.S. v. Windsor* creates *some* benefits to *some* gay couples, it actively devalues couples who choose/decide not to get married but still want their partners to be able to apply for green cards. Why is it okay for a partner in a married couple to become a permanent resident, but it is not okay for a partner in a non-married couple to become a permanent resident? This concept supporting immigration status as it relates to legalized gay marriage champions marriage as the only acceptable and normalized approach to any given relationship. Another example of how immigration law privileges only a limited number of kinship structures is

through the parent-child relationship; however, the meaning of “parent” only refers to those who are biologically and legally defined as such.

In relation to immigration rights, the gay marriage rights movement “leaves out the predicaments, for instance, of single people and those who do not define themselves within conventional, conjugal, marital relationships” (DasGupta). An ethical politics of kinship care addresses issues related to immigration with a multi-faceted understanding:

Queering immigration calls for an examination of the power relationships which undergird the lives and aspirations of LGBT-identified immigrants, and in doing so humbly seeks to join larger struggles against global capital and violence against racialized, sexualized, and feminized bodies across geopolitical borders (DasGupta).

This examination of power relationships is directly connected to the leftist political frameworks I call for in my thesis and previously discussed in Chapter I. The statement also looks at how struggles can be viewed as individually experienced as well as within a larger context of collective political struggles.

Another interesting thing to consider while thinking about assimilation strategies related to the gay (marriage) rights movement is the aftermath of *U.S. v. Windsor* regarding immigration law. It provides an example of assimilation tactics within the U.S. through the nationalist project of legalized marriage: spouses in same-sex marriages can now apply for a green card/permanent residency due to the appeal of DOMA’s Section 3. Furthermore, it “yields a sense of urgency that makes non-conjugal intimacies and alternatives to neoliberal ethics of care ‘abstract’ or ‘unrealistic’” (Whitehead 308). Evidenced by historical analyses, current legal institutions of kinship and family policies

are also racialized. Due to the state's regulation of immigration policies and its dependence upon patriarchal and heteronormative familial norms, queer immigrants of color are faced with an even harsher contradiction: "notions of freedom and security are negated or denied...by the same legal and civil infrastructure that, through immigration apparatus, denies queer immigrants permanent access to the civil and legal infrastructures of the US nation-state" ("Rights Based Freedom" 164). Looking at "family" as a regulative formation is directly connected to how family discourse gets taken up and disseminated by society.

Family as a regulatory figuration often gets recognized as being a component of what makes a "loving/compassionate" individual. Legalizing only certain kinship structures such as marriage further deems only those structures as the legitimate choice for a "caring" person and therefore, excludes individuals who do not fit into this political category. Windsor's case extends the option for individuals participating in legalized gay marriage to be viewed as caring which is also related to being a "good citizen" – further stigmatizing anyone fitting into "the other" category as not-good citizens or bad citizens (or less-than citizens.) Societal beliefs concerning marriage has impacted how couples are perceived; for instance, "marriage is seen as the 'ultimate' legal status validating equality of same-sex relationships" (Fingerhut 233).

Although the Human Rights Campaign Foundation (HRC) will be a focus in Chapter III, the following statement made by its currently appointed president, Chad Griffin, displays how the national nonprofit organization connects the connotation of a loving couple with the right to marry: "HRC will bring the best minds from across the

nation together and provide every resource we can to end discrimination against loving gay couples once and for all” (Haberman). In order to expand the scope of who is considered to be a loving individual and in what capacity, there needs to be a disruption of “normative conceptions of domesticity, love and care by not locking these concepts to static gendered bodies with immutable affective skills” (Manalansan). Similar to my personal experiences with kinship care, I find that love – both in terms of being loved and loving another – vary greatly in definition, scope, experience, relationship status, etc. I urge you to consider how you might frame an ethical politics of kinship care that either includes a pluralistic understanding of love and/or disentangles kinship care formations with the concept of love altogether; I would choose the latter option but I feel that either option could be valid in its own way.

The *U.S. v. Windsor* case perpetuates limitations regarding kinship ideologies and structures. By relying on legal cases as the status indicator for the socio-political climate of the gay marriage debate, it further convolutes the interactions between social acceptance/understanding of marriage within legal recognition and the associated political approval of what constitutes as a legible kinship care formation. This association discounts, disregards, and invalidates the lived experiences of people who resist the legally sanctioned kinship regulations. Confined to inadequate and restricted boundaries/limitations of the current legal system and political régime, an ethical politics of kinship care cannot reach its full transformational potential to include all humans’ formations and choices of kinship care. The revolutionary potential is based on the

consideration of how legal reform can affect kinship care both in the contemporary period as well as the future.

CHAPTER III

MARRIAGE RIGHTS = GAY RIGHTS?

Proponents of same-sex marriage are much less radical than they appear in contemporary, mainstream American consciousness. Rather than asking for a redefinition of marriage and its social function, they are simply asking to be governed according to a neoliberal logic, as opposed to coexisting authoritarian and hierarchical models (Whitehead 295).

How do identity politics influence kinship? How are identity politics taken up in the gay marriage rights movement? What is the political agenda for kinship policies' gendered and racialized natures? In socio-political movements, how can we de-essentialize identities, and what are the effects? Since identity politics tend to be considered parallel with assimilating into dominant institutions, is there a way to promote the benefits of identity politics while still engaging in a leftist, anti-assimilationist framework?

In Chapter II, I described the social climate regarding the legal status of marriage equality; particularly focusing on how the *U.S. v. Windsor* case and its primary subject, Edith Windsor, have been taken up by mainstream media sources. Continuing along the same focus of mainstream agendas, this chapter discusses the current climate surrounding the gay (marriage) rights activist movement and more specifically the mainstream national organizations that advocate for marriage equality. I intentionally use the phrase *gay (marriage) rights* as a defining label for this movement, since the organizations and their strategic approaches have been primarily consumed by the promotion of gay

marriage rights rather than a more intersectional undertaking of gay rights; in other words, although many mainstream LGBT organizations have mission statements that regard gay rights from a more inclusive perspective, many of the concerns and inequities experienced by vulnerable people within LGBTQAI communities are not being addressed but rather are being swept under the metaphorical rug. The premise of the gay (marriage) rights movement is based on the viewpoint of “how being denied marriage prevents them [gay couples] from fully protecting themselves and their families in the case of life’s inevitable dangers” (Whitehead 294). In other words, denying marriage rights to gay couples is considered to be a violation of human, basic rights; it further assumes that through the assimilation into marriage, gay families would then be able to protect “themselves” from “inevitable dangers” that life creates. It is ridiculous to think that marriage is the end-all-be-all solution to protecting families from danger. This viewpoint of marriage also acts as a façade to the exclusionary practices of the mainstream movement by asserting that marriage is the answer for *all* life problems.

Also discussed in Chapter II, I understand that legal marriage *can* protect *certain* rights for *certain* groups of people; however, it is not *the* answer for imagining an ethical politics of kinship care. Contrary to commonly held beliefs among the mainstream agenda, *marriage rights* are not synonymous with *gay rights*; instead, marriage rights could be one out of many potential sites within a much larger undertaking of gay rights. However by solely focusing on the gay (marriage) rights movement rather than an intersectional approach to the needs of LGBTQAI folks who are more vulnerable to other forms of inequities, not only is this movement failing to address all potential sites for

transformational change but also is actively producing disposable persons. In the final section of this chapter, I engage with my claim of how current gay (marriage) rights movement and its associated legal strategies actively create and produce disposable people in greater depth.

In this chapter, I discuss the role(s) of identity politics within the mainstream gay (marriage) rights movement, primarily focusing on the Human Right Campaign Foundation (HRC) which I use as a leading example of a mainstream gay (marriage) rights organization. Instead of critiquing HRC under a single framework analysis, I engage in a more critical analysis concerned with how identity politics have been taken up by – as well as promoted by – HRC. In particular, I am concerned with analyzing HRC’s campaigns, media presence, and articulation of politics.

The purpose behind creating an ethical politics of kinship care is the potential for transformation. By assimilating and replicating dominant institutions, rights-based movements do not have the capacity to be transformational. In accordance with Cohen’s definition of transformational politics:

A politics that does not search for opportunities to integrate into dominant institutions and normative social relationships, but instead pursues a political agenda that seeks to change values, definitions, and laws which make these institutions and relationships oppressive (“Punks, Bulldaggers, and Welfare Queens” 445).

I appreciate how Cohen frames her understanding of transformational politics as it opposes assimilation’s negative effects.

Abandoning and/or critiquing identity politics is not the most effective resistance approach since the result negates two separate but linked manifestations of power: the first being the power of agency to define oneself via categorization; and “the other, the power to cause that categorization to have social and material consequence” (Crenshaw, “Mapping Margins” 1297). As mentioned in Chapter II, Reddy states, “the discursive and historical formations or bodies that the amendment reanimates and keeps alive continually exceed its framing” (“Freedom’s Amendments” 17). Exceeding past the limitations of a person’s political framing is an important concept to consider. Intersectionality provides an additional approach to validating that people’s reality extends past these boxes created by politics and supported by identity politics’ use of categories.

The Human Rights Campaign Foundation

The Human Rights Campaign Foundation (HRC) is a leading example of a national mainstream nonprofit organization that infuses its activist/advocacy projects with identity politics. According to HRC’s official webpage, the following excerpt is HRC’s mission statement:

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all (*HRC*).

HRC’s mission does not directly state that marriage equality is its key agenda; however, in reality, the amount of time and energy that HRC spends on the marriage equality

movement signifies the issue as one of HRC's primary agenda items – as evidenced by the amount of time dedicated to the discussion of marriage rights during HRC's annual 2013 National Dinner in Washington, D.C. As stated on the HRC's official website, the nonprofit organization has six official programs: Global Engagement Program, Youth & Campus Engagement Program, Workplace Equality Program, Religion & Faith Program, Health & Aging Program, and Children, Youth & Families Program. It is not my intention to negate HRC's activist endeavors concerning LGBT rights other than marriage equality; my point here is to emphasize the monumental impact HRC has had on the political and social realms of the gay (marriage) rights movement.

I understand the motivations and intentions behind the HRC's (along with other similarly directed organizations') timely reactions/responses in supporting and advocating for the issue of marriage equality since the political and social climate around marriage equality is a pressing topic in both the media and legal arenas. According to Baunach, "The trend in attitudes toward gay marriage mirrors in direction, if not in magnitude, changing public opinion on homosexuality" (347). As far as I can determine, the discussion of gay marriage equality within the legal and socio-political arenas correlate with the same time period during the late 1980's and early 1990's when being "homosexual" was no longer considered a psychological defect.

In order to emphasize HRC's primary focus on marriage rights, I will attempt to describe the visual formatting and discursive layout of its official webpage. When visiting HRC's official webpage, the organization's logo of a yellow equals sign within a blue box appears as a banner at the top of the page followed by a row of general

categories or web-labels that link each topic to its associated HRC-published webpage, these classifications include topics such as “Issues” or “Resources.” More precisely, by pressing any of these nine available labels, the audience/viewer is virtually connected to a more detailed list of content/options to choose from pertaining to the scope of your chosen label. As evidenced by these labels, it is visible that HRC’s advocacy and activism reaches far beyond the scope of marriage rights equality. However, next to the seven generalized topics digitally represented in black/white labels in this row, there are two larger, more pronounced web-links. “Donate” is depicted in a red box-themed web-link. The next specialized web-link is illustrated in a bright-yellow highlighted button entitled “Marriage.” As demonstrated by how HRC chooses to showcase this issue on its initial/home webpage as opposed to the other many issues HRC website eventually names on a secondary webpage, HRC further situates itself as one of the main national nonprofit organizations that lead the gay (marriage) rights movement.

HRC enlists assimilation tactics that are focused on single-issue politics. According to Dr. Ian Barnard, associate professor in the English department and a queer studies faculty member at CSUN, “For [HRC] gay is the only criterion” (Johnson). This could be taken in two ways. The first is that since there is a common denominator or set criterion – being gay – then HRC could be considered intersectional due to the broad intersectional identities that have the potential to fit into that category. The second way to look at it is that HRC has taken an essentialist stance and does not consider the intersectional differences among and within identity politics; and therefore, differences in issues that also need to be addressed.

In order to critically analyze HRC's articulation of politics, I focus on HRC's "Americans for Marriage Equality" campaign. HRC launched a campaign in 2013 entitled "Americans for Marriage Equality." The title of the campaign next to a much larger font-sized graphic image spelling "USA" is the campaign's associated logo. The logo creates a "normalized" association between supporting gay marriage rights equality and being a "good *USA* American citizen." Likewise, according to the website, the campaign is defined as "a public engagement campaign featuring prominent Americans who support committed gay and lesbian couples getting married" (*HRC*). Notice how the word "prominent" is strategically placed as an adjective to describe "Americans" as opposed to having "Americans" stand alone.

Last year, HRC described Edith Windsor, or Edie as HRC affectionately refers to her, as "a fair minded-American" (*HRC*) which further builds on the idea I introduced in Chapter II of how mainstream media represents Windsor as apolitical and/or a "good gay/citizen" by being principled, conservative, and controlled in her actions and mannerisms. An additional example of the stereotype of being a "good gay" is when HRC purposefully "had little political reaction to the invasion of Afghanistan" (Puar, "Mapping" 70). HRC did not want to upset the nationalist project of the military and/or its invasions. Puar has coined the word "homonationalism" or homonormative nationalism, meaning the "collusion between homosexuality and American nationalism that is generated both by national rhetorics of patriotic inclusion and by gay, lesbian, and queer subjects themselves" ("Mapping" 67). I claim that marriage, particularly its legalization, is a nationalist project. As of February 2014, HRC's Americans for

Marriage Equality campaign is adding a bipartisan dimension to its configuration that promotes “a coordinated war room” effort to help disseminate information about the efforts in dozens of states to legalize same-sex nuptials” (Haberman). Due to this chapter’s timing of being written during February of 2014, there is not a lot more published information about this addition; however, while others read this scholarly work, I urge you to consider this component as an avenue for future research and critical analysis.

To further convolute HRC’s campaign with U.S. politics, Hillary Clinton is one of the main public figures supporting the Americans for Marriage Equality campaign. Choosing a political figure to be the public face of this campaign is a very strategic, and telling, approach initiated from HRC. According to HRC’s webpage, its campaign promotes support from “professional athletes, film and music celebrities, political and civil rights leaders—and will have a special emphasis on Republicans, African-Americans, Latinos and elected officials” (*HRC*). In this quote, the bundled list “Republicans, African-Americans, Latinos and elected officials” is an intentionally drafted list and is an example of identity politics’ “Rainbow Theory;” i.e. when the slogan, “race, class, and gender,” falters as part of an alliance politics and consequently weakens into a fantasized space (Warner 12). The “Rainbow Theory” is also an example of how identity politics can sometimes be taken up in an essentialist manner without much consideration of intersectionality and/or differences within identity categories. First of all, it lacks mention of intersectionality among identities by not acknowledging that African Americans and Latinos can also be part of the LGBTQAI communities

and/or queer-friendly. It further suggests that African-Americans and Latinos are in the same category as Republicans.

To describe the campaign and the campaign's goals/strategies in more detail, HRC's official campaign webpage posted:

As part of the *Americans for Marriage Equality* campaign, HRC executed a multi-pronged strategy to win a successful committee vote on the Respect for Marriage Act, including lobbying members and working with our allies to prepare for attacks against the bill. If passed, the Respect for Marriage Act would restore the rights of all lawfully married couples—including same-sex couples to receive the benefits of marriage under federal law (*HRC*).

The campaign highlights HRC's political and social work supporting the marriage rights movement in New York. The official campaign's webpage has a special tab dedicated to summarizing its impact on New York. From this, we can get a better idea of the amount of time and the different approaches implemented within the larger campaign.

Employing a total of 30 full time field organizers across New York, HRC “generated more than 11,000 phone-calls from constituents to their senators;” “ran twice-weekly phone banks, like the one attended by Chelsea Clinton;” “generated more than 44,000 emails from New Yorkers to their state lawmakers;” and “delivered more than 53,000 post cards from constituents to state senators.” In monetary terms, “HRC contributed more than \$145,000 through HRC New York PAC to support pro-equality state Senate candidates” (*HRC*).

The connection between capitalism and family structures is a commonly recognized relationship within concepts of classism: “The expansion of capital and the

spread of wage labor have affected a profound transformation in the structure and functions of the nuclear family, the ideology of family life, and the meaning of heterosexual relations” (D’Emilio 240). Spade believes the gay (marriage) rights movement to be aligned “with the damaging and disturbing logics of neoliberalism” that include perpetuating “myths of family values and meritocracy to suggest that people should work hard, and through forming nuclear families, meet the needs unaddressed or even exacerbated by capitalism” (“Intersectional Resistance” 1041). Spade further argues:

Not only will same-sex marriage provide little to people without property to inherit, legal immigration status to share, or employee health benefits to extend – and not only will it fail to protect those queer and trans people who are part of populations targeted by the racist, ableist, colonial, and anti-immigrant child welfare system from losing their kids – but the quest for same-sex marriage also supports norms of family formation that feminist, decolonial, and antiracist movement have fought to dismantle for centuries (“Intersectional Resistance” 1041).

Marriage’s origin is, to a large extent, a “patriarchal, property-passing system” (Boggis) that reiterates patriarchal gender norms. We cannot separate this truth from its contemporary presence.

During the summer of 2013, HRC initiated a Supreme Court campaign that restyled the nonprofit organization’s official/traditional blue and yellow equal sign logo into a pink equal sign overtop a vibrant red background. HRC asked supporters of marriage equality to change their Facebook profile pictures to the logo; the social media tactic went viral fast. The red logo fad was a clever organizational strategy. Social

media tactics tend to be considered practices of grassroots organizing which is why HRC's decision to implement a grassroots approach is surprising (at least to me) considering HRC's wealthy status and large organizational size.

Yasmin Nair, an academic writer, commented on the logo campaign's ability to further position "equality" as "something unquestionable and self-explanatory...After all, who could be against equality?" (Nair). Nair's follow-up statement to why she opposes equality is essential to consider and yet is a position frequently left out of the mainstream discourse: "But what does the equal sign represent? Who, exactly, is equal to whom? In a country where even healthcare is inaccessible to most, marriage is an effort that only benefits people who already have benefits to share in the first place" (Nair). As I mentioned in Chapter I, implying the concept of "human rights" with the equal sign is a façade that is meant to explicitly apply to "everyone" but in reality only serves a selected group of people. I think involving an intersectional approach to legal protections along with the transformation of coalition-based will reform socio-political acceptance for an ethical politics of kinship care.

Consistent with the "human rights" language used in HRC's mission statement, "proponents of gay marriage see it as a civil-rights issue" (Boaz); thus further positioning the gay (marriage) rights movement within the context of civil rights. In campaigns, thoughtful delegation of the specific phrasing and words are operatively implemented so that the campaign's agenda can gain bystander support and retain its current followers; as in the case of marriage equality, "proponents of same-sex marriage use the words 'rights,

protections, and responsibilities” to highlight the legal and public aspects of the marriage contract” (Whitehead 293-4).

In addition to the rocky foundation associated with assimilation strategies, the implementation of the desired laws/regulation do not guarantee, or sometimes even support, the necessary changes in social and/or economic conditions. For instance, the criminalization of hate crimes has not fixed the associated problem and in some cases, “the existence of hate crime statutes may might actually increase bigotry” (Gerstenfeld 280). It is difficult to label certain crimes as hate crimes due to the legislation’s vagueness (Gerstenfeld 274), and not all those who enforce authority are educated properly about how to process hate crimes and/or effectively support the individuals who were victimized (Zaykowski 390).

A fundamental component behind the activism/services of HRC and similar organizations is the use of “rights” discourse. Many “rights” discourse projects implement identity politics in hopes to put a generalized “face” or identity to the political issue at hand. Language and its meanings can provoke powerful emotional responses from an intended audience; also anticipated are normalized responses which are responses or reactions to a mainstream idea/issue/topic that are (seemingly) expected from “good citizens/people.” For instance, Nair’s semi-sarcastic question about “who could be against equality” tends to fall in line with the normalized response to questions of equality, partly due to wanting to be supportive and not feeling able to criticize well-known and respected organizations and/or particular viewpoints. This relates back to the essentialist use of identity politics within social movements to create a false common

ground of marriage within LGBTQAI communities. In other words, if you don't see marriage as the common ground than you are a "bad queer" and, therefore, not supportive of your own community.

Starting in June 2012, Chad Griffin has been the acting president of HRC. I understand that the entirety of HRC does not rest on the sole decisions made by Chad Griffin; however, he has had and still has a strong presence in the movement by way of evaluating/monitoring the issues HRC could possibly help with in addition to acting as a liaison for HRC and many mainstream media sources. He started his position at HRC in the midst of the four and a half year-long legal battle of *U.S. v. Windsor*, which is another reason why I have chosen to focus on him in my research. His mid-process entry into the organization could be a potential indicator of the reasons why he chose to continue with HRC's centralized focus of marriage equality. Due to Griffin's recent induction into HRC, there has been a lot of focus on his role at HRC in mainstream media. I am going to highlight both how he is taken up within the media in respect to his role at HRC and its campaigns surrounding marriage equality.

I was shocked at some of his interview responses, especially during his interview in June 2013 with *MetroWeekly*. By shocked, I mean every possibility and meaning of the word. At first, I felt relief that his viewpoints were closer to mine than I had initially realized; it appeared that HRC – by way of Griffin's viewpoints – might be shifting its activist approaches to be more inclusive and comprehensive. On the other hand, I also felt confused about the type of nonprofit leader Griffin was, particularly considering his leadership position at an assimilationist, rights-based organization that tends to focus its

goals on wealth and prestige rather than incorporating queer outlooks/perspectives concerning LGBTQIA issues. However, I did identify some notably key incongruities between my hope for a future ethical politics of kinship care with his understanding of the issues related to marriage.

HRC's longevity and sustainability as a nonprofit organization depends on its capacity to work towards fulfilling its mission while simultaneously maintaining an annual financial break-even or surplus budget; this is often referred to as the double bottom line of nonprofit organizations. If HRC's mission was successfully met/completed, then there would be no need for HRC's existence; hence, the continuation of the problems that its mission statement addresses still needs to occur in order for HRC to stay "in business." In other words, if HRC "accomplished" its mission and created equality for LGBT communities across all realms, then the reasons *for* HRC would cease to exist. Even though the HRC is a nonprofit organization, it still is run as an organization with the long-term goal of continuous success via financial means *and* mission strategy. According to this theory, there is some sort of convoluted motivation to keep the problem/issue addressed in the mission *slightly* operative in order for HRC to stay afloat and in existence. Nonprofit industrialized projects have a specific end goal in place different from its mission in order to show the public and management that the organization has met its goal. In the case of the Americans for Marriage Equality campaign, HRC continually emphasizes how their support in the movement has helped to legalize marriage; for example, HRC's campaign webpage states, "In the first three

weeks of May 2013, HRC's extensive on-the-ground support helped usher in marriage equality in Rhode Island, Delaware and Minnesota” (*HRC*).

In Chapter IV, I will come back to this idea and explain how the campaign for marriage equality actually has adverse effects. In response to the interviewer’s question regarding the criticism from some individuals to the gay rights movement about the focus on marriage, Griffin answers, “I think they’re absolutely right. The media has focused like a laser on the issue of marriage. And this organization [HRC] has in no way shifted focus away” (Griffin). His insight into some of the current criticisms about marriage pleasantly surprised me in conjunction with his recognition of how the movement’s “spotlight hasn’t been as bright on all the other work that’s really important” because of the media’s intense focus on the marriage debate (Griffin). All in all, it seems that Griffin is thankful for the positive media attention, even if its focus is skewed to one issue; he even credits the increase of positively portrayed lesbian and gay relationships on TV to the marriage equality movement.

In his interview with *MetroWeekly*, Chad Griffin stated that HRC’s next focal endeavor (after gay marriage is legal) is the support of LGBT communities in southern states to obtain equal protections particularly in regards to employment benefits and basic rights. According to Griffin, southern states have “many things beyond marriage – or *before* marriage –” to work out (Griffin). Even though I agree that there are things beyond/before marriage that need to be addressed, I would also like to emphasize Griffin’s specification of southern states. Although there are a number of other states spanning across the country that also do not legally have equal protections set up for

LGBTIQ community members, it is a common belief held among many that southern states are less “progressive” than others; and maybe Griffin, being from a southern state, believes the same thing due to his experiences. This belief presumes that folks in New York City and other northern metropolitan areas don’t face these same issues of classism/racism/etc.; however, these issues exist in all cities no matter their geographic region although they do differ in intensity and appearance. I also believe that marriage is not the primary/basic/pressing issue affecting the majority of the LGBTQIA communities especially along the divisions of class, race, and gender expression (and so on, metaphorically and practically).

Griffin’s use of the term “marriage” rather than “family” or “kinship care” implies where his priorities rest with the promotion/continuation of the institution of marriage; his level of understanding does not seem to extend beyond a monogamous, romantic relationship between two adults which is also the limited population that marriage rights target. According to HRC’s webpage regarding its Americans for Marriage Equality campaign, “Only marriage can provide families with true equality, and we need your help to make it a reality” (*HRC*); this type of stance is very harmful to how we imagine the future of an ethical politics of kinship care. It further promotes marriage as the only kinship formation that is qualified as a valid relationship and further stigmatizes other forms of kinship care that do not fit into such a narrow box. Griffin also advocates for legal change as the sole effort used in gay rights movements to forefront LGBT equality; instead, I hope to one day reconfigure the relationship between kinship ideologies and government regulations/control. I think individuals should have the ability –

economically, socially, and legally – to define what kinship means to each person/relationship as well as have the right to choose how to incorporate kinship structures within their own lived realities. In the same breath, I also believe that legal support should exist in order to nurture individuals, particularly individuals facing more vulnerable realities.

Two of Griffin’s later comments in the interview about believing “that the rising boat for marriage lifts everything else up, because it has enabled us to tell our stories” and “as a whole it [marriage] benefits the community across the board” (Griffin) are consistent with the idea that marriage is, and can be, a common ground for everyone in the LGBTQIA communities, which is not the case in my opinion. Griffin’s statements also misplace HRC’s use of identity politics as essentialist and exclusionary. He excludes members of LGBTQIA communities who do not wish to participate in the institution of marriage nor see it as a common ground/goal. His exclusions further essentialize LGBTQIA communities as being preoccupied with the single issue of marriage equality and thus promoting marriage as “the norm;” which further reiterates that people fitting outside the norms are “bad” and/or disposable.

Disposable People

The gay (marriage) rights movement has predominantly focused on adults, with the exception of how the marriage between two adults can affect family law in regards to the custody of children. The rights of children within structures of kinship care are also normalized in similar ways as prevalent in the exclusionary practices of marriage rights. Although this thesis focuses primarily on the gay (marriage) rights movement’s role

within a broader understanding of kinship ideologies, the principal objective for this thesis is to start discussions on how to imagine/create an ethical politics of kinship care through coalition building by recognizing a need for cross-community solidarity in order to invoke real transformation/change. Spade believes, “transformative change can only arise through mass mobilization led by populations most directly impacted by the harmful systems that distribute vulnerability and security” (*Normal Life* 28). This transformative change into an ethical politics of kinship care needs to be fronted by the people who have been previously – and currently – deemed as disposable. I have implicitly discussed how disposable people come to be through norms, legislation, and exclusion; now, I wish to reiterate the grave importance of how these issues affect real people. On a personal as well as relational level, this thesis has been monumental in dismantling how I have been regarded in the past as a disposable person.

As evident thus far, the fight for marriage equality does nothing to redefine kinship’s legal system. According to Polikoff, “As a civil rights movement, it seeks access to marriage as it now exists” (Introduction 7). It doesn’t expand kinship’s definition nor grant rights to protect LGBTQAI folks who choose not to assimilate into the institution of marriage. Instead, the gay (marriage) rights movement keeps these oppressive institutions in place. It further creates hierarchies of value among individuals based on whether or not their kinship structures fit into the limited definitions concerning legal marriage and/or family law. Implicitly suggested by HRC and other mainstream sources, those who do not conform – either by not getting married and/or opposing marriage altogether – are placed at the lowest status among the institutional/systematic

hierarchy of LGBTQ communities; in other words, these non-conforming/non-normative people are considered disposable. Here is what I mean by disposable: In today's climate, individuals vulnerable to injustices/inequities due to a lack of or the non-existence of legal policies protecting their well-being are treated as disposable, as if legal protections considered to be human rights should not be extended to cover them due to a lack of personal importance.

To start this discussion on disposable people and how they are created, I want to return to how the HRC has specifically produced disposable people through its practices; HRC has a history of trans* exclusion and immigrant exclusion. HRC's trans* exclusion came into the public/mainstream limelight during 2007, when HRC supported a version of the Employee Non-Discrimination Act (ENDA) "that excluded protections for employees facing discrimination based on gender identity" (Johnson). HRC's reasoning centered on the fact that ENDA was more likely to pass if trans* people were not included or protected and that HRC would *later* include trans* people down the line; in other words, "trans people could wait their turn" (Johnson); I don't even need to tell you how seriously fucked up I consider this "strategy" to be. On April 1, 2013, HRC's Vice President of Communications and Marketing issued an official apology on behalf of the organization regarding the following incident:

In one case, a trans activist was asked to remove the trans pride flag from behind the podium, and in another, a queer undocumented speaker was asked to remove reference to his immigration status in his remarks (Sainz).

This incident occurred on March 27, 2013 during the “United for Marriage” rallies led by HRC concerning the Supreme Court rulings on gay marriage. When Jerssay Arredondo, a member of the Queer Undocumented Immigrant Project (QUIP), was invited by HRC to speak at the United We Dream rally, he was told to “revise his speech just prior to getting on stage to NOT include that he was undocumented” (Kristofferson). According to Dr. Barnard, “You end up reproducing the same kind of demonization of trans people that the hegemonic political establishment is producing” (Johnson); that is to say, HRC played a key role in producing trans* communities and undocumented immigrant communities as disposable.

“At-risk youth” is another example of a disposable population. In some situations, this statement could be academically accepted as valid without any additional evidence or explanation needed. However, that is *not* acceptable – these issues in my thesis have serious implications and should not be ignored; we should not accept that at-risk youth deserve to be taken up in disposable ways. I would like to revisit a personal experience that I mentioned in Chapter I about living within a kinship structure deviant from the norm. When I was sixteen years old, I was labeled an at-risk youth; at that moment in time, my rights as a human disintegrated – I became disposable. I no longer had a face/name/story; but rather, the identity category of “at-risk youth” engulfed the security of my well-being (or lack thereof). While living in the alternative home from 2004-2006, the state of Montana had no legal authority to regulate the type/level of care I was subjected to nor any other child/teen living in any of these unlicensed Montana alternative homes: “To clarify, the focus has been on facilities that are not licensed and

not operated by public or governmental systems but operate private, residential facilities for troubled or difficult children or youth under the age of eighteen” (Behar 402). There was no legislation in place to protect my well-being from certain levels of abuse within the walls of the all-girls home; at that time, my “home” wasn’t even licensed in any capacity.

In 2005, state law required the creation of a new board, the Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP), in hopes to start a discussion on how to regulate all of these un-licensed and un-documented homes for at-risk youth in Montana (*CAFETY*). This board was made up of five individuals; three of which owned/worked for alternative programs/homes – and one of those three “involved” board members was my guardian mother – which signifies how biased the board’s decisions would be. PAARP successfully shut down a bill that aimed to protect the youth living in these alternative homes by creating state and federal regulations via licensure, safety and training requirements, etc.; and just as quickly as the bill died, the board created their own bill that they used as an artifact to disseminate into mainstream media sources of how they were being “cooperative” or agreeable to state concerns. During the 2007 Montana Legislature, their bill was passed “requiring alternative schools to be licensed and regulated by the Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP) under the Department of Labor” (*CAFETY*). In other words, instead of federal or state regulations, the program administrators *themselves* could regulate one another! This is also the first occurrence in which the Department of Labor has overseen any sort of youth programs or youth residential services “as opposed

to [the] knowledgeable and far more suitable Department of Public Health and Human Services” (*CAFETY*). It is absolutely ridiculous to see how politically-infused and skewed the legal system has become and continues to be in treating at-risk youth in Montana as well as some other states that have similarly produced disposable youth.

How can a whole state ignore a population of “at-risk youth” for decades? Reports of abuse, neglect, and even fatalities have been reported to state officials from within these homes. Legislation is in the midst of trying to find a solution to “this problem,” but for the purpose of this section, I want to emphasize the importance of how we treat one another as humans really is to the lives and livelihoods of real people. Although extreme, this is an example of how the current systems have failed to protect individuals who did not fit into the limited legal recognitions of kinship care. By only providing certain rights through the institution of marriage, current systems will continue to fail other excluded, disposable populations; and thus, actively producing disposable persons. My interventions start here, at the place where the most vulnerable people are affected.

CHAPTER IV
AN ETHICAL POLITICS OF KINSHIP CARE

While many in the LGBT community call for legal recognition of same-sex marriage, many others – heterosexual and/or LGBT – are shaping for themselves the relationships, unions, and informal kinship systems that validate and support their daily lives, the lives they are actually living, regardless of what direction the current ideological winds might be blowing (Acey et al.).

What would it look like to abandon the marriage equality movement, and instead, ignite a movement calling for a more comprehensive undertaking of kinship care? What political agenda does it leave us with? What political vision of society do leftist strategists hope to produce?

There might not be a comprehensive way to conceive of a proposed solution since any future vision is as yet unknown. Craig Willse warns that “our wish for a common language that makes sense, our wish for an activism with the right message, our wish for a truth that will set us free: these are dangerous desires” (“Meaningless Political Action”). A lack of available/accessible language to describe non-normative kinship care formations continues to be a legal problem centered on not knowing how to “include” other types of kinship care in legal protections. Similar to my experience with unavailable language that describes the relationships I have with the girls I lived with in the Montana home, many people are faced with the inability to describe the complexities of their kinship formations to the rest of the world. Although I do not propose any exact solution to my analysis, I recommend queer analysis as the starting point for an ethical

politics of kinship care that builds coalitions centered on validating all types of kinship care. According to Puar, “Opening up to the fantastical wonders of futurity is the most powerful of political and critical strategies, whether it be through assemblage or to something as yet unknown, perhaps even forever unknowable” (“Queer Times, Queer Assemblages” 137). The concept of assemblages is an alternative mode of research to identity politics which is considered to be “more attuned to interwoven forces that merge and dissipate time, space, and body against linearity, coherency, and permanency” (Puar, “Queer Times” 127). I think that the ideas supporting both assemblages as well as identity politics need to be incorporated into how we imagine the future. Due to the limitations of this scholarly work, I will not concentrate on assemblages in any significant detail; however, I do believe assemblages are an equally important strategy to be further involved in the ongoing conversation of creating an ethical politics of kinship care.

By analyzing and critiquing assimilation agendas, we are able to originate some of the foundations for creating an ethical politics of kinship care. In Chapter I, I compare the gay marriage rights movement to applying a Band-Aid fix that only brushes the surface of the issue. By focusing on reforming administrative laws, we challenge the very political and legal foundations that equality discourse finds itself situated/erected upon. In other words, gay marriage rights/equality movement could be transformed into a queer politics coalition focused on administrative law reformation centering on how *all* kinship care formations can be protected legally and socially perceived openly. Through the identification of how assimilation strategies can actively produce disposable people, we are critically engaging in a multi-faceted framework of coalitions. I see coalitions as

a strategy interested in systematically deconstructing or reforming an institution and as continuing to ally across identities, experiences, and vulnerabilities for the well-being of all people.

My investigation into plausible legal approaches for coalition building has been primarily steered by Dean Spade's *Normal Life*. According to Spade, trans* politics act as a model for leftist frameworks which my thesis also employs. Spade rejects the application of anti-discrimination laws, hate crime laws, and equality legislation – especially since they have not been comprehensively successful – and instead focuses on administrative laws/governances that work to “naturalize” identities. Trans* resistance aims to build coalitions with “other emerging formations that are struggling to formulate resistance to neoliberalism in these complex and difficult times” (Spade, *Normal Life* 33).

Spade's “Fighting to Win” provides insight into the Sylvia Rivera Law Project, one of the queer organizations I followed during this thesis process. Spade also negotiates what an allied agenda with an intersectional approach would look like. He challenges the exclusionary practices of the privileged and mainstreamed gay and lesbian movement, while also narrating the structural inequalities faced by low-income queers, transpeople, and queers of color. According to Spade:

In part because a white, liberal civil rights discourse has framed the LGBfakeT rights movement, the vital importance of these issues to the lives of most transpeople has often remained undocumented, underanalyzed, and insufficiently acted upon by our emergent movements (“Fighting to Win” 50).

Spade again touches on coalition building and some potential steps in broadening the concept of social justice which I have applied in my thesis.

In “Transnational Adoption and Queer Diasporas” David Eng defines queer diaspora as an emerging concept/methodology that “contest[s] traditional family and kinship structures – of reorganizing national and transnational communities based not on origin, filiation, and genetics but on destination, affiliation, and the assumption of a common set of social practices or political commitments” (4). Eng’s concept of queer diaspora reorganizes how kinship structures are understood and are taken up within conversations. Eng closely critiques U.S. married couples’ transnational adoptions, as the situation/issue interacts with racial politics in addition to the relative ease and speed in which the adopted child becomes legally recognized as a citizen. In previous decades, gay and lesbian mainstream movements considered legal family structures as less important when coming out: “The movement of individuals away from agrarian-based familial units and actualized through the severing of family and kinship bonds – a severing later mirrored, even embraced, in the politics of gay liberation and ‘coming out’” (Eng, “Transnational Adoption” 5). Eng’s reference of “coming out” practices relate to kinship structures by engaging with it on a deep level; in particular, my thesis has referenced ideas and applies theories from his book *The Feeling of Kinship*. Eng also lays claim to how kinship is taken up within privatization through moving within/outside the public arena:

We need to consider the multiple ways in which economic agency, political power, and social recognition are becoming increasingly privatized as a function of capital, while civil society continues to shrink and priorities are shifted from social services to capital maximization (“Transnational Adoption” 12).

Eng’s “The Law of Kinship” chapter in *The Feeling of Kinship* examines queer liberalism, specifically its law of kinship, by marking the genealogy of freedom. Eng describes different spaces in which kinship is taken up; for instance, a queer person coming out of the closet could risk the status of current particular family/kinship bonds while alternatively opening up different possibilities of family/kinship structures. As earlier mentioned in Chapter II, gays and lesbians reach “liberation” by verifying their capability as U.S. citizen-subjects of the nation-state; “in this regard, family is not just whom you choose but on whom you choose to spend your money” (Eng, *Feelings of Kinship* 30). Eng profiles the evolution of property in marriage, family, civil society, and state political forms. In conclusion, Eng suggests “refocusing progressive efforts on household diversity, rather than organizing solely for same-sex marriage, [which] could generate a broad vision of social justice that resonates on many fronts” (*Feelings of Kinship* 57).

Queer Advocacy Organizations

The advocacy organizations that I have researched in this chapter all identify as queer and/or radical groups. Although gay marriage rights might not be their focus or even their goal, their missions are aligned with fighting for LGBTQIA liberation and equitable justice which is similar to the foundational goals outlined by many gay marriage rights proponents. According to Willse, “Queer and transgender movements

that seek real liberation and freedom for everyone might turn out to be movements that don't look like what we call "gay rights" movements" ("Ban Marriage"). Differing from many of the national organizations' priority of marriage equality however, queer/radical groups "have a different structure and different politics" (Dettmer 35). Duggan observes: "In New York City, queer groups predominantly made up of people of color, such as the Audre Lorde Project, Queers for Economic Justice, and FIERCE, tend to prioritize around poverty, racism, immigration, health care, retirement, and violence on the street" (Dettmer 35). As earlier stated by Spade, these types of issues faced by vulnerable populations are the necessary rallying/starting points we should implement to engage in transformative change.

Southerners on New Ground (SONG), a southeastern regional nonprofit organization, is a queer organization that comprehensively addresses issues of social justice in the south. According to the organization's official website, SONG's mission statement declares:

SONG is a home for LGBTQ liberation across all lines of race, class, abilities, age, culture, gender, and sexuality in the South. We build, sustain, and connect a southern regional base of LGBTQ people in order to transform the region through strategic projects and campaigns developed in response to the current conditions in our communities. SONG builds this movement through leadership development, intersectional analysis, and organizing (*Southerners on New Ground*).

SONG electronically issued a resource tool worksheet, "How Do We Relate: The Relationships between Forms of Oppression" that is accessible to the public. The worksheet refigures identity politics by naming/identifying common feelings/effects of

oppression and specifying each according to the listed identity formations. The listed identity categories include: People of Color; Elders and Youth; Poor People/Low-income; LGBT people; Undocumented Immigrants; Women; and People with Disabilities (“Core Organizing Tools”). This worksheet provides a concrete tool to represent how systems of oppression are connected rather than separated by identity categories.

According to Carastathis, “Conceptualizing identity coalitionally allows us to overcome some of the pitfalls of political alliances organized on the premise of homogeneous or essential identities” (942). SONG speaks to the shortcomings that HRC failed to address in its own campaigns, specifically HRC’s direct involvement with producing trans* and immigrant folks as disposable populations in the eyes of the mainstream agenda. In response to HRC’s apology regarding the organization’s trans* exclusive demeanor mentioned in Chapter III, Caitlin Breedlove, SONG’s Co-Director, stated, “the best apology is to stop doing the offensive behavior” (Breedlove). Queer/radical groups are concerned with the *ethical* implications of how organizations, including their own organizations, are affecting *political* change.

Queers for Economic Justice (QEJ) is a queer/radical non-profit organization dedicated to challenging poverty and economic injustices while promoting gender and sexual liberation. QEJ’s “Queer and Transgender Vision Statement on Immigration Reform” argues “against privileging conjugal couples generally, whether straight or gay, as the locus of immigration benefits, while arguing for the recognition of the flexible kinship and friends networks within which LGBT immigrants live and work” (DasGupta). I particularly appreciate their inclusive reference to “flexible kinship and

friends networks” in this vision statement. Considering the flexibility and fluidity of kinship care formations is imperative for our future goals; a facet that is included in administrative law reform agendas but not the marriage equality movement that specifies the longevity of a legally constituted marriage.

Furthermore, QEJ’s vision statement renounces assimilation tactics and instead calls for a refocusing on what the actual, underlying goals are – including how the future will be impacted by these goals. In the midst of writing this thesis during the month of December 2013, QEJ announced their decision to close due to insufficient funding. According to Dettmer, QEJ’s insufficient funding is a result of “the gay marriage movement...has taken funding away from other critical needs for queer people” (35). Responding to the news of QEJ’s sad closing, four other queer/radical organizations in the New York area (FIERCE, Streetwise And Safe, Audre Lorde Project, Sylvia Rivera Law Project) published a statement letter addressing the public/community expressing their gratitude for QEJ’s activism and stating their solidarity in the continuation of QEJ’s important advocacy work (Audre Lorde Project). The coalition of these four queer/radical groups is a great example of the type of coalition building which my intervention recommends. Although each of the groups has a different *centralized* focus, they all share the common ground of creating a more socially, economically, and politically equitable space for all human beings specifically people who have been branded as disposable/vulnerable.

In understanding how these queer/radical groups approach advocacy and support strategies that differ from assimilationist tactics, I analyze their perspective on public

media expressions and legal reform agendas. Queer/radical organizations have a different stance on news sources and mainstream media than nationalist mainstream organizations such as HRC. Willse believes that “How the media represents politics or activism should not be our only concern, but also how activists represent (translate) our politics among ourselves” (“Meaningless Political Action”). However, there are some potential risks assumed to be associated with not employing the tactic of mainstream media. One of the assumed downfalls is a lack of knowledge production being expressed to the general public; and instead, an intensified message of only a portion of the discussion is communicated. According to Polikoff, “A consumer of current news might imagine that access to same-sex marriage is the most contested issue in contemporary family policy, and that marriage is the only cure for the disadvantages faced by lesbian and gay families. Both of these observations would be wrong” (Introduction 2).

Willse dismantles the illusion of the media as a source for “people” to participate in resisting neoliberal agendas by interpreting the idea that the term “people” is just “a stand-in for an imagined population of goodhearted, middle-class social actors” (“Meaningless Political Action”). Assuming that “people” will react in a very specific way is unrealistic. There is no way of knowing how any one person – let alone the general population – will react to any piece of news or information. Media portrays a set message in a very specific way in hopes to persuade its audience’s reactions to coincide with its agenda; however, that imposed reaction cannot be fully guaranteed either. Willse points out that even if a queer organization’s goal was to initiate media presence, the way in which “corporate- and/or government-controlled media reports our activism” is

ultimately up to the media source which is usually led by neoliberal agendas (“Meaningless Political Action”). And in the case of queer organizing, the neoliberal mounting of mainstream media sources could (more than likely) act as a detriment rather than benefit.

Building Coalitions

I have suggested building cross-community alliances as a strategic approach. Cross-movement organizing can help “identify progressive allies from the two [or more] movements on issues” (DasGupta), as seen in the above example of the solidarity statement issued by four queer/radical groups in response to QEJ’s closing. This is the reality which I am fighting for and also the objective of my thesis. In building coalitions, assessment pertaining to the level and scope of legal involvement is crucial. On the one hand, no economic, property or other legal rights/benefits should be solely regulated through the current statute of legal jargon by any governing body. However, we cannot assume that without proper administrative legislation in place “people” will idealistically interact with one another on a basis of equity and social justice. Legal protections administrated through law reform are necessary in creating an ethical politics of kinship care. However, legal benefits should be distributed by/to chosen individuals, no matter their relationships. If we only provide benefits to persons based on whether or not they are recognized as legal kin (in the current context), we are allowing many folks to fall through the cracks of legal protection and we are further maintaining the power disparities that create and reiterate disposable populations. Cahill states that “by regulating at the margins, the law gives the state an opportunity to regulate all of us” (75).

I want to be able to name my chosen family and be given the same respect as anyone else's kinship structure; and I shouldn't have to fight for my kinship ties to be recognized as such in any political or legal debate.

Paisley Currah's "Gender Pluralisms under the Transgender Umbrella" initiated the idea for building coalition concerning one issue, although he doesn't explore coalition politics in great depth since that was not the purpose of his article. In order to take a critical discourse analysis approach to the issue of dress codes, we must ask ourselves the following question: What are the implicit implications that aren't explicitly discussed in dress codes? As Currah discusses in his article, clothing is thought to be a reflection of a student's gender identity which is further complicated by many school's regulations adhering to gender as innate to sex (which is not the reality for many). To push the analysis farther, I would also add that race, class, nationality, age, among other factors play a role in creating and reiterating norms. Currah mentions that when advocating for administration law and regulations regarding dress code in respect to transgender students in public schools, the best method is to have a coalition for all individuals who have been and will be affected by school dress codes. He mentions the racial implications that dress codes have; for instance, how saggy pants and do-rags are often found in dress codes as inappropriate. Other implicit implications arise concerning dress codes, such as class. The status of the students' clothing is often considered to be a factor in assessing an individual, and therefore reiterates certain norms.

There needs to be a coalitional approach to dress code in order to protect the well-being of all students. I will use SONG as an example of how a queer/radical organization

might approach the topic of dress code by using its intersectional framework. If SONG were to take up this issue of dress code in public school systems, it would call for an intersectional analysis and have a leadership focal point as emphasized in its mission statement. For the intersectional analysis, SONG must assess every potential implication that the current dress code iterates in addition to assessing both implicit and explicit consequences that a future dress code implementation could affect.

Many current dress codes do not empower youth to challenge institutions, such as the school system's regulations; however, SONG's potential reform of dress codes would center the idea of leadership by altering the dress codes in a way that empowers youth to have an active voice in these decisions. Empowering youth directly relates to Spade's suggestion of looking at the most vulnerable groups in society. The marriage equality debate centers largely on adults, with the exception of certain family laws concerning custody. This example of dress code looks at the vulnerable – youth. The creation of an ethical politics of kinship care needs to also start with the most vulnerable populations who are affected by kinship care; for example youth, trans* persons, LGBTQ communities, low-income populations, etc.

Given the example of dress code, how do we envision an ethical politics of kinship care? Included in the planning, the reform proposal needs to examine any implicit and/or explicit outcomes that it could potentially impact. In essence, we need to ask this question: how will this alteration affect or impact the well-being of *all* people not only the targeted group(s) the reform intends to immediately undertake but also the individuals who the reform excludes to mention or consider? I am not calling for an

ethical politics of kinship care to be dismantled from the U.S. legal system. Rather, I am calling for serious thought about what individuals become the target of legal “rights” and how legislation nurtures individuals by providing effective help for the populations excluded from the targeted subject right now. Evidenced by the current situation of Montana alternative homes’ lack of state regulation, there needs to be legislation in place to protect the rights and well-being of humanity, especially humans who have been deemed disposable.

Along the same lines with my discussion on identity politics’ potential of harming leftist political agendas, rights are also a necessary evil. Rights are necessary in order to protect a person’s well-being from harms/inequities; rights can be evil due to the tendency of rights’ discourse to be targeted towards membership of identity categories. For example, marriage rights have been excluded to people who are members of the LGBTQ identity category; this exclusion of LGBTQ groups of people also highlights the same reason why rights are essential in protecting the well-being of all individuals. As stated by Gamson, identity politics’ main dilemma is that “fixed identity categories are both the basis for oppression and the basis for political power” (“Queer Dilemma” 390). Identities are often associated with a person’s credibility and validation. Feelings of safety have the potential to stem from identity politics’ approach to unification; however, “as long as membership in this group is unclear, minority status, and therefore rights and protection is unavailable” (Gamson, “Queer Dilemma” 401). This quote implies that concrete identity categories are necessary for legal reform; a belief that I do not endorse. In other words, I think this quote encapsulates the shortcomings of what happens when

rights-based movements only take up a single issue related to one group/population: the outcome is a limited understanding of identity politics' role in transformational change, and therefore, a limited capability to envision an intersectional, coalition-based, and leftist framed hope for our future.

Polikoff doesn't believe that "special rights" should be given to married-couple families. Marriage is no more important than any other form of family or kinship care. Law reforms valuing all families and kinship configurations need to be proposed which in turn "achieves good results, for good reasons, and makes marriage matter last" (Polikoff, "Not a Gay Thing" 53). Although I do not believe in or promote the institution of marriage as it currently exists, I am not remarking on or implying anything about those who want to, choose to, or have already been married. According to Polikoff:

I support the right to marry for same-sex couples as a matter of civil rights law. But I oppose discrimination against couples who do not marry, and I advocate solutions to the needs all families have for economic well-being, legal recognition, emotional peace of mind, and community respect ("Not a Gay Thing" 48).

This statement is consistent with my view on how we should go about addressing marriage reform in relation to the future possibilities of more comprehensive kinship care policies

As a possible alternative to the strategies of the equal marriage rights movement, Clare Chambers proposes piecemeal regulation in order to legally protect the rights of all individuals who are engaged in kinship care formations. Piecemeal regulation rejects marriage legislation's bundling of rights and instead "involves the state regulating the

different functions or parts of a relationship separately” (Chambers 137). Equally important, piecemeal regulation “involves *no special status*” (Chambers 137). Piecemeal regulation revolves around the idea that many kinship care structures – including ones that are not currently recognized – tend to have similar functions as one another such as caregiving practices, for instance the care of a child. These caregiving practices deserve legal regulations to protect all individuals involved. According to Chambers, there are many advantages to employing piecemeal regulations:

It is more flexible, allowing a variety of ways of life to receive appropriate state attention. It can meet the needs of caring relationships, but does not assume that all caring relationships are attached to other forms of intimacy or that people have only one sort of caring relationship. And it dispenses entirely with one special status to which special recognition, and thus endorsement, is attached (140).

However, I think the option of piecemeal regulation has potential to still exclude some relationship functions that would not be included in its “variety of ways of life” criteria list.

Neoliberalism must be removed from the cross-movement organizing approach, since neoliberalism can “undermine organizing around issues (poverty, health care, the destruction of the environment, and so forth) not directly connected to identity” (McRuer). By building a coalition around the common goal of having the legal system *recognize* your own kinship care formation and then *protect* your well-being through that recognition’s benefits, a large collection of individuals who evoke solidarity based on this political affirmation and at the same time celebrate the intersectionality of differences are

welcomed. As reiterated throughout this thesis: the more people involved in an effort, then the more impact that effort has on transformational change.

My intervention lies in the way that queer is often taken up to describe individuals identified within LGBTQ communities. The potential of the word queer has so much more validity and promise. I understand queer to be resistant to the implications of a universal tone/connotation and therefore as challenging to the universalistic approach by applying queer as an active verb tense. Rather than placing queer theory within sexual orientation constraints, understanding “queer” as an active verb could provide wide-ranging and nonconforming spaces for academic research and knowledge production.

Resistance to the marking of a queer definition stems from the risks associated with absolute labels – “to limit its potential, its magical power to usher in a new age of sexual radicalism and fluid gender possibilities” (Halperin 339). Instead of queer politics being just about queer-identified individuals, I argue that any individual no matter their identity can be queered. By queering the subject, we seek to alter research approaches and challenge power disparities generated from declaring which subject to study or research. Creating an ethical politics of kinship care across all communities through coalition building is possible with queer politics’ knowledge production. Queer politics aims to be inclusive in nature and challenge/resist what is believed to be as normative or fixed identities, especially in relation to the binaries generated within the discourse of gender, sex, and sexual orientation.

Similar to my critical analysis of the “gay rights as human rights” agenda – regarding the problems apparent in using *the* identity formation “gay” as a collective,

universal identity formation; queer theory's aim to avoid identity categories within a singular definitions and instead invoke intersectionality as a form of resistance provides space to experiment with alternative tactics that promote social and political movements by taking into account the shortcomings of the approaches discussed in Chapter III. It requires the understanding of the intersectionality of all identities as well as individual experiences by refusing to conform to the regulations/limitations of how identity politics have been taken up by some scholars to support essentialist notions. This inner tension among queer scholarship can be felt more within community activism rather than academia; for instance, HRC created a political shirt with the phrase "Legalize Gay," across the chest. In response to the shirts' lack of acknowledgement of trans* identities within HRC's greater political agenda, a shirt with the phrase "Legalize Trans*" was issued and circulated around the community.

Queer politics has the capacity to participate as a form of activism within a community. In order to accomplish this task, we must first begin "to translate central ideas of queer theory into a language which can be understood...outside the academy" (R. Smith 348). By implementing forms of discourse that are easily accessible to the general public/community (as opposed to disciplinary jargon within queer theory) queer politics has the potential to extend its reach/threshold, originally established within higher education systems, to the rest of its community both in terms of knowledge production as well as activism.

Concluding Remarks

This thesis is not intended to provide answers, but rather it acts as a pivotal moment in creating a more comprehensive discussion concerning kinship ideologies. My purpose is to introduce alternative modes of thought and understanding while engaging in political agendas related to kinship care, specifically regarding the gay marriage rights movement. Inspired by Eng and Spade's works, I have furthered their critiques against the orientation for marriage within the demands "gay rights" by applying queer theory to the current critiques' limited focus on exclusionary implications. Saying the marriage equality movement excludes others is not enough; the marriage equality movement actively produces disposability with the production of gay subjects.

Intersectionality can be used as a form of resistance within identity politics to celebrate the differences among and within identity categories. Applying a leftist framework de-centers the marriage equality movement and marriage in general in order to focus on the creation of an ethical politics of kinship care. As perfectly stated, "I would like to see federal legislation that is designed to deliver benefits and rights based on my personhood rather than on whether or not I have been a winner in the dating game" (Boggis).

I would like to make clear that marriage is just as valid of a choice as any other type of kinship care; I am not opposing the gay marriage rights movement but rather emphasizing the need for a more comprehensive approach that creates an ethical politics of kinship care by validating any and every variety of its form/structure. Queer has to be a part of the approach to understanding the production of a variety of disposable people.

What is understood as queer needs to be exploded; it can no longer be viewed as just a sexual orientation opposite of heterosexual. I argue that queer politics needs to be not just about queer-identified individuals, but rather about reconfiguring how kinship is thought of, legislated, and administrated. After validating every person's choice to identify themselves within any given kinship care formation as valid; our next step is to focus our energies on administrative law reform that more effectively and efficiently nurtures humanity and supports the well-beings of all individuals.

After reading my thesis, I challenge you to self-reflect for a period about what your own kinship care formations look like. How does the gay (marriage) rights movement affect you, loved ones, and people you've met throughout your life?

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