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Global Perspectives on Same-Sex Marriage: A Neo-Institutional Approach

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The Global Queer Politics book series is a new outlet for research on political and social processes that contest dominant heteronormative orders in both legal and policy frames and cultural formations. It presents studies encompassing all aspects of queer politics, understood in the expansive terms of much activism as addressing the politics of sexual orientation, gender identity and expression and intersex status, as well as non-heteronormative sexualities and genders more widely – including emerging identities such as asexual, pansexual, or non-binary. As struggles over violence, human rights and inequalities have become more prominent in world politics, this series provides a forum to challenge retrenchments of inequalities, and new forms of contestation, criminalization and persecution, situated in wider geopolitics. Particularly welcome are works attentive to multiple inequalities, such as related to class and caste, race and ethnicity, nationalism, religion, disability and age, imperialism and colonialism. Global, regional, transnational, comparative and national studies are welcome, but that speak to international processes. Books in the Global Queer Politics series will initially be published in hardback and ebook formats, and are made available in paperback after two years. Ebook package subscriptions for libraries in less developed countries are in accessible scaled rates relative to the size and location of institutions, enabling free access to library patrons. Additionally these package subscriptions make it possible for library patrons to purchase personal paperback editions of each book when it is released, through the MyCopy scheme. The Global Queer Politics book series welcomes:

all academic disciplines and approaches that can contribute to the study of politics, including, but not limited to, international relations, political theory, sociology, socio-legal studies, contemporary history, social policy, development, public policy; cultural studies, media studies and gender and sexuality studies.

methodologies which may include comparative works and case studies with relevant transnational dimensions, and analyses of global processes; and research from authors who have activist, governmental and international experience, as well as work that can contribute to the global debate over LGBTIQ rights with perspectives from the Global South.

More information about this series at
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FOREWORD

Same-sex marriage has become a major twenty-first century social and political cause, central to debates over equality, citizenship and the democratic rights and the representation of minorities. This book, which brings together key international authors in the field, analyses same-sex marriage in countries ranging from Europe and North America, to Africa, Asia, Latin America and Australia. The diversity of countries covered provides new understandings of the politics of same-sex marriage, the factors that contribute to it being achieved and the factors that prevent it. Furthermore, this collection highlights the extent to which same-sex marriage has become a global issue, not only in those countries with positive outcomes but also in those countries where opponents have succeeded in mobilizing against it, sometimes on the international as well as national stage.

However, interest in this book should go far beyond those readers who study Lesbian, Gay, Bisexual, Transgender, Intersex and Queer/Questioning (LGBTIQ) issues. The contributors repeatedly demonstrate that analysing same-sex marriage provides a fascinating, alternative lens on how political systems work. Consequently, this book makes new contributions to both the literature on domestic politics in specific countries and to the existing comparative politics literature. It makes particularly significant contributions to academic writing on neo-institutionalism—an approach that analyses political institutions in their broader context, including their historical and discursive one. Readers will therefore gain a deeper understanding of the ways in which particular institutions, including parliamentary, federal and judicial institutions, work in specific countries and the similarities and differences between such institutions in countries that are

being compared. Consequently, this is a collection that should be of just as much interest to students of federalism as to students of human rights law. However, contributors do not confine themselves to neo-institutional analyses but also draw on other useful tools and approaches, ranging from social movement studies to party analysis and discursive studies of international norm diffusion.

Same-sex marriage provides such a crucial lens because, as key contributors explain, sexuality tends to lie at the heart of how traditional citizenship regimes have been constructed. It is a key element underlying political and social relationships. Traditional citizenship regimes were frequently heteronormative, designed around heterosexual family relations. Consequently, as this book reminds us, analysing same-sex marriage throws new light not only on how dominant forms of citizenship rights and entitlements were constituted but also on the construction of both majority and minority identities. That construction includes the protections to which minority groups are entitled, the discrimination they may face and the barriers they can encounter in struggling for key rights. Analysing same-sex marriage therefore throws significant light on the opportunities for, and processes by which, social change is instituted in specific countries. It can assist in understanding the differing conceptions of equality and social inclusion to which particular societies adhere, and their influence on the role played by both social movements and more traditional political actors.

In addition, examining the issue of same-sex marriage, and the resistance to it, reminds us of the ongoing importance of the relationship between religion and the state, even in many countries which ostensibly pride themselves on being secular, as well as in countries where religion and/or religious courts play a major role. Similarly, the diversity of countries covered in this collection highlights the fact that Western liberal democratic divisions between public and private and between civil society and the state are merely one form of political and social organization in the world today.

While same-sex issues should never be reduced to issues of gender, as various contributors explain, they do intersect closely with constructions of gender as well as sexuality. Examining issues of same-sex marriage can therefore identify changing gender regimes. It also identifies the price that can be paid by those who do not perform their gender in the ways that society expects, both in terms of the gender of the person to whom they are attracted and their own performances of masculinity and femininity.

However, this book highlights the diversity of personal and political identities related to issues of gender and sexuality that exist in different countries and cultures and that influence the outcome of struggles. Yet, as several analyses in this book reveal, the globalization of LGBTIQ identities, and of the same-sex marriage movement, is in turn impacting back on those identities. At the same time, a global polarization over LGBTIQ issues is being used to mobilize both inclusive and exclusive forms of national identity. Same-sex marriage is at the heart of those struggles.

Same-sex marriage is not unproblematic though, as several contributors who refer to queer critiques of the normalizing nature of marriage relations make clear. Indeed, marriage is in decline in some of the countries studied. Nonetheless, given that the traditional relationship between the state and homosexuality in many countries has historically been a repressive one, this collection also illustrates fundamental changes in the relationship between homosexuality and the state. Once again, analysing same-sex marriage can provide a particularly useful lens for examining the role of path dependency, as both forms of policy continuity and discontinuity, and the factors influencing them, are identified. Moving beyond issues of decriminalization to issues of mainstream recognition and even endorsement can be seen as part of a broader, more equitable and inclusive, change in the understanding of the relationship between citizens and the state in those countries that have instituted same-sex marriage. However, the extent of countries covered in the collection will also remind readers of the diversity of experiences that same-sex attracted people have encountered, and continue to encounter, throughout the world, including in countries where homosexuality is still criminalized.

In short, this collection throws light on multiple issues that lie at the heart of contemporary politics and contemporary societies internationally. It is both an important new contribution to the literature on same-sex marriage and a major contribution to our broader understanding of politics and society.

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Carol Johnson

SERIES EDITORS PREFACE

Same-sex marriage has undoubtedly become a central political issue. As Jeffrey Weeks put it a few years ago, it should be regarded as a “key issue in the LGBT world, and a hot political issue more widely in Western democracies” (Weeks 2011, 168). This reveals a surprising change, given the long-standing critique of marriage as an institution in feminist circles and early lesbian and gay movements. The new embrace of marriage within LGBTQI¹ communities unveils more profound transformations, which confirm why marriage debates are so crucial.

First, the institution of marriage itself has altered in many constituencies, and—although it can hardly be seen as egalitarian—it is no longer the oppressive and highly gendered institution it used to be. Second, homosexuality is more widely accepted in certain parts of the world and, under certain conditions, gays and lesbians are regarded as respectable enough to access the institution of marriage. Finally, LGBTQI movements have dramatically transformed in recent decades, largely abandoning their subversive critique of society in favor of a collaboration with political institutions.

These transformations have created a fertile soil for a claim like same-sex marriage to emerge and to be heard. Furthermore, unlike what is assumed in Jeffrey Weeks’ quote, these debates are no longer restricted to Western States. Same-sex marriage has for instance been adopted in places as different as Taiwan, Malta, Chiapas and Germany in mid-2017, and this right is available to citizens living in four continents, with Western Europe, North America and Latin America clearly leading. The global nature of this debate becomes even clearer when we take into account the various forms of opposition to LGBT rights. These often include the prevention of same-sex marriage among their main objectives.

This book is a major contribution to the understanding of same-sex marriage struggles around the globe, and an important addition to our book series. Using the various tools offered by contemporary neo-institutionalist approaches, it focuses on the reasons why same-sex marriage is allowed—or not—in specific national settings. While initiating interdisciplinary discussions, it shows political science at its best, highlighting the central role played by institutions in equality struggles. By focusing on a wide set of countries covering the whole world apart from Russia and the Middle East, this book does not only shed light on the institutional dynamics of marriage in states such as Canada, the UK or the USA, but covers a truly global spectrum of countries, with a strong focus on both Latin America (Argentina, Brazil, Chile, Mexico) and South-East Asia (China, Indonesia, Singapore, Taiwan). Furthermore, each chapter is comparative in itself, which is another strength of this collection.

Interestingly, most authors tend to regard same-sex marriage as a domestic issue, which is then compared across borders. They give more space to global and transnational dynamics in their analysis when they examine why marriage did not happen and discuss various forms or resistances and oppositions, building upon the literature on the globalization of LGBTQI rights, in particular Kelly Kollman's (a series board member) groundbreaking work on same-sex marriage and norm diffusion. In conclusion, this book undoubtedly furthers the literature on same-sex marriage, and crucially charts global trends in contemporary queer politics. It also shows that much remains to be explored, providing an opportunity for additional contributions.

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NOTES

1. Lesbian, Gay, Bisexual, Trans*, Queer, Intersex.

REFERENCE

Weeks, J. 2011. *The Languages of Sexuality*. London: Routledge.

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