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Normative encounters: the politics of same-sex spousal equality

> The logic of marriage ... is little more than a rationalization of privilege and will contribute to greater, not less, inequality within the lesbian and gay communities, as well as in the wider society. (Carrington 1999: 223)

From the mid-1990s, partnership recognition and gay marriage emerged to dominate lesbian and gay politics around the globe (see, e.g., Wintemute and Andenæs 2001). For many gay civil rights activists, spousal status had become a fundamental equality demand; some even declared it to be a basic human right (e.g., Wolfson 1996: 82). At the same time, others adopted a questioning attitude towards the clamour for official recognition (e.g., Boyd 1999; Herman 1990). For many critics, marriage remained a symbol of and means of perpetuating gender oppression, privatisation and state control.

In this chapter, I explore spousal recognition from the perspective of equality. However, in doing so, I want to move away from the question of whether marriage or spousal rights benefit lesbians and gay men as a class. For reasons explored in the previous two chapters, I find a class or group-based paradigm of equality politics, with its emphasis on raising a defined constituency to the standard experienced by dominant groups, unhelpful. At the same time, I want to avoid an approach which evaluates marriage and spousal recognition as if they exist in a vacuum. What spousal rights, and the effects of their expansion, mean depend on the way in which legal reform maps onto and intersects with other social processes. This more socially contextualised approach is important for understanding the effects of reforms on inequalities of sexuality. But it is also important for understanding the effects of reform on other inequalities as well. The premise underlying this chapter is that reform cannot simply be evaluated in terms of its impact on a single social inequality. Following my discussion of equality politics in the previous

chapter, the effects of reform on the spectrum of inequalities that exist are as important.

For the most part, writing on equality, from a diversity perspective, has tended to ignore equality's relationship to other social norms. By this I do not mean a failure to balance. Hierarchically ordering values, placing them on scales to determine which should prevail or carry the most weight, is frequently undertaken. But what I do mean is that far less attention has been paid to the way in which values, embedded and materialised as social norms, strengthen or undercut equality's pursuit. In this chapter I argue that incorporating an analysis of social norms into discussions of equality is important for three reasons. First, dismantling particular forms of inequality often demands that the norms that anchor, legitimate or otherwise sustain the inequality be challenged. For instance, it may be hard to undo inequalities of age without paying a critical regard to norms of appropriateness, entitlement and normality. Second, norms often function as bridges between different inequalities. Aesthetics of appearance, for instance, work to consolidate inequalities of gender, race and age, as well as sexuality. Consequently, tackling one form of inequality by trying to recast its normative assumptions, for instance emphasising the attractiveness of young, butch white women rather than seeking to problematise – or radically rewrite – norms of attractiveness, may entrench other existing inequalities or ease new ones into existence.

Third, the approach described in chapter 4, with its articulation of equality to socially undoing, rather than restructuring, principles of gender, race, class, age and sexuality may seem rather nihilistic. While the effects of undoing existing inequalities may be hard to know, a politics which seeks *only* to dismantle has its limitations. Laclau and Mouffe (2001: 189) make a similar point when they state, 'no hegemonic project can be based exclusively on a democratic logic', that is, extending 'the egalitarian imaginary to ever more extensive social relations' (Laclau and Mouffe 2001: 188), 'but must also consist of a set of proposals for the positive organization of the social'. What these should be cannot be determined from equality alone – even if equality is identified as a norm rather than a strategy of undoing. As Nagel (1998: 12), for instance, argues, 'Equality can be combined with greater or lesser scope for privacy, lesser or greater invasion of personal space by the public domain'. Articulating, or rather *re*articulating, equality's relationship to other norms is a necessary way of injecting some substance into what equality means – to flesh out a richer conception of the 'better', if not 'good', society.

To explore the relationship between social norms and equality in more depth, I want to develop the framework of organising principles established in chapter 3 to consider what I am calling normative or 'is-ought' principles. Like the principles of class, gender, race, age and sexuality discussed earlier in the book, these

normative principles also organise, can be read off and lie condensed within social structures. However, while the former revolve around an inequality of power between subjects, normative principles, or rather *dominant* normative principles, are defined by their capacity to condense the space between description and social vision.[1] In other words, how society is constitutes, with minor revisions, how it should be. Dominant normative principles are both definitional of a society, and a means of consolidating and anchoring it. They not only collapse – or read – 'ought' from 'is', but also seek to present a deeper, more fundamental and authentic truth about the present and good society.

In my exploration of the way in which normative principles both frame, and are framed by, same-sex spousal recognition, I focus on two principles that surface through the course of this book: proper place and the public/private. These two sets of principles are deeply relevant to inequalities of sexuality; they also have a wider resonance in relation to asymmetries of race, gender, class and age. Proper place and the public/private are firmly embedded in liberal conceptions of the social, but they are also open-textured. While they work largely to anchor and rationalise dominant social processes, they also offer more progressive possibilities. This comes from their capacity to be substantially revisioned; however, it also emerges as a result of a more immanent form of critical practice: bringing society closer to the best or truest interpretation such norms can bear.

I begin by setting out in more detail how normative organising principles work, and then turn to offer a conceptualisation of proper place and the public/ private. The second half of the chapter considers the encounters between these norms and same-sex spousal recognition. In exploring the effects of this encounter, I am concerned not only with what happens to the pursuit of lesbian and gay equality, but also with how this encounter impacts on other social relations (gender, class, race, age), as well as on norms of proper place and the public/private themselves. I argue that the extent of any mutual accommodation, status quo maintenance or troubling depends – at least in part – on how spousal recognition is argued for, operationalised and inhabited.

Normatively organising the social

Normative principles do not exist separately from the social; also they do not have a life as discrete principles. As with organising principles of inequality and social dynamics, any disentangling is purely heuristic and intended to aid analysis. Principles such as democracy, liberty and fairness can be read off from the social; at the same time, their material and discursive presence works to organise and reproduce the social in distinctive ways. The notion of 'normative' in this context highlights several things. First, it identifies those principles

that signal the good society. Although principles may vary by social sphere – indeed such a division between spheres is itself a formative normative principle – in the context of liberal society, principles such as democracy, rationality and accountability operate as idealisations of current social reality. Second, the good society is perceived as one that continually strives to improve on the realisation of its normative principles. Current liberal society thus provides the foundations for an idealisation which is then turned back on the social present as a guide, measure and aspiration. Third, normative principles guide individual and institutional actors who strive to conduct themselves and their society well. They are principles to safeguard at the level of the social, and to pursue, recognise and promote in everyday activity. Finally, the notion of normative underscores accounts of the principles themselves. Thus, principles such as justice or property have value because of the ways in which they are underpinned by other right-sounding principles.

Yet, principles such as normality, legality and the proper do not simply function as guides or ways of establishing the worth of conduct or the good society. Part of their power or force comes from their epistemological quality as norms or standards, as well as from the way in which the epistemological is articulated to the normative.[2] As epistemological principles, they are seen as offering not only a framework for exploring how particular societies (seek to) work, but also as something deeper, in that they identify a fundamental truth about the 'good' self and society. Nagel (1998: 10), in his discussion of the importance of privacy *qua* selective intimacy, reveals the normative power that comes from such truths when he states, 'No one but a maniac will express absolutely everything to anyone.' More generally, what this suggests is that structures such as democracy, property and accountability are not just facts embedded within a contingent present, but are necessary, constituent elements of 'good' society. With 'is' and 'ought' closely coupled in liberal society's conception of itself, normative principles play a key role in explaining liberal social formations: we cannot 'know' liberal societies without understanding the core principles that constitute them (conceptually and historically). While many such principles are recognised as contested or subject to readings that emphasise unevenness or contradiction, the struggle to provide the best or fullest interpretation represents a major project for many liberal scholars (see also Dworkin 1986).[3]

Normative principles function as key rhetorical and strategic elements within everyday political discourse. At the same time, it is important to recognise that 'is–ought' principles have more than simply discursive applicability; they do not need to be uttered to have effect. Normative principles are embedded in and realised through the preferences, desires, tastes and choices they shape (not always predictably), as well as in institutional structures such as parliamentary, legal and economic processes where democracy, accountability,

property, legitimacy, fairness, justice and liberty constantly circulate and are enacted. A crucially important quality of 'is–ought' principles is that they are co-referential. Their power or force comes from the way in which they flag up, or are validated by, each other. Thus, legitimacy may be anchored in accountability, property in fairness and liberty, fairness in justice, and so on.

We are so used to the application of these principles that their productivity is rarely apparent. However, the capacity of normative principles to facilitate and ease, indeed to generate, social processes and actions in the first place are immediately evident in their counterfactual, where conduct is rendered legible in non-normative terms such as coercion, arbitrariness, inefficiency, selfishness and impropriety. Action which presents itself, or more usually is read by others, in these ways pokes out awkwardly, provoking hostility for seeming to challenge the quiescent normative basis for conduct. Recognising the existence of these less glowing motivations and incitements to action is central to a perspective that refuses to see the social simply in the terms of its own self-image. A society may speak about its origins, ongoing practices and aspirations in normative co-referential terms, but this does not mean that these are the principles that *actually* govern or underlie institutional structures or practices (see also Cooper and Monro 2003). This is the claim of the social critic who sees normative principles as means of gaining consent or acquiescence, of mobilising people in the name of qualities whose status is illusory.

Yet despite the validity of this scepticism, normative principles are important because they provide the tools by which a society presents, evaluates and at some level, at least discursively, organises itself. Before going on to discuss my two principles, I want to draw attention to three aspects of the general character of normative organising principles. The first concerns their unevenness, inconsistency and capacity to be recreated. In particular, I am interested in the capacity of normative principles to be inverted so that their aspirational dimension functions as both a critique of the present and an incitement towards societal change. Because such counter-normative principles are far less naturalised than their more hegemonic alternatives, they tend to exist on the plane of political and social utterance rather than practice. However, this is not exclusively the case and, as I discuss in chapter 8, in particular, counter-normative principles can be found embedded in alternative institutional and social structures. I refer to these alternatives as 'prefigurative', to highlight the ways in which the norms articulated are read through a vision of reform as well as a critique of the present. In other words, they fundamentally invert the elision drawn between 'is' and 'ought'. The second aspect concerns the relationship between different kinds of organising principles. I suggested above that normative principles cite, refer to and support each other; at the same time they do not always cohere. Principles collide, colonise and threaten, raising a host of questions about how

the tensions between them should be, and are, resolved (see Laclau and Mouffe 2001: 165–6). As I discuss in this book, the relationship between diversity and equality illustrates one form this collision can take. While my argument is that diversity and equality can be articulated in ways that render them compatible, for instance by reading diversity through the lens of equality (see chapter 9), other radical readings stress the tension between them.

The third aspect of their character concerns the complicated relationship between normative principles, social dynamics and social inequalities. The ways in which normative principles and social dynamics intersect, and the effects they have on each other, are important to thinking about their stability as well as the capacity to undo and vary social inequalities. One instance that illustrates this relationship is the example of the intimate/impersonal and normative principles of proper place and responsibility. As I discuss in chapter 3, the intimate/impersonal has historically been associated with producing and giving effect to gender inequalities. These inequalities have, in turn, been reinforced and stabilised by norms of proper place and responsibility which work to legitimise and rationalise the gendered allocation of roles, relations and places. At the same time, such normative principles have also been drawn on in the drive to change men and women's relationship to intimacy, domestic work and paid employment, by, for instance, reframing what men's responsibility for their children entails.

In the discussion that follows, I draw on these three aspects of the way in which normative principles work: their unevenness, contradictory quality, and capacity to change and be inverted; their relationship to each other; and the way in which they intersect social dynamics such as the intimate/impersonal in the course of exploring the pursuit of spousal equality for lesbians and gay men. But first I want to set out in more detail the two normative principles which I will discuss, namely, proper place and the public/private.

Revisiting proper place and the public/private

Proper place – with its cultural and social division between that which is in and out of place – highlights the ways in which inequality is secured through forms of differentiation and segregation that are read as civilised, natural or otherwise beneficial (Cresswell 1996). Within modern Western societies, we can see proper place (alongside other normative principles) as working to separate activities and peoples into hierarchically related, albeit mutually determining, spaces (e.g., Razack 1998). Indeed, the proper operates relationally to define and constitute place itself. In Western, liberal societies, it is a deeply and thoroughly internalised structuring device, epitomised in the emphasis placed on children knowing what goes and belongs where. Politically, the power of the

'proper' as a normative principle is threefold. First, it works to delegitimise certain distributions or combinations of persons, practices, spaces and identities – a process whose effects I explore in more detail in the following chapter in relation to nuisance. Second, it offers a powerful device for resisting change. Configurations of the proper, in which the proper is articulated to norms such as property and legality, organise, rationalise and justify dominant social practices. Third, in the way in which it underpins and is read off from physical zoning which keeps phenomena apart, the proper defuses and contains challenges.

The notion of *spatial* differentiation as a significant normative principle at the turn of the twenty-first century may seem, to some degree, counterintuitive. Despite the intensification of migratory controls and scrutiny, national spaces appear, in many ways, more culturally diverse and heterogenous; from a gender perspective, men and women seem less confined to separate spheres, and lesbian and gay sexual expressions seem more visible than even two decades ago. Yet these trends do not negate the countervailing drive for spaces to become more ordered, efficient and mono-functional. This does not require us to contrast the present with a golden age of spatial heterogeneity, but rather to attend to current impulses to segregate and discipline particular acts, movement and identities (Edensor 1999). In line with a policy rhetoric of equal opportunities, this impulse tends to focus less on status or on those characteristics discursively constituted as immutable, such as gender and race (although age remains firmly subject to injunctions of propriety). Nevertheless, the alternative policy emphasis on 'voluntarily chosen' conduct, presentations and lifestyles maps onto distinct socially identified constituencies. This is apparent in the treatment of poor and homeless people in countries such as the United States and Britain, as I discuss in chapter 6. Policies to outlaw and move on the growing numbers of vulnerable people from gentrifying city spaces have precipitated the development of technologies of ownership, surveillance and design – street benches that cannot be lain on, for instance – that render some people's very bodies improper. Likewise, norms of proper place, allied to discourses of 'visitor' and 'host', have been deployed in Britain to discipline and domesticate the conduct of minority ethnic constituencies, immigrants and refugees (see Cooper 1998a: 63).

For lesbians and gay men, the focus of this chapter, ideologies and practices of proper place have been particularly apparent in the spatial and temporal zoning of sexual identities and activities. At its most overt, this has meant banishing during the day certain activities, interactions and identities from city streets, penalising the enactment of a lesbian or gay identity at school or in the family home. While the boundaries of propriety and appropriate conduct can be explicit, with clear penalties or punishment if breached, boundaries may also function more covertly (Valentine 1996: 154).

Yet the governance of sexuality does not work only through the social dynamics of boundary maintenance, and lesbian and gay identities are not simply despatialised. While earlier scholarship explored the extent to which the proper domain for homosexuality, post-decriminalisation, was the private sphere in which scarcely tolerated intimacies could exist – if not thrive – more recent writing, reflecting the changing spatialisation of sexual identities, has explored the wider embedding of lesbians and gay men's proper place. While much of this writing has focused on the development of lesbian and, particularly, gay urban spaces and residential areas (Bouthillette 1997; Brown 1995, 2000: ch. 3; Davis 1995; Grube 1997; Myslik 1996; Quilley 1997; Rothenberg 1995), other work has explored the rural expression of gay and lesbian sexual identities (Kramer 1995; Phillips, Watt and Shuttleton 2000).

The documentation and analysis of lesbian and gay spaces does not invariably lead them to be identified more widely as proper. However, there has been a shift from associating gay sexual identities with residualised spaces to seeing the marking of space as gay as instrumental in the construction of cosmopolitan localities (Florida 2002; cf. Moran and Skeggs 2004). Thus, gay becomes a signifier and instrument in achieving normative, gentrified urban space. This development has also had its critics, particularly those who read the changes as co-opting monied, mobile, out gay men at the expense of other gay and lesbian constituencies (see Bell and Binnie 2003). For the latter, the organising principles of proper place continue to have, and be read through, more residualising effects – shunting less desirable people, activities and places into marginal, less visible and less prestigious spaces.

If proper place currently legitimates and naturalises, while also being read off from, the allocation of identities, activities and discourses in ways that sustain inequalities of power, two political strategies emerge as thinkable. The first seeks to weaken 'proper place' as a normative principle; the second seeks to redefine it. We can see challenges to the significance of proper place in, among other things, constant transgressions of its order, as evidenced by the queer and AIDS activism of the 1990s (Brown 1997; Somella/ Wolfe 1997; Bell and Binnie 2000). Through the generation of surprise, wed-ins, die-ins and kiss-ins sought to trouble norms of 'in placeness' through a theatrical and symbolic politics of critique. Yet while these actions sought to disrupt the exclusion of lesbians and gay men from mainstream life, they did not all seek to challenge notions of the 'proper' per se; nor were actions necessarily concerned with challenging the *legitimacy* of the conduct from which lesbians and gay men had been excluded. While undoing norms of proper place may be advocated by some postmodern scholars, others are less ready to give up all commitment to a normative project on which proper place seems to reside. For proper place does not have to designate reactionary forms of spatial segregation or propriety.

To the extent that it simply accords 'spatial rightness' to particular interactions and conduct, it has a much more open-textured quality.

Thus, alongside troubling proper place, lesbian and gay action has also worked to revise norms of the proper. First, and more narrowly, activism has sought to re-establish where the proper place of lesbians and gay men (and to a lesser extent queers and transgendered folk) might be. In some cases, this has taken a transient form as city landscapes became briefly appropriated through marches and festivals. In other cases, the development of visible, gay, commercial and residential spaces functioned as a more permanent strategy for inclusion within the proper. Second, actions have reframed proper place through articulatory practices that suture it to norms of equality and diversity, decoupling proper place from its usual allies of convention, order and security.

My second normative principle – that of public and private – is best seen as a co-constitutive dyad. Given the vast, sprawling literature on these terms, and on their social and historical development, my comments here will be restricted to those that relate to the public/private as normative principles in relation to same-sex spousal rights. My use of the terms also needs to be seen in the light of the space carved out by the intimate/impersonal (see chapter 3) – a dynamic often identified in the language of the public/private.

In its prevailing application as a normative principle, the term 'public' highlights the necessary ways in which certain spaces, practices, obligations and interactions are organised and (importantly) made legible according to principles of impersonalness, impartiality, openness and disinterest. Underpinning this use of the term 'public' is a tension between two ideas: the common and the strange. Public maps on to and straddles these different ideas, the first with its concern for a unified collective entity, the second with its emphasis on unbidden relations between strangers (see also Calhoun 1999; Cooper 1998b). The tension between them, however, is evident in the difficulties liberalism faces when confronted by the challenge of social diversity. Does public identify the common ground that can continue to unite people despite their differences, or does it refer to the space of irreducible difference that cannot be negotiated away?

These concerns, anchored in a particular reading of the social, have not remained unchallenged. Critics have questioned the extent to which the 'common' ever prevailed; feminist work has been especially influential here in highlighting the extent to which norms of impartiality and shared interest have worked simultaneously to protect and obscure the interests of dominant social forces. Underpinning this approach is the claim that the norms to which the public is ostensibly articulated: impartiality, objectivity, disinterest (see, e.g., Steinberger 1999), obscure the 'anti-norms' – alienation, hierarchy, irresponsibility, exclusion and fear – that really govern public conduct.

Others, meanwhile, have worked from the premise that public norms do exist and are worth protecting, particularly against the (neo-)liberal move towards a minimal public. In the process of arguing for the defence and, indeed, the expansion of public norms, some radical commentators have gone beyond the practice of immanent critique to resuture the public to different norms. From this perspective it is not enough to create a more expansive and embracing public; the norms with which the public is associated also need change and refinement. To the extent that this operates as a counter-normative project, it is not entirely idealist. New normative configurations are not pulled out of thin air, but drawn from the seeds of alternative articulations that exist within the present. Stretching and expanding these tentative connections become the basis for imagining future possibilities which, in turn, offer a critique of how things are 'now'. Multiculturalism and, more recently, cosmopolitanness provide two lenses through which the public has been reinterpreted, articulated to norms of openness, heterogeneity, accountability, stimulation and excitement (see also Bohman 1999).

Intersecting this public is a configuration of elements embraced by the term 'private'. As with public principles, private principles both organise, and are read off from, social life as facts and ideals. In this way, the 'private' circulates through the social body, gaining force from the normative principles it appeals to, while enabling other normative principles, in turn, to draw strength from its presence. In thinking about private as a dominant normative principle, I want to include two different, interconnected meanings: the controlled, differentiated access to knowledge, things, sights, intimacies and places (by oneself or another),[4] and 'akinship' – where belonging, responsibility and identification are underpinned by the convergence of blood, heritage and similarity.

Conventionally, the withholding of knowledge, alongside the imperative that lesbian and gay desire not be witnessed, proved central to the nexus between homosexuality and privacy. An older working of sexual privacy, as a normative principle, anchored the enforced closeting of improper forms of sexual conduct and erotic feeling in norms of appropriateness and self-discipline. Such norms demanded that access to knowing and seeing, in particular, should be restricted. Today, however, this articulation has weakened as sexual privacy has become, to a larger extent, reoriented around the agency of the subject. Although older understandings of privacy in relation to gay sexual expression endure, they confront newer normative practices in which a refusal to know others, and even more oneself, is read as pathological. This version of privacy does not expect sexual information to be unrestricted (see, e.g., Nagel 1998); however, in identifying the limits to knowing, a tension surfaces between allowing and empowering individuals to determine where the boundaries of access to knowledge, decision-making or sight of them should lie (Young 1997b: 162–3),

and the rights of 'strangers' not to see, hear or know too much. Norms of privacy embrace both – as revealed by the opposition 'outing' encountered for both taking away the right to disclosure by the individual concerned and for imposing unwanted knowledge on others.

Alongside norms of restricted access, the term private, as I have said, draws attention to principles of 'akinship'. I use akinship to flesh out the space where familiar and familial elide. It is therefore a key term in considering the effects of spousal recognition as I discuss further below. Unlike more conventional, liberal understandings of the 'private sphere', akinship is not anchored in a specific place, such as the home. Rather, it identifies feelings of belonging, identification and comfortability derived from familialising practices, symbols and edifices. Although the familiar can be associated with spaces of control and restriction, to the extent that akinship functions normatively within liberal Western societies, it tends to downplay the unpleasantly familiar. Thus, for many lesbians and gay men in a context of non-recognition or acceptance of their sexuality by parents and relatives (Johnston and Valentine 1995), akinship may be felt more keenly away from 'home', in neighbourhoods where gay, lesbian or queer-identified individuals, venues and interactions are visible.

It should be apparent from my discussion so far that public and private norms do not operate according to a binary division, whereby people, activities and norms are simply and straightforwardly allocated to one side or another. Most spaces and activities combine the two. The complex relationship between public and private is apparent in relation to public sex, a subject which has attracted considerable attention within lesbian and, more particularly gay, studies over recent decades. While sex may take place between people who do not personally know each other and in circumstances where little personal information is divulged (see Murray 1999: 161), strangers may simultaneously be familiar in their physique and repertoire, and in their shared knowledge of the social codes that operate. Sexual spaces may also be coded as private in the sense of being secluded, familiar, exclusionary or amenable to control by those who use them, despite being formally accessible to a wider population and non-privately owned. This synthesis of public and private can be seen in Hollister's (1999: 63–4) discussion of sex in American rest areas which he refers to as a 'collective private sphere'.

Social norms and the pursuit of spousal equality

Proper place and the public/private work to sustain inequalities through exclusions, hierarchies of who or what belongs where, selective access, public benefits, and the grounding of emotional connection and responsibility on the narrow terms of conventional akinship. Yet proper place and the public/private,

like other normative organising principles, demonstrate flexibility, unevenness and the capacity to be articulated in more egalitarian ways. I now wish both to develop and concretise this analysis by focusing on lesbian and gay attempts to achieve partnership equality through institutional recognition.

For many proponents, 'gay marriage' is simply the materialisation of current normative understandings of proper place and the public/private. From this perspective, denying recognition to same-sex relationships is anachronistic, an exception no longer warranted. For these marriage advocates, the wider exclusionary or hierarchical implications of reform concerns them little. However, my perspective is different. What I want to consider in the rest of this chapter is the relationship between lesbian and gay marriage reform and the broad project of undoing inequalities, as mediated by the presence and power of the two normative organising principles outlined above.

From the perspective of equality of power, lesbian and gay marriage can be read as a progressive venture (Kaplan 1994). It gives lesbians and gay men access to a structure long denied and, as a result, to some of the economic and social benefits from which heterosexuals as a class have benefited (Chambers 1996). Consequently, it might be argued, reform enables lesbians and gay men better to pursue their own conception of the good life – whether this includes marriage or not (Søland 1998). Yet, framing equality according to a group-based paradigm is, as I argued in chapter 4, also problematic. It suggests that lesbians and gay men have shared interests and needs, and that as a class equality means access to the benefits possessed by groups more privileged than they. These assumptions can be disputed in two primary ways: first, by emphasising the diversity and heterogeneity within lesbian and gay constituencies, and second, by highlighting the importance of normative principles that undercut reading equality as remedying a 'lack'. The discussion that follows is underpinned by these two counter-positions.

Since the early 1990s, the progress of same-sex relationship recognition has moved at such a pace that any attempt to delineate the current state of play becomes immediately out of date. Yet despite the range of approaches taken, we can identify a strikingly high level of global isomorphism. The main techniques for delivering greater recognition of lesbian and gay partnerships have been fivefold. They are judicial finding of a quasi-marital arrangement through widening the meaning of relevant terms such as 'spouse'; de facto recognition of relationships by public and private bodies, such as schools, hospitals, insurance companies, pension plans, employers and private leisure clubs; legislative reform to recognise gay relationships in particular contexts, such as immigration; the introduction of (domestic) partnership status (by city, regional or national government); and state institutionalisation of same-sex marriage (see generally Wintemute and Andenæs 2001; also Goldberg-Hiller 2002).

I want to start with the relationship between same-sex spousal rights (SR) and principles of proper place. In talking about place, however, my use of the term is largely figurative, since I am less concerned with physical spaces than with legal, social and cultural forms. Views about the impact of SR on relationship propriety differ widely. At one end of the spectrum – against the claims of reform advocates that the continuing properness of marriage depends on opening up access to outsiders who rightly belong within – conservative opponents fear that recognising gay relationships will create a new, anti-disciplinary, free-for-all infecting and colonising the privileged terrain of traditional marriage. Left critics, in contrast, fear that SR will create a new, disciplined space which – depending on the terms of lesbian and gay entry – will either orbit marriage as a second-class satellite, or lead to a broadening of the marital terrain. In other words, if the concerns of left-wing critics prove true, same-sex SR will scarcely challenge the character, and even less the authority, of the proper place of marriage; it will simply be colonised by it. Indeed, SR may go further to entrench and fortify not only the proper place of marriage within social life, but in addition the proper place of individuals within it as social and economic benefits, responsibilities and rights are organised around, and work to install, appropriate 'complementary' roles.

I discuss below the extent to which same-sex marriage can work against these tendencies, restructuring relations among couples according to the egalitarian model many lesbians and gay men avow. However, it is important to recognise that not all lesbian and gay advocates of SR desire to promote counter-normative structures, whether in relation to domestic labour, economics or lifestyle. In relation to the latter, conservative gay advocates of marriage and registered partnerships see formal recognition, at least in part, as a way of purifying the space of gay and lesbian affective and sexual practices. For them, SR offer an opportunity to socialise and discipline gay men, while, at the same time, differentiating and separating mature members from the infantile, high-risk and contagious who 'give us all a bad name', and who threaten to sully attempts at creating newly respectable homosexual spaces (Dean 1994). In this way, conservative marriage proponents seek to rework the relationship between community boundary dynamics and norms of proper place – to shift the boundary so that it runs through both gay and heterosexual communities, recognising, in economically and racially coded ways, the mature and immature, the ruly and unruly, responsible and irresponsible in both.

For conservative proponents, the propriety, naturalness and inevitability of the constituencies explicitly excluded, namely the very young and those with spouses already, is clear. At the same time, the exclusion of those who refuse or fail to opt in is legitimised through discourses of choice. But the community boundary dynamics of spousal recognition do not just affect those welcomed or

excluded from its ranks; SR also threaten to reclassify and discipline, to break up – through the institutionalisation of rights and duties – continua in lesbian and gay relationships of friends, lovers, 'families of choice' and acquaintances. In this way, what has emerged as a complex unofficial space of blending, subtle movement and evolution within lesbian and gay communities (Weeks et al. 2001: 57) risks being segmented into rigid compartments – with divisions inserted to define proper behaviour and feeling – according to officially established and recognised hierarchies of kinship and commitment.

The logic of marriage and spousal rights provides a technique of governance to redomesticate and retemporalise practices such as homosexuality that became, in the late twentieth century, far more widely imagined and lived out. From this perspective, we can see spousal recognition as an attempt to reharness and contain what undoubtedly was for some an increasingly pluralised and unanchored dynamics of desire, where time no longer determines and allocates proper conduct. This lack of time mapping enabled a freer, more personal crafting of relationships away from the institutional and routinised sequencing of dating, engagement, marriage and children (Weeks et al. 2001: 107). SR thus function as a reassertion of order, where official timekeepers determine and scrutinise the proper phasing of gay relationships. The practical and cultural implications of 'keeping time' for lesbians and gay men, determining when spousal or other recognised status and entitlements (e.g., permission to immigrate) kick in, are impossible to predict. However, spousal equality does appear to exemplify a growing convergence in the way hetero and homo lifestyles are disciplined.

Against proper place?

If SR, particularly as marriage, risk bringing lesbian and gay relationship and kinship structures more closely into line with heterosexual conventions (Brownworth 1996; Card 1996), perhaps, then, the more interesting question is whether SR can also work against incorporation. To what extent can SR challenge the hierarchical distribution and segregation of people, identities and activities? In addressing this question I want to break open SR to suggest that its effects may, to some degree, depend on the choice of strategy: how rights and recognition are argued for, the forms of institutionalisation put into effect and the way in which spousal status is inhabited.

I want to start by considering the arguments made in support of institutional recognition: can SR be advocated in ways that assert its equivalence to heterosexual marriage without assuming the absolute legitimacy of either? This challenge echoes issues raised in relation to 'gays in the military', where too often a pragmatic anti-discriminatory discourse slides into a more patriotic and

uncritical valorisation of military practice. If demands for spousal recognition are not to reinscribe gay relationships according to conventional hierarchies of the proper, advocacy needs to affirm other kinds of relationships or personal statuses too, articulating proper place to norms of diversity, consent and equality. For one of the problems with the pursuit of SR, as I have suggested, is the way in which its claims explicitly (or otherwise) trivialise, infantilise or subordinate other relationships. These other relations might include the fleeting sexual encounter with an unknown other – usually pitted as the antithesis of the conjugal couple – as well as friendship networks (Kaplan 1997). But locating SR within a plurality of authorised relationships (see also Warner 1999: 90) also raises questions as to the entitlements to which SR should give rise. While arguments can be made that the proper place for intimate decisions relating to health management or death is sometimes (if not always) with lovers, close friends or household members, claims that conjugal couples should have special rights or access to resources – whether of their partner, the state or the private commercial sector – need to establish, rather than assume, spousal partners' propriety as the place for such material advantages.

The second issue concerns how partnership recognition is put into practice. Can it be given shape in ways that help to dismantle relationship hierarchies: pluralising who and what constitutes the proper place for particular powers, rights and obligations? In other words, does the expansion of spousal recognition open up opportunities for troubling the convergence of responsibility and entitlement in the single, intimate other, to create instead a more heterogenous and diversified response? To explore this further, I want briefly to consider three different forms that institutional recognition by governments and employers might take (see also Eichler 1997): contract, opting in and regimes of default. In practice, these forms often overlap or are combined in particular ways (see Eskridge 2001: 121). However, for ease of discussion I shall deal with them separately. Contract reflects and helps to affirm a particular conception of proper place in several respects. First, the contract itself becomes the 'proper place' for identifying and producing particular entitlements and obligations, binding so long as proper formalities have been followed. Second, the proper place for determining the allocation of commitments becomes located in the parties concerned. The right to draw up a contract emphasises, Weeks and his co-authors argue (2001: 128), 'privately made commitments' rather than ones 'imposed . . . from outside' (although they are still contingent on the 'outside', since effectiveness depends on authoritative recognition). A contractual model therefore has the potential to escape pre-given categories of recognition, for there is no necessary reason why a spouse (same-sex or otherwise) should function as an elective 'next of kin'. It enables individuals instead to decide whom they wish to designate as the proper recipient of various benefits and decision-making powers.

This might be their intimate partner, it might be someone else, or they may choose to spread benefits and powers across different parties. For, again, there is no obvious reason why the person responsible – the proper place – for intimate medical decision-making is the same proper place for pension entitlements on death.

The second approach to recognition, 'opting in' through marriage or institutionalised partnership status, retains a quasi-contractual flavour in the sense that applicants choose, within certain parameters, their spouse (see Card 1996: 12–13; Green 1996; Halvorsen 1998: 216; Søland 1989; Sullivan 1997). Here, a ceremony, utterance or signature may combine to denote the crossing of the threshold into the conjugal unit, although, following heterosexual marriage (O'Donovan 1993), other acts may also become required to consummate the relationship. Kaplan (1994: 353) and some others have advocated opting in over individual contracts on the grounds that it is more financially accessible as an 'off the rack' procedure that does away with the need for expensive, time-consuming formal contracts. At the same time, opting in has several drawbacks as a way of organising institutionalised commitment. Feminist critiques of heterosexual marriage questioned the capacity of less powerful or more dependent parties to consent fully (see Pateman 1988; O'Donovan 1993: 88–9). While gender in same-sex relations does not operate in the same way as a principle of asymmetry, class, age and race, in particular, may take on this role. Moreover, the symbolic power of 'opting in' to a marital or quasi-marital structure accentuates the propriety attached to its rules and assumptions, namely that a wide range of rights and responsibilities should be located with the conjugal partner; that 'improper' selections, such as biological relations, children and multiple partners be excluded; and – to the extent that gay spousal rights are differentiated from heterosexual ones – that certain rights and responsibilities do not follow: for instance lesbian and gay relationships have been deemed in some cases not to be a proper place for children.

The third approach, that of the default regime, takes away explicit choice: we cannot choose for our partner not to count. Instead, governments, courts and, to a lesser degree, employers allocate benefits, powers and obligations according to officially sanctioned conceptions of appropriateness. This may be on the basis of particular relationships or according to other criteria, such as 'best interests'. This third approach has the potential for a more radical, collective revisioning of 'proper place'. For instance, it can avoid the individualist, predictive and voluntarist assumptions particularly apparent in contract, allowing responsibilities to reflect the relationship as it is at a particular point in time rather than being determined by a prior contractual prediction (Young 1997b: 108). Default regimes can also spread responsibilities more widely, such as through extending tort-based duties of care to new parties. It is also, arguably, the most

compatible with enhanced state provision of welfare, as state structures allocate and determine powers, responsibilities and resources. Millbank (1998: 130–1) argues that an advantage of presumption-based schemes is that they protect vulnerable parties where the member with more power refuses to 'opt in'. It also, she argues, means that relationships do not have to be publicly performed or announced until they are called on (although some appropriate relationship evidence will be required) (Millbank 1998: 131–2). At the same time, given that governments are usually more conservative than social movements on these issues, the creation of statutory regimes may do little to challenge relationship hierarchies; they may also be based on problematic notions as to who counts and when. As Millbank (1998: 131) argues, a scheme modelled on the middle-class heterosexual lifestyle, for instance where couples are identified through their shared bank account or mortgage, may prove distorting or inappropriate for many lesbians and gay men.

In exploring the capacity of same-sex spousal recognition to contest conventional conceptions of a marital proper place, with the inequalities it sustains and legitimises, the third element to which I wish to draw attention concerns how SR are *inhabited* once in operation. Is there a danger that lesbians and gay men enter through 'marriage' and commitment ceremonies in too sombre and respectful a manner? Would greater levity, parody, pastiche or the explicit incorporation of non-heterosexual elements enable gay marriage to be a space that is not a proper place? Can the spousal domain be one in which the 'out of place' functions for lesbian and gay activists less as the constantly feared intruder – the boundary marker that delineates gay propriety – than as the one whose entry is permitted and even celebrated?

The possibilities for drag weddings, staged non-monogamous commitments, serial registered partnerships, and celebratory divorces clearly invoke a queer transgressive politics; nevertheless, in exploring this as a counter-normative strategy three difficulties immediately emerge. First, why would people enter into an institutionalised arrangement if they disagreed with it? While those entering for purely pragmatic reasons may signal their normative distance from the event through parody, the evidence so far suggests that lesbians and gay men applying for spousal recognition do so in a committed rather than ironic manner. Indeed, parody is often used as a means of challenging the propriety of particular exclusions caused by the dynamics of community boundary maintenance, for instance, the mock, camped-up wedding ceremonies performed in London's Trafalgar Square by same-sex couples to protest against their exclusion from the right to marry. Second, the creation of 'improper' conjugal performances may be too oppositionalist, where the out of place is valorised regardless of what it entails. This tension goes to the heart of a counter-normative politics which seeks to articulate 'proper place' to diversity: namely, are certain activities and

identities, such as the eroticisation of violence, adult–child sexual relationships, explicit non-commitment (and forms of emotional 'betrayal') *legitimately* out of place?

The third danger in attempting to disrupt the creation of a proper, legitimate space is that it risks trivialising and ridiculing lesbian and gay relationships while leaving other 'marital' relationships unblemished. Indeed, to the extent that same-sex spousal recognition functions as a discrete satellite form, its parody may strengthen and further naturalise the heterosexual 'original'. It is in response to this that I turn to my final, more general strategy: occupying the space of institutionalised gay relationships in order to challenge and contest the *heterosexual* spousal form. One form this might take – remaining with the politics of parody and disturbance – is a gay 'marriage of *in*convenience'. A second, more outward-looking strategy involves alliances with progressive or radical heterosexuals. While SR might encourage heterosexuals to feel that marriage is modernising and thereby becoming less politically problematic, the development of registered partnerships poses an alternative that heterosexuals might enter too (see, e.g., Eskridge 2001: 120; Young 1997b: 110). While such partnerships are a form of relationship institutionalisation, they lack marriage's historical associations with property, class and gender inequality. Moreover, to the extent that gay and lesbian couples are shunted into this satellite space, heterosexual entry offers a form of solidarity or refusal to partake of a more elite space – a watered down version of heterosexual feminists' earlier, politically driven, repudiation of marriage. Yet what is interesting is the extent to which the statutory creation of some registered partnerships schemes explicitly excludes entry by differently gendered couples (Warner 1999: 126). The continuing illusion of this 'different but equal' approach highlights the ways in which norms of equality and choice collide with hierarchy and convention in the process of resuturing the proper place of marriage.

The organising principle of proper place has proved to be an incredibly significant, although not always explicit, frame for thinking about SR for both proponents and some critics. While conservative opponents argue that the proper place for lesbians and gays is somewhere other than marriage, advocates of recognition argue that they rightfully belong within it. Some queer activists and feminists may challenge the valorisation of the proper, with queer activists, in particular, advocating the improper instead; but this more radical approach is a minority one. For the most part, proper place operates as a primary structuring norm integral to living within, and even to imagining, viable social life.

My discussion so far suggests that proper place organises same-sex spousal recognition in several ways: it shapes the discourses used in argument, the regulatory forms adopted (particularly decisions about who can and cannot participate), and the ways in which SR are inhabited – where a proper crossing

of the threshold can range from an ornate, traditional wedding to a carefully crafted, intimate ceremony to a quick, impersonal act of registration. Yet is the relationship between proper place and spousal recognition simply one of absorption and colonisation on the part of the former? Is proper place such a powerful and solidified organising device that it can weld SR to it without being marked or affected in any way in the process?

Developments in the area of lesbian and gay SR suggest two primary forms of impact. First, same-sex spousal recognition has contributed to the articulation of proper place to normative principles of diversity and heterogeneity. While some gay critics argue that same-sex spousal recognition places the survival of other domestic and intimate structures in jeopardy, there is little evidence to support this claim. Rather, opening up SR to enable a broader and more diverse space 'within' allows the authority and insignia of the proper to be bestowed on different sorts of relationships; the consequences of this are considerable. The state's formal acknowledgment of lesbian and gay relationships through SR arguably validates a more heterogenous approach to affective and familial relationships in general that can extend to other policy areas and to mainstream cultural representations. Against this argument it might be claimed that since lesbian and gay marriages (or registered partnerships) are likely to remain numerically insignificant, they are unlikely to revise wider policy or cultural practices. Moreover, to the extent that lesbian and gay relationships impinge on normative principles of proper place in these other contexts, is there any reason or evidence to suggest that marriage or registered partnerships will be the linchpin of this occurrence? Critics might point to the way in which heterosexual non-marital relationships are increasingly recognised within public policy and mainstream culture. But are lesbian and gay relationships different? Can it be said that their traditionally subordinate or marginalised status undermines their capacity to impact on principles of the proper without *first* being incorporated within the proper?

This is the claim of progressive reformers. Yet, in making it, they confront the critics' rejoinder that same-sex SR, particularly when acquired through new, 'off the rack' arrangements, consolidate and solidify proper place as an organising principle. This raises the second form of impact that SR have. Same-sex SR is a striving for recognition and status – to be deemed proper. Through institutionalisation and formalisation, new areas of social life become translated into classificatory form. The authority of the proper is heightened by procedures which establish whether status has been accorded correctly, particularly where different relationship categories co-exist: for instance, marriage, registered partnerships, civil unions, domestic partnerships and 'common law' marriage, into which groups of people can be placed. Indeed, one side-effect of the creation of these different arrangements is the possibility of a plethora of legal challenges

and case-law consolidating what constitutes a proper entry and dissolution (and between whom).

But if same-sex SR work to consolidate proper place as an organising principle, albeit in a more heterogenous form, what effects, if any, is this likely to have on relations of inequality? I suggested earlier that a major reason for discussing normative principles is the significance of their role in mediating and bridging different inequalities; but can we in any way hazard what impact the convergence of SR and proper place is likely to have? I suggested above that proper place in Western liberal societies no longer works primarily through formalised exclusions and segregations of race or gender. While zoning effects continue to operate in other forms, such as through immigration law and social policy, proper place for the most part largely entails divisions and distinctions based on conduct or role. The extension of spousal recognition to lesbian and gay couples, with its emphasis on choice, preference and the rights and duties this 'voluntary' transition brings, fits snugly within this shift from fixed status to role and conduct.

At the same time, the normalising and obscuring of status-based exclusions generated through spousal recognition echoes similar workings of the proper in other spheres, as I explore in the chapter that follows. These workings of the proper perform – even if the jury is out on whether they secure and reproduce – inequalities of class and disability, in particular, as the indices of 'spouse-like' relations, commitment ceremonies, domesticity, and private responsibility privilege able-bodied middle-class couples (Carrington 1999). But what also gets performed and, we might argue, *reproduced* are inequalities of preference and conduct. In the context of spousal recognition, and depending on the form institutionalisation takes, disadvantaged preferences include serial monogamy, recreational sex, friendships and other complex configurations of intimacy. As I explored in chapter 3, inequalities of preference and conduct are socially inevitable. The question therefore is not whether they should exist but what form they should take. Proper place cannot resolve this question. As a normative principle it works mainly to protect and fortify the norms it becomes sutured to. One cluster of normative principles, closely coupled to proper place, that might provide more of an answer, is the public/private.

From kith to kin

Private norms of akinship dominate Western, liberal societies such as Britain at the turn of the twenty-first century. This privileging has clear implications for equality. Normative principles such as akinship structure relations according to a nexus of kinship/home in which social distance correlates with lowered obligations. In an economically asymmetrical world, this reinforces and legitimates

inequalities and descending responsibilities within – but also between – nations and regions. But how does this relate to same-sex spousal recognition? Does gay marriage reinforce akinship's descending spiral of commitment?

Spousal recognition has emerged as a political demand in a social and cultural context in which meaningful life is seen to depend on freely chosen, intimate relations (Kaplan 1997: 209; Weston 1995). According to Jeffrey Weeks and his co-authors (2001: 96), '[I]t is implied that successful cohabitation is an indication of the mature or "real" couple . . . the authenticity of this form of relationship is enshrined in the value afforded living together through domestic partnership policies and legislation.' As I suggested above, spousal rights – in their confirmation of the special status accorded the committed couple – shift the locus of information and decisional autonomy from the individual to the couple, a switch Card (1996) identifies as not unproblematic, since, once two people are unified as spouse, it becomes harder to protect the body or belongings of each from the other. But this is not the only way in which the boundaries are redrawn. I suggested above that spousal status differentiates partners from friends – if not emotionally then at least legally. However, the *social* demotion of friends is also a potential effect of the way in which same-sex marriage (particularly when combined with child-raising) recuperates biological kin. Families of birth who, for many lesbians and gay men, were less important emotionally and practically than close friends (Carrington 1999: ch. 3; Weston 1991), appear to becoming reclaimed as they accept and incorporate gay marriages within their kinship networks (Carrington 1999: 211). This commitment and access to traditional forms of familialism is celebrated by conservative gay activists; Andrew Sullivan (1997), for instance, has defended SR, at least in part, *because* they facilitate acceptance and, hence, belonging within kinship structures.

Quintessentially then, spousal recognition does not mobilise a counternormative public oriented around strangers (see Cooper 1998b), except inasmuch as the spousal partner has shifted from legal stranger to kin (Mohr 1997: 92). Same-sex marital status, and the nexus it constructs between romantic relationships and legal/economic/social rights and obligations, tips the balance further away from relations with unknown persons. Christine Pierce (1995: 12–13) exemplifies the ambivalence of this, when she suggests that '[u]nfortunately, priority rankings among various kinds of claims are determined by the cultural maps worked out by individual societies, and nearness and kinship are real and important . . . it is important for the sake of creating new sentiments to press for gay marriage so that lesbians and gay men can become visible as . . . families, and kin.' From the introspective space of spousal recognition, the stranger is an outsider to whom less is owed and to whom access is definitionally barred. Indeed, entry in the form of 'marriages of convenience', whether heterosexual or now homosexual, comprise a form of cheating or transgression that, in

their cynical advancing of (mutual) self-interest, fundamentally renege on the familial and romantic character of the conjugal space.

The private orientation of spousal recognition has a number of implications for a politics of equality. At an abstract level, it reinforces the idea that little is owed to the stranger *qua* stranger; responsibility is rather to family and kin. This has obvious implications for relations of inequality beyond those of sexuality. Racism, imperialism and ethnic relations are most directly affected by the re-embedding of an akinship which impedes challenges to existing distributions of power and resources by privileging family, proximity and similitude. At the same time, this argument is complicated by claims that anti-familialism universalises the experiences and needs of white gentiles, ignoring the solidarity and connections necessary for black and other minority ethnic people, including lesbians and gay men, that can emerge out of kinship relations (see, e.g., hooks 1990).[5] What is important about this critique of anti-familialism for my discussion here is its premise that public and private norms are interconnected. For while pride, identification, solidarity, empathy and support may come, in a racialised society, from family as much as from lesbian and gay communities, what is important about these kinship relations is the way in which they help to empower black people and others in their relations with strangers. In this sense akinship, to the extent that it organises, and is read off from, relations among less powerful constituencies, can be seen as assisting the pursuit of a more egalitarian public.

While the empowerment that comes from participating within kinship structures is important, embedding responsibility and concern for welfare within the couple itself has other less progressive implications. Susan Boyd (1999) and others, writing in Canada, have suggested that judicial and political support for same-sex spousal recognition there was motivated by the state's desire to privatise social welfare more effectively: a process that depended on recognising, and responding to, the new relationship structures that had emerged (see also Boyd 1996; Boyd and Young 2003).

If traditional forms of kinship, domestic responsibility and highly raked emotional commitment provide the dominant configuration of privacy within which same-sex spousal rights has largely settled itself, what potential is there for same-sex marriage and partnership status to rearticulate private norms? Several authors have suggested that lesbian and gay relationships, by rejecting gender roles (Weeks et al. 2001: 99), enable private norms of selective access to information, decision-making and control to be located within the context of greater household equality and democracy (see also Cox 1997a, b). But this claim has also been criticised and rejected. Carrington (1999: 177, 217) argues, based on his research in the Bay Area around San Francisco, that although lesbian and gay couples often wish to represent their relationship in egalitarian terms, the reality

is frequently different. Carrington (1999) adopts a domestic labour approach to private relations in ways that map on to my earlier discussion of the intimate/impersonal. His argument is that the demands of paid labour, particularly within the commercial sector, structure home life, placing greater domestic responsibility on those whose jobs carry less status and apparent strain, especially within affluent households. Carrington's research demonstrates the difficulties that confront attempts to create more egalitarian domestic lives given current social dynamics. However, his work also reveals some of the ways in which domestic relationships outside the loop of official recognition and regulation can place particular burdens and risks on those with less power, including, in this case, those whose contribution is domestic rather than paid work (Carrington 1999: 207–9).

So far, I have suggested that same-sex spousal recognition may – if it does not strengthen – at least reflect a shift towards private rather than public norms. While this may appear to some degree self-evident, I want to complicate the picture with another perspective: one that sees spousal recognition as fundamentally concerned with the stranger or outsider. In doing so, I bracket the claim that SR offer a means of bringing lesbians and gay men out into public life, a perspective illuminatingly explored by Carl Stychin (2003) in his study of domestic partnership recognition in France.

Regardless of whether intimate relationships gain institutional recognition, they tend to be acknowledged by friends and some family members. While marriage may validate same-sex relationships in the eyes of some kin, at a practical and material level SR largely work to structure the behaviour of impersonal third parties through the obligations placed upon them (Kaplan 1994). These strangers are not subordinate or marginal subjects but those with political and economic power. It is the government, large corporations, the legal system, the mass media and the healthcare system – key institutions in the mobilising of public norms – that are hailed in the formal recognition of lesbian and gay relationships. For it is these entities whose power to bestow or recognise inheritance rights, pension entitlements, insurance benefits, property assets and medical decision-making is at stake. Unlike many earlier revolutionary movements which sought explicitly and purposefully to undermine the power of institutions such as the state – including through a refusal to recognise or hail them – struggles for equality and rights at the turn of the twenty-first century have repositioned the state centre stage, ironically at a moment when its power is being practically undercut by powerful transnational economic actors. A significant aspect of spousal recognition is that it looks to and, in the process, helps to reinforce the discursive authority of the establishment. It is a demand by lesbians and gay men that the establishment see them outside the terms of their traditional interpellation as sick, sinful or inadequate – that, through processes

of akinship, familialisation and the readjustment of community boundaries – they be brought into being as respectable citizens of the local, national and global polity.

It is also a demand which goes beyond acknowledging the 'makers and shakers' of public norms to constructing a particular relationship to them. Same-sex spousal recognition asks the state, insurance companies and employers to regulate lesbian and gay relationships ergonomically – to orient policy and law around the contours of relationships as they are lived rather than as they are 'distortedly' presented. Implicit in this demand is the assumption that recognition generates more just forms of regulation. In other words, lesbians and gay men can trust public actors to treat them fairly once they see them – and reflect them back – as they truly are. While different writers have expressed scepticism about this drive to be fully revealed and known, the relationship between disclosure, recognition and what I call 'ergonomic regulation' has received less attention. Yet the state's reproduction and maintenance of existing norms and inequalities raise strategic questions about the identities and lifestyles that constituents, such as lesbians and gay men, may wish to mobilise and present if these are to form the terrain around and across which regulation operates. This is not a call for dishonesty and distortion, but simply to question a primary assumption motivating demands for SR that (valuable) lesbian and gay lives will benefit from transparency in relationships conducted with official and scrutinising forces.

Conclusion

My starting point for this chapter was the premise that struggles to undercut one form of inequality may work to reinforce others, a process I have explored by examining the relationship between law reform and normative principles, focusing on proper place and the public/private. Normative organising principles secure and strengthen dominant social relations largely through the ways in which they protect the status quo. However, as I have sought to stress, such principles are neither rigid nor unified. The flexibility and unevenness of normative organising principles is exemplified by the two under consideration. Both proper place and the public/private organise, and can be read off from, the social in varying and contradictory ways. While dominant normative principles exist, these are subject to change, and face ongoing confrontation from oppositional or counter-normative articulations. Yet some changes may be easier to achieve than others. It may be easier for 'respectable' lesbians and gay men to become embraced within the terms of the proper on the grounds of their 'sameness' than to rearticulate the proper to norms of social diversity and heterogeneity, although attempts to do this can be seen, particularly in urban contexts, in

the affirmation and pursuit of the cosmopolitan, with its own exclusions and asymmetries.

A gradual or accommodatory approach may appear the most likely way of engineering change, but it risks reinforcing the power of dominant norms. Pursuit of lesbian and gay spousal recognition provides several instances of this, with its stress on the proper, akinship and privacy – norms strengthened and recharged through the dynamic workings of community boundary formation, structures of desire and the intimate/impersonal (at the same time as norms, such as proper place and the public/private, justify and structure these dynamics in turn). In the case of community boundary drawing, the effects of this interplay are evident in the relocation of some lesbian and gay couples to be part of the socially recognised 'we', while others remain locked out. However, the claim that single adults and people engaged in non-monogamous relationships are even further excluded through same-sex SR needs to be balanced against the counter-claim that bringing some lesbians and gay men more explicitly inside may benefit others too.

Mapping the effects of same-sex SR on prevailing norms – the extent to which the latter become strengthened or ostensibly revised – demands research over the years ahead. From the current vantage point, certain inequalities seem to be exacerbated by the interface of SR and normative principles. In particular, the associations drawn between the proper and respectability, the emphasis on emotional proximity and akinship, and the drive for recognition from powerful institutions suggest a process in which inequalities of class and geopolitical location, in particular, may become both accentuated and further naturalised – discursively constructed as the outcome of a trajectory of personal choices and national ones, respectively.

The effect of SR on gender inequalities, on the other hand, seem more equivocal. On the one hand, lesbian and gay relationships highlight ways in which domestic relationships can be organised away from gender-based roles and responsibilities (e.g., Hunter 1995). At the same time, embedding same-sex relationships more firmly, through institutional recognition and regulation, within the social dynamics of the intimate/impersonal, particularly in relation to upkeep, relationship breakdown and child custody, risks solidifying 'gendered' inequalities within same-sex relationships as couples take on different forms of labour. To the extent that this does not occur, it may be because social inequalities, of class or race, take their place, structuring who fills the work spaces mapped out by the intimate/impersonal. As Carrington (1999: 215) identified in his study, 'many of the affluent lesbigay families create a greater sense of equality between the partners through reliance on the service economy, or in other words, upon the poorly paid labors of others, notably women of color and younger, less-educated gay men and lesbians'.

I have suggested in this chapter, building on my discussion in chapter 3, that inequalities are not just organised according to binaries of social location. Normative principles also create subordinate positions occupied by those who fail or refuse to live in accordance with prevailing norms. Arguably, this is where spousal recognition will have its most intensely felt effects, as non-monogamous relationships, casual sexual partners, celibacy and serial coupledom become officially separated from those couples doing the 'right thing'. This is not just a discursive process, but a deeply material one, affecting – though not always in the same way – immigration entitlements, insurance premiums, personal taxation, state welfare, inheritance, access to certain goods and services, and the right to make, and be subject to, other's decisions. But, as I have argued, normative inequalities are inevitable. The question is on what basis and according to which norms should they operate? Proper place gives us little help in this regard; it functions largely as a shell or weight, supporting other norms rather than filling in their content. I want to take the point made by Laclau and Mouffe (2001: 188) in relation to democracy but equally applicable here that proper place is 'incapable of founding a nodal point . . . around which the social fabric can be reconstituted'. Public and private may be more useful. Although by themselves they also tell us little, articulated to other normative principles public and private contribute to a richer sense of the 'good' society – whether it is one organised around personal autonomy, an akinship grounded in the ancestral family tree, or an outward orientation that focuses on less powerful others.

In the chapter that follows, I continue my discussion of the role norms play in securing social inequality, focusing on the prism offered by nuisance. Exploring nuisance as a discursive utterance, policy target and mode of regulation, I examine the norms and relationships that it refracts and secures. At the same time, I am interested in the possibility of flipping nuisance over to provide a way of contesting conservative social norms. The chapter addresses this issue in two ways, by exploring the politics of causing a nuisance through engaging in disruptive and transgressive conduct, and by considering the capacity of nuisance to act as a spoke for utterances that consolidate rather than undermine progressive norms and relations.

Notes

1. Principles of inequality, such as gender, also incorporate normative elements; however, they are not *simply* or only normative. As I discuss in chapter 3, the normative or disciplinary effects of gender arise from the particular ways in which modes of power define and saturate it (see also Cooper 1995a). In contrast, the principles explored here are first and foremost normative. As such, they establish the terms upon which

the normative aspects of gender or age, for example, operate. My thanks to Margaret Davies for raising this point.

2. Elsewhere, I have described such principles as normative-epistemological to highlight both elements as well as the connections between them. However, for ease of reading I am referring to them here as normative principles on the basis that the term 'normative' can embrace the ways in which the 'good' *qua* 'right' society is underpinned by ways of knowing and the construction of the 'true'.

3. Normative principles also play a crucial epistemological role in making other forms of knowledge possible. In the context of liberal society, they not only play a central role in allowing society to be known, but principles such as liberty, discipline and consent are also perceived as formative to valid practices of knowing more generally.

4. Whether access is controlled by oneself or others frequently depends on socioeconomic class. So, for instance, the private spaces of the wealthy are defined as desirable and as legitimately secluded from the view and bodies of outsiders. In contrast, the spaces of the poor may be privatised by external forces and processes – particularly in the sense of being shielded from view and entry – to keep undesirable bodies, sights and smells from penetrating and spoiling more prosperous lives and spaces (see also chapter 6).

5. Similar arguments have been made about the role of akinship in working-class communities. According to Carrington (1999: 119), the less affluent households he researched tended to adopt more traditional and biologically driven conceptions of family.