Intimacy and Power: Approaching Agency and Marriage Equality in Australia

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Abstract

At its most fundamental, 'making a mark' describes a particular mode of human agency. For LGBTIQA* Australians, the struggle for the recognition of this agency has long been a feature of living in Australia, and its political landscape. In recent years, marriage equality has become the focus of this struggle for recognition, but marriage equality also provides an opportunity to examine the internal mechanics of how power operates in Australian society. This paper argues that the concept of intimacy is at the centre of the operation of power in this context, and will examine this under the framework of intimate citizenship. It will examine the history of the LGBT+ rights movement in Australia, alongside the historical development of the marriage equality movement. Moreover, it will demonstrate that the agency of LGBT+ Australians in this political struggle is only further indication that intimacy provides a unique channel through which power is experienced and enacted.

Keywords   marriage equality; same-sex marriage; intimacy; sexuality; citizenship; intimate citizenship; sexual citizenship; queer theory; Australia

The movement toward marriage equality for same-sex couples in Australia has often been viewed as having contradictory achievements. On the one hand, advocates for marriage equality stressed the potential windfall of entitlement, mostly in symbolic terms, for LGBT+ Australians and their families. In a review of the documentary film *Growing up Gayby* by Maya Newell in the Sydney Morning Herald, readers are encouraged to view families of same-sex couples as "just a normal family" (Kalina 2013). Similarly, speaking to *The Canberra Times*, sportswoman Michelle Heyman describes her joy after the same-sex marriage postal survey as "it's finally given me the rights to be normal" (Tiernan 2017). However, Dennis Altman (2011) has argued that marriage equality would not be a particularly momentous achievement, and even that the success of the movement is symptomatic of a move away from radicalism in LGBT+ politics. Altman's views are not necessarily a new proposition either, with concerns about the normalisation of same-sex couples having been aired even as the movement began in 2004 (see Razer 2004). While investigating and evaluating these two competing perspectives

on marriage equality can prove to be a highly productive exercise, the very notion of having moved toward, and actually having achieved marriage equality, is indicative of another worthy field of inquiry: how agents affect simultaneous change in symbolic as well as political terms, and the consequences of this.

In this sense, political activism can be said to both leave a mark on society, but the process of activism may also lead to marks being made on the activists themselves. It is in this frame that the marriage equality movement in Australia can be appraised as a case study in how a political movement can affect substantive change, but may also lead unintended effects on their agents, principally in this case LGBT+ people in Australia. Another way of conceiving this process of marking could be through the metaphor of prices. It could be asked of Australia, as Kantsa (2014) asks while Greece's LGBT+ people ponder marriage for themselves, what 'price' has been paid for marriage equality?

Remarking on some of the changes that could be enacted by same-sex marriage, Grossi (2012:502) suggests that "no discourse has done more for the redefinition of love than the same-sex marriage debate." In regards to this remark, this paper seeks to interrogate historical matrimonial movements if it is possible to see this redefinition, and indeed if it is possible to witness this change in the recent same-sex marriage campaign. In a related way, the social modalities of citizenship such as sexual and intimate modes of citizenship in Australia ought to also be examined and theorised in order to throw this change into sharp relief.

Early political history of marriage in Australia

Finding a starting point to the movement for marriage equality in Australia is, of course, complex owing to the many different 'moments' that appear to be significant. While marriages between people of the same gender first became available in 2000 in the Netherlands, the actual impetus for marriage equality in Australia only emerges in 2004 with the amendment of the Marriage Act by the Howard Government, a move that was also supported by the Australian Labor Party. The amendment enshrined a common law definition of marriage, as laid down in *Hyde v Hyde* (UK, 1866), that marriage be considered 'the union of a man and a woman to the exclusion of all others voluntarily entered into for life', which would, by definition, exclude same-sex couples from entering into marriages. This amendment was precipitated by the increasing legal equality of same-sex couples in the jurisdiction of the Australian states, such as workplace discrimination protections, housing service access, relationship registries and *de*

facto status (Willett 2010). On the other hand, the concept of 'marriages' between same-gender couples in Australia is something that has been performed, with sincerity as well as in satirical forms, since at least the early 20th century (Willett 2000).

Although the aforementioned developments are crucially important to understand the origins of marriage equality in Australia, this history can be better appreciated by examining the long political history of marriage in Australia. It is notable that the institution of marriage in Australia has always been shaped by the prevailing political climate. As such, the starting point for struggles to recognise the legal validity of marriages occurs well before the 21st century movement of 'marriage equality.' Rather, these struggles predate the Federation of the self-governing British colonies in 1901, which then established the federalist government of the Commonwealth of Australia, and so can instead be traced far into Australia's ignominious colonial past.

For a marriage to be recognised, a formalised marriage ceremony became a requirement under British law in 1753, and this was carried over in the founding of colonies in what became Australia (Galloway 2015). This legislation and the ensuing interventions of the State in determining what can and cannot be legally considered marriage was symptomatic of what Galloway (2015:228) described as the State's interest in intervening in sexual dyads on the basis of "prosaic economic matters and questions of social engineering." The latter of these understates the destructive potentials to which the State has charged matrimonial regulation in Australia's history, but it is still worth highlighting how this demonstrates that marriage seems to have always been a heavily politicised institution in Australia, well before protests for LGBT+ marital rights.

As longstanding LGBT+ activist and academic Rodney Croome (2011) has argued, the early colonial governments in the penal colony of New South Wales used marriage as a device to control convict populations, and did so through tightly controlling the administration of marriage. Marriage was deployed by the authorities as a strategy to placate and civilise male convicts, and to control the sexuality and behaviour of female convicts (Croome 2011). Interestingly, marriage appears to have offered some convict women a relative degree of freedom, escaping from convict labour duties and live under similar and comparatively more favourable conditions that many colonial wives were under at the time (Croome 2011).

The use of marriage as an apparatus of control of women appears to have been in keeping with wider views of European societies at the time, in the eighteenth and nineteenth centuries (see

Coontz 2005). In addition, the redemptive potential of marriage was also in keeping with Victorian-era notions that the family was an important site for personal development, particularly for men (Corbin in Ariès & Duby 1990). As such, state interference would be seen as anathema to the cultivation of the self at the heart of the family. From the 1830s onwards, arguments for an end to the flow of convicts began to grow in Australia developing into an early Australian social movement known as the anti-transportation movement. While economic factors and concerns about criminality were key reasons why convict transportation ceased in 1868, it is also ineffable that this social movement, which Roberts (2012) describes as being founded on principles of liberty and self-determination, was buoyed by arguments against matrimonial regulation as well.

Although this self-determination was not extended to another class of people that had their rights to marry placed in hands other than their own: Australia's First Nations people also faced many difficulties, often far more dire, in having equal recognition and respect of Aboriginal marriages. The use of marriage to regulate Aboriginal relationships, and Aboriginal populations more broadly, had similarities to the regulation of convicts through marriage, particularly in the area of marriage aiming to 'civilise' Aboriginal people (Ellinghaus 2003). As Jensz (2010) describes in her examination of Aboriginal marriages on missions, the role of marriage in redeeming Aboriginal people, in a religious sense, was held to be of high importance by missionaries, and indeed the marriage of missionaries themselves was seen as critical to the success of a program of assimilation of Aboriginal people and culture.

This program of assimilation was not the kind of 'soft' approach in bringing Aboriginal people to the fold it appeared to be on the mission. Colonial and, after Federation, state governments used matrimonial regulation as a tool to slowly eradicate Aboriginal populations. In Victoria in the 1860s sanctions against marriages between Aboriginal and non-Aboriginal people were introduced, and by the end of the nineteenth century Queensland, Western Australia and the Northern Territory began to administer Aboriginal marriages directly (Croome 2011).

In Queensland, marriages between Aboriginal and non-Aboriginal people were forbidden by the government, whereas in Western Australia marriage between Aboriginal and non-Aboriginal people was encouraged while marriage between Aboriginal people was forbidden (Croome 2011). The thinking that motivated these policies was fundamentally the same: extinguish and erase Aboriginal culture and history by 'breeding them out', or by marginalising Aboriginal people to such an extreme that they can no longer survive (Croome 2011). As

McGrath (2005) points out, however, Aboriginal women in Queensland, while restricted in their choices of a husband in the eyes of Queensland law, were still able to negotiate a wide variety of relationships, sometimes simultaneously, including with Aboriginal husbands, white partners, and partners who had migrated from elsewhere.

Activism for equal rights and recognition of Aboriginal marriages began in earnest in the 1930s, and, with the waves being created by protest against miscegenation laws in the United States, reached a peak in 1959 when the marriage of Gladys Namagu and Mick Daly was refused in the Northern Territory (Brook 1997). After much publicity the marriage was eventually approved, and on a broader level regulations on the lives of Aboriginal people, such as marriage and the wider array of assimilationist policies, began to unwind (Croome 2011).

This confirms Galloway's (2015) suspicions that marriage can be used as an apparatus of State control, doing so through intervening in private relationships. Simmonds' (2005) research also confirms this through her study of breaches of contract of promises to marry. Her historical examination of case law indicates that the judicial arm of the state, despite the loss of power to directly control convict rights to marry, still managed to exercise some power of arbitration with respect to intimate relationships, principally in adopting a curiously paternal role in seeking recompense from dishonest male suitors (Simmonds 2005).

The significance of the changes to matrimonial regulation, first of convicts and latterly Aboriginal people, is demonstrative of the continued purchase of the institution of the family in Australia. That is, in allowing the convicts to contract their own marital unions, and in allowing Aboriginal people to contract marriages without the oversight of a 'Chief Protector', the state structure in Australia acknowledged an ideological separation of the state from the private realm of family.

To put this into a broader context, these struggles for the loosening of marriage restrictions occurred during the Victorian era, where the very notions of masculinity and femininity had become tied to marriage, albeit in distinctive ways (Brady in Steinbach 2012). This had been precipitated by the emergence in Enlightenment Europe of an increasingly more rationalistic worldview that held that "social relationships, including those between men and women, be organised on the basis of reason and justice" (Coontz 2005:146). As such, the continued administration of convict marriages by colonial authorities appeared to be out of step with these principles. The secondary consequence was the strengthening of these beliefs of a sort of 'moral rightness' that marriage ought to be an institution free of the control of legal and

administrative authorities. This argument would come to provide a powerful case for overturning the Marriage Act amendment of 2004.

From CAMP to Marriage Equality: LGBT+ Rights in Australia

After the unravelling of restrictions on Aboriginal marriages, it seems that political agitation associated with marriages had much less to do with recognising marriages 'invisible' to the state bureaucracy and more to do with challenges to the institution of marriage altogether as led by second-wave feminism. While in the post-Stonewall United States in the 1970s same-sex marriages were imagined as a heroic, but ultimately fantastical, goal, the story is somewhat different in Australia. For LGBT+ Australians, marriage equality only takes on a tangible sense of significance in 2004 with the amendment of the Marriage Act, but there is also some merit in briefly revisiting the course of queer rights campaigning in Australia.

One of the many legacies of British colonisation of Australia were laws that proscribed sex between men, and these would be firmly in place until the 1970s, and active in parts of Australia until the latter half of the 1990s. This formed the kernel of the LGBT+ political movement from the 1960s until the laws were repealed and replaced with a Federal law that prohibited discrimination. By contrast sex between women was not proscribed by law, and indeed only entered into the legal sphere in the early 1980s with amendments to Victorian legislation dealing with sexual consent involving the use of sex toys (Willett 2000). Whilst the early days of gay liberation ostensibly concerned the criminalisation of sex between men, women who had sex with women in Australia did form some of the earliest activist organisations, notably opening a chapter of the Daughters of Bilitis in Melbourne in 1970 (Willett 2000). However, as lesbian women were not legally considered criminals in the way that gay men were, there activism appears to have been more focussed in bringing lesbian-identified women in dialogue with the feminist movement, as well as showing solidarity with gay men (Willett 2000).

Early attempts at reform in the 1950s and 60s aimed to rehabilitate the image of gay men in the media, but this changed radically in the 1970s. After the release of the Wolfenden report and the ending of restrictions in the UK in 1967, and the Stonewall riots in 1969, landmark law reform campaigner CAMP (Campaign Against Moral Persecution) was founded in Sydney in 1970 (Willett 2000). At this time, in the early 1970s, sex between men was illegal in all parts of Australia, though this began to change with the push for, and eventual achievement of, reform in South Australia in 1975. Each of the states then began to liberalise their laws from

the 1970s until the 1990s, though this sometimes came with the caveat of a differential age of consent, or a ban on "promot[ing] homosexual behaviour" as was the case in Western Australia (Willett 2000:230). Tasmania was the last state to reform its laws after a lengthy challenge that included a successful challenge to the laws before the United Nations Human Rights Committee (UNHRC) in 1991 and federal legislation that overrode state powers in the Human Rights (Sexual Conduct) bill in 1994 (Willett 2000). The laws were removed in 1997 after an unsuccessful appeal to the High Court.

Throughout the 1990s and in the early 2000s the experience of gay and lesbian Australians began to be increasingly brought into the mainstream. The commercialisation of events such as the Sydney Mardi Gras, and Melbourne's Midsumma facilitated the rise of the 'pink dollar' phenomenon, where the political elements of gay and lesbian identities have become complemented with a consumerist element (Willett 2000).

However, while the reform of the Tasmanian laws removed the significant hurdle of an outlawed sexuality, there still remained discrepancies between LGBT+ Australians and their straight counterparts. The legal significance of marriage was that it extended legal and financial entitlements to couples, though this was considered unattainable and possibly undesirable. Instead, LGBT+ activists devoted their time to championing the expansion of civil unions, registered partnerships, and the recognition of *de facto* status to secure equal entitlements for LGBT+ couples (Puplick & Galbraith 2014).

 In 2003, the Courts of Appeal in the provinces of Ontario and British Columbia in Canada ruled that preventing same-sex couples to marry was inconsistent with the Canadian constitution, and this was to bring marriage to the forefront of LGBT+ political discussion. To prevent same-sex couples from marrying overseas and returning to Australia with a demand that their marriages be legally recognised, and to stem the tide of increasing legal equality of same-sex couples, the Howard government moved an amendment to the Marriage Act (1961) in August 2004 (Willett 2010). This amendment defined marriage as "the union of a man and a woman to the exclusion of all others, voluntarily entered into for life", which precluded the recognition of overseas same-sex marriages and instantiated the legal barrier that became the *raison d'être* of the movement for marriage equality in Australia.

Winter (2014) argues that this moment accorded a particular sort of indignant motivation for same-sex marriages in Australia. Although marriage had been, at best, a pursuit for symbolic equality, with the focus having been on state-administered entitlements, the 2004 amendment

was perceived as an insult to LGBT+ families. Moreover, the sheer arrogance of the government, and the complicity of the Labor opposition, in making decisions about LGBT+ families instigated the forming of Australian Marriage Equality (AME), the most prominent organisation that led the push for marriage equality in Australia from 2005 (Winter 2014). While the events of 2004 may have ignited passions for equality, the push for marriage sat awkwardly with people in the LGBT+ community.

As has been well documented and debated, 'marriage' as an institution has not been without its detractors. Feminist scholars have long criticised marriage as a cornerstone of patriarchal society, and this critical tradition has also been carried forward by lesbian feminists who have added 'heteronormative' to the features of matrimonial unions (Winter 2014). Queer theory has built these critiques out even further, with some scholars arguing that same-sex marriages may lead to the normalisation of queer relationships (Warner 1999; Feit 2005); and that LGBT+ rights may be incorporated in establishment rhetoric as 'homonationalism', or a method of entrenching the perception of western moral superiority (Puar 2007).

As a result of these critiques, support for marriage equality among LGBT+ Australians is a somewhat complicated proposition, though it does not appear to have had an effect on its popularity among LGBT+ people in Australia. As Walker (2007) notes, rates of lesbians and gay men in Victoria wanting to marry jumped from 23% in 2001 to 45% in 2005. However, for Walker (2007), this jump in demand ought to be considered in the context that marriage was a roundly critiqued institution among LGBT+ Australians. That is, that marriage was not being accepted naïvely and uncritically by LGBT+ people in Australia, and nor did it suggest that by advocating for marriages LGBT+ people were demonstrating a feeling of deprivation.

Nonetheless, analysis of Household, Income and Labour Dynamics in Australia (HILDA) surveys found that general attitudes towards same-sex couples improved markedly between 2005 and 2015 (Perales & Campbell 2017). In terms of support for equal rights of same-sex couples, which may be interpreted as an imperfect proxy for support for recognising same-sex marriage, the survey data demonstrated, unsurprisingly, near universal support among 'non-heterosexual people', with people who identify as gay and lesbian, or bisexual, recording support rates above 90% (Perales & Campbell 2017). However, as has been foreshadowed by the critical interpretation of same-sex marriages by queer theory, by advocating for and winning certain rights in civil society, LGBT+ people may find themselves increasingly expected to fulfil obligations that could erode their self-determination. This concern will be

returned to later in this paper, though it is worth pointing out that after an initial hesitation toward marriage equality, LGBT+ people in Australia appeared to have wholeheartedly embraced the idea.

Support for same-sex marriages in Australia was slow to reach the broader, straight mainstream, but eventually filtered into Australian political life via the media and debates in the official political arena of parliament. International newspapers were the initial source of support for same-sex marriages in Australia, beginning with *The Economist* in 1996, and a further editorial in support of same-sex marriages in the United States being published in 2004 (Puplick & Galbraith 2014). Australian media figures began to support same-sex marriages being recognised in the ensuing years, winning over conservative media commentators such as Derryn Hinch and Neil Mitchell in the process (Puplick & Galbraith 2014). Inquiries at the Federal and state level in New South Wales between 2009 and 2013 also revealed a widespread support for same-sex marriages that cut across class lines and, notably, faith (Puplick & Galbraith 2014).

In August 2017 a voluntary, national postal survey was announced by the Commonwealth government, presumably to canvas the opinion of all Australians on this issue and with a view to amending the legislation to recognise same-sex marriages if the survey demonstrated popular support. The results were released in November 2017 and indicated that 61.6% of respondents supported a change in law (ABS 2017). In December 2017 the Australian parliament was near unanimous in its vote to approve legislation that recognised same-sex marriages (Yaxley 2017).

The campaign to enact this piece of legislation had taken activists over a decade to achieve, with 23 bills between 2004 and 2017 being introduced in relation to the issue, and only four of which came to a vote (McKeown 2017). In the process of this campaign the 'social citizenship' of LGBT+ people in Australia underwent some interesting changes, though perhaps in not quite the way that was totally envisioned by the activists. These changes somewhat echoes the transmutations that caused and were caused by changing notions of citizenship of convicts and Aboriginal people in Australia.

Effects of Marriage Equality: Citizenship, Love and Intimacy

The marriage equality campaign in Australia appeared to revolve around two key themes: 'equal rights' and 'equal love'. The former attempted to capture the belief held by many LGBT+ Australians, and increasing numbers of ordinary Australians that marriage was a right,

like any other legal right, that was owed to same-sex couples just as it had been given to opposite-sex couples. The latter theme of 'equal love' describes how equality campaigners made claims that as the love between same-sex couples was no less significant than the love between opposite-sex couples this should mean, given the association between marriage and love, that same-sex couples should have the right to marry.

By deploying the themes of justice and love in the campaign to recognise same-sex marriages, activists for marriage equality, and LGBT+ Australians more broadly, drew, perhaps unknowingly, on very similar arguments to those that had been used to loosen the regulations on convict and Aboriginal marriages. However, in so arguing that LGBT+ relationships contained 'equal love' marriage rights activists may have also paid an unwitting 'price' for marriage equality: that the same obligations and social expectations on heterosexual relationships could now extend to same-sex relationships, and this is evident is in the area of citizenship.

Citizenship is a multifaceted concept that finds use in not only as a strictly legal category, but also as a social category – a citizen as someone who can be considered a legitimate member of society (Marshall 1950). In more contemporary theories, the social category of citizenship has been expanded to incorporate more aspects of social life that may have a bearing on whether or not one is accepted in a given society. For LGBT+ Australians, two interrelated social conceptions of citizenship are relevant: sexual citizenship and intimate citizenship.

In the case of the former, Diane Richardson (1998) describes how 'sexual citizenship' is a concept that requires social actors to adhere to a set of sexual criteria in order to be considered legitimate, and thereby grant them access to entitlements. These criteria are constructed in such a way that they embody heterosexual principles of sexuality, such as love, emotional commitment, and are symbolised by acts such as marriage (Richardson 1998). In addition, these criteria also privilege masculine experience and expression of sexuality above feminine experience and expression (Richardson 1998).

As has been outlined previously, gay rights activism in Australia managed to secure decriminalisation of gay male sex by 1996, despite the protracted process. As such, it could be argued that gay men managed to secure sexual citizenship in the process, though, as Richardson's (1998) thoughts imply, despite having achieved a *de jure* lifting of legal proscription, sex between men and sex between women remained socially proscribed, and could not access the same level of entitlements as heterosexual couples. Nonetheless, the tacit

legitimacy of no longer being criminals did provide some small degree of sexual citizenship, even if not in an absolute and final sense. The amendments passed by Rudd Labor government, the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008* (Cwth) and the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Act 2008* (Cwth), that equalised same-sex and opposite-sex couples entitlement access at the Federal level did much to expand the degree of sexual citizenship.

In a similar vein to Richardson (1998), Plummer's (2001) notion of intimate citizenship claims that who might be considered as belonging to and within a society depends, in addition to their sexuality, on the way that they perform intimacy. This criteria is also constructed on heteronormative terms, disregarding experiences of intimacy that are beyond 'the norm' of heterosexual love and affection as deviant (Plummer 2001). Taken together, the concepts of sexual and intimate citizenship describes the conduct in personal relationships that are acceptable in a given society, and this is partially denoted by the legal statutes which either promote or inhibit the development of these relationships, but also how relationships are presented. It is for this reason that marriage equality represents both an important challenge to the established order, but also appears to reinscribe it. That is, while marriage equality may redefine who can legitimately be considered a couple, the rights and obligations of couples themselves, whether in law or in a more tacit sense, remains unchanged.

Although this attainment of sexual and intimate citizenship, to a degree, might be considered a victory for LGBT+ Australians, there are some important critiques from queer scholars that need to be considered. One strain of though drawn from psychoanalytic theory is that all political action, which requires holding citizenship status in order to be considered legitimate, occurs under the ideological regime of 'reproductive futurism', and this ideology is fundamentally queer-hating (Edelman 2004). This is because, under 'reproductive futurism', all political action is argued to be future-oriented, that is, concerned with children and their protection, and hence queer people are figured as opposing this regime as they are viewed as non-reproductive beings (Edelman 2004). Another key consideration is that as queerness is itself defined by an opposition to neat binaries of gender and sexuality, the notion of 'citizenship' may be anti-queer, or queer may be considered as fundamentally 'anti-citizen' and always positioned outside the political mainstream (Brandzel 2005). Trott (2016) also voiced similar concerns, stating that same-sex marriage was characterised by a politics of consensus, rather than 'dissensus' which they interpreted as being more in keeping with queer political habits.

On the other hand, these queer critiques of marriage equality seem to be partially contradictory. These critiques of same-sex marriage appear to overlook how same-sex marriages do offer challenges to the established order as to what constitutes a marriage in the first place. Furthermore, while Edelman (2004) may suggest that queer political actors would be best served by placing themselves outside of the political mainstream, for many same-sex couples and families this has not been a desirable goal. As Taylor (2011) demonstrated in her study of same-sex parenting in the United Kingdom, life resources were on offer to same-sex families but appeared to require of them to become 'homonormative' subjects. Nonetheless, many same-sex couples and families were willing to accept these procedures, and indeed many LGBT+ people appear to support the idea of sharing in some of the rights of the heterosexual mainstream (see Walker 2007, above). There appears, then, to be a disconnect between queer theories and LGBT+ lives.

As has been stated previously, 'equal love' was a concept that was frequently invoked throughout the campaign to achieve marriage equality in Australia. Indeed, this use of love in the push for same-sex marriages should hardly be surprising given the occasionally radical ideas that germinate in the context of 'love' (Grossi 2012). Harrison and Michelson (2017) demonstrated in their study that by framing the issue of same-sex marriage as one of 'love' more persuasive argumentation appeared to be possible rather than using other framing devices. However, by drawing on the framework of 'love' same-sex couples may, consequently, leave themselves open to criticisms of their relationship when it does not approximate a heterosexual norm. That is, in order to hold the kind of intimate citizenship that Plummer (2001) describes, marriage equality activists may have burdened same-sex couples with the obligation to maintain the role of the institution of marriage within Australian society, and with that the historical baggage that the concepts of love and intimacy carry.

While the focus on 'love' seemed to enjoy a strategically useful synergy with the concept of 'equal rights', despite the misgivings detailed above, laws regarding marriage have primarily been concerned with property rather than the emotive aspects of marriages. The institution itself may be said to have very little to do with actual emotions, and historically love and emotional attachment between partners seem to be relevantly recent phenomena (Coontz 2005). Galloway (2015) acknowledges this and further points out that the notion of marriage became intrinsically tied to coupledom as a response to the historically significant property rights with which it was entangled. Giddens (1992) also concurs and notes that ideas of togetherness and 'foreverness' have also become increasingly associated with marriage, driven

largely by cultural products such as novels and film. Giddens' (1992) work does not appear to adequately problematise the notion of choice, as Jamieson (1999) has pointed out, though Giddens (1992) is still useful insofar that his work indicates a kind of normative evaluation about the way we appear to be increasingly positing how relationships *ought* to be.

Nevertheless, this idealised notion of how relationships 'ought to be' may also be said to further the interests of the state as it continues to provide a mechanism by which the state may encourage relationships to fit a monogamous, rationally-organised norm that does not cohere with the historic experiences of LGBT+ people. Michael Warner (1999) contended that for queer people to maintain their independence from mainstream society, they need to avoid adopting the mores of that society, namely by not adopting norms of intimate relationships and sexuality. That is, Warner (1999) counselled against same-sex marriages because same-sex relationships should not be bound to the same standards as heterosexual ones, such as the norms of marriage and sexual monogamy, and he points to the history of LGBT+ people exploring alternative modes of intimacy as an indication of their distinctive identity, but also as offering broader lessons on intimacy for society as a whole, gay or straight.

So what then can be made of marriage equality? It is tempting to accept Warner's (1999) suggestion that same-sex marriages could represent a 'backwards step' and that an opportunity has been missed to redefine intimacy away from problematic notions of straight normality and queer deviancy. It is important to consider, though, how marriage equality may have acted as a way of making LGBT+ relationships intelligible in a heteronormative state structure, and thereby beginning the process of changing that structure to a more inclusive one. Therefore, same-sex marriages could, rather than impeding the movement toward the pure relationship for LGBT+ people, provide Australian society greater scope in defining and pursuing a more equitable form of intimate relationship.

Conclusion

It is clear that for all the political waves that were caused by marriage equality, its actual achievements may be somewhat more limited. In utilising the 'equal love' motif extensively, marriage equality campaigners may have been successful, but this means that same-sex couples in Australia could now be burdened with the same kinds of expectations that heterosexual relationships also carry. As such, a broader redefinition of love, as suggested by Grossi (2012)

may not be the case, though activists did manage to disrupt some notions of gender in the process.

In order to measure the impact of the marriage equality movement, it may perhaps prove more worthwhile to wait and see if LGBT+ political activism continues, or if it fractures. Wahlström (in Peterson et al. 2018) conducted a survey of European participants in pride parades, and found that in many cases of countries that had legislated for marriage equality the participants of these parades did not express particularly radical political goals. In other countries, notably Sweden, it was found that pride parade participants did continue to express radical political goals, and indeed, as Wahlström (in Peterson et al. 2018) describes, marriage equality may lead to an upswing in political activism. In Australia, this may occur, though it could also be simply too early to make a worthwhile prediction.

Clearly, misgivings can be raised about what marriage equality can be said to have achieved. Lauren Berlant (1997) considered how intimate modalities of citizenship seemed to be an increasingly more prevalent feature of politics in the United States, and that this was leading to changes in the way that the concept of public good could be understood. This is the way in which private lives are increasingly suspected of needing regulation for an arbitrarily defined 'public good', and therefore encourages intervention by the state (Berlant 1997). In the area of same-sex marriages, this may lead to the rise of the 'respectable same-sex couple', where marriage is privileged over other forms of intimate relationships (Warner 1999). The cause of marriage equality does not appear to challenge the expansion of this more intimate modality of citizenship, and indeed seems to deeply reinscribe its validity.

In a related vein, the critiques of an increasing 'homonormativity' by Jasbir Puar (2007) that may see LGBT+ rights deployed in geopolitical strategic power games is also not adequately addressed by the movement toward marriage equality. It could be the case that although Australia was criticised at home and abroad for 'lagging behind' when it came to same-sex marital recognition, now that Australia has joined their ranks it may also join the chorus of condemnation of other countries that do not have marriage equality. This could ignore the complex political histories of these countries, whether or not marriage equality is even a concern of LGBT+ people living in these countries, and may amount to form of cultural imperialism. In any case, the concept of 'homonationalism', while not immediately obvious in the Australian marriage equality campaign, needs to be further explored in Australia.

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