
IV. The Need to Abolish Marriage

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I have a radical lesbian feminist position on marriage which is well expressed by the US lesbian legal theorist Ruthann Robson (1992) who argues for the general abolition of marriage saying that 'lesbian survival is not furthered by embracing the law's rule of marriage. Our legal energy is better directed at abolishing marriage as a state institution and *spouse* as a legal category' (p. 127). Marriage is, of course, just one aspect of heterosexuality as a political institution. It is the legal mechanism whereby women are tied into this institution.

One decade ago, in 1992, I was invited to contribute a comment to the *Feminism & Psychology* 2(3) Special Feature on heterosexuality which became the very useful text: *Heterosexuality: A Reader*. This was structured in a similar way to the *Feminism & Psychology* Special Features on marriage, with short pieces in which heterosexual feminists were asked to say how their heterosexuality was consonant with their feminism. The responses were fascinating and thoughtful. Some contributors wrote searching pieces about their own heterosexuality in relation to their lives as feminists and others contributed theoretical pieces addressing the role of heterosexuality within women's oppression. I use the special feature as an irreplaceable resource when teaching the politics of heterosexuality. However, the contributions from the married, or aspirants to marriage, to the special feature on marriage do not seem to me to be as critical or as significant politically. A special feature on marriage might be expected to question the roots of women's oppression profoundly. I admit to being very surprised, therefore, to see some contributors defending their decisions to marry on quite old-fashioned grounds and writing rather uncritical celebrations of this traditional practice of male dominance. This suggests that there has been a repudiation, or perhaps forgetfulness, of the feminist critique of marriage that was so well developed in the 1970s.

The feminist movement that I entered in the UK in the 1970s was dominated by thoroughgoing critiques of marriage. The YBA Wife campaign, for instance, advised women that though they might dream of ending up in a man's arms they were actually going to end up chained to his sink. It included a women's theatre group touring the country and a poster agitprop campaign telling women that

marriage was a slave contract in which they would be doomed to unpaid labour hidden beneath a veneer of romance. I thought that the issue of marriage for feminists was pretty much decided. It did not occur to me that any of the heterosexual feminists I knew at that time would get married. Those who were married were swiftly divorcing and many became lesbians, as I and so many others did after our heterosexual phases came to an end. Marriage was understood to symbolize and construct women's subordination and this understanding was supported by profound critiques.

Carole Pateman (1988), for instance, in her book *The Sexual Contract*, points out that 'until late into the nineteenth century the legal and civil position of a wife resembled that of a slave. Under the common law doctrine of coverture, a wife, like a slave, was civilly dead' (p. 119). Like a slave she was brought to life by being given a name by her master, which is how women come to lose their names upon marriage. In prostitution, as Kathleen Barry (1995) points out, women are given new names and are regularly removed from family and friends to isolate them, as can happen in traditional marriage. Under coverture a woman had to live where her husband demanded. He owned her earnings and her children 'just as the children of the female slave belonged to her master' (Pateman, 1988: 121). As Pateman shows, through to the 19th century wives could be and were still sold by their husbands. Ursula Vogel (1994), in her compelling work on the way in which marriage restricts women's access to full citizenship today, explains that by the end of the 19th century 'marriage alone . . . had retained some of the peculiar attributes of feudal bondage. It had remained a status relationship in which a husband, *qua* husband, had certain proprietary rights to the person of his wife' (p. 79).

The *Feminism & Psychology* marriage Special Features suggest that marriage has been reclaimed by some feminists. I am aware that the 1990s were a decade of conservatism in which radical feminist critiques of personal politics were subjected to a hail of furious rebuttal by US and UK liberal feminists. Thus the feminist campaign against male violence was attacked for making women into 'passive victims' by opposing such 'personal' issues as sexual harassment and date rape (Roiphe, 1993; Wolf, 1993) which women could, said the liberals, easily avoid by exercising their 'choice' and 'agency'. Feminist critiques of beauty practices were attacked on similar grounds, only this time the liberal feminists said it was feminism itself which had now made it completely reasonable for women to wear lipstick (Lehrman, 1997). Feminism had given women 'choices' to reclaim the stigmata of oppression as their very own. But now marriage too may be 'chosen' by feminists it seems.

I was concerned when I first read the Call for Papers that it would not result in a profound critique of marriage. The blurb for the special feature on heterosexual marriage asked for 'contributions . . . from heterosexual feminists *and their partners*' (italics in original). The most powerful personal critiques of marriage are likely to be from women who have left it or who may not have a partner, and they appeared to be explicitly excluded from this special feature. I thought that requir-

ing women to write with their male partners could inhibit honest expression. These restrictions seemed likely to result in a special feature that contained only a partial and restricted view of marriage biased towards the positive. It did not seem designed to generate critical 'feminist perspectives on marriage'. The contributions bear out my misgivings. There are critiques of marriage from a woman who left, Sharn Rocco, from a woman who rejects marriage for feminist reasons, Virginia Braun, and in a more theoretical piece by Victoria Robinson. But in other contributions the criticisms that emerge of marriage as a patriarchal institution are rather less than profound.

It is difficult to be critical of contributions in which people have been called upon and proceed to describe the intimate details of their lives. Marriage is an immensely political issue and requires political analysis and research. But it is bound up with the identities and love relationships of the contributors who defend it here, and criticizing their 'personal' choices for their political implications can seem like a low blow.

Some of the contributors speak persuasively of how much they love their partners and how wonderfully they get along together. Though the reader can feel pleased that they are so happy, this does not necessarily tell us anything about the relationship between marriage and feminism. An example from the heterosexual marriage special feature, 'A Marriage of Inconvenience', shows marriage being discussed with an uncritical enthusiasm that does not look likely to further political analysis. The Gergens write: 'From participating a cornucopia of wonders springs', and: 'At just this moment I am eager for my husband to read this . . .', and: 'And every day, every day, it is a priority to nurture the molten core of this relational bond. If the fire is not fed, it will die . . .'

Another contributor who is happy with marriage, Sara-Jane Finlay, gives rather old-fashioned reasons for having entered this state in a piece co-authored with Guy Faulkner. She says that her reasons for marrying included being a Christian and having a 'responsibility to my parents', one of whom, her father, is the Anglican Archbishop of Ontario. Out of respect for her father she entered the patriarchal institution of marriage and made 'my public declaration of commitment in marriage within the traditional setting of the church'. This approach to the topic appears to me to constitute the very opposite of a feminist critique of marriage. At her wedding 'one of our greatest privileges and the aspect that personalized the service the most for both of us and our friends and families, was to have my father perform the service' and give a sermon. In a rather different contribution, from Merran Torien and Andrew Williams, the issue of whether to marry, and the harmful practice of pornography, is treated rather superficially. Their opening sentence says: 'Wanting to get married is, from one feminist perspective, like enjoying a piece of porn.'

Two critical problems of marriage and indeed other forms of heterosexual relationships for women, housework and domestic violence, are barely mentioned in the marriage Special Features. Research into the low rate at which men have chosen to increase their share of housework is touched upon, but the contributors do

not address who does what in their marriages in any detail. Marital rape, indeed sex in marriage in general, does not merit a mention. The emotional labour of marriage, in which women support their men to succeed in a man's world, is not discussed. The implications of marriage for women's citizenship are not discussed.

The serious critique of marriage is left to the contributors to the lesbian and gay marriage special feature, 'For Better or Worse', for whom the submission criteria were not so strict. It is encouraging that there are some critical articles since a gung-ho enthusiasm to acquire the rights of heterosexuals is dominant in lesbian and gay politics in the USA and other parts of the western world. Unfortunately the radical lesbian feminist critique of marriage is a minority one in mainstream gay culture in the USA. Liberal gay marriage advocates argue that there should be equal rights with heterosexuals in every sphere. This can lead to demands for admission to practices, such as marriage, that originate in the oppression of women. Thus when lesbians and gay men demand marriage they shore up a foundational practice of male dominance. Other practices which arise from male dominance are being accessed too, such as reproductive surrogacy in which gay men can purchase women's bodies in which to grow their own babies for \$18,000 US (see Jeffreys, 2003). These practices reflect and depend upon the traditional exchange and sale of women between men for reproductive purposes, and for the performance of other kinds of labour that appertain in male dominant cultures. I consider that a critical and pro-feminist lesbian and gay politics would eschew such practices rather than clamouring for them.

Fortunately, however, in the lesbian and gay marriage special feature, criticism of marriage predominates. Catherine Donovan is particularly critical. She supplies a description of what the marriage Special Features could usefully have been: '... we should be engaging in a debate about what marriage is and what its impact is on the social, material, legal and economic reality of people's intimate relationships – regardless of their sexuality.' She points out that: 'We need to open up debates about the possibilities for living and loving that include discussing power, violence and abuse.' I could not agree more.

I do not think marriage can be saved and made into a neutral and egalitarian institution that would be open to either heterosexuals or lesbians and gay men. Marriage exists to form the cement for the heteropatriarchy. The demolition of male dominance requires that marriage should, as the foundation stone, be withdrawn. Also, so long as it exists, those who are not 'married' will be seen to occupy some lesser category and be denied some benefits. The question then is whether it needs to be replaced by some other form of ceremony and/or legal status. I am aware that many lesbians and gay men, including some who have contributed to the marriage special feature, are anxious to perform some ceremony or ritual that will enable them to publicly announce their love for one another. I do not understand the urge to make announcements or have a ceremony. But I do understand the need to gain recognition of significant others so that lesbians and gays have rights such as hospital visitation, the right to arrange the funerals of their loved ones, and to nominate the person they would like to have access to their superannu-

ation in the event of their death. I would like to be able to both nominate my female partner of 16 years to have access to my superannuation, and be confident that this would be legally binding in the event of my death, a privilege presently reserved for the married. This is a practical concern but an important one.

It is the lesbian and gay community who are involved in serious discussion of what form of social or legal mechanism can be created to achieve these objects for us. The registration of significant persons is one suggestion that has been discussed here in Victoria, Australia. This would allow people to nominate those who were most important to them who might be friends or relatives. Marriage, and most of the alternatives suggested to it, tend to depend upon the sexual connection that is such an important foundation for men's control of women, and do not suit the way that many people live their lives. But any such development contains the dangers inherent upon placing lesbians, as Ruthann Robson (1992) puts it, under the rule of law. Heterosexual feminists have not, perhaps because they have had marriage to fall back upon, been so involved in these discussions. I would have liked the marriage Special Features to move into the discussion of what might replace marriage for heterosexuals, lesbians and gay men alike, but this will have to wait for another time.

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