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# (Re)defining < Marriage >: An Autohistoria of an Ideograph

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(RE)DEFINING <MARRIAGE>: AN AUTOHISTORIA OF AN IDEOGRAPH

A Thesis

Presented to

The Faculty of the Department of Communication Studies

San José State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

Robert M. Gutierrez

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The Designated Thesis Committee Approves the Thesis Titled  
(RE)DEFINING <MARRIAGE>: AN AUTOHISTORIA OF AN IDEOGRAPH

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APPROVED FOR THE DEPARTMENT OF COMMUNICATION STUDIES

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May 2012

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## **ABSTRACT**

### **(RE)DEFINING <MARRIAGE>: AN AUTOHISTORIA OF AN IDEOGRAPH**

**by Robert M. Gutierrez**

This study explores <marriage> as an ideograph in the law and everyday life through an analysis of private and public texts and embodied acts. The purpose of this study was to engage <marriage> intersectionally as a power structure with wide-ranging influence over society to locate resistance. Utilizing rhetorical methods, this work examined archives and repertoires through an autohistoria of a queer Chicano male <married> before the passage of Proposition 8, the California Constitutional Amendment that banned <marriage> for LGBTQ couples. By exploring <marriage> through metaphors and performative writing, this study constructs <marriage> in the tradition of the shaman to present new possibilities for <marriage> and queer theory.

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To my family and friends, everything I do is to tell our stories of love and triumph in the face of unyielding oppression and injustice. Thank you for loving me enough to attend my wedding. With this thesis, my ceremony gains many more guests, but I will always cherish the memories you created with Juan and I. Gracias.

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## Chapter One: Introduction

### <Marriage> as an Ideograph

Marriage functions as an ideograph as evidenced by the structure, abstraction, and ability to both unite and divide. – H. Stassen & B. Bates

In a study of popular beliefs about <marriage>, Stassen and Bates determined that “respondents were able to provide a concrete definition of the term,” but that “<marriage> remained “an abstract notion” that “varied according to ideology” and “has the ability to change over time” (Stassen & Bates, 2010, p. 4). They cite these responses as evidence that <marriage> is an ideograph. Michael Calvin McGee (1980) pioneered the study of ideographs as a critical rhetorical analytic. In his landmark essay, he writes: “I will suggest that ideology in practice is a political language, preserved in rhetorical documents, with the capacity to dictate decision and control public belief and behavior” (p. 4-5). In other words, <marriage> as an ideograph is a structure of power with a political capacity to dictate decisions and control public belief and behavior with manifestations in text. As is standard practice in all ideographic analysis, I partition the ideograph under critique (marriage) with the symbols “<<” and “>” as a quick-reference to both the word and to mark its function in my project as an ideograph. Analyzing ideographs offers a method that “describe[s] the trick-of-the-mind which deludes us into believing that we ‘think’ with/through/for a ‘society’ to which we ‘belong,’” (McGee, 1980, p. 4) and “reveals interpenetrating systems or ‘structures’ of public motives” (McGee, 1980, p. 5).

In this thesis, I argue that analysis of <marriage> is made difficult by the fact that it manifests in both legal documents, such as <marriage> licenses, and also embodied practices, such as weddings or Gaylas. For this reason, I make use in this project of both rhetorical and autoethnographic methods to analyze <marriage> in both the textual realm and in the material lived realm by tracking how we negotiate it in both the law and in everyday life. The law impacts the everyday, and yet, the everyday interprets the law; therefore, <marriage> is not a top-down model of power but is hegemonic. By hegemony, I mean that power is not “monolithic or univocal,” but rather, it is an “unstable product of a continuous process of struggle” or a “war of position” that exists within socially-constructed framings (re)produced through a complex history of political and material “common sense[-making]” (Gramsci in Rupert, p. 487-491). For example, the judicial branch of the U.S. government has throughout history affected the everyday lives of people through court rulings; however, Rona Halualani, S. Lily Mendoza, and Jolanta Drzewiecka (2009) complicate this top-down model by suggesting that culture and identity negotiation play a role in determining the ways in which communication interculturally manifests in the everyday. “Judicial opinions, therefore, are not simply decisions; they are interpretations, interpretations that lead to other interpretations and so forth” (Grindstaff, 2005, p. 164), and it is our everyday experiences in negotiation with our various cultures and identities that make these interpretations. In other words, <marriage> is capable of oppression and holds the potential for resistance not only in the law but also in the everyday.

Keeping this in mind, this thesis aims to decenter the argument against same-sex <marriage> made by Michael Warner (1999b) in *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*. I offer a critique that agrees with Warner in that “marriage, in short, discriminates” because “marriage sanctifies some couples at the expense of others” (p. 82). At the same time, I disagree with Warner that <marriage> is, by definition, heteronormative. Warner constructs a “politics of shame” to discourage pursuit of <marriage> rights by LGBTQ communities. He argues that through a heteronormative process of sexual shaming, <marriage> normalizes some relationships at the expense of others, and gay <marriage> promises to replicate this same norm from one queer generation to the next. My thesis extends Warner in an age when some LGBTQ couples have state-sanctioned <marriages> (including myself). When I say I will decenter his argument, I mean that I will arrive at his same conclusion about the discriminatory nature of <marriage> but will do so from a queer, Chicano perspective. I agree with him that <marriage> is an oppressive institution, but I disagree on the reasons why.

By tracking both historical patterns and singular experiences of <marriage> in both the law and everyday life, this thesis invents a lens to understand the ways in which <marriage> controls, restricts, and yet, is redefined by queer, Chicana/o bodies through both textual and embodied practices. Historical or diachronic patterns trace the variances in definitional meanings of an ideograph over time; whereas, a synchronic usage traces the variances in definitional meanings of an ideograph in one specific moment in time.

As McGee explains, “‘diachronic’ and ‘synchronic’ patterns of political consciousness...have the capacity both to control ‘power’ and to influence (if not determine) the shape and texture of each individual’s ‘reality’” (McGee, 1980, p. 5). In other words, the similarities and differences between the changing definitional meanings of <marriage> chart the shape and organization of our experiences surrounding this social structure.

By tracking the similarities and differences between historical definitions of <marriage> (diachronic) and everyday understandings of <marriage> (synchronic), I weave a Chicano queer perspective into the dominant narrative of <marriage>. The purpose of this ideographic analysis is to critique <marriage> in both textual and embodied forms in order to show the potential for resistance within <marriage> where Warner sees none. As an ideograph, <marriage> is capable of opening new ways of thinking about and embodying possibilities for living within the institution. In the following section, I decenter Warner’s argument by identifying “Queer Chicano Ideographs” that demonstrate resistance and agency within the institution of <marriage>.

### **<Marriage> as a Queer Chicano Ideograph**

My analysis of <marriage> builds on and extends earlier work on ideographs done by Dana Cloud and Fernando Pedro Delgado. Cloud (1998) analyzed the ideograph <family values> and demonstrated how definitional tensions (or resistances) in texts create a constellation of terms that served a pro-family agenda. Cloud (1998) dissected usages of the term <family values> during the 1992 U.S. presidential election to show

how “constructing the family as the site of all responsibility and change... privatizes social responsibility for ending poverty and racism” (p. 387). Although the Republican candidate lost the election, the Republican invocation of <family values> continued to have lasting political effect on the Clinton era of politics and beyond (p. 387). Cloud’s work demonstrates the usefulness of analyzing ideographs in socio-political contexts. Informed by her work, my critique of <marriage> takes into account two social movements: LGBTQ rights and Chicana/o civil rights.

While my analysis is informed by Cloud, I also draw on the work of Delgado (1995) who utilized the ideographic method to observe how <Chicano>, <La Raza>, and <Aztlán> “mobilized an identity oriented to challenge a range of social, economic, and cultural relationships within the context of a complex social movement” (p. 448). In addition to scholarly analysis of those movements, Delgado identified himself as Chicano and consciously participated politically in the Chicano movement. Delgado (1995), a self-identified <Chicano> from San José, CA, situates <Chicano> as a political subject and maps out a Chicano political agenda. This agenda includes: “(1) how to constitute a Chicano identity and ideology within the broader Mexican-American cultural context; and (2) how to activate that community to political action” (p. 446). Like Delgado, I, too, am Chicano undertaking a rhetorical analysis within the context of <marriage>, and my work is laser-focused on activating the Chicano community toward political action. I do not have the privilege of ignoring my brown body or the history of oppression and colonization it wears.

For this reason, this thesis is not only a scholarly analysis but also a form of political action. In addition to analyzing <marriage> as an ideograph, I also participate in redefining it. To do so, I draw on the Chicana/o civil rights movement and the rhetoric of Chicanas/os as well as LGBTQ politics. In undertaking a thesis that seeks not only to analyze but also to redefine <marriage>, my own body is part of the analysis and one of my rhetorical resources. As a married queer Chicano, I carry with me embodied memories and traditions—an archive of meaning-making. As one of the 18,000 gay couples legally married before the passage of Proposition 8, the California constitutional amendment that limited <marriage> to heterosexuals, the law has disrupted my life and the lives of other queer bodies. As a Chicano, my history is part of a larger narrative of oppression and resistance that occupies both sides of the U.S.-Mexico border.

As a queer Chicano, my history is part of LGBTQ Mexican history. For example, the number forty-one signifies male homosexuality in Mexican culture because on 17 November 1901 Mexico City police raided a private party and arrested the forty-one men in attendance, half of them dressed as women. “‘The ball of the 41,’ as it came to be known, quickly became the scandal of the year, inspiring over a month of strident, often fanciful newspaper reporting” (Irwin, 2000, p. 353). The ball of the 41 marks the first moment when homosexuality entered modern Mexican public discourse and popular imagination. This event defined assumptions about Latino and Chicano homosexuality that persist to this day. As a married, Chicano queer, I see how debates over <marriage> are similar to the sensationalism of the ball of the 41 because Chicano rights are also a

matter of LGBTQ politics. For example, as I wait with the cab driver for my husband, he asks if he is my brother, my answer leads to a LGBTQ public policy cab ride that places my body under inspection. To utilize the word “husband” in this historical and political moment causes a sensation where ever we go. Coming out of the closet in new contexts now carries different burdens. In the following sections, I conduct an analysis of <marriage>-related texts and embodied acts that include my own body’s simultaneous participation in LGBTQ politics and the Chicana/o movement.

### **<Marriage> as Public and Private Texts and Public and Private Embodied Acts**

Cloud (1998), Delgado (1995), and McGee (1980) have all analyzed ideographs in their textual form only. My thesis analyzes the negotiation of the ideograph <marriage> in both texts and embodied acts in both public and private forms. Legal discourse is the main site for the (textual) contest over <marriage>. However, an analysis of only legal discourse limits our understanding of how ideographs are re-negotiated. “At this point, we face the limits of legal critique informed solely by public texts such as judicial decisions or legislative debates about statutes” (West, 2008, p. 246). For this study, I analyze public texts such as judicial opinions and executive/legislative attempts to redefine <marriage> for LGBTQ couples. However, if I solely analyzed these texts, then I would only be analyzing one dimension of <marriage>. For that reason, I also analyze public embodied acts related to <marriage>, such as my own wedding.

My approach is informed by the work of Davin Grindstaff (2003) who draws on both queer and rhetorical theories and performance studies in his analysis of the

ideographs <homosexual> and <heterosexual>. It is also informed by Diana Taylor's notions of the archive and repertoire. Similar to my analysis, Grindstaff (2003) turned to performance studies to locate agency within the institution of <marriage> in an effort to critique Warner's (1999a, 1999b) anti-<marriage> stance. However, because he relies on Warner's construction of a politics of shame (and public discourse on <marriage>), Grindstaff fails to locate resistance or agency within the law and everyday practices of <marriage>. In my analysis, I show how *private* texts and *private* embodied acts extend Grindstaff's work to locate both moments of resistance and agency within <marriage>.

To examine how both the law and the everyday contribute to our understanding of <marriage>, I draw on Grindstaff's (2003) use of performative ideographs and combine it with the concepts of the archive and the repertoire developed by Diana Taylor (2003). The "archive" and the "repertoire" are performance studies terms that allow a rhetorician greater access to the body. By accessing the "archive that houses documents, maps, literary texts, letters, archaeological remains, bones, videos, films, compact disks," the repertoire is conceived in hegemonic tension with the archive thus opening up opportunity for agency in both text and embodied acts (Taylor, 2008, p. 92). The repertoire "enacts embodied memory: performances, gestures, orality, movement, dance, singing--in short, all those acts usually thought of as ephemeral, nonreproducible knowledge" (Taylor, 2003, p. 20). My thesis extends the traditional (text-oriented) method of analyzing ideographs to include the repertoire in tracking diachronic and synchronic meanings of <marriage>. This approach allows me to analyze the shifting



meanings of <marriage> taking place in the everyday. My interest in the everyday requires that I also analyze private texts such as love notes and private embodied acts such as kissing as well as public embodied acts and public legal texts.

I aim to extend traditional (public text-oriented) ideographic analysis by also analyzing <marriage> through autoethnographic methods. Through accounts of my own wedding and <marriage>, I show how the everyday embodied acts of a queer <Chicano> complicates popular understandings of <marriage>. For the purposes of this project, embodied acts of <marriage> include the public performances of my wedding and my civil <marriage>, the gestures and orality of my <marriage> discourse, each sensuous movement, every partner dance, and any other ephemeral moment between lovers. By analyzing performances of a queer Chicano in the everyday life, I can extend the ideographic method beyond the textual and into the realm of the body.

My approach is modeled in part on the work of Isaac West (2008). In his article “Debbie Mayne’s Trans/scripts: Performative Repertoires in Law and Everyday Life,” West utilized Taylor’s archive metaphor to analyze public and hidden texts to locate performative acts of agency. West (2008) analyzed the legal/ private actions of male-to-female transexual Debbie Mayne by examining public texts, such as legal documents and newspaper articles, and hidden texts, such as private letters written to a confidant. West’s (2008) analysis “help[s] explain how subjects productively negotiate the discursive circuitries of their domination to make life more livable” (p. 245). Reading private texts

alongside the public ones often “paint[s] a different picture” that can reveal moments of agency within the archive (West, 2008, p. 247).

Like West, I analyze private texts such as the pictures, poems, emails, letters, and videos surrounding my <marriage> with a gay Mexican male. These items were photographed, written, or taped by me to document/reflect on my own wedding and <marriage ceremony>; not to share but to re-member with/for my husband, family, and friends. Utilizing West’s work as an example with public and hidden texts, I want to read these private texts alongside public laws on <marriage> to reveal moments of agency and oppression within the archive to generate knowledge in the law and everyday life

Using this approach, I also analyze public and private performances of <marriage> to offer an intersectional lens to observe agency and oppression. For example, my newlywed year consisted of attending two public rallies at San José City Hall. These public performances of newlywed constitute part of the repertoire of <marriage>. These repertoires of <marriage> also occur in private conversations, ephemeral tactile moments, and undocumented acts as well. For instance, the messages my cousins, parents, aunts and/or uncles whispered into my ear while dancing during my wedding. To study this repertoire, I draw on the performative writing method of autohistoria developed by Chicana feminists.

Autohistoria “resists easy classification” because the author (me) is purposely attempting to create “interventions into and transformations of traditional western” forms; the reader (you) experiences a blending of “cultural and personal biographies with

memoir, history, storytelling, myth, and other forms of theorizing” creating an “interwoven individual and collective identity” (Keating, 2009, p. 9). Autobiographical writing of this kind has been developed by rhetoricians and critical/cultural communication studies as a way to access and analyze private and public embodied practices (Collier, Hegde, Lee, Nakayama, & Yep, 2001; Conquergood, 1991; Corey & Nakayama, 1997; Dicochea, 2004; Enck-Wanzer, 2006). For example, Bernadette Marie Calafell (2005) utilized the autohistoria method to bring performance studies and rhetoric into greater dialogue by recounting a pilgrimage to Mexico alongside historical accounts of Malintzin Tenépal (i.e., the indigenous translator and lover of Hernan Cortéz, La Chingada, y la madre de las mestizas), an important cultural archetype within Latina/o culture and politics. This thesis mirrors that approach.

### **<Marriage> as an Autohistoria of an Ideograph**

It is through my analysis of both public and private archives and public and private repertoires that I critique Warner. Contrary to what Warner suggests, <marriage> for LGBTQ couples is not a failed public policy. Whereas Warner (1999b) sees no options for resisting the heteronormative power structure from within <marriage> due to a politics of shame, I disagree. As a queer Chicano enjoying the “privileges” of a state-sanctioned <marriage>, I argue that myself and other LGBTQ married couples from across the nation are resisting heteronormativity within our <marriages> because <marriage> is an ideograph that is defined not only by the law but also through everyday communicative acts.

For example, prior to my <marriage>, my queer Chicano body never entered into a legal same-sex “in-law” relationship. For both myself and *mi familia politica*, this queered relationship is different from any relationship we have ever imagined. Some may question this position because typically “in-law” relationships are new for all interlocutors, and this may be true--in private archives and repertoires. However, in public, what do I call *mi suegra*? Can I hug my state-sanctioned “dad?” How do you explain the “family” picture with our <marriage> license framed and hung in the background? Depending on the context, the answers to these questions differ and create new repertoires and archives for LGBTQ interlocutors. So, <marriage> for LGBTQ couples is successfully resisting assimilation into the system because it is an ideograph, not a fixed ideology.

At the same time, I also wish to be critical of the institution of <marriage> and LGBTQ public policy choices. Although I agree with Warner that <marriage> discriminates, I disagree with the reasons he gives for why <marriage> should be abandoned. From a queer of color perspective, <marriage> is not the most important public policy to pursue. Furthermore, efforts by a white, male dominated leadership to impose their policy choices onto the diverse LGBTQ community have created a complicated patchwork of court decisions that have redefined <marriage> as strictly white and male. Warner (1999b) suggests this in his assessment that “the campaign for marriage, never a broad-based movement among gay and lesbian activists, depended for its success on the courts. It was launched by a relatively small number of lawyers, not by a consensus among activists” (p. 85).

Critical race theorists have long argued that the law de facto marginalizes people of color because the law is created and propagated by the dominant white culture. As Delgado and Stefancic explain, “the usual way society does business, the common, everyday experience of most people of color in this country” is one in which “racism is ordinary, not aberrational—‘normal science’” (Delgado & Stefancic, 2001, p. 7). The law and everyday life surrounding <marriage> is the focus of this thesis. Since <marriage> is an ideograph, it allows resistance where Warner only sees ideology. At the same time, it offers an additional perspective on the ways in which <marriage> contains and controls sexual and kinship practices at the expense of some bodies.

To extend Grindstaff and critique Warner, I blend the study of ideographs with the practice of autohistoria to access both public and private texts and public and private embodied acts with the aim of offering resistance to dominant understandings of <marriage> in the law and in everyday life. In the next chapter, I trace <marriage> through queer theory to construct <marriage> as a heteronormative process of masculine agency and as raced. In the second chapter, I discuss how this thesis observes moments of queer resistance between the law and the everyday by placing public and private archival texts in juxtaposition to public and private repertoires to observe queer of color resistance in <marriage>. The third chapter, which combines rhetorical analysis and autobiographical performance to engage the tensions between the law and everyday life, offers my autohistoria of <marriage>. Finally in a concluding chapter, I draw on

metaphors in the tradition of the shaman to discuss how my project contributes to rhetoric and performance studies scholarship by utilizing <marriage> as a reparative theory.

## Chapter Two: <Marriage> as Raced: A Politics of Shame, or Re-membering

### *Nepantla*

If we have been gagged and disempowered by theories, we can also be loosened and empowered by theories. (Keating, 2009, p. 137)

This literature review of queer theory and its theorizations of <marriage> for the LGBTQ community must be framed as an act of re-membering to loosen the gags of theory and to empower. Hames-García & Martínez (2011), in their introduction to *Gay Latino Studies: A Critical Reader*, similarly frame the collected works assembled within their anthology as an act of re-membering, drawing on work by Caribbean feminist M. Jacqui Alexander, to indicate an agenda for gay latino studies (p. 3). “Re-membering asks us to bring together a coalitional body that has been dis-membered by a history of ideological violence. In actively resisting that history of violence we are able not only to remember a history of conflict and coalition but also to re-member possibilities for collaboration in the present” (Hames-García & Martínez, 2011, p. 4). In other words, this purposeful act of framing is meant to position myself and this study into a particular space within a larger narrative on queer theory and <marriage> for LGBTQ couples.

Several political and historical binaries surround <marriage>. One of those binaries is the question: are you for or against gay <marriage>? This divisive question leads to an engagement of either identity or morality in LGBTQ politics (Chavez, 2004; Miceli, 2005) and/or means making decisions on whether to take up a queer or quare theoretical positionality (Johnson, 2001). Additionally, a scholar must pick a disciplinary stronghold from which to engage queer theory and <marriage>, which in my case means choosing

between rhetoric, performance studies, or intercultural communication. In order to loosen theory and move to a space of empowerment, we need to break out of these traditional framings of queer theory and LGBTQ politics by occupying a liminal position that is not quite here nor there termed *nepantla*. Therefore, entering queer theory through <marriage> means engaging with several binaries intersectionally.

In the following literature review, I trace queer theory from rhetoric to performance to cultural studies and back again to position my <marriage> politics within a *nepantla* space to re-member and theorize academic contributions from/with queer people of color. *Nepantla* is a “Náhuatl word meaning ‘in-between space’” and is a term for liminality in queer Chicana feminist literature that “represents temporal, spacial, psychic, and/or intellectual point(s) of crisis” (Keating, 2009, p. 322). *Nepantla* is an indigenous concept theorized from by queer Chicana feminists (Keating, 2009; Carrillo Rowe, 2008, 2009) and re-members a history and culture of ideological conflict and coalition that is useful for building collaborations in the present. It is from a *nepantla* space that I engage queer theory as an academic and this thesis on <marriage> for LGBTQ couples.

In the first section, I show the heteronormative dimensions of <marriage> by reviewing Michael Warner’s construction of a politics of shame. In the next section, I explicate Davin Grindstaff’s utilization of ideographs that rebuts Warner by conceptualizing <marriage> as a performative process of masculine agency. Working from a *nepantla* space, I interrupt Warner and Grindstaff’s ideological constructions by theorizing <marriage> as an intersectional hegemonic power structure. In reviewing



works from whiteness studies, queer people of color scholarship, and communication theory, I show that there are multiple conceptions of <marriage> that co-exist simultaneously. In doing so, I challenge queer scholars to engage <marriage> as a space for theorization and praxis.

### **<Marriage> as a Process of Heteronormativity**

In this first section, I show the heteronormative dimensions of <marriage> by reviewing Michael Warner and his rhetorical construction of a politics of shame. By critiquing the national gay movement, the national gay media, and its most visible spokespersons as agents of heteronormativity, Michael Warner (1999b) constructed a politics of shame that “distorts everything, from marriage law to public health policy, censorship, and even urban zoning” (p. 24-25). In his article “Normal and Normaller: Beyond Gay Marriage” and in his book *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*, Warner pushed against the popular and academic mainstream by suggesting that LGBTQ campaigns for <marriage> equality operated with a heteronormative sensibility. This critique against <marriage> for LGBTQ couples was published after the passage of the Defense of Marriage Act (DOMA) in 1996 and the subsequent years in which each U.S. state created separate laws to govern <marriage> for LGBTQ relationships. His work on normalization and shame continues to be the pre-eminent point of entry and burden to all queer scholars engaging in <marriage> studies.

To critique what we mean by “normal,” Warner links shame to sexual stigma and problematizes what he sees as the abandonment of the sexual revolution roots of the

LGBTQ movement. Embarrassed by their sexual desires and lacking institutions of collective memory and information transmission like straight culture, Warner argued that the LGBTQ movement is at the mercy of a politics of shame that restricts the possibilities of both hetero- and homo-sexual liberation. Warner (1999a) asserts that the LGBTQ movement began in 1970 with the Stonewall riots in New York City and centered on the need to resist state regulation of sexuality (Warner, 1999a, p. 123). He argues that so long as people enter into <marriage>, the state will continue to regulate everyone's sexual lives including those who are not married (p. 127). However, LGBTQ policy makers and LGBTQ media, whom Warner classifies as normalized queers in power positions sanctioned by the dominant culture, are working to erase the movements' involvement in sexual liberation and thus "queer culture's best insights on intimate relations, sex, and the politics of stigma" (Warner, 1999b, p. 91). Shame, through sexual stigma, then becomes the vehicle for normalization.

Lawrence La Fountain-Stokes (2011), a gay puerto rican cultural scholar, explains that shame emerged as an early vehicle for queer theorization in the 1990s (p. 61). Queer (white) theorists, such as Eve Kosofsky Sedgwick and Michael Warner, discussed shame differently, and indeed, La Fountain-Stokes (2011) reminds readers that "meanings of gay shame vary among academics and even among different activists" (p. 61). For Sedgwick (2002), shame is an affect maintained through repetitive acts of performativity and is directly related to identity and thus politics. However, for Warner (1999b), shame is problematic precisely because it engages in identity politics, or as he describes, "it is to

challenge the stigma of identity, but only by reinforcing the shame of sex” (p. 31). At every opportunity, Warner links shame to sexual stigma to construct an ideology that encompasses the entire LGBTQ movement. A politics of shame demonstrates how a stigmaphobic society regulates and propagates <marriage> to the detriment of stigmaphile communities. In other words, a politics of shame renders gay <marriage> a means used by the dominant culture to normalize gay cultures.

Since heterosexuality is the dominant culture with exclusive privileges, <marriage> produces and reproduces the heteronormative privileging of certain sex acts (i.e., private, loving, heterosexual) and certain gender role constructs (i.e., masculine/feminine). “By heteronormativity [I] mean the institutions, structures of understanding, and practical orientations that make heterosexuality seem not only coherent--that is, organized as a sexuality--but also privileged” (Berlant and Warner, 1998, p. 548). Warner (1999a) lists legal privilege after legal privilege that those in <marriage> enjoy over other forms of coupling and kinship (p. 141-142). Additionally, Warner (1999b) shows how the institution of <marriage> shames those who are not in <marriage> contracts (e.g., divorced, single, widowed) or those who perform <marriage> out of the sexual or gender role norms (e.g., swingers). He concludes that “even though people think that <marriage> gives them validation, legitimacy, and recognition, they somehow think that it does so without invalidating, delegitimizing, or stigmatizing other relations, needs, and desires” (Warner, 1999a, p. 133).

LGBTQ policy makers, in order to pursue <marriage> equality, have locked the movement into identity frames that do not address the heteronormative politics of shame. Warner (1999b) asserts that “the more you are willing to articulate political issues in a way that plays to a normal audience, the more success you are likely to have” (p. 44). By rearticulating LGBTQ political issues to appeal to a wider “normal” audience, LGBTQ policy makers are abandoning the sexual revolution roots and indoctrinating the movement into the very ideology that it was created to resist. As Warner (1999b) reminds us, “gay political groups owe their very being to the fact that sex draws people together and that in doing so it suggests alternative possibilities of life” (p. 47). LGBTQ national organizations and media are moving farther and farther away from their sexual deviant constituents in order to achieve privileged status for a select few (Warner, 1999a, 1999b). <Marriage> is thus a heteronormative process that, Warner argues, should be abandoned as a public policy agenda for the LGBTQ community.

### **<Marriage> as a Process of Masculine Agency**

In the following section, I explicate Davin Grindstaff’s utilization of ideographs that rebuts Warner by conceptualizing <marriage> as a performative process of masculine agency. Grindstaff (2003) rebuts Warner’s view of <marriage> as a structure located solely within the state apparatus and the legal institution of <marriage> and posits that Warner too easily dismisses the performative aspects of <marriage> and thus eliminates all possibilities for agency (p. 259, 260). Further, Warner’s overemphasis on state/legal power at the expense of the everyday embodied life creates a false premise that merely

rejecting <marriage> is resistance to heteronormativity (p. 260). <Marriage> as a hegemonic power structure recuperates and normalizes all interlocutors regardless of embodied acts as well (Goltz & Zingheim, 2010). Grindstaff tracked what he termed “performative ideographs,” tracked within scholarly books and articles on <marriage>, as a rhetorical tool to challenge Warner’s politics of shame and in doing so offered masculine agency as a performative alternative to heteronormativity.

By tracking ideographs surrounding <marriage>, Grindstaff rhetorically constructs a process of masculine agency as a performative capable of resistance through repetitive everyday acts. Performative ideographs offer resistance to Warner’s arguments because a performative turn to the ideographic method conceptualizes power as contingent not deterministic. A performative turn recognizes an ideograph’s reliance on cultural conventions and advocates for repetition of performative ideographs as means of resistance (p. 262, 272). Grindstaff’s work demonstrates how both <homosexual> and <heterosexual> when utilized beside <marriage> produced performances of masculine agency that push women and bisexual-/trans-people out of gay culture (p. 264-270). He posits that “both sides of this ‘domestication of men’ debate crystallize heteronormative identity equations through the desire for masculine agency. *Most important, the character of this agency is contingent even though it appears to be foundational and necessary*” (p. 270). Masculine agency privileges the symbolic/institutional construction of <marriage> over the social practice (p. 267) and forecloses resistive opportunities that the everyday presents (p. 268). In other words, it is a performative process of masculine

agency that causes heteronormativity in <marriage> not a politics of shame, and thus, it is possible to resist the heteronormativity inherent to <marriage> through repetitive everyday acts.

Although Grindstaff's critique of Warner is accurate and although his performative ideographs do offer possibilities for resistance within <marriage>, Grindstaff ultimately bolsters Warner's argument against <marriage> by failing to address a politics of shame. His rhetorical "leap of faith" that "*homosexuality = promiscuity [HIV transmission] = death*" and "*heterosexuality = monogamy [marriage] = life [procreation]*" (p. 269) relies on Warner's construction of "normalization" and a "politics of shame" (i.e., promiscuity is shamed by monogamy). Grindstaff states that "acknowledging how 'sexual freedom' or absolute agency is a necessary condition for this rhetorical equation is most vital to our resistance to heteronormativity" (Grindstaff, 2003, p. 269). In other words, Grindstaff finds promiscuity shameful. This reliance on a politics of shame invokes the very identity politics that Warner cites as part of the normalization of LGBTQ politics. Put simply, Grindstaff is a "normalized queer" (Warner, 1999b, p. 91).

I take a different approach than that of Grindstaff in my critique of Warner. My approach, too, seeks to identify possibilities for resistance with <marriage>, but I argue that Warner fails to address race in his construction of <marriage>. Warner does not acknowledge any investments in whiteness within his theorization of a politics of shame. Like Grindstaff, Warner conveniently (and invisibly) does not acknowledge how the LGBTQ movement invariably has a racial dimension (Chavez, 2004; Martin &

Nakayama, 2006). These nuanced moves demonstrate a normalization of queer debate, dialogue, and theorizations surrounding <marriage> as “white,” “male,” and “gay.” This thesis aims to make contemporary Warner’s argument by calling for a change in public policy for the LGBTQ community; however, this thesis also aims to decenter Warner’s argument by extending Grindstaff’s work with performative ideographs to address issues of race and culture in the construction of <marriage>. As a married man, I dare not risk a full rejection of <marriage>, but I argue that addressing issues of race offers an opportunity to consider an LGBTQ public policy agenda beyond <marriage>.

### **<Marriage> as Raced**

From a *nepantla* space, I interrupt Warner’s top-down and Grindstaff’s bottom-up constructions of <marriage> by theorizing <marriage> as raced. The LGBTQ community and the Christian Right are effectively locked into framings of identity and morality that have shutdown dialogue between these opposing movements (Chavez, 2004; Miceli, 2005). In terms of morality politics, “Christian Right groups strongly align their frames with religious and cultural definitions of the immorality of homosexuality to provide discursive power and legitimacy to their claim[s]” (Miceli, 2005, p. 598). In other words, “in order to frame the issues in the most politically effective way for their group, they must remain in their separate political contexts. To argue in their opponent’s political realm is to lose the ideological strength of their political framing strategy and thus weaken their own position” (Miceli, 2005, p. 591).

Works by queer theorists such as Warner, Grindstaff, Butler (1998), and Sedgwick are valuable, but there is a gap in queer theorizations precisely because whiteness is operating within the LGBTQ movement. This realization does not have to be divisive; by acknowledging the racial dimensions of <marriage>, this thesis offers whiteness as a lens through which to view theorizations of <marriage> as having an investment in privileging white bodies. The goal of whiteness studies is “to examine the space (and effect of that social space) that whiteness carries as a political identifier of difference” and “not to claim an essentialized white subject” (Warren, 1999, p. 193). Whiteness is an invisible power structure that utilizes strategies such as positioning privilege within racial identity, engaging in discourse of white as a lack of other racial/ethnic features, naturalizing white as a scientific definition, confusing white with nationality (i.e., “I’m American” = white), engaging in discourse that resists ethnic identity labels (i.e., a struggle over who gets to label whom), or unreflexive relation to European ancestry (Nakayama & Krizek, 1995, p. 298- 302). Furthermore, these strategies of whiteness are contradictory, and it is these very contradictions that allow whiteness “to maneuver through and around challenges to its space” or remain invisible (Nakayama & Krizek, 1995, p. 302). Accepting <marriage> as a raced relationship means making visible whiteness in the institution of <marriage> and in queer theorizations of <marriage> for LGBTQ couples.

A revisit to Warner’s politics of shame through a lens of gay latino studies offers an example of the possibilities of accepting <marriage> as raced. Lawrence La Fountain-



Stokes (2011) defines gay shame, Latina- and Latino-style, as “among other things, the total and absolute lack of shame,” (p. 70) or *sin vergüenza* (without shame). It is not that Latinas/os do not experience *vergüenza* (shame), but that it is a process of shaming that is culturally experienced. For example, Gloria Anzaldúa, a Tejana/Chicana, describes experiencing *vergüenza* from her mother because of her dark brown skin color in opposition to her other siblings’ fair skin to explicate the lingering cultural codes from a colonial history with Spain and the United States (Keating, 2009, p. 38-50). As such, gay shame, theorized Latina- and Latino-style, is not necessarily burdened with “sexual stigma” (Warner, 1999a, 1999b) or “affect” (Sedgwick, 2002) in ways experienced thus far because there is no direct correspondence to the term *vergüenza* in Anglo culture.

In theorizing a life *sin vergüenza*, there is a linguistic double-meaning in *sinvergüenza* (shamelessness), including a positive use of the term to connote “those who are quick-witted, clever, and do not cause great harm” (Moliner in La Fountain-Stokes, 2011, p. 72). *Sinvergüenza* “is to have no shame: to disobey, break the law, disrespect authority (the family, the church, the state), and in a perverse and curious way to be proud of one’s transgression, or at the very least lack a feeling of guilt” (La Fountain-Stokes, 2011, p. 72). It is a conception of shame that accepts race and class as a part of the process (García, 2011, p. 83). Shifting to Latina- and Latino-style gay shame leads to an understanding of shame that gay Latinas/os have embraced as a label for social justice organizations; for example, *sinvergüenzas* “are sex radicals who do not uphold dominant conceptions of propriety and are not afraid to tread on delicate ground, claiming

pornography, erotica, s/m, and all types of physical expression as their own” (La Fountain-Stokes, 2011, p. 74). Rather than use shame as an ideological tool of heteronormativity, which it is, Latino shame opens up possibilities for political mobility. Warner’s main fear is that practices like *sinvergüenzas* will disappear if LGBTQ couples marry, but his debilitating construction of shame is less useful to the project of resistance.

Queer people of color offer a different perspective on sexual orientation that moves past the moralizing and identity politics that surround the <marriage> debate. Essentially, a queer of color perspective implements identity politics *within* the LGBTQ community to address issues of gay hegemony (i.e., racial/class/gender struggles in the LGBTQ community). Engaging in identity and morality politics from the perspective of queers of color means moving past debates over queer or quare theory. E. Patrick Johnson (2001), a performance studies scholar, defines quare theory as “a theory of and for gays and lesbians of color” (p. 3) that “reinstat[e] the subject and the identity around which the subject circulates that queer theory so easily dismisses,” such as “racialized bodies, experiences, and knowledges” (p. 10). A quare theorist is “committed to interrogating identity claims that exclude rather than include” (Johnson, 2001, p. 10) and must “ground discourse in materiality” (p. 11). Indeed, quare theory is aligned directly with queer of color critiques that queer theory is a discipline of and for white gays and lesbians (Anzaldúa, 1987; Keating, 2009; Calafell, 2007; Calafell & Moreman, 2009; Chavez, 2004; García, 2011; Hames-García & Martínez, 2011; Johnson, 2001, 2008; La Fountain-Stokes, 2011; Moraga, 1997, 2011; Muñoz, 1999; Rodríguez, 2006).

*Nepantla* as a liminal space is a construction of queer theory that predates the queer/quare debate and allows an intersectional analysis of <marriage>. E. Patrick Johnson (2001) draws on work pioneered by Gloria Anzaldúa with “theories in the flesh,” which “conjoin[s] theory and practice through an embodied politics of resistance,” (p. 3-4) to construct his quare theory. This type of identity politics “acknowledges difference within and between particular groups” and “does not necessarily mean the reduction of multiple identities into a monolithic identity or narrow cultural nationalism” (Johnson, 2001, p. 9). Theories in the flesh seek to “de-academize theory and [aims] to connect the community to the academy” (Keating, 2009, p. 137). Rather than position this work in queer or quare theory, I choose to draw on the ontology of queer, Chicana feminist literature whose work from the 1960s to the present informed conceptions of both queer theory and quare theory.

For example, a queer subject is conceptualized as one who resists or elides categorization to disavow constrictive binaries, and as such, queer includes any subject that is considered an oddity or strange because the subject does not conform to traditional framings within a particular context (Johnson, 2008). Gloria Anzaldúa informed queer theory from an indigenous conception of spirituality that emphasized the interconnectivity between subjects and used ambiguity as a method for theorization (Keating, 2009, p. 163-175). For example, she drew on indigenous beliefs and knowledges of the spirit to develop concepts such as *nepantla*, *mestizaje*, and spiritual activism to create a non-western epistemology for people of color (Keating, 2009). Choosing to draw from Chicana feminism as an ontology avoids the queer/quare debate

by returning to an intersectional conception that predates both and does not force me to identify with one or the other. *Nepantla* is a spiritually inflected conception of queer theory that is both racial and political but not exclusively either because it is focused on our interconnected and intersectional bodies.

While I am interested in the racial dimensions of <marriage>, I do not believe <marriage> is a political project solely because it is a racialized institution. Whether gay or straight, <marriage> is a relationship that is deeply political due to the legal and social privileges that <marriage> propagates. As Warner (1999a) reminds us, <marriage> is “the central legitimating institution by which the state penetrates the sexuality of its subjects” (p. 128), and “since the 1993 March on Washington, marriage has come to dominate the political imagination of the national gay movement” (p. 120). As such, <marriage> as a public/private institution is a relationship forged through communicative acts and therefore, is an act of political participation. Todd Kelshaw (2006) reflects that “being political is not a prohibited thing, a choice, or an obligation; it is a condition. The root question is not whether we choose or have the power to behave politically, but whether we recognize the political consequences of our minute-to-minute interactions” (p. 161). Therefore, <marriage> because of its ties to the LGBTQ movement, its use as a vehicle of subjugation by the state, and its inherent construction through communicative acts makes this particular relationship always and only political.

Race like political participation is always a part of communication, and therefore, <marriage> as a relationship constituted through communication is raced. Judith Martin

and Thomas Nakayama (2006) explain that “with whom we communicate, when we communicate with them, and how much we communicate with others follows largely racialized formations” (p. 76). Even though scientists have discredited physiological/biological notions of race, “it is real--and it is this cultural contradiction that undergirds our conversations on race and its place in communication studies” (Martin & Nakayama, 2006, p. 76). Although the strategic and performative rhetoric of whiteness has elided the commonly understood notion that <marriage> is raced, this thesis aims to repair this oversight.

From a space of *Nepantla*, I have reviewed works from whiteness studies, queer people of color scholarship, and communication theory to re-member that there are multiple conceptions of <marriage> that co-exist simultaneously, and challenge queer scholars to engage <marriage> as space for theorization and praxis. Critiques by queer people of color, critical intercultural communication scholars, and whiteness studies scholars verify that queer theory, communication, and <marriage> for LGBTQ couples are projects with a strategic investment in whiteness (Lipsitz, 1998), and therefore, there is a need for <marriage> to be theorized from a perspective that allows for an accounting of race. By occupying a liminal space of *nepantla*, I have tried to maneuver between and betwixt the many binaries and power structures involved in <marriage> for LGBTQ couples to offer a literature review that opens up debate surrounding <marriage> rather than locking dialogue into unproductive framings. Although the LGBTQ movement is locked in several political frames (i.e., for or against gay <marriage>, identity vs.

morality, queer vs. quare), there is space for a conception of <marriage> that does not embrace a monolithic/univocal ideology. If <marriage> is engaged as an ideograph through the approach of autohistoria, then re-membering *nepantla* becomes a reparative tool to disrupt power structures.

### **Chapter Three: <Marriage> as an Archive and a Repertoire, or Autohistoria as Methodology**

To observe moments of queer resistance between the law and the everyday, this method chapter places public and private text in juxtaposition to public and private embodied acts to track <marriage> in the archive and the repertoire. In the first section, I define the public and private archival texts and the public and private repertoires utilized in my autohistoria of <marriage> to give an example of how an ideographic analysis with text only or embodied forms only cannot encapsulate my <marriage>. In the final section, I offer autohistoria as an intersectional approach that juxtaposes rhetorical analysis of text and embodied acts to track moments of queer resistance in <marriage> between the law and the everyday.

#### **<Marriage> as an Archive and a Repertoire**

In this first section, I define the public and private archival texts and the public and private repertoires utilized in my autohistoria of <marriage> to give an example of how an ideographic analysis with text only or embodied forms only cannot encapsulate my <marriage>. In terms of its performativity, something is made archival in “the process whereby it is selected, classified, and presented for analysis” (Taylor, 2003, p. 19); or in other words, there is a body doing the archiving. Since <marriage> gains its legitimacy in the world of text as well as in embodied forms, this thesis needs an approach to interrogating <marriage> in both the archive and the repertoire.

The public texts I examine are *Baehr v. Lewin*, *Baehr v. Miike*, Defense of Marriage Act (DOMA), Mini-DOMA legislation, *Baker v. Vermont*, *Goodridge v.*

*Department of Public Health, Lockyer v. City and County of San Francisco, City and County of San Francisco v. California, In re Marriage Cases, and Proposition 8* (Ca. Const. art. I, § 7.5). These court cases and legislative acts were selected because each one (re)defined <marriage> through the law. For example, Proposition 8, the California Constitutional Amendment that ended <marriage> for LGBTQ couples, directly threatened to destroy my <marriage> based not on the will of my partner and I but on public opinion. My legal <marriage> license is sitting on the wall in front of me as I type these words onto the page, yet this legal relationship is constantly under threat of being invalidated by court mandate. How would *you* start forging a life with someone knowing that at any point a law could interrupt *your* everyday life? <Marriage> laws surrounding these public texts regulate queer bodies of all colors, but by including private texts with public texts, I can observe moments of resistance to the law.

The private texts I examine include pictures, poems, emails, letters, and videos surrounding my <marriage> with a gay Latino male. To be more specific, I include moments from my wedding video, poems written about my experiences after Proposition 8 passed, private notes and correspondence, and private pictures from a rally I attended in defense of my <marriage>. By tracking the definitional changes to <marriage> over time and in specific moments of these public and private texts, I can offer an analysis of ideographs in the archive that observe moments of resistance.

In my autohistoria, I analyze my own <marriage> ceremony and celebration as a public repertoire. However, I also analyze private repertoires to flesh out the scenario of my <marriage> with scenes only I could know, such as moments with my family before



and after the separation of my parents' <marriage>, how I met my husband, and secret memories from during and after my <marriage>. By observing how <marriage> is performed both publicly and privately, I want to illuminate moments of resistance within the repertoire.

For example, Dustin Bradley Goltz and Jason Zingheim (2010), in their article, "It's Not a Wedding, It's a Gayla: Queer Resistance and Normative Recuperation," attempt to resist <marriage> through the repertoire by enacting cultural performatives meant to queer the <marriage> ceremony. A Gayla is "a political performance project of love, community, protest, and activism that enacted a series of performative rituals that reconfigure[s] and celebrate[s] queer notions of family and relations, both working to expose the violences embedded within heteronormative marriage rituals and create a space that gestured towards queer futurity" (p. 291). Goltz and Zingheim (2010) attempted to disrupt heteronormative repertoires of <marriage> by asking couples to sit separately (p. 295), providing personalized "conversation starter" questions for guests behind their name tag, such as recounting an orgy participated in by Goltz and Zingheim (p. 296), and peeing the names of guests publicly on the backyard wall (p. 299). For this thesis, I explore the repertoires of my wedding (notice the lack of Gayla) documenting and theorizing on a queer of color performance of <marriage>.

I do not want to begin a gay war over whose <marriage> or Gayla is better, but the differences between our queer scenes within the scenario of <marriage> highlight privilege and resistance. "Scene denotes intentionality, artistic or otherwise (the scene of

the crime), and signals conscious strategies of display” (Taylor, 2003, p. 29). For example, Goltz and Zingheim’s (2010) event was a “weekend-long Gayla celebration” that consisted of a “‘Bacchanalia’ (‘old school’ keg party) at Dusty’s parents’ house Friday evening,” then “The Garden Party” or “drinks by the hotel pool” that led into “The Feast” (“everyone should come in togas”), and finally, “The Soiree” or a night of dancing and drinking at a local gay club (p. 292-293). On August 10th, 2007, my wedding took place at the Morgan Hill Community Center in a suburban city just outside of San José, California from 5 - 11PM, and my wedding scene included a ceremony in the attached rose garden followed by a reception and dinner. Or, did it happen on July 1st, 2008 at the Santa Clara County Courthouse followed by a barbecue in my backyard with close family and friends? Sorting out the differences between the scenes of a Gayla, my wedding, and my civil <marriage> highlights queer resistance, but yet, these scenes insists on an accountability for the material privileges inherent to a weekend-long multi-event celebration and a 150-guest wedding (not to mention a second celebration less than a year later). Therefore, a scenario is not “necessarily, or even primarily mimetic” (Taylor, 2003, p. 31-32) thus enabling queer resistance through disidentification.

For instance, Jose Esteban Muñoz (1999), in *Disidentifications: Queers of Color and the Performance of Politics*, defines disidentification as “the survival strategies the minority subject practices in order to negotiate a phobic majoritarian public sphere that continuously elides or punishes the existence of subjects who do not conform to the phantasm of normative citizenship” (p. 4). This form of queer resistance does not dispel

ideology but works within it to invest it with new life (Muñoz, 1999, p. 12).

Disidentification is a process of ““working on and against”” by identifying yet disidentifying with an object simultaneously that resists through “ambivalent modality that cannot be conceptualized as a restrictive or ‘masterfully’ fixed mode of identification” (Muñoz, 1999, p. 28). Disidentification is not about being apolitical or side-stepping an issue; it is a “theory in the flesh” utilized by queers of color that has been well-documented in academia (Calafell, 2007; Chávez, 2009; Johnson, 2001, 2008; Muñoz, 1999). As a form of political ambiguity, disidentification is in line with the theoretical *nepantla* space that I explicated in my literature review.

This ideographic analysis includes performative as well as archival examples because an analysis that only includes the repertoire is just as problematic as an archive-only analysis. Halualani, Mendoza & Drzewiecka (2009) remind us that “culture needs to be understood both in its enduring sedimentations (the deposits and traces left by historical contestations) and in its radical transformations and itineraries as it travels and enters into translations within specific localized contexts and toward differing goals” (p. 23). Indeed, Taylor (2003) conceived of scenarios, especially in the passing on of scenarios, as needing to draw of various modes of both the archive and repertoire (e.g., writing, dance, singing, reenactment) (p. 31). For example, Goltz and Zingheim (2010) included pictures of themselves in white togas with “nipples hard from the cool winter air, standing on a garbage can and leaning against a bus stop downtown” on the back of their Gayla invitations. These pictures are part of the archive, yet without the archive, an

analysis of the repertoire would leave out important contextual sedimentations of culture or miss important traces of cultural identity. Any examination of <marriage> as a cultural performance must include the archive or risk missing key components of the scenario.

Additionally, a repertoire-only analysis falls just as easily into a binary. Taylor (2003) concedes that the archive and the repertoire “too readily falls into a binary, with the written and archival constituting hegemonic power and the repertoire providing the anti-hegemonic challenge” (p. 22). However, Taylor (2003) further explains that one needs only to look at history to understand that the repertoire is not a utopia of counter-hegemony. For example, “the broad range of political practices in the Americas exercised on human bodies, from pre-conquest human sacrifices, to Inquisitorial burnings at the stake, to the lynchings of African Americans, to contemporary acts of state-sponsored torture and disappearances” (Taylor, 2003, p. 22) show how the repertoire is a site of oppression as well as resistance. Indeed, West’s (2008) work on queer bodies in public and private texts was conceived using Taylor’s conception of the repertoire, so an ideographic analysis of the law and the everyday must include both the archive and the repertoire. As Taylor reminds us, “innumerable practices in the most literate societies require both an archival and embodied dimension: weddings need both the performative utterance of “I do” and the signed contract; the legality of a court decision lies in the combination of the live trial and the recorded outcome; the performance of a claim contributes to its legality” (Taylor, 2003, p. 21).

I want to offer a personal example for including an analysis of both the archive and the repertoire in the analysis of <marriage> to make this point more visceral. Prior to

my wedding ceremony, I privately prepared the logistics for a 150-guest wedding and reception. I stuffed envelopes with invitations, licked them closed one-by-one, hopefully wrote each name and address, then stamped and sent them off into the world. An analysis of public and private text could be fruitful in this example, but it would not allow me to analyze the repertoires of rejection and suppression that occurred after my invitations reached their addresses. My grandfather and my partner's father and brother did not attend our illegal wedding and reception. It is not that we needed witnesses to make this ceremony real but that there was a performance with bodies that included text. How can tweezing these two important aspects apart produce a valid analysis of <marriage>?

In the following section, I offer autohistoria as an intersectional approach that juxtaposes rhetorical analysis of text and embodied acts to track moments of queer resistance in <marriage> between the law and the everyday. As explained in the previous section, <marriage> as an ideograph exists in the archive and the repertoire therefore an analysis only in the archive or only in the repertoire misses important moments that an analysis of both can begin to grasp. But, how can you encapsulate a moment of embodiment, which is by definition ephemeral, and text, which in U.S. law, is inherently racist. Even queer academic scholarship and popular media as text is invested in whiteness, so how can you observe moments of resistance in <marriage> with such normalizing texts? The answer: autohistoria.

### **<Marriage> as Autohistoria**

Autohistoria is an intersectional approach developed by Chicana feminist scholarship that utilizes autobiographical performance and performative writing to blend

genres of writing in text that are kept separate by western notions of knowledge (Hurtado, 1998). Given the immense power and the multiple systems influenced by <marriage>, the deployment of an autohistoria is meant to be an “*intersectional strategy*” or a “critical hermeneutics that register[s] the copresence of sexuality, race, class, gender, and other identity differentials as particular components that exist simultaneously with one another” (Crenshaw in Muñoz, 1999, p. 99). Autohistoria is similar and different to autoethnography and autoperformance because it is a form of autobiographical performance that operates as a live political document to offer resistance through “theories in the flesh.”

Autohistoria is a qualitative method similar to autoethnography, but autohistoria takes a performance perspective on theorizing the body. Autoethnography “is a mode of writing that privileges reflexivity—it demands that one slow down the everyday doings of a moment...to see the machinery at play within the mundane landscapes of our lives” (Warren & Fassett, 2011, p. 103). An autohistorian must acknowledge their intersectional privileges (e.g., race, sexual orientation, gender, class, (dis)ability); or, “in other words, when we live our lives, we often fail to see the ways institutions are at play in and through us. This kind of blindness is not individual, but part of the way social systems elide their own mechanisms of power” (Warren & Fassett, 2011, p. 103). If an autohistorian does not engage privilege than it is engaging in autoethnography that uncritically (re)inscribes dominant power structures, such as whiteness or the law (Calafell & Moreman, 2009; Holman Jones, 2005; Warren & Fassett, 2011). But,

autohistoria is similar and different from autoperformance because it is rooted in a different understanding of performance.

My body is mestizo and queer, and autohistoria draws from a non-western epistemology of performance that recognizes my body's roots in Latin America, Africa, Asia, Europe, and Aztlán. Taylor (2003) explores the various meanings of performance in performance studies and the Americas and the problematics of translating a term with no equivalent in Spanish and indigenous languages (p. 5-13). She indicates that performance is known as performance art in these languages or as having political power, which western notions of performance do not naturally have within the language (Taylor, 2003, p. 12 -13). Or, in other words, autohistoria utilizes autobiographical performance to create a "live" document with the specific performative goal of change for social justice.

For a thesis that seeks to (re)define <marriage>, the autohistoria approach is one of the few tools queer of color scholars and women of color feminists can utilize to resist dominant narratives. This embrace of autobiographical writing is in line with Dwight Conquergood's (1991) call for a more critical/cultural ethnography that returns to the body, addresses boundaries and borderlands, turns to performance, and includes rhetorical reflexivity (p. 180). Latina/o cultural scholars, also, embrace autobiographical and performance writing to present/analyze research on Latina/o performativities such as brownness, *latinidad*, *Chicanismo*, and *mestizaje* (Arrendondo, Hurtado, Klahn, Nájera-Ramírez, & Zavella, 2003; Calafell, 2005; Calafell, 2007; Calafell & Moreman, 2009, 2010; Davalos, 2008; Delgado, 2009; Dicochea, 2004). Additionally, queer Latina/o and

Chicana/o scholarship embrace autobiographical writing to theorize from Latina/o subjectivities (Anzaldúa, 1987, Keating, 2009; Coronado, 2006; Hames-García & Martínez, 2011; Moraga, 1997, 2011; Muñoz, 1999; Pérez, 2011). My autohistoria draws from this literature to create a political document that seeks to resist dominant narratives with my writing.

Drawing from Gloria Anzaldúa and Bernadette Marie Calafell, this thesis utilizes performative writing techniques, such as breaking up archival analysis with poetry, to create this autohistoria of <marriage>. For example, in her book *Borderlands/La Frontera: The New Mestiza*, Gloria Anzaldúa (1987) utilized many performative writing techniques as a specific act of resistance to white, white feminist, and Chicano traditionalists/sexists. Following this seminal work in the epistemology of autohistoria, “I jerk the reader around by also code-switching in genre: mixing genres, crossing genres from poetry to essay to narrative to a little bit of analysis and theory” (Keating, 2009, p. 189-190):

Understand.  
My family is poor.  
Poor. I can't afford  
a new ribbon. The risk  
of this one is enough  
to keep me moving  
through it, accountable.  
The repetition like my mother's  
stories retold, *each* time  
reveals more particulars  
gains more familiarity.

You can't get me in your car so fast.  
(Moraga in Keating, 2009, p. 29)



Following Calafell's (2007) work, I do not separate the realities of my body (i.e., race, class, ability, sexual orientation, etc.) from my rhetorical analyses, so I can create "theories in the flesh." Latina/o communication studies scholars (Calafell, 2007; Moreira & Diversi, 2011; Moreman & Persona Non Grata, 2011) invoke autobiographical "theories of the flesh," which "means one where the physical realities of our lives--our skin color, the land or concrete we grew up on, our sexual longing--all fuse to create a politic born out of necessity. Here we attempt to bridge the contradictions of our experience" (Anzaldúa and Moraga in Calafell, 2007, p. 7), to participate, like this thesis, in the political project of social transformation. <Marriage> is always and already political, and my <marriage> as an autohistoria takes an intersectional approach that juxtaposes rhetorical analysis of text and embodied acts to track moments of queer resistance in <marriage> between the law and the everyday.

To observe moments of queer resistance between the law and the everyday, this method chapter places public and private archival text in juxtaposition to public and private repertoires to track queer resistance to <marriage>. As I am attempting to disidentify and identify with <marriage> intersectionally, I aim to simultaneously enact modes of queer resistances, such as theories in the flesh and disidentification. I have done the work of re-memembering different theoretical, disciplinary, and socio-political histories of <marriage> in the law and the everyday. However, it is up to you (the reader) to move beyond text and body, the archive and the repertoire, identity vs. morality politics, and any other false binary surrounding <marriage> by grappling with the way(s) in which you

are accountable for the current state of <marriage> and taking action to heal our/your wounds.

#### Chapter Four: (Re)defining <Marriage>: Entering *Nepantla*...

<Marriage> is a deeply personal and political object of study; therefore, it becomes necessary to present <marriage> in both personal and political terms. Sharing the various ways my brown skin joins with another's brown skin sends electricity down my spine. I am scared to enter a state of *nepantla* and use myself as a "fulcrum subject" to be "between the study and the experience" because it means I must "be here and nowhere, in the moment and off the clock" (Corey & Nakayama, 1997, p. 58). In Chicana feminist literature, a rhetor engaging in autohistoria relies on emotions to construct rhetorics of the body, or "theories of the flesh" (Anzaldúa in Calafell, 2007). To enter *nepantla*, you must take apart your privileges, break down your fears, and dismember your entire being. From this scattering of identity tensions, you must discover how to put yourself back together, often in new ways, and emerge from *nepantla* reborn with a new perspective and a new performative repertoire to affect a political change in the world. This on-going, never-ending process of identity construction is the Coyolxauhqui imperative, and it terrifies me.

Coyolxauhqui (Ko-yol-sha-UH-kee), also called "la diosa de la luna" (goddess of the moon), was Coatlicue's oldest daughter. After her mother was impregnated by a ball of feathers, Coyolxauhqui encouraged her four hundred brothers and sisters to kill Coatlicue. As they attacked their mother, the fetus, Huitzilopochtli, sprang fully grown and armed from Coatlicue, tore Coyolxauhqui into over a thousand pieces, flung her head into the sky, and killed her siblings. (Keating, 2009, p. 320)

The Coyolxauhqui imperative symbolizes the continuous and always political process of identity negotiation with larger cultural-structural systems, such as the law.

Like Coyolxauhqui, an autohistoria asks the autohistorian to enter the *nepantla* state to rip their identity into pieces. To be within the *nepantla* state is to feel disoriented in space or “to be disoriented in space is to experience bouts of dissociation of identity, identity break-downs and buildups” (Keating, 2009, p. 180-181). In *nepantla*, an autohistorian must re-assemble the pieces of their identity in new ways to return to a state of wholeness. The Coyolxauhqui imperative is “a self-healing process, an inner compulsion or desire to move from fragmentation to complex wholeness” (Keating, 2009, p. 320) that represents the beginning and ending of this autohistoria.

### **<Marriage> as LGBTQ Politics**

In December of 1990, three same-sex couples applied for <marriage> licenses in the State of Hawaii and were denied. Ninia Baehr and Genora Dancel, Tammy Rodrigues and Antoinette Pregil, and Pat Lagon and Joseph Melilio immediately filed a complaint on May 1, 1991 “alleging that denial of licenses violated their right to privacy and equal protection as guaranteed by the Hawaii Constitution” (*Baehr v. Lewin*, 1993, p. 44). In 1993, the Hawaiian Supreme Court decided in *Baehr v. Lewin* “that denying same-sex couples legal marriage went against the sex-based discrimination clause of the Hawaii State Constitution” (Grindstaff, 2003, p. 258), and sent the case to a lower constitutional court to determine whether or not the state had a compelling interest in banning same-sex <marriage>. This ruling catapulted <marriage> for LGBTQ couples into the mainstream of U.S. society and can be pointed to as the beginning of the modern <marriage> equality

movement; in fact, this entire decade of LGBTQ politics is a response to this controversial ruling.

Although *Baehr v. Lewin* sparked a national debate in 1993, the case continued in *Baehr v. Miike* in 1996 and ended when the people of Hawaii approved a constitutional amendment banning <marriage> for LGBTQ couples in 1998. *Baehr v. Lewin* “was the first time that any court, let alone the highest court of a state, held that a state must justify its reasons for denying marriage to same-sex couples,” (Sant’Ambrogio & Law, 2011, p. 8) and in *Baehr v. Miike* (1996), the state contended that it had a compelling interest to restrict <marriage> from LGBTQ couples because the state must protect the health and welfare of children, foster procreation within a marital setting, secure/assure recognition of Hawaii <marriages> in other jurisdictions, protect the economy from the foreseeable effects of same-sex <marriage>, and protect civil liberties (including foreseeable effects of same-sex <marriage> approval). The Hawaiian State Supreme Court did not rule on the appeal to *Baehr v. Miike* until December 9, 1999, but prior to the hearing, Hawaii voters approved a constitutional amendment to deny <marriage> to LGBTQ couples. This constitutional amendment states: “the legislature shall have the power to reserve marriage to opposite-sex couples” (Hi. Const. art. I, § 23), and on November 3rd, 1998, Hawaiian voters approved the amendment with 69.2% yes votes and 28.6% no votes (Hawaii Office of Elections, 1998). Taking this constitutional amendment into judicial consideration, the Hawaii Supreme Court ruled against <marriage> for LGBTQ couples.

Although too young to understand the details, I remember the Hawaiian gay <marriage> controversy well, but not in terms of my identity. You see, *Baehr v. Lewin* was so controversial that the ruling emerged in popular culture. I remember watching *A Very Brady Sequel* with my family in the living room and laughing when Shelley Long, the actress playing the Brady mom Carol, insinuates through a communication misunderstanding that she is romantically involved with another woman (several actually). The Hawaiian car rental agent involved in the scene states with a wide grin that they are open to that here. It was an interesting moment that poked fun at the Hawaiian Supreme Court ruling, and I remember thinking: “huh?”

Homosexuality in these cases became inextricably linked to identity under the law and a potential reasoning behind the identity politics of LGBTQ national organizations, media, and queer theory (Warner, 1999a; Hames-García, 2010). David Grindstaff (2006) explains that these rhetorical usages and legal definitions of homosexuality tied the term to identity to claim homosexuality as a “suspect class” under the fourteenth amendment (p. 70). This means an LGBTQ interlocutor must claim an immutable or essential homosexual identity in order to demand equal protection under the law (Grindstaff, 2006, p. 70). Therefore, the law is responsible for locking LGBTQ politics into framings of identity and morality that have set the political battlefields for the movement for over two decades and that have contributed to the normalization of queer culture.

Nonetheless, *Baehr v. Lewin* leaves open the possibility for <marriage> for same-sex couples because the Hawaii Constitution specifically guarantees “sex” as equally

protected under the law. Although the Hawaii Supreme Court rejected <marriage> as a right to privacy, the court found that refusing LGBTQ couples <marriage> licenses discriminated on the basis of sex (*Baehr v. Lewin*, 1993, p. 57-60). This court case verified that the couples were denied <marriage> licenses based solely on their same-sex status, and the court rejected many of the previous circuit court's conclusions about homosexuality under the law (*Baehr v. Lewin*, 1993, p. 53-54). Additionally, in *Baehr v. Miike*, Judge Kevin Chang ruled that there was no rational or compelling reason for excluding LGBTQ couples from <marriage>. In fact, experts from both plaintiff and defendant agreed that "same-sex couples are just as qualified to be parents as heterosexual couples" (Sant' Ambrogio & Law, 2011, p. 13), and Chang further asserted that "if same-sex marriage is allowed, the children being raised by gay or lesbian parents and same-sex couple may be assisted," or <marriage> will help protect these children not harm them. However, rather than let Hawaii become the first state to allow <marriage> for LGBTQ couples, Chang placed a stay on his ruling while the state appealed the ruling to a higher court (Oshiro, 1996).

*Baehr v. Levin* and *Baehr v. Miike* offer synchronic moments in time to utilize for an ideographic analysis of <marriage>. For example, as the beginning of the LGBTQ movement for <marriage> rights, this analysis of public texts demonstrates the power of <marriage> law in society; these two court cases caused a national and international frenzy that leaked into popular culture. At the same time, this restrictive moment in the archive mobilized bodies who wished to ban <marriage> for LGBTQ couples in the state constitution. This conservative coalition elected Republican Linda Lingle as governor in

2002 until December 2010, which effectively halted <marriage> for LGBTQ couples in the state of Hawaii (Sant' Ambrogio & Law, 2011, p. 14). It was not until February 23, 2011, after the 2010 election of Democratic Governor Neil Abercrombie, that Hawaii authorized civil unions<sup>1</sup> beginning on January 1st, 2012 (Sant' Ambrogio & Law, 2011, p. 15-16).

### **<Marriage> as a Dissolution**

In September of 1996, Congress and President Bill Clinton, feeling public pressure from other states and territories in reaction to *Baehr v. Lewin*, enacted the Defense of Marriage Act (DOMA). In Congress, the House approved the bill 342 - 67, and the Senate approved the bill 85 - 14 (Alliance Defense Fund, 2008). Clinton signed the legislation because same-sex <marriage> was quickly becoming a wedge issue in the upcoming 1996 presidential election due to enduring <family values> rhetoric; President Clinton had already suffered political damage from enacting "Don't Ask, Don't Tell," the anti-gay military compromise meant to address the issue of gays and lesbians in the military (Sant' Ambrogio & Law, 2011, p. 18). DOMA principally enacted a federal definition of <marriage> for the government: "the word 'marriage' means only a legal union between one man and one woman as husband and wife" (H.R. Bill 3396, 1996). Additionally, the act gave states the legal right to not recognize the <marriage> of LGBTQ couples performed in other states (H.R. Bill 3396, 1996). Although the eventual end of the *Baehr v. Lewin* saga came in 1999, it was too late to undo the damage of DOMA. A firestorm of anti-gay statutes from the legislative and executive branches of both federal and state governments began in reaction to *Baehr v. Lewin*.



State legislative and executive-level statutes, or Mini-DOMAs, were enacted to regulate the definition of <marriage>. Thirty-three states created thirty-three different versions of DOMA legislation that faced thirty-three judicial actions and rulings on <marriage> for LGBTQ individuals. For example, Utah integrated their anti-gay <marriage> laws into two existing <marriage> statutes. One listed prohibited or void marriages, such as underaged couplings, couples with one undivorced member, and “between persons of the same sex” (Utah Code Ann. §30-1-2). The other statute established a “marriage recognition policy” that discusses <marriage> three times in terms of between a man and a woman and only this type marriage will be “recognize[d], enforce[d], or give[n] legal effect” (Utah Code Ann. §30-1-4.1). <Marriage> in Utah is defined as for heterosexuals only, and LGBTQ couples are regulated alongside children and negligent <marriage> partners.

In 1996, Arizona passed a Mini-DOMA within incest laws. Arizona like Utah addressed <marriage> in two existing <marriage> statutes: (1) Void and prohibited <marriages>, such as between “parents and children, including grandparents and grandchildren of every degree, between brothers and sisters of the one-half as well as the whole blood,” between first cousins over 65 and under 65 with judge approval that one of the bodies reproduce, and “marriage between persons of the same sex is void and prohibited” (Ariz. Revised Stat. § 25-101). <Marriage> for LGBTQ couples is marked as deviancy that needs to be regulated alongside laws that address incest. (2) the validity and effect of <marriage> in other states that conflict with the above definition are void

and prohibited <marriages> (Ariz. Revised Stat. § 25-112), or <Marriage> is for heterosexuals only.

Following a similar two-part statute organization, Idaho, in 1996, first establishes <marriage> as a personal relationship out of a civil contract between a man and a woman, and even further, “consent alone will not constitute marriage;” a license issued by the state is the only valid <marriage> (Idaho Stat. § 32-201). By seizing <marriage> as valid solely in the archive, Idaho confine <marriage> into a legal status only, but it is a cultural practice as well. In other words, <Marriage> is not only just for heterosexual couplings, but any observation of <marriage> in the repertoire is invalid. For instance, church sanctioned ceremonies, commitment ceremonies, and/or any consensual agreement between adults is not <marriage> because it has not been archived by the state. This definition of <marriage> in the Idaho law effects both heterosexual couples and LGBTQ couples. It was a power grab by the state to be the single bestower of <marriage>. Interestingly, Idaho’s other statute utilized same-sex as a performative ideograph indicating a degree of masculine agency in the defining of <marriage> in this Idaho statute. It is in this language that LGBTQ <marriages> from other states were prohibited (Idaho Code § 32-209).

The immense and divisive reaction to *Baehr v. Lewin* is a narrative with fifty different histories each of which held different outcomes for LGBTQ couples due to the fifty state jurisdictions that all attempted to define <marriage>. These series of legal statutes separated the power of the LGBTQ movement into fifty weaker sub-divisions all

engaged in resisting <marriage> in fifty differently complex geo-socio-political state judicial systems. The result was that <marriage> fractured into fifty different legal definitions. Michael Warner (1999b) recounts that: “states are codifying restrictions on marriage that had merely been tacit custom before, making new obstacles to marriage reform for the future. Powerful antigay forces have been mobilized around the issue. If reform of marriage was the goal, the tactics of legal advocacy have not worked, and in some ways have made the problem worse” (p. 86).

Although these are only a few examples of Mini-DOMA legislation, they demonstrate a variety of definitions for <marriage> in one moment in history. For example, Colorado in 2000 revised a <marriage> statute to amend it as only between one man and one woman (perhaps a hint towards polygamy), as only valid if it fits this definition, and as not effecting “common law marriage between one man and one woman” (Colo. Revised Stat. Ann. § 14-2-104). This type of legislation mirrors the federal DOMA legislation, but at an individual state level, these Mini-DOMAs are not the same. In other words, as my body and your body travel from geographic location to geographic location, our relationship to our chosen partner changes and mutates depending on the definition of <marriage> established by these mini-DOMA legislations in the archive. What are the ramifications of this type of <marriage> dissolution?

As Mini-DOMAs proliferated, my parents were dissolving their <marriage>, selling and dividing their assets, and breaking apart *mi familia*. From 1996 to 2001, my parents fought between each other, using lawyers and their children, to reach a divorce

settlement. In the process, *mi familia* lost our home. My mother, younger sister, and younger brother moved to Fresno leaving my father, my other younger brother and myself in San José. Broken and without a home, *mi familia* has never been the same. Family members and my parents' mutual friends were forced to choose sides. Others were used as spies stoking distrust and anger at people. Like the dividing of <marriage> across fifty states, *mi familia* was in ruins. How do you move forward after so much pain and hate? Gloria Anzaldúa advises:

the intellect needs the guts and adrenaline that horrific suffering and anger, evoked by some of the pieces, catapult us into. Only when all the charged feelings are unearthed can we get down to “the work.” *la tarea, nuestro trabajo*--changing culture and all its oppressive interlocking machinations. These pieces are not only *about* survival strategies, they are survival strategies --maps, blueprints, guidebooks that we need to exchange in order to feel sane, in order to make sense of our lives.

(Keating, 2009, p. 127-128)

In revisiting that horrific suffering and anger, I begin to lose myself to the fragments of charged feelings that I have unearthed. “*Mom, are you crying in there? Why is the door locked?*” I don't want to get down to the work. “*Who are you talking to?!*” Because the memory of my parents' dissolution of <marriage> is sometimes too painful. I cannot write tears into text even when they are falling on the keyboard as I write. “*Brother, we have to pack everything and go to grandma and grandpa's house. Now!*” Yes, my life is a cliché. My dad cheated on my mom too many times, and the last

time with her closest friend was one time too far. *“Where are you going? Back home? We just drove three hours to get here and now your driving back alone! What are you going to do?”* When you spend summer with your mom in jail, abandoned by your father, and consoling your younger siblings, you can do nothing but the task (la tarea) in front of you. Our work (nuestro trabajo) must be to change the culture of <marriage> and all its oppressive interlocking systems.

These pieces of <marriage> are survival strategies. Maps and blueprints that show what is wrong with <marriage>. My dad was too controlling for a free-spirited and fearless mother. His attempts to rehabilitate the <marriage> were too little too late. *“You want to have a family game night every week? Like in the commercial?”* These guidebooks kept my siblings and I away from drugs and the dope game that caught up other members of *mi familia*, but to make sense of our lives, we turned to our aunts and uncles for support. For example, after a year or two of kicking my father out and then letting him return, my mother moved on and began to date. *“You met a new guy? How exciting! So...he is coming to meet us and cook us dinner tonight.”* We were happy because we were ready to move on too, but (*“He’s still here? It’s been a week”*) we didn’t know what we had gotten ourselves into (*“It’s him or me! You have to choose!”*). Before we knew it, (*“I accept your apology, but why does he have to stay with us?”*) we lost control of our home to a man that would later become our stepfather.

*“Robert, when we leave for the weekend, I mean it--no parties.”* Did you think I wasn’t your son? I don’t let anything stand in my way either. So what? I threw a party

in my house with friends that supported me while you and dad dissolved your <marriage>. You didn't have to kick me out! "*Robert, maybe after your graduation, you should start looking for a place to live.*" You thought I'd cave again! Ha! I wanted you to feel empty when you saw all my things gone the next day. I wanted you to cry like you made me cry. I was your own flesh and blood and I felt betrayed. I promised myself that I would never be married like either of you. <Marriage> was too big for either of you to handle. "*Brother, where are you?*" But I didn't mean to ruin your lives too. I'm sorry I left you alone--no, I'm sorry I abandoned you. Sister and little brother, I never got to watch you grow up from the room next door. We know firsthand how the dissolution of <marriage> has ramifications beyond what can be seen.

<Marriage> as a privileged and political relationship affects the entire *familia*. Its dissolution forced my aunt to let me sleep on her couch on the day of my high school graduation. In archived photographs, I am smiling with my *familia*, but in the repertoire, I moved into a small studio apartment with my other aunt. Or, how about when my other aunt had to pay for my community college books because the dissolution of <marriage> sapped and divided my parents' financial resources? Maybe, I should be thanking these women instead? Moving between the archive and repertoire of the dissolution of <marriage>, there are fissures and cracks that display a dispersal of power and a weakening of agency. How do we move on from so much pain and hate?

hesitation—

before the release

of fear  
of me  
of you  
dropping endlessly freewheeling on axis  
coin-flipping earth and sky  
between we felt—  
me/you  
y

I saw you before we met. While the law<sup>2</sup> was debating the (im)possibilities of gay <marriage>, we were at Splash, the gay bar near the corner of Post St. and Market St. in downtown San José, and I had just drove your current boyfriend (my ex-boyfriend) to meet you. My ex-boyfriend was a co-worker that had made the workplace shitty for several months after we broke up, so I was happy to drive him because a happy ex-boyfriend meant a happy workplace. I didn't mean to dance with you alone, and I didn't mean to get with you days after you broke up with him, but could you blame me?

I still remember hanging out with you in front of the bar with the streetlights reflecting playfully on your “stunna shades.” Our ex-boyfriend was inside (too drunk as usual), and we were waiting for him out under the starlight. I liked how you laughed at all my jokes. I liked your smile and subsequently both dimples. I've always had an attraction to thick eyebrows and Latin men. Later in life, you told me that I was way more into you than you were into me. Is that why you won't take your glasses off? I

want to see your eyes--too late. Our ex-boyfriend stumbles out, and we say goodbye.

Did I just miss my chance?

But you found me. Both of us were living in the closet. My closet was in a fraternity house across the street from San José State University, and yours was in your parents' home. In the corner of the room while my fraternity brothers watched television, we re-met online. You remembered me. I remembered you. We decided to meet and go to Splash together--we hesitated. Instead, we sat in your Jeep Liberty two blocks away on the corner of Post St. and San Pedro St. talking and laughing. Before the release of fear sent me dropping endlessly freewheeling on axis, we felt something of me and of you touch. For me, it was something I saw in your beautiful hazel green eyes.

Something missing from me that when you shared it sent me coin-flipping earth and sky.

Is that how it was for you? Why?

The world  
is spinning  
The politics  
of the moment  
are blurring.

Minute by minute in the big scheme of things.

Yet.

I have you.



This is our time.

How many lives

have we searched for each other?

How many frames

have we broken?

I'll always find you.

### **<Marriage> as an Civil Right**

In response to *Goodridge v. Department of Public Health*, the Massachusetts ruling that enabled <marriage> for LGBTQ couples, newly re-elected President George W. Bush declared in his State of the Union address that "the nation must 'defend the sanctity of <marriage>'" (emphasis added, Coontz, 2008, p. 25). Republicans in Congress proposed a federal <marriage> amendment months before the 2004 election. At this time, Republicans controlled both houses of Congress, and this federal amendment to the Constitution would have expressly defined <marriage> as only between a man and a woman. "In July 2004, a 48-50 procedural vote thwarted Republican hopes to bring the proposed amendment before the Senate" (Sant'Ambrogio & Law, 2011, p. 26-27). "The House waited until September 30th to bring the amendment to the floor; it attained a 227-186 majority, but fell short of the constitutionally required two-thirds vote" (Sant'Ambrogio & Law, 2011, p. 27). This failure on the part of the federal government to pass a <marriage> amendment launched new legislation by states to adopt state constitutional amendments to (re)define

<marriage> in heteronormative terms. Subsequently, between 1998 to 2008, thirty states adopted constitutional amendments.

In that same year, San Francisco mayor Gavin Newsom directed the city to start issuing <marriage> licenses to gay and lesbian couples (Coontz, 2008, p. 25). One city, one person in that place they call the Bay defied a nation and a U.S. president—3,200 LGBTQ couples were married in the largest populated state in the nation. “During March 2004, local officials also issued <marriage> licenses to same-sex couples in Multnomah County, Oregon; Asbury Park, New Jersey; Sandoval County, New Mexico; and New Paltz, New York” (Sant’Ambrogio & Law, 2011, p. 25). This act of resistance by a local government was quickly blocked by the judicial branches of government.

In *Lockyer v. City & County of San Francisco*, the court was ruling on whether or not an official “exceeds his or her authority when, without any court having determined that the statute is unconstitutional, the official deliberately declines to enforce the statute because he or she determines or is of the opinion that the statute is unconstitutional” (95 P.3d 459 (Cal. 2004)). In other words, what if officials do not enforce the archive in the repertoire? In an over 110 page decision, the court ruling describes in intimate details the movements of the city and county of San Francisco to make same-sex <marriage> a reality. The court rejected that this ruling was a referendum on LGBTQ rights and focused on the maintaining the separation of powers inherent to the state constitution. The California Supreme Court ruled against the City & County of San Francisco and invalidated the <marriage> licenses issued.

Given that *Lockyer v. City & County of San Francisco* explicitly avoided the question of the constitutionality of Proposition 22, six different court appeals were consolidated under the court case *In re Marriage Cases* to address the issue of LGBTQ <marriage> directly. “The question we must address is whether, under these circumstances, the failure to designate the official relationship of same-sex couples as marriage violates the California Constitution” (183 P.3d 384). Given that California allowed LGBTQ couples to enter into the status of domestic partnerships with many of the same benefits as <marriage> but without the actual label of <marriage>, the court was aware it was ruling on the definition of <marriage> but maintained that its ruling was based solely on the question of its constitutionality. The California Supreme Court ruled that allowing LGBTQ couples to enter into only domestic partnerships impinges on their state right to marry and the state’s equal protection clause. By limiting LGBTQ relationship status to domestic partnerships, the state is limiting the respect and dignity of LGBTQ relationships. So, on May 15th, 2008, I received the best birthday gift ever, and on July 1st, 2008, I entered into a civil <marriage> with my partner.

How do I say this kindly?

I make you.

you don't make me.

I am. You are. We become.

Together we are not perfect, hardly

We do create, and wield

wondrous words and—

and—

let me show you instead

Can you follow and not lead?

We practiced our “kiss” a few days before our wedding ceremony. Internalized forms of a shame manifested during our public/private performances of male lip joining. He insisted on making the “kiss” brief, so his *familia* would not feel uncomfortable; I resisted. I wanted some tongue. He wanted to maintain his masculinity or *machismo* to avoid the painful labels of *puto*, *maricon*, or *passivo*. Those names opened old wounds for me too. Regretfully, we succumbed to just a “peck” at our own wedding. *Pero hoy, vivo sin vergüenza!* What would you have done? There is a juncture between the norms, values, and needs of my culture and my yearnings for one life instead of two separate public and private identities. “Junctures signal urgencies, needs, crises, and yearnings for connection, growth, and new joinings; these critical intercultural junctures are no different” (Halualani, Mendoza, and Drzewiecka, 2009, p. 32).

I want *our* kiss to be sensual. I want you to feel comfortable placing your tongue in my mouth, letting the saliva exchange, without shame. I made the mistake of settling for a peck before, and I will not allow either of us to hold back again. A politics of relation comes from a space of *nepantla*. In public, I argue for a change in strategy; however, in private, I acknowledge that our community is successfully resisting assimilation, because we are breaking apart dominant cultural conceptions and placing

them back together in forms that fit our brown, queer bodies in our everyday repertoires, texts, and identity negotiations. I want you close. Feel my heart racing? Smell the space between us shrinking? This is it. They are all watching, leaning into our scandalous moment of joining, waiting to be queered. Will we kiss or just peck? From a place “between,” I wait, eyes closed, lips parted, for you to decide your role in this performance. I encourage you to let your scars open, to confront your inner and outer layers of shame, and enter *nepantla* with me.

### **<Marriage> as a Wedding**

The verb *chingar* is an often employed gendered term to describe/oppress male Latino homosexuality and leads to hurtful slanders to identity, such as *puto*, *maricon*, y *joto*. “A multifaceted word,” *chingar* is a verb “whose primary definition is similar to ‘fuck’ or ‘fuck over’” and “signifies violent penetration, rape, power that takes advantage of weakness in others” (Irwin, 2000, p. 354). A *chingón*, notice the masculine form, “retains or even reinforces his masculinity;” while a *chingada/o*, is the “fucker and the fucked, in an allegory of the Spanish conquest of Mexico” (Irwin, 2000, p. 354-355). This linguistic example shows how Latino men construct a social hierarchy that figuratively reflects homosexual assumptions surrounding effeminacy. This hierarchy is enforced through other linguistic codes such a *puto* (bitch), *maricon* (faggot), and *joto* (queer) (Carrillo, 1999, p. 237). The gendered construction of these terms affect the experiences of Latinos and Latino gay culture. My wedding that brought together two

familias was always afraid of these terms, yet gay sex is what brought us together for a wedding in the first place.

My husband and I became engaged after a night of great sex, and although this is not the most romantic engagement story, this is our story. We never exchanged rings until the day of our wedding; in fact, we were scrambling at the last minute for rings because we had forgot. A queer Chicano position is burdened with two conflicting and gendered assumptions about Latino homosexuality. The first assumption is in line with the American definition of homosexuality as “men, whether masculine or effeminate, who desire other men, whether masculine or effeminate are regarded as homosexuals” (Irwin, 2000, p. 365). Queer scholars have developed research to unpack this assumption of homosexuality and the problematics of this assumption (Grindstaff, 2003; Rodríguez, 2006). However, the second assumption is a gendered understanding of Latino homosexuality as “male effeminacy and, by implication, as passivity during anal intercourse,” or in other words, queer Latino subjects “who want to play ‘the woman’s role’ in sex, who desire to be penetrated by other men, are homosexuals, while men who penetrate other men remain men, untainted by homosexuality” (Irwin, 2000, p. 365; Nezvig, 2001). These conflicting assumptions implicate issues of *machismo* and demonstrate how a queer Chicano position differs from a queer white position because of deep gendered roles enforced linguistically and by masculine agency.

The ramifications of this gendered separation of Latino homosexuality are wide and various. For example, in a study done of two hundred and ninety four Latino gay

men in New York City, it was found that perceptions of masculinity in a partner determined the sexual role performed. “When the partner is perceived as more macho, more aggressive, taller, endowed with a bigger penis, darker, more handsome, more respondents report they are more likely to take the receptive role in oral and anal sex. Conversely, when the partner is perceived as more effeminate, less aggressive, shorter, with a smaller penis, lighter skin colour, or less handsome, more respondents are more likely to take the inserter role in oral and anal sex” (Carballo-Diégues, Dolezal, Nieves, Díaz, Decena, & Balan, 2004, p. 163). These cultural burdens weighed heavily on our minds as we planned our wedding to be very traditional in style.

For example, my partner and I had a money dance. The money dance is a typical scenario within a wedding that asks guests to pin money onto whomever he/she decides to dance with for a few moments. We included this scenario because, as a working-class couple, we had spent all of our money on this wedding, and it is traditional within both of our familias to help out the wedding couple financially through this dance ritual. In the repertoire, these moments with the couple are very intimate, and often, it is the only chance for guests to disclose messages of support and love. Men and women danced with us for money like many other weddings, but these scenes are queer because these messages to us were often political. When my cousin told me that she was “proud of me,” it was because my gay lifestyle made this wedding more than just the merging of two familias. It was a public act of defiance to the heterosexual structure of <marriage>

and society, and even though my partner and I were just dancing to our love songs, our guests knew the ramifications of their participation.

These public and private acts of defiance are a culturally-infllected because we were resisting Latina/o notions of *machismo*. *Machismo* places homosexuality into a gender binary of *activo* and not homosexual, or *passivo* and homosexual and effeminate. In constructions of *la familia*, despite Chicana feminist and queer Chicano interventions, *machismo* continues to inscribe strict and oppressive gender roles on women and attempts to alienate queer bodies from an important cultural loci. *Machismo* lowers the status of women beneath that of men, and when *machismo* is performed in queer Latino spaces, it equates the status of anal sex receivers, or *passivos*, to effeminate positions that are therefore lower than those who are penetrators, or *activos*. For example, a man who receives oral sex from another man is not viewed as homosexual in some Latino spaces. The influence of *machismo* produces many oppressive linguistic terms that apply oppressive gender cultural codes onto queer male bodies; however, what happens to *machismo* as it is enacted in a male-only coupling? Richard T. Rodríguez (2006), a queer Latino scholar, utilized a performative approach to join critiques of *machismo* by postulating that gay male rearticulations of Chicano masculinity contest these variegated gendered formations. We resisted these forces tactically.

Although we both wore white tuxedos and performed our wedding in traditional scenarios to make the queering of our familias a smooth transformation, we did resist <marriage>. For example, my partner and I had equal numbers of bridesmaids and



groomsmen for both of us, and each supportive member of our bridal party walked solo rather than in couples. Although we had our nephew and goddaughter as our respective ring bearer and flower-girl, they were not separated into separate rooms prior to our wedding ceremony because my partner and I got ready together with the entire wedding party in the same room. Additionally, the politics of the moment leaked into the speeches of our best man (“He’s found the right Juan!”) and maid-of-honor (“I wasn’t sure what to say until I saw you smiling ear-to-ear during the ceremony”). Is that “normal” for <marriage>? However, the most powerful moment for me was when my dad spoke (“I’m proud to call you both my sons”) because my partner’s dad had refused to attend our wedding. My mom was so proud (“I love you honey!”), yet my husband, brothers, sister and I still took separate pictures with each of my parents. Are these wedding scenes enough to show how we resisted your ideas of <marriage>?

When we woke up in the morning, we were not in the same bed. Our families were too happy for us to get away from our own wedding sober. I found two of my closest friends asleep on the floor beside my bed, and my husband’s co-worker was passed out on the other side. I rub my temples counter-clockwise as I tried to remember the last moments of my wedding night. I remember all our tias (aunts) and tios (uncles) helping us clean up the hall, I remember my husband crying in the parking lot because he had wanted his dad to be at his wedding, and I remember bits and pieces of the after-party at my hotel’s pool and jacuzzi. I hear my husband moaning from the bathroom--that is where he is!?! This wedding that marked the beginning of my <marriage> in the

repertoire is mine. It isn't perfect for you, but it is perfect for me. With a 150 guests at our wedding that consisted of familia and friends, did we resist <marriage>?

### **<Marriage> as Activism**

“Only marriage between a man and a woman is valid or recognized in California” (Ca. Const. art. I, § 7.5) is the exact language of Proposition 8 or the California Marriage Protection Act. Proposition 8 amended the California Constitution to restrict and control the bodies of California citizens into specific couplings of gender and sexuality. Essentially, this constitutional amendment stripped California's LGBTQ community of the right to marry their partners. The law is a notoriously common ideology used by the state apparatus to restrict and control subjects within its jurisdiction. However, I am a body directly affected by this law. My partner and I were married on July 1st, 2008 in San José at the Santa Clara County Courthouse. Locating my body in this law carries a burden to answer the question: why me?

Proposition 8 was a constitutional amendment that bypassed the normal democratic process and was presented to the public for a vote by a special interest. Instead of receiving a thorough vetting by elected representatives and the governor, Proposition 8 needed a simple majority to be enacted into law. In fact, Proposition 8 successfully passed, because 7,001,084 bodies voted to restrict and control the rights of LGBTQ citizens. On the opposing side, 6,401,482 bodies voted to protect the rights of LGBTQ citizens (Bowen, 2008b). The Latino community made up “18%” of the votes in the case of Proposition 8, and it passed within the Chicana/o community by a margin of “53%”

Yes votes to “47%” No votes (CNN, 2008). Without the direct initiative process, it is unlikely that the California Marriage Protection Act would have become law, and “in 2008 approximately \$83 million was spent on Proposition 8” (Van Vechten, 2010, p. 25-26).

Why me? Throughout the direct initiative process, I was a newlywed trying to integrate the new roles of “husband,” “son-in-law,” and “brother-in-law” into my identity. I was finding my place in a new family, and I was making room for my husband in mine. Laws that are enacted through the direct initiative process no longer represent the interest of the people. These initiatives are fueled by special interests that use their immense funds to hijack the system. Elected representatives like Jerry Brown and Debra Bowen have little control over the process. Organizations in support of Proposition 8 could not have passed this discriminatory constitutional amendment through the normal legislative channels, so protectmarriage.com hired Andrew Pugno to craft the language that would eventually lead to my forced divorce. Although the California Supreme Court eventually ruled to protect my <marriage>, Proposition 8 forever changed the same-sex <marriage> debate.

Researching archival records placed emotional harm to my body. I found information from proponents of this law that spewed lies about my body. For example, Ron Prentice, Rosemarie Avila, and Bishop George McKinney in the California General Election Tuesday, November 4th, 2008 Official Voters Information Guide (Bowen, 2008a) wrote an argument for Proposition 8 that stated: “Proposition 8 DOES NOT take

away any of those rights and does not interfere with gays living the lifestyle they choose” (p. 56). However, I chose my husband. I paid nearly 10,000 dollars on a traditional ritual that would join our families. I had plans to start a family and have children with my husband, yet Prentice, Avila, and McKinney have the nerve to argue that Proposition 8 “protects our children from being taught in public schools that ‘same-sex marriage’ is the same as traditional marriage” (p. 56). This law affects my body directly and the future bodies I plan to bring into the world. Will my kids be safe in school? How is this not an interference? Grappling with these emotional topics was directly a result from this law’s attempt to restrain and control me. I cannot be a coffee shop activist who only talks about social justice and does not place his/her body on the line for social change. If you were me, would you?

Standing with my sign, shouting with my community, and fighting for my <marriage>, we are lined up on one-side of the street. In my private photos of proposition 8 protests, my little (at the time) middle-school brother’s sign “My Bro is Gay and its OK” smiles up at me beside my father’s body and my friends’ bodies. The signs of “No on 8 Separate is not Equal” and “Straight but NOT NARROW equality 4 all” join with “RESTABLECE la IGUALDAD de MATRIMONIO” to remind us all that our coalition extends beyond language, gender, race, and sexual orientation. Insulted by an anti-gay sign, we crossed the street (not to fight) but to envelope the lone protester. We were inspired when a lesbian couple with their son refused to let the man stand alone on the other side of the street with his hateful sign. We lined both sides of Santa Clara

street united yet divided in a tight multicolored fabric of anger, love, and sorrow. Will you join us in public? Or, will you privately curse my <Chicano>, <homosexual> <marriage> as an immoral to your <family values> around your kitchen table too?

I am afraid that you may not understand the stakes. I fear you will read my words, rip out my heart, and shit all over my life experiences. However, this is the price of identity work. I am an activist, but this is because my body is being restricted by the law in ways that I must resist. I am not a deviant; I stuff, lick, write, stamp, and send my wedding invitations just like you. My kisses may be more controversial, but I didn't make them this way--you did. My writing is not solely a presentation of my object of study, rationale for methodology, and statement of purpose; my writing represents me. It is the art of a raced (Chicano), queer body operating in a political system that wants me invisible. It wants me to "peck" you on the cheek and go back to my working-class neighborhood with the rest of the body class. It wants me to leave my race and sexuality at the door and squeeze into frames that were not made for my voice. Well, I say, break all the frames! When I write, I rip off my scabs and let the my wounds breath fresh air to heal. It is the Coyolxauqui imperative. It is an on-going process not a product.

This analysis is not over. The struggle continues across the country and the world. What about Question 1 in Maine? This referendum asked Maine residents to take away <marriage> rights won through the democratic process (i.e., state legislature voted and state governor approved), and by utilizing a similar strategy as in Proposition 8, this referendum was successful. What about New York? Although <marriage> rights were

won through the democratic process, there are now conservative groups mobilized to rescind these rights as well. In New Hampshire, <marriage> for LGBTQ couples is on the 2012 election ballot, and in Washington, a heartfelt press conference by a new ally, Governor Christine Gregoire, has ignited anti-gay fundraising. <Marriage> for LGBTQ couples, at the time of this thesis, is at a grand total of six territories out of fifty, but as activists, we cannot just move to the next state because we have to spend time, energy, and treasure defending battlegrounds already won with considerable costs already. Additionally, there is federal legislation moving through the U.S. Senate called the Respect of Marriage Act (R.O.M.A.) that would set a new federal definition of <marriage>. Is this where we should place our hopes? I am searching for a way to end this study without ending it. I want you to see the story continuing for me and other LGBTQ couples like me. Our struggle doesn't end just because this text ends. We are still struggling in the repertoire. Can you see us fighting? Crying? What are you going to do to help? How will you (re)define <marriage>?

## Chapter Five: <Marriage> as Metaphors in the Tradition of the Shaman

Rather than attempt to definitively explain what <marriage> should be, this thesis utilizes what Anzaldúa calls a shaman aesthetic to offer new conceptions of <marriage> to cure the “paralyzing states of confusion, depression, anxiety, and powerlessness” within the LGBTQ and Chicano civil rights movements, so “we are catapulted into enabling states of confidence and inner strength” (Keating, 2009, p. 122). A reparative theory may appear weak in comparison to a stronger theory that aims to establish broad claims. However, Eve Kosofsky Sedgwick (2002) explains that strong theory is problematic because the force has a powerful reductive range and can make tautological thinking hard to identify, even as it makes it compelling and near inevitable; the result is that both writers and readers misrecognize whether and where real conceptual work is getting done, and precisely what that work might be (p. 136). For example, in <marriage> as a heteronormative process, Michael Warner’s (1999) article “Normal and Normaller: Beyond Gay Marriage” and in his book *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* are reviewed to construct a vision of <marriage> as a public policy unworthy of LGBTQ politics. His work on normalization and shame continues to be the pre-eminent point of entry and burden to all queer scholars engaging in <marriage> studies.

However, a “reparative impulse, on the other hand, is additive and accretive. Its fear, a realistic one, is that the culture surrounding it is inadequate or inimical to its nurture; it wants to assemble and confer plenitude on an object that will then have

resources to offer to an inchoate self” (Sedgwick, 2002, p. 147). In other words, a theory that seeks to repair engages <marriage> from multiple perspectives to offer resistance for multiple selves. For example, in <marriage> as raced, I offer a *nepantla* lens to interrupt Warner’s top-down and Grindstaff’s bottom-up constructions of <marriage> to open up the institution as an intersectional hegemonic power structure. This move is meant to move beyond the framings of identity and morality that have locked LGBTQ politics from contextual battlefield to battlefield with the Christian Right. It is from the spaces between and betwixt that this thesis enters the conversation on <marriage>. However, in order to observe <marriage> as an intersectional hegemonic power structure, I needed a method capable of moving beyond text and into the realm of bodies.

This project focused on merging an ideographic analysis with autohistoria to construct a critique of <marriage> that shows both the possibilities for resistance to heteronormativity and the shortcomings of current <marriage> equality campaigns. An ideographic analysis of my <marriage> placed the archive and repertoire into juxtaposition to offer moments of resistance where Warner (1999b) sees none. For instance, in <marriage> as an autohistoria, I explain how autobiographical performance and performative writing blend genres of writing in text that are typically kept separate by western notions of knowledge. Autohistoria is a technique created by queer Chicana feminists that operates as a live political document to offer resistance through “theories in the flesh.” These enfleshed theories are “where the physical realities of our lives--our skin color, the land or concrete we grew up on, our sexual longing--all fuse to create a



politic born out of necessity” (Anzaldúa and Moraga in Calafell, 2007, p. 7) and are capable of pushing back on the status quo stories that are often privileged over all others. By extending Grindstaff’s (2003) work on a performative conception of ideographs, this thesis tracked <marriage> using Diana Taylor’s (2003) conception of an archive and the repertoire in the law and everyday life. This method breaks up (like Coyolxauhqui) Warner’s critique of <marriage> because it allows a rhetor to analyze a constellation of chronological (i.e., diachronic) and in the moment (i.e., synchronic) definitional clashes, congruencies, and paradoxes to highlight agency. Ideographs have the potential to break up binary thinking and therefore open up possibilities for resistance.

Throughout this thesis, I engaged *mestizaje* by utilizing metaphors in the tradition of the shaman. *Mestizaje* is a term utilized by queer Chicana feminists to theorize on/from/with ambiguity (Anzaldúa, 1987; Keating, 2009; Calafell, 2007). Although I stop short of declaring myself a shaman, “I do” want to engage <marriage> utilizing the queerness of the shaman to empower this dialogue. “In non-literate societies, the shaman and the poet were the same person. The role of the shaman is, as it was then, to preserve and create cultural or group identity by mediating between the cultural heritage of the past and the present everyday situations people find themselves in” (Keating, 2009, p. 121). As a mestizo (mixed-blood), my body has a biological connection to many races. For example, my chest and face do not grow hair like many of the indigenous bodies of Latin America. However, I am part African-American on my father’s side and part English and Dutch on my mother’s side (both sides carry the brownness of the Mexican

nation). <Chicano> as an identity allows me to be all and/or none of these mixed histories without judgment. It is a position capable of utilizing ambiguity as a political position and a mode of queer resistance to structures of power.

Gloria Anzaldúa describes this queer perspective as a “shaman aesthetic.” A shaman aesthetic charges a poet-shaman with the career of identifying “illness” or “sickness” in a culture or a body in terms of “disinformation/misinformation” in the form of metaphors. For example, “*all Mexicans are lazy and shiftless* is an example of a metaphor that resists change. This metaphor has endured as fact even though we all know it is a lie. It will endure until we replace it with a new metaphor, one that we believe in both consciously and unconsciously” (Keating, 2009, p. 122). By blending writing genres and utilizing rapid switching of voice and audience, I created a performative aesthetic on the page that is meant to invoke the queerness of the shaman. The responsibility of the poet-shaman is to “cure” the disease by removing the old dead metaphors (dis-indoctrination) or adding what is lacking, such as restoring balance and/or strengthening the physical, mental, emotional states of a person (Keating, 2009, p. 122). As a writer, I have the ability to heal my culture(s) through this methodology. For instance in my autohistoria, I utilized the metaphors for <marriage> as LGBTQ politics and as a civil right to underscore how powerful the link between <marriage> and the LGBTQ community has become. By offering <marriage> as an autohistoria, my goal is not to convince you of one definition rather than another, but to present metaphors like

the shaman that allow you (the reader) to locate yourself within the complex hegemonic structure of <marriage>.

This emphasis on our interconnectedness encourages an analysis where readers explore how they identify, cross-identify, and/or disidentify with <marriage>; the act of disidentification is a mode of queer resistance. For instance, in <marriage> as a wedding, I move between common scenarios of wedding alongside the public and private repertoires of my own <marriage> to show how my partner and I navigated the scenes of our wedding. Thus, autohistoria utilizes the writer-text-reader relationship to bring the reader into a *nepantla* state, so she/he can explore her/his identity with the writer to move from fragmentation to wholeness and leave *nepantla* with a new identity and subsequently new repertoires to engage themselves, their communities, and the world. “If we’ve done our job well we may give others access to a language and images with which they can articulate/express pain, confusion, joy, and other experiences thus far experienced only on an inarticulated emotional level” (Keating, 2009, p. 122).

Those (like myself) in a state-sanctioned <marriage> now have the room to resist these systems because <marriage> is an ideograph not an ideology. This method escapes the trap of identity politics, because it utilizes *nepantla* to engage <marriage> as raced. The goal of an autohistoria is to highlight our differences yet never lose sight of our unbreakable connections to each other; this is a coalitional politics that encourages active participation with the document. For example, my history with <marriage> has injured me, divided my community, and fractured my nation and my world. In <marriage> as a dissolution, I track <marriage> at the national and state level through DOMA and Mini-

DOMA legislation that effectively weakened the LGBTQ movement by dispersing the legislative and judicial power to define <marriage> across all fifty states. This dispersal mirrored my own parents' <marriage> dissolution, which weakened the power of *mi familia* and therefore our combined ability to resist dominant power structures. Don't you (the reader) have an investment in this painful dissolution? Aren't you also a part of this imbalance and indoctrination?

As a queer Chicano feminist, I draw epistemological strength from queer Chicana feminist literature. For example, rather than position this work in a politics of identity or morality, I choose to frame this work in what Aimee Carrillo Rowe, a Chicana feminist lesbian operating in communication studies, terms a "politics of relation." Carrillo Rowe (2009) extends work by Gloria Anzaldúa to define a politics of relation as a politics that "calls us to hold ourselves accountable for the power we have, points us toward an accounting of the often overlooked exploitative sources of that power, and compels us to think about our interrelationship with the earth and all other beings" (p. 25). In other words, I am a coalitional subject marked by my location (e.g., framings of <marriage> created/maintained prior to my coming into this location) yet constituted through the relations in which I belong (e.g., my conception of <marriage> was constructed by the subjects in which I interact with).

<Marriage> can be conceptualized as a politics of relation. It is capable of destroying any bridge to an Other and yet can create bridges that can never be broken. Even in divorce, <marriage> continues to hold us within the political, cultural, and social apparatus. It effects future generations and contains ideological constructions of

<marriage> passed down from past generations (in the archive and the repertoire). “The point is to become mindful of the political alignments to which we are committing ourselves, often without our awareness, even as we remain grounded in and accountable to those growing-up places, those ancestral lines which we cannot just set down because we carry them on our backs” (Carrillo Rowe, 2009, p. 26). Identity, thus, is not simply external but also internal, and to participate in a politics of relation means being mindful of both as well as the tension/relation between the two; the act of mindfulness and reflexivity involves both morality and identity politics. An autohistoria, by presenting itself as a piece of Art, participates politically and in the creation of an autohistoria, the writer/artist uses their body/emotions to access the spirit to present a work that attempts to bring the reader into the space (in)between--*nepantla*.

Ideographs can be utilized as a reparative theory to heal wounds because they disperse the power of an ideology. Instead of drawing a hard line in the sand or creating strong theory that seeks to replace one ideology with another, an ideographic analysis utilizing autohistoria (in the tradition of the shaman) applies multiple metaphors to an ideology. Some overtly display the power of the structure (such as in <marriage> as activism), others display covert resistances (such as in <marriage> as an archive and repertoire), and still more connect to aspects of the human condition obscured by theory, tradition, and entrenched power interests. In this thesis, instead of getting back into old and dated arguments about pro or con, morality or identity, I encourage you to pick a metaphor and dialogue with those you share a relation with then pick another and delve

deeply into its contents then pick another and apply still more metaphors to it. As a politics of relation there are multiple ways to build bridges to <marriage> but only if you are willing to engage <marriage> as an intersectional hegemonic power structure.

It is my greatest hope that this thesis not speak for you but speaks to you. A theme of Chicana feminist literature is that a Chicana feminist does not seek approval, acceptance, or intellectual legitimacy from exterior sources (Davalos, 2008, p. 155). A Chicana feminist writes “*sin vergüenza*/without shame,” and she “employ[s] a bold language and stance that does not anticipate or reproduce social codes and norms. Chicana feminist thought waits for no one” (Davalos, 2008, p. 155-156). It is risky to strip down your body and bare your soul to a reader. For instance, this document will exist in the archive for any who are street-wise or privileged enough in the repertoire to access it. As long as this university stands on this patch of floodplain beside this Guadalupe River that empties into this San Francisco bay, you will find me here waiting. Knowing that I wrote this without shame is essential to understanding my performance choices and my tone of writing.

For instance, this work is not an autoethnography but an autohistoria, and an important take away from this work is that an autohistorian must acknowledge their privileges. It is not enough to narrate your stories or tell your truth, but you must critically evaluate the ways in which you operate structurally and culturally within the world. In my case, I am male and able-bodied, and these privileges have allowed me to write this autohistoria in this particular way in this particular time and space. If an

autohistorian is not evaluating her or his privileges, then the work is an autoethnography with a history of oppression that falls into the trap of western forms of knowledge. To do the work of autohistoria, a rhetor must embody her/his emotions and access the body to build coalitional connections to others. It is about telling a cultural history of oppression and resistance through a particular context and/or subjectivity and not about telling a story simply for the sake of telling a story. This is different from autoethnography because it is a relational politic not a politic of individuality.

As a relational politic, autohistoria asks a rhetor to embody their emotions and experiences *sin vergüenza*. In this autohistoria, I have shared personal and private moments that may put my body at risk, but I do so to immerse you (the reader) in a different world not to exclude you but to invite you into a space that you have always already been a part of. Although I am afraid of my future (who knows what will happen to my body), I cannot shy away from telling my truth because I do so to connect us together in this struggle for social justice. An autohistorian analyzes and writes to show our shared culture and our shared responsibilities, and with my history, I show our commonalities both negative and positive. Emotions, spirituality, secrets, and unasked for yet given privileges are ways in which we can connect on the page.

Finally, the pages of my autohistoria did not begin in chapter four but from the moment you read my dedications. Metaphors in the tradition of the shaman have been deployed in my throughout this document to help tweeze apart <marriage> yet make it more complex to better reflect the human spirit behind this powerful intersectional

hegemonic power structure. It is not that following western ways of organizing a thesis are lacking in knowledge, but it is about privileging a different type of knowledge that often gets subjugated to the margins. By utilizing Chicana feminist literature, critical race theory, queer theory, and whiteness studies, this work is trying to create an affective response within the reader and break out of the constraints that have stalled dialogue surrounding this powerful structural-cultural phenomenon known as <marriage>. I could not have done it without you, and I encourage the reader to not let this document die. Engage the metaphors and discover your own self and our shared culture(s) within <marriage>. If you were to take away anything from this document on <marriage>, it is this: we are in this together. Although the study of ideographs uncovers the instability of harmful metaphors and their exploitation/agency in the archive and the repertoire, we are in need of new metaphors that can enable social change or social justice between and betwixt the cracks. What metaphors can we create together? How/will we (re)define <marriage> for the next generation of humanity?



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## Footnotes

<sup>1</sup> In the aftermath of *Baehr v. Lewin* and DOMA, the Vermont Supreme Court issued a courageous decision in *Baker v. State* reigniting the <marriage> debate at the turn of the century. In *Baker v. State*, three same-sex couples in committed relationships ranging from 4 to 25 years (e.g., two couples had even raised children together) “applied for a marriage license from their respective town clerk, and each was refused a license as ineligible under the applicable state marriage laws” (744 A.2d 864 (Vt. 1999)). In this court case, the Vermont Supreme Court held that the state constitution required that same-sex couples be afforded equal benefits and protections” (Strasser, 2002, p. x) and instructed the Vermont legislature to fix this inequity. However, instead of permitting “same-sex couples to marry, it decided...to create a separate status for same-sex couples,” (Strasser, 2002, p. xi) or civil unions.

<sup>2</sup> In 2004, Massachusetts became the first state in the union to issue <marriage> licenses to LGBTQ couples. In *Goodridge v. Department of Public Health*, same-sex couples attempting to secure <marriage> licenses were denied, so the couples filed action claiming that this policy and practice violated numerous provisions of the state constitution. The Massachusetts Supreme Court agreed: “The question before us is whether, consistent with the Massachusetts Constitution, the Commonwealth may deny the protections, benefits, and obligations conferred by civil marriage to two individuals of the same sex who wish to marry. We conclude that it may not” (798 N.E.2d 941 (Mass. 2003)). Additionally, the court did not leave open the possibility of adopting civil unions like in Vermont. “The Massachusetts Constitution affirms the dignity and equality of all individuals. It forbids the creation of second-class citizens” (798 N.E.2d 941 (Mass. 2003)). Subsequently, Massachusetts became the first state in the nation to (re)define <marriage> for LGBTQ couples. This ruling came out on November 18th, 2003 right in the middle of the 2004 Presidential Election season. <Marriage> for LGBTQ couples became a wedge-issue that divided the country.