

R 5/17 Same-Sex Marriage: Living an Ethos?

- Mark Blasius, "An Ethos of Lesbian and Gay Existence," *Political Theory* v.20, #4 (1992), p. 642-71
 1. What is heterosexism? How is it related to "compulsory heterosexuality"?
 2. What is an ethos, according to Blasius?
 3. Why does Blasius want to talk about an *ethos* of lesbian and gay existence, instead of "sexual preference or orientation," "life-style," "culture," or "community," for example?
 4. What is "coming out," according to Blasius? How is it important for an ethos of lesbian and gay existence?
 5. Why is "coming out... the fundamental political act"?
 6. How is this ethos "a condition of possibility for politics"?

T 5/22 Same-Sex Marriage: Political Identities

- Lisa Duggan, "Queering the State" *Social Text*, No. 39. (Summer, 1994), pp. 1-14 and *Sex Wars*, pp. 179-93.
 1. What is the "language gap" that Duggan discusses, and why is it important?
 2. What three critiques of "identity politics," emerging from queer studies, does Duggan discuss?
 3. What are the difficulties of trying to "represent our political concerns in public discourse," according to Duggan?
 4. What is "strategic essentialism" and why does Duggan reject it?
 5. What is the "neutral" state presumption of campaigns such as "No Promo Homo" or "No Special Rights"? How is this a false presumption?
 6. Why does Duggan find the religion analogy helpful for dealing with neutral-state presumptions, and as a basis for politics?
 7. What arguments linking sexual difference to dissent does Duggan make?
- Alison Beck, "Taking the Long View: Reflections on the Road to Marriage Equality" *Berkeley Journal of Gender, Law and Justice* 2005, Vol. 20, p50-55
 1. How does Beck describe her marriage(s)?
 2. How has religion been involved in debates about marriage?
 3. How does Beck suggest the debate on "moral values" be reframed?
 4. How does Beck suggest that religion *should* be involved in debates about marriage? Why?

R 5/24 Same -Sex Marriage: Judicial Openings?

- William N. Eskridge and Nan D. Hunter, *Sexuality, Gender and the Law:*
excerpt from: *Bowers v. Hardwick*
excerpt from: *Lawrence v. Texas*
excerpt from: *Baker v. Vermont*
 1. What arguments does each Court give for each decision?
 2. How do the arguments in these three cases contradict each other, overlap, or relate to each other?
- Jon Kyl, "Judicial Activism Forces Same-Sex Marriage on the Nation," *Defense of Marriage: Does it Need Defending?*, 71-77
 1. How does Kyl define "judicial activism"? Why is he concerned about it?
 2. Why did the Massachusetts Supreme Court reject the Massachusetts Senate's civil unions legislation?

T 5/29 Same -Sex Marriage: Constitutional Issues

- Gerstmann, Evan p.73-111 from *Same-Sex Marriage and the Constitution*
 1. What kind of right was marriage throughout the nineteenth century? What does this mean?
 2. Describe the decision, and the significance for same-sex marriage, of *Loving v. Virginia*.
 3. What cases does Gerstmann cite as most relevant to the constitutionality of same-sex marriage?
 4. What arguments against same-sex marriage does Gerstmann present? What counter-arguments does he offer?
- Linda Silberman, "Same-Sex Marriage: Refining the Conflict of Laws Analysis," *University of Pennsylvania Law Review* 2005, v.153, 2195-2214
 1. What other situations provoked "similar conflict-of-laws issues" (2197)?
 2. What three scenarios does Silberman present of potential conflicts that arise because of variations in state laws concerning same-sex marriage?
 3. What is Silberman's proposed solution to conflict of laws concerning same-sex marriage?

R 5/31 Same-Sex Marriage: Privacy's Theoretical Promise? & Freedom, Political and Sexual

- Morris B. Kaplan, "Intimacy and Equality: The Question of Lesbian and Gay Marriage," *Playing With Fire: Queer Politics, Queer Theories*, ed. Shane Phelan, 201-230
 1. According to Kaplan, why is it that "full equality for lesbian and gay citizens requires access to the legal and social recognition of our intimate associations"?
 2. What two kinds of claims have historically been made by proponents of lesbian and gay rights? What role does the state play in each of them?
 3. What newer (kind of) claims are emerging? What role does the state play?
 4. What was the basis of the decision in *Baehr v. Lewin*?
 5. What is distinct about "the institution of marriage in modern societies"? What privileges does marriage entail?
 6. What tensions are there around privacy rights and the family?
 7. How are rights of association related to privacy rights?
 8. What is significant about the restriction of the Supreme Court's decision in *Bowers* to *homosexual sodomy*?
 9. What is the (individual, not Constitutional) basis of Blackmun's "Freedom of intimate association"? How does he define "family values"?
 10. What argument by analogy relates *Loving v. Virginia* to same-sex marriage? In what ways does Kaplan agree with and/or contest this argument?
 11. What does Kaplan say lesbians and gays are ultimately seeking from the state?
- Califia, Patrick Gay Marriage," *Speaking Sex to Power: The Politics of Queer Sex*, 33-40
 1. How does Califia describe the same-sex marriage ceremony he attended?
 2. Why would "same-sex couples... adopt the assumptions and the form of heterosexual marriage"?
 3. Why does Califia worry about this adoption?
 4. Why do we need to "start looking at our own sexual discomfort and prejudice"?