

**Marriage Equality Movements in Advanced Industrialized Democracies**  
**March 30-April 1, 2017**  
**University of Pittsburgh**

**Abstracts of Conference Papers**

**A. Panel 1: Backlash to LGBT Rights, Far Right Parties, and Opposition Movements**

Discussant: Dr. Ellen Andersen (University of Vermont)

1. Transnational Geographies of Intransigence: Interrogating Resistance to Marriage Equality in Advanced Industrialized Democracies

Paper Authors: Dr. Catherine Nash (Brock University), Dr. Andrew Gorman-Murray (University of Western Sydney), and Dr. Kath Browne (University of Brighton)

Paper Presenter: Dr. Catherine Nash (Brock University)

Abstract: This paper focuses on the emergence and development of the myriad strategies and tactics deployed by oppositional groups to resist the implementation of marriage equality in Canada (July 2005), Great Britain (December 2014) and Australia (in which it remains an issue of national debate). We argue that while recent scholarship focuses on LGBT activism on marriage equalities and related LGBT issues including work on homonormativities and exclusions, organized resistance to LGBT equalities is on the rise making it increasingly important to understand and counter these resistances. Using empirical examples from Canada, Great Britain, and Australia, we employ a transnational approach considering the interconnected flows of discourses, norms, values, ideas, people, money and associations that constitute unstable and emergent resistances to LGBT equalities across distinctive histories and geographies. We focus on those resistive discourses that are moving away from objections grounded in the personal attributes (or failings) of LGBT people and their families and towards more ideological and foundational/structural arguments about religious freedom, parental rights, and freedom of speech. We assert that this shift in the framing of these resistances works to undermine LGBT strategies grounded in ‘humanizing’ LGBT people and families, and requires a radical reworking of LGBT activism to refute these new resistances. While it is important we consider the impact of marriage equality on the future of LGBT activism, it is equally clear that we need to develop cogent and robust arguments to counter growing transnational conservative and religious oppositions.

2. Post-Materialism in a Post-Marriage Equality World: Exploring the Resurgence of Rightwing Populist Parties in Europe

Paper Author: Dr. Scott Siegel (San Francisco State University)

Abstract: Since the end of World War II, the dominant political cleavage in advanced industrialized states was over levels of economic redistribution. The Left advocated for higher taxes and greater job security, while the Right argued for lower taxes and less state regulation. However, since the creation of the social welfare state and the establishment of a certain baseline of individual wealth and economic security, post-materialist issues began to replace materialist ones as the dimension around which political parties compete. Among those issues is social and legal equality for LGBT communities. As a result, to borrow from discussions over US politics, “cultural” or “identity” politics has begun to replace class as the focal point over which electoral and party competition

happens. In this chapter, I argue that debate over same-sex marriage (SSM) has contributed to a growing “identity-based” politics in Europe, which has further weakened the traditional Left/Right political spectrum and from which some political parties have benefitted more than others. In particular, debates over marriage equality, whether just approved or rejected in a country, have helped small political parties capture voters from larger, more established ones, rally constituents who have intense preferences over this issues, and led to a new coalition of active interest groups and political parties. Rightwing populist parties (RWP) have been the primary beneficiaries of this process, while Leftist ones less so. The ability of RWP to use gay marriage as an effective rallying tool depends partly on the nature of the electoral system and the existing ideological distance between the main Center-Left and Center-Right parties on cultural issues. Most alarming, we now observe this across Europe, whether in poor or wealthy European countries. These findings have implications for not only the future of LGBT equality in countries where it is lacking, but also whether there will be a rollback in other countries where there has been much progress.

### 3. The Fateful Faithful?: LGBTI Rights and the Growth of the Christian Right in the European Union

Paper Author: Martijn Mos (Cornell University)

Abstract: The European Union (EU) is often rightly described as a promoter and guarantor of the human rights of sexual minorities or LGBTI people. Yet, this paper argues that we should be wary of looking at the Union through rose-tinted glasses. The advances concerning sexual minority rights have produced a backlash that is intensifying: drawing on interviews with civil-society representatives and MEPs, I document the growth of a network of Christian Right organizations working both at the EU-level and in individual member states, which seek to rein in the rights of LGBTI people and to bolster their vision of a Christian Europe with the traditional family as its cornerstone. In order to make sense of this rise of the Christian Right, this paper argues that the fundamental values of the European Union have at once a constraining and an enabling impact on the work of these organizations. On the one hand, they are able to use the ambiguous nature of these values to their advantage by framing their demands as logical extensions of normative principles such as ‘human dignity’ and ‘freedom of religion,’ portraying themselves as working in the true spirit of European integration. On the other hand, the Union’s values present the Christian Right with a limited range of options. First, they restrict the language that is available to anti-LGBTI forces. The Christian Right has to accept the EU lingo of fundamental rights and values. Homophobic statements thus give way to legalistic arguments concerning subsidiarity and normative language regarding the rights of the family and the child. Second, the Christian Right lacks official access to policymakers and therefore operates primarily through personal contacts and behind-the-scenes

lobbying. As efforts to exclusively define marriage in heteronormative terms and to ban adoption by same-sex couples across various member states – and even at the European level – indicate, however, this innocent profile should not be mistaken for weakness; the growth of the Christian Right can have fateful consequences for LGBTI rights in the European Union.

### 4. “We Do Not Want Marriage. We Simply Want Acceptance:” Examining the Impact of Same-Sex Relationship Diffusion on LGBTI Rights in Sub-Saharan Africa

Paper Author: Erin Aylward (University of Toronto)

Abstract: The diffusion of same-sex relationship policies around the world pose a complex challenge for advocates of LGBTI rights in Sub-Saharan Africa. While these advocates generally avoid relationship rights and instead focus on issues like the criminalization of homosexual acts, the arbitrary detention of LGBTI persons, extrajudicial violence facing LGBTI persons and discrimination in accessing public services, their opponents and mainstream news publications often discredit their advocacy by falsely conflating these aforementioned LGBTI rights issues with same-sex relationship rights. In this paper, I examine how the advance of same-sex relationship rights in foreign countries has influenced the framing and reception of LGBTI rights in Ghana, Kenya and Zimbabwe. Drawing on local media coverage from 2013-2016, I demonstrate how religious figures, political leaders and journalists regularly conflated LGBTI advocates' rights concerns with "homosexual marriage." This conflation produced two inter-related effects: LGBTI advocates' actual demands were misrepresented and therefore compromised. Further, advocates' own integrity was frequently undermined in the process. These effects are particularly pronounced in Kenya and Zimbabwe, where LGBTI organizing has been more visible and hence LGBTI concerns are more salient. I also argue that the conflation of LGBTI rights with marriage is most apparent in Zimbabwe due in part to limitations on press freedoms and also to the government's strategic leveraging of homophobia for political gain.

## **B. Panel 2: Marriage Equality and LGBT Rights Activism**

Discussant: Dr. Melissa R. Michelson (Menlo College)

### 1. Defining Marriage in Neutral Terms: How and Why Interest Groups Used Marriage to Challenge Stigmas Directed at Gay Men and Lesbians in the early 2000s

Paper Author: Dr. Zein Murib (Fordham University)

Abstract: Political Scientists and political commentators speculate that marriage equality was made a priority by national LGBT interest groups in response to developments in the early 2000s that pushed marriage on the agenda, including the Supreme Court's *Lawrence v Texas* decision in 2003 and the 2006 introduction of the Federal Marriage Amendment. While these (and many other) political and social factors most likely shaped the political agendas put forth by national LGBT interest groups, very little is known about what interest group leaders were saying about marriage behind closed doors and how they negotiated a coordinated effort to advance marriage equality and resist antimarriage ballot initiatives across the states. This paper uses the archived transcripts of the National Policy Roundtables, where political actors from various LGBT interest groups and social movements in the late 1990s and early 2000s convened, to explore how and why marriage became a political priority for national LGBT interest groups. It shows that while most political actors agreed that marriage was not the most pressing issue faced by LGBT people, many others saw it as a unique opportunity to change stigmas directed at gay men and lesbians by arguing that they, too, only want to form loving and enduring marriages. The subsequent elevation of marriage equality by national interest groups consequently directed attention away from other political goals that contradicted this assimilationist political strategy, most notably ensuring access to updated state

documents for people who are transgender or fighting to end the deportation of LGBT people who are undocumented. This paper concludes by arguing that enduring anxieties about marriage, particularly in response to legislation purporting to protect religious freedoms, advances assimilation at the cost of political objectives that would benefit the most marginalized members of the LGBT group.

## 2. Marriage Equality and LGBT Activism: Exploring Multi-Issue Activism of Marriage Equality Protesters at the U.S. Supreme Court

Paper Author: Dr. Helma G. E. de Vries-Jordan (University of Pittsburgh at Bradford)

Abstract: Has marriage equality activism facilitated or limited the mobilization for LGBTQIA rights? Queer critiques of the marriage equality movement have suggested that it has inhibited LGBT activism concerning related issues, while other scholars have suggested that these types of activism are inter-related and that such linkages can be mutually beneficial. I examine the linkage between involvement in previous protests concerning marriage equality, LGBTQIA rights, human rights, and gender equality and seek to contribute to the literature which has argued that the relationship between marriage equality and related forms of activism can be more symbiotic. Marriage equality demonstrators at the rallies targeting the March 2013 U.S. Supreme Court hearings regarding same-sex marriage were surveyed about their multi-issue activism using on-site and online questionnaires. This chapter explores whether involvement in LGBT or marriage equality social movement organizations, identifying as LGBTQIA, being in a same-sex relationship, being personally impacted or having a family member impacted by the legalization of same-sex marriage, or having contact with LGBTQIA family members, friends, or colleagues serves as a conduit for multi-issue activism concerning marriage equality, LGBT rights, human rights, and gender equality. As many participants had indeed been involved in past cross-issue activism, and similar predictors increase the likelihood of past protest concerning several of these issues, similar causal mechanisms appear to be at play. Hence, I advance the argument that same-sex marriage and marriage equality activism in the United States has generally had a positive impact on mobilization for LGBTQIA rights and other related issues. Moreover, the marriage equality movement has the potential to continue having a positive effect on advocacy for related LGBT rights, provided that steps are taken to use the networks and resources created for marriage equality to highlight other issues that need to be addressed and remobilize activists for those issues.

## 3. Beyond Marriage: The Missing Movement for Alternatives to Marriage in the U.S.

Paper Author: Dr. Mary Bernstein (University of Connecticut)

Abstract: A mainstay of social movements research involves explaining why social movements emerge when they do, a sometimes tautological endeavor that involves examining when a movement has emerged, identifying proximate historical factors, and declaring them causal. Almost entirely neglected is the issue of why some causes do not generate social movements. Scholars of lesbian, gay, bisexual, and transgender (LGBT) social movements in the U.S. have long noted the intra-movement conflict between pursuing the right of same-sex couples to marry versus pursuing legal recognition of alternatives to marriage, as queer critics of marriage want. Such alternative statuses, for both heterosexual and same-sex couples exist in many European countries as well as in Australia and Canada. Yet why has there been little activism to pursue other types of legal recognition for cohabiters or other constellations of family relationships? In this

paper, I examine the Connecticut case of the “Scarborough 11,” a self-declared family consisting of three couples and their children and two single people. The Scarborough 11, as the press called them, was charged by neighbors and the City of Hartford with violating zoning laws in their neighborhood of mansions that allow only two unrelated people to live in a single family house, regardless of its size. I analyze the case of the Scarborough 11 to theorize why such efforts to broaden the definition of family have not generated a social movement, especially in light of queer challenges to the marriage equality movement. I build on identity theory in social movements to explain the absence of a broad social movement advocating alternatives to marriage in the U.S.

#### 4. Trumping LGBTQ Rights?

Paper Author: Dr. Ellen Andersen (University of Vermont)

Abstract: Social movements do not operate in a vacuum. They work within specific political contexts, which shape their ability to effect their desired goals. Social movement scholars refer to this political context as the political opportunity structure (POS). One important aspect of POS is the configuration of elites with respect to relevant issues and relevant challengers. Elites here refers to actors who are in a position to exert some control over a particular policy domain. Importantly, policy domains are usually governed by multiple elites who may or may not agree with each other. When elites are united in opposition to a particular social movement claim, movements have little chance to effect positive change and are often forced to play defense. When elites are more open to movement claims, the ability of social movements to secure particular goals increase dramatically. I argue in this chapter that the 2016 elections signal a significant shift in the political context surrounding LGBTQ rights, particularly with respect to the configuration of policy elites. The civil rights of LGBTQ people expanded significantly during the Obama administration, in no small part because of actions taken by executive branch actors. The Social Security Administration simplified the procedures for changing gender markers in Social Security records, for example. The Health and Human Services Department revised its funding criteria to require that sex education programs be inclusive of LGBTQ youth. The Departments of Education and Justice directed schools to give gender identity the same Title IX protection as sex. And the list goes on. The election of Donald Trump puts many of these gains at risk. Many of President Trump’s executive branch appointees have significant records of opposing LGBTQ rights. The Trump administration, should it choose to do so, will have the opportunity to undo many of the legal gains made by LGBTQ people during the past eight years and to generate its own legacy of opposition to LGBTQ rights. What this means is that LGBT rights activists will rapidly need to shift to playing defense, after years of operating within a generally favorable policy environment. Yet there are grounds for believing that LGBTQ people will be able to hold on to at least some of the gains they have made under the Obama administration. This chapter examines the likely shifts in the political context surrounding LGBTQ rights at the federal level and details the new challenges facing LGBT rights activists.

### **C. Panel 3: International Organizations, International versus Domestic Law, and LGBT Rights**

Discussant: Dr. Scott Siegel (San Francisco State University)

### 1. Critical States and Normative Contestation: Western States, Sexual Orientation and Gender Identity, and the UN Human Rights Council

Paper Author: Dr. M. Joel Voss (University of Toledo)

Abstract: The UN Human Rights Council is a highly contested normative space where [potential norms] must compete with other norms and perceptions of interest. The advancement of SOGI norms at the Human Rights Council is perhaps the most striking example of normative development and contestation in decades. So-called “critical states” are pivotal to the success (or failure) of competing norms. This paper seeks to trace the role of Western liberal democracies in the advancement of SOGI norms at the UN HRC. Process tracing, including 40 elite-level semi-structured interviews, archival documents, and participant observation are the primary methods used in order to gain a more nuanced understanding of the decision-making and strategies of states regarding SOGI in Geneva. The paper finds that Western liberal democracies are critical states but support for SOGI is mutable based on domestic laws and norms. Further, strategies employed by Western states and its agents are doing little to change the positions of counter-SOGI states. Therefore, although SOGI has advanced recently at the UN HRC, these advancements are weak and subject to change based on the domestic laws of states and the membership patterns of the Council.

### 2. Far From Heaven: Marriage Equality as a (Non)issue in EU Foreign Relations

Paper Author: Dr. Markus Thiel (Florida International University)

Abstract: The EU is a major player on the international stage. In recent years, it has stepped up to take a global stance on promoting human rights in the same way that EU laws require certain standards of human rights conditions to combat gender and sexuality discrimination in all its member states. This extends to respecting LGBTI rights, which the EU has made a priority for all countries who want to form formal trade agreements or receive EU aid. EU LGBTI rights promotion norms and policies have led to conflict, e.g. in a number of African nations or in the EU’s Eastern neighborhood. This makes it harder for the Union to exert international influence, particularly if it aims to be seen as a model for others. In this paper, I investigate the near absence of marriage equality propositions in the EU’s international LGBT rights advocacy, and argue that the relative difficult social and cultural contexts in many partner countries makes such an argument more difficult to sustain. Hence, the Union prefers a broader push for universal LGBT rights under the human rights umbrella. Such advocacy, however, is still politicizing the issue and LGBT individuals, and makes it easier for opponents to create a normative counternarrative.

### 3. Going to the Chapel: Determinants of Partnership Recognition Policies

Paper Author: Dr. Megan Osterbur (Xavier University of Louisiana)

Abstract: The adoption of marriage equality across advanced industrialized democracies has been regarded as victorious culmination of the efforts of the LGBT movement, yet the timing of these victories have not been a simple linear relationship to movement strength. Partnership recognition is shown to be a function not only of the social movement resources, operationalized as the number of national LGBT organizations in a state, but also vulnerable to political contexts which may propel or impede the development of equal rights in the form marriage equality. Policies ranging from the recognition of informal cohabitation of same-sex partners to full marriage equality are more likely to develop when the women’s representation in parliament increases and

creates a more open political opportunity structure. Using a database of domestic national LGBT organizations across 30 countries from 1978, the year prior to the Netherlands' adoption of the Law of June 21, 1979 providing recognition of cohabitating same-gender partners, through 2016 and the Quality of Government data, I examine how formal and informal institutions accelerated or impeded LGBT mobilization for marriage equality.

#### 4. Hegemonic Marriage: Lessons from the Collision of “Transformative” Same-Sex Marriage with Reactionary Tax Laws

Paper Author: Professor Anthony Infanti (University of Pittsburgh)

Abstract: Before there was a culture war in the United States over same-sex marriage, there was a battle between opponents and proponents of same-sex marriage within the LGBT community. LGBT proponents of same-sex marriage saw marriage as a civil rights issue and lauded the transformative potential of same-sex marriage, contending that it could help to refashion marriage into something new, better, and less patriarchal. Opponents, however, feared the hegemony of heterosexual marriage in the United States and argued that same-sex marriage would not transform American society at all. This paper looks back at that debate through the lens of the federal tax definition of “marriage” before and after the U.S. Supreme Court’s decisions in *United States v. Windsor* and *Obergefell v. Hodges*. These two decisions brought legal recognition of same-sex marriage to the federal and state realms, respectively. The question in these early years following the advent of same-sex marriage across the United States is whether the promised transformative potential of same-sex marriage has begun to be realized. In the realm of federal tax law—which is the situs of perhaps the most intimate and sustained connection that citizens have with the federal government—the answer is at this point, unfortunately, no. After opening the door to a broader array of legally recognized relationships before *Windsor*, the Internal Revenue Service reversed course and has now firmly shut the door on recognizing any relationship not denominated “marriage.” The paper will explore the lessons to be learned from the collision between faith in the ability to disrupt and overturn hierarchies and the reality of the power of entrenched societal institutions such as marriage.

#### **D. Panel 4: Attitudes Concerning Transgender Rights and Same-Sex Relationships**

Discussant: Dr. Zein Murib (Fordham University)

##### 1. Public Support for Transgender Rights in Twenty-three Countries: The Effects of Policy, LGBT Representatives, and Advocacy Infrastructure

Paper Author: Dr. Andrew Flores (Mills College)

Abstract: With many Western advanced industrial democracies legally recognizing same-sex couples in the form of marriages or similar unions, many parts of the globe have experienced an emergence of advocacy for transgender rights. Transgender rights may be considered the next frontier of the global LGBT advocacy movement. It becomes important, then, to consider what public approval is for transgender rights across contexts and contextual factors that explain cross-country differences. The present study examines whether the following country-level LGBT factors relate to the propensity for individuals within that country to be more supportive of transgender rights: transgender-inclusive policies, LGBT representatives, and the infrastructure of the LGBT advocacy movement. A 2016 twenty-three country study of 17,019 people is used to examine these contextual

differences. It is further assessed whether these effects are stronger for certain demographic groups. The findings show that while these factors do explain some of the support for transgender rights, public support is more widespread than country-level factors actually reflect. Transgender-inclusive policies and other factors may be lagging behind a more supportive public.

## 2. Reducing Discomfort to Open Minds to Change on Transgender Rights

Paper Authors: Dr. Logan Casey (Harvard Opinion Research Center), Dr. Brian F. Harrison (Voters for Equality), and Dr. Melissa R. Michelson (Menlo College)

Paper Presenter: Dr. Melissa R. Michelson (Menlo College)

Abstract: Little is known about what drives public attitudes toward transgender people and how those attitudes might be changed. Allport's (1954) contact hypothesis suggests that interpersonal contact can reduce antagonism by the majority towards members of unpopular subgroups, possibly leading to reduced prejudice and bias. While originally and most frequently understood as a means of reducing racial and ethnic stereotypes, substantial evidence demonstrates that contact also reduces prejudice toward gay men and lesbians (Barth, Overby & Huffmon 2009; Grack & Richman 1996; Herek & Glunt 1993; Herek & Capitano 1996; Pettigrew & Tropp 2006; Scarberry et al. 1997). However, contact with transgender people is less effective at producing positive attitude change or reducing anti-transgender bias (Casey 2016; Flores, 2015; Tee and Hegarty, 2006). This lack of contact effect may be because many individuals feel disgust toward transgender people (Casey 2016) or discomfort around them, and as a result, contact heightens negative attitudes rather than undermines them. As Levi and Klein note, "Being transgender is a quintessentially stigmatic condition that has engendered fear and discomfort in others" (2006: 89). Discrimination towards stigmatized people is often a reflection of discomfort generated by structural and institutional stigma. This chapter reviews the relevant scholarship and LGBT history on this issue and proposes a new theory for how to reduce prejudice against transgender people by addressing and reducing that discomfort.

## 3. Sex, Gender, and Transgender: The Moderating Effect of Gender Identity

Paper Authors: Dr. Andrew R. Flores (Mills College), Dr. Donald P. Haider-Markel (University of Kansas), Dr. Daniel C. Lewis (Siena College), Dr. Patrick R. Miller (University of Kansas), Dr. Barry L. Tadlock (Ohio University), and Dr. Jami K. Taylor (University of Toledo)

Paper Presenter: Dr. Jami K. Taylor (University of Toledo)

Abstract: Sex matters when it comes to understanding the political attitudes and behaviors of American adults. Gender matters as well. We examine the differing roles of sex and gender when it comes to topics where individuals are more likely to reference their own gender identity. We assess these components on transgender issues, which have recently emerged as salient social and political issues. By using an experiment, we show how individual's own gender conformity conditions their attitudes toward transgender people and rights. Gender identity is conceptualized as a social identity, and we experimentally manipulate individual exposure to transgender people, which is a minimal contact treatment. We find that gender non-conformity relates to more positive attitudes than gender conformity. Treatment effects are strongest for gender non-conforming men and for gender conforming women. We further detail the ongoing importance of considering both sex and gender, especially on issues when an individual's own gender



identity may be a salient social identity influencing their attitudes and behaviors.

#### 4. Same-sex Relationships and Racial Preferences

Paper Authors: Professor Russell Robinson (University of California, Berkeley) and Dr. David M. Frost (University of Surrey)

Paper Presenter: Professor Russell Robinson (University of California, Berkeley)

Abstract: This project will explore the extent to which LGBT people describe race as important in determining their choice of partners. It will also consider the extent to which queer communities express expectations in terms of “normal” racial preferences and racial configurations of couples, and how such communities react to people who depart from such norms. In asking these questions, the study considers the intersection of race and gender role (for example, preference for a black “top” or Asian “bottom”). The talk will draw on a qualitative study of 100 LGBT people in the United States who discussed the roles of race and gender in their dating and relationship experiences. Our preliminary findings suggest that men were more likely than women to describe racial preferences and to identify their race or that of their partner as a point of controversy in the queer community. In several cases, the men expressed strong desire for a same race or other race man. Women were much less likely to state strong preferences. In some cases, men faced judgment in the gay community for crossing race lines. For example, a black man told a story of being confronted at a club by other black men who were upset that he was with his white husband. An Asian man told a similar story about a white man approaching his white partner in his presence and basically saying: "What are you doing with him?" Although female subjects were less likely to identify race as an important factor in their relationship choices, some women reported that other women expected them to play a particular gender role because of their race and that they learned to change their gender presentation to rebut racialized expectations. Our racially diverse sample enables us to tell a rich and complex story about how race structures LGBT people's search for intimacy and community. My hope is that the conference will enable us to assess the extent to which similar issues arise in queer communities in other countries.