SAME-SEX MARRIAGE AND GERMANY: THE POLITICS SURROUNDING PROGRESSIVE CIVIL RIGHTS ACTIVISM IN GERMANY TODAY

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The final copy of this thesis has been examined by the signatories, and we find that both the content and the form meet acceptable presentation standards of scholarly work in the above mentioned discipline.
Same-sex marriage activists in Germany have been making steady progress in the last decade and a half. Given that same-sex marriage is seemingly very close to becoming legal in Germany, there are important questions of what this means for Germans. This thesis considers what potential positive and negative effects the LGBTQ community in Germany may face as a result of the opening of same-sex marriage. It uses the current laws in place for same-sex life partnerships; theory surrounding sexuality, marriage and relationships; as well as current political activism in Germany's LGBTQ community today to examine these questions.

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Introduction

Same-sex marriage is a topic which in recent years has drawn an immense amount of attention in many western countries; Germany is no different. Germany has been involved in a battle over same-sex marriage for a decade and a half. A little slower than many of its other European counterparts, Germany has still maintained progress towards a comprehensive partnership law. Still, many countries in Europe, particularly northern European countries, have been dealing with the same issues for a longer time; Sweden, Iceland, Norway and Denmark included. Some European countries have even opened up same-sex marriage by the early 2000s (Eskridge and Spedale 77). In one sense, Germany is in the middle of a continent, which finds its way towards legalizing same-sex marriage almost ubiquitously in the late 20th to the early 21st century. Even Germany's close political, geographical and economic partner to the south-west, France, has passed a same-sex marriage bill in 2013 (New York Times). The debates about the Lebenspartnerschaftsgesetz (Life Partnership Law), or LPartG, mark the time this political struggle really caught German public attention beginning in 2000. This is partially a result of the gay and lesbian movement in the 1980s, which led to a substantially larger base to build upon in the 1990s and onwards (Taylor and Raeburn 252). An example of the progress in the lesbian and gay community's rights in the 1980s was the European Parliament's adoption of several recommendations to abolish homophobic laws (Tatchell 15). In the mid 1990s the old Prussian anti-sodomy statute (paragraph 175, which criminalized many forms of homosexual sexual behavior during its various renditions) was finally repealed (DS 12/7035). The lesbian and gay movement at the time saw a rise in identity based organization (Taylor and Raeburn 268). Many activist concerns were focused on anti-discrimination (Sanders), including same-sex marriage, as it is viewed by some as a form of discrimination of exclusion (“DS 17/6343” 1). There are still laws being discussed today in
Germany which affect the gay and lesbian community by attempting to include them into the mainstream.

The LPartG is a law written by the SPD (Social Democratic Party of Germany) and Bündnis 90/Die Grünen (Alliance 90/the Green Party) which has allowed same-sex couples in Germany to enter into a legally recognized life partnership and reap similar benefits to those gained through legal marriage. While the LPartG implemented many of the same rights that married couples enjoy for same-sex life partners, ever since its creation there has been a move to revise the original law in order to come closer to marriage in Germany.

Perhaps the most interesting part of this political discussion is that even though the LPartG closely mimics marriage, same-sex marriage has never passed in Germany. This is striking considering the majority of German citizens support same-sex marriage (“PEW – Global acceptance of homosexuality”). However, this may all be changing very soon. The ruling parties in the German parliament, a coalition between the politically right CDU/CSU (Christian Democratic Union/Christian Social Union in Bavaria), were forced to form a new coalition with the center-left SPD in December of 2013. While there is no guarantee that this will cause a same-sex marriage bill to succeed, it certainly marks a time where such a bill is more likely to pass through parliament. This means that Germany may be currently on the cusp of finally allowing same-sex marriage to pass after a lengthy struggle to adapt the LPartG to marriage. This is a critical moment in German history as bills to open up same-sex marriage are being very seriously considered and at this moment we need to look over what this means for the citizens of Germany.

The first question this thesis will look into is what this struggle means for the LGBTQ community, and others, inside of Germany. For example, which members of the LGBTQ community have been fighting the most in order to pass the law and which members benefit the most by the passing of the law. As a community which fights for the acceptance of non-heteronormative sexual
practices, the LGBTQ community has an obvious stake in same-sex marriage, thus various different LGBTQ groups as examples will be integral parts of the analysis.

A related question is whether or not there are potential pitfalls of a struggle for marriage equality. Many people considering same-sex marriage would argue that it has no downside and that we can easily bring more groups into the fold of state validation and legitimation by simply passing this law, but there is an argument to be made that some groups may be negatively impacted by it. For example, the marginalizing effects, assimilation and regulation of sexuality are all potential problems that marriage may deal into. State validation itself is a problematic concept as it heavily controls who is excluded from legitimacy and even what is allowed from those who are included. This whole issue of same-sex marriage is a complex reality and there will be several steps necessary to answering the questions posed.

In order to answer these complex questions, this thesis will examine discourse around same sex marriage from a cultural studies perspective by considering 1) several laws which surround the formation, changes and indeed proposals for the LPartG and same-sex marriage in Germany, and 2) one example of mainstream activism for same sex marriage, the Christopher Street Day Parade. I am centrally concerned with questions such as: How is difference produced and contested in these two examples of political discourse? How is power circulated through discourse and representation? First, I seek to set up a framework for thinking about same-sex marriage and how the argument has unfolded since the creation of the LPartG. I use the work of Judith Butler and Michel Foucault, among others, to frame my discussion of both the laws themselves and activist advocacy for them. I then examine the laws and the parliamentary debates surrounding the laws, identifying and examining key themes in the discussion to explore what norms are questioned, what norms are newly established, and what consequences exist for ideas of gender and sexual justice.
The second section will focus on an event called the Christopher Street Day Berlin, or CSD Berlin, as an example of more mainstream activism for same sex marriage. The CSD Berlin is a large annual event focused on gay and lesbian rights in and outside of Germany. It is a very important political parade as it attracts many people, has a considerable political influence and gives much visibility to the gay and lesbian community, all of which are reasons we can use it to see shifting priorities in the last fourteen years. I will primarily use the marketing done by the CSD Berlin's organizational and marketing staff as representations of their efforts, strategies and agenda. This thesis will then compare these texts to various political and cultural discourses as they emerge in the legislative context in order to see how these discourses circulate. There will also be some views of activists inside the LGBTQ community with dissenting ideas and approaches to the same topics.

I intend to show how same-sex marriage is proposed as an obvious choice for the enrichment of our society by creating more equality, while in reality there are a variety of potential problems, including potential new societal exclusions, we need to first discuss in order to assess same-sex marriage’s benefits. This activist analysis will allow us to verify the readings inside of the LGBTQ activist community, and how even an activist community focused on progressive sexuality can be forced into a partial understanding of same-sex marriage as solely beneficial to all. By using this group of texts in the analysis, we will be able to see how theory behind these themes are implemented in the daily discourse. This will give us a broader understanding of the nature of this complex subject.

Framing Same Sex Marriage Debates: Norms, Law and Sexuality

Marriage mediates between the citizens and the state in a number of ways. The LPartG, is a structure attempting to offer a marriage-like formal legal structure to same-sex couples (“DS 14/3751”). In order to consider the LPartG and the activist work for marriage equality, we have to
consider the role of marriage in the relationship between citizens and the state today. In its most basic form, marriage is a state institution which grants a particular status and associated rights to monogamous life partners. In Germany, these life partners must be of different sex. Marriage in this sense is a kind of normalizing system wherein a great many people of society can share this status. It is a status of state validation. Marriage effectively legitimizes certain kinds of kinship relations, namely; biological relations and monogamous heterosexual relations and practices; often in conjunction with an expectation of reproduction. Indeed, Butler would claim that in some ways “sexuality is already thought of in terms of marriage” and that marriage is the way to legitimate one’s sexuality, to make certain sexual subjects “legible” to the state (Undoing Gender 106). Additionally, through the legitimacy and rights given by marriage, we will see that the state’s recognition of same sex relationships brings them under the regulation of the state. Keeping these caveats in mind will help us contextualize the following sections in the real world applications of marriage and the LPartG and how these two systems structure the triangle between the state, citizens and society.

Adding other groups into the state controlled legitimacy is often thought of in terms of opening up equality for more people. Instead of arguing for same-sex marriage as an equalizer of relationships, Butler refutes this idea by turning the claim on its head. Rather than marriage being some kind of public good, worth rewarding with various tax, adoption, sociological and other benefits, she writes that the advantages bestowed arbitrarily on marriage, cause the reverse to happen. That is, Butler makes the point that marriage is strived for, so that one may enjoy the rights along with it (Butler, Žižek and Laclau “Competing Universalities” 273). This opens Butler’s argument that marriage is a tool of the state which controls, or helps control, sexuality and sexual practices via establishing a standard of legitimacy (Butler, Žižek and Laclau “Competing Universalities” 273).
Butler’s analysis of the legitimacy of sexual practices is an interesting correlation that runs parallel to the concept of symbolic discrimination and marriage. When the state validates one type of sexual practice, kinship or biological relationship and gives it a symbolic, sociological and fiscally beneficial place (marriage), it calls this type of relationship legitimate. However, with this legitimation comes the opposite, namely that whatever is outside of this validated relationship is then considered illegitimate. She writes that the state’s legitimation of sexual practices effectively widens the gap between what is perceived as the legitimate and illegitimate forms of sexual exchange (Butler, Žižek and Laclau “Competing Universalities” 274). As the state includes (or excludes) certain types of sexual practices as legitimate, the line, says Butler, becomes more stabilized, and there is a clarity established around what is illegitimate. This clarity can be used as a tool with which the state can bring more people’s sexuality under its regulation while excluding others.

In an explanation of the state’s governance of the citizens, Foucault points out a system which structures how the state uses this tool of sexual control. Firstly, the nature of the state is to know the population that it governs. This includes “longevity” and “fertility” (Foucault 65-7). His argument will develop what this means for the state and its necessity to control the population in terms of reproduction. This thesis proposes that marriage and the heteronormative family can be tools that the state uses for this purpose of population regulation.

As sexuality, reproduction and other issues surrounding same sex laws are being discussed, there is an interesting separation between the control of reproduction and sexuality by the state. Arnaldo Cruz-Malavé provides one reason as to how the separation of sexuality and kinship has become realized for couples and possibly why it is a fight to establish kinship rights for the LPartG. He argues that globalization asks for niche markets in a capitalistic system (Cruz-Malavé and Manalansan IV 71). He questions what the connection between same-sex couples and the market is. In fact, he even states that “gay men and lesbians owe much of their newfound freedom to
“economic trends” (Cruz-Malavé and Manalansan IV 137). This aligns with work by Jasbir Puar, who writes that the niche markets can be aimed at the gay and lesbian community (Puar 338). Essentially, Cruz-Malavé’s argument is that the market is willing to “chase gay dollars” (Cruz-Malavé and Manalansan IV 139). This comes from the market’s ability to look past characteristics of groups or individuals in order to maximize its economic gains. In this sense, the market overlooks the illegitimate status previously assigned even mainstream same-sex couples in order to “sell to them”. This, says Cruz-Malavé is aided by a misrepresentation of all gay men and lesbians as being wealthy (Cruz-Malavé and Manalansan IV 138).

Two things then occur, not necessarily as direct outcomes of this process, but assuredly aided by it. First, gay men and lesbians who are incorporated into the market enter into a fuzzy category of acceptance. Again, this acceptance is predicated on the market’s desire for their participation and purchasing power. Second, sexuality and reproduction are separated so that the sexuality of these gay men and lesbians can be sold to (Cruz-Malavé and Manalansan IV 140). The question of how this influences marriage and adoption is then answered. Marriage for same-sex couples does not need to make a leap in order to be redefined outside of reproduction. Therefore adoption (and other reproductive rights), which were not necessary in order to sell to same-sex couples, have been left behind. This means that in order to accomplish adoption and childrearing rights for same-sex couples, different political battles may be necessary as the space these two entities inhabit has in some ways been estranged.

After viewing marriage as a tool of the state, the next logical step is to look at what is given up to the state in this trade of legitimacy. The state provides the benefits of marriage to those it considers legitimate in their sexual practices, and withholds the same rights from those it considers illegitimate. The fact that there are very real benefits to being married, Butler argues, “strengthens the hand of the state in the regulation of human sexual behavior; and it emboldens the distinction between legitimate and illegitimate forms of partnership and kinship” (Butler, Žižek and Laclau
“Competing Universalities” 273). Some of these very real and “significant forms of disenfranchisement” non-married partners face include: not being able to see a lover in the hospital; not being able to assume certain executorial rights if one’s lover is unable to make health decisions; not being allowed to receive the body of a lover if they die; that when one’s child is left with the nonbiological parent, biological relatives may claim access to or custody of the child; and the inability to provide health care benefits for one another (Undoing Gender 114). The problem, then, with state recognition being the basis for these rights is that all who operate outside of the state’s definition of validated relationships and sexuality continue to be excluded from those rights. In order for them to achieve the same rights as others, either a redefined state recognition must take place, or the rights must be disassociated from the state’s recognition of appropriate sexuality. Butler further claims that the goal of the struggle between the legitimate and illegitimate is conversion (Undoing Gender 105) meaning the state seeks to envelope more people into its fold of legitimacy (and normalcy).

This is directly linked to what Foucault writes, in that the state’s desire to regulate the population is in order to create more producing bodies (although the separation of marriage rights from childrearing rights also, in a contradictory way, prohibits this imperative). Both of these focus on the event of the state’s accumulation of more people in its regulation. This has a significant implication for same-sex marriage. Regulation over the sexuality and relationships of same-sex couples is tightened and the borders of legitimacy close on a variety of sexual practices. In order to fight against marriage, same-sex included, on the grounds of the potentially negative characteristics like increased regulation, there is also a homophobic ground bought in this purchase. As Butler notes, we may still wish to fight against these homophobic discourses (Undoing Gender 119). However, if one is for marriage, then one must also side with its problems. Herein lies an inherent tension in same-sex marriage activism; if both sides have these problems, how can we proceed
without causing harm to some? Also there are the rights given to married couples to consider in that ideally everyone can enjoy them.

The endeavor of progressive civil rights activists in attempting to open up marriage for same-sex couples and thereby removing another block in the way of equality has been a huge effort in Germany. One of the most important parts of this fight has been the realization and acknowledgement of potential areas of discrimination within daily life for same-sex couples. Unfortunately, without this moment when a problem becomes evident through the political agendas or party politics, many people would not have previously recognized any inequalities. Essentially, the momentum in progressive civil liberties must start to build before many people who live outside or are unknowledgeable about the discrimination against LGBTQ communities even realize that there is a problem at all.

Mieke Verloo comments on the momentum of this movement in that she notes that there are many areas of gender based lacks in the political sphere, such as areas which are all too readily overlooked. She writes that posing problems in different ways provides different solutions (Verloo 35) and this has a strong effect on our political agendas. For example, when laws are posited in terms of men and women, what happens to the groups which do not identify themselves as men and/or women or wish to break down the barriers between these two and potentially other groups? When committees and studies are put together for family interest issues, but are notorious for excluding gender issues, there can be little to no movement on progressive gender agendas. Verloo points out the European Observatory on the Social Situation, Demography and Family\(^1\) as an example of this (Verloo 59).

This effort by the activists to bring momentum to same-sex marriage is important in that it brings increased visibility to the LGBTQ community. This occurs by allowing some others to take

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\(^{1}\) Mieke Verloo writes that the European Observatory on the Social Situation, Demography and Family "was meant to monitor demographic, socioeconomic and political changes that had an impact on families" (59). However, "the Observatory", according to Verloo, "paid but little attention to gender issues" (59).
part. There are, however, areas where these progressive civil rights run into potential problems. One of the strongest characteristics of progressive civil liberties is the idea of opening up equality for all. Does equal marriage for same-sex couples actually complete this goal? As pointed out earlier, there is an argument to be made that would say no. To understand this argument, we have to unlock what marriage actually means to the critics of the structure itself. For example, without further extrapolation someone who has not considered the implications of marriage on marginalized groups may think that the benefits bestowed to married couples have a net positive effect on society and that it serves a public good. Additionally, the allowing of same-sex couples to participate in this system would then be considered more egalitarian.

Here we must remember that Butler shows the possibility of the rights associated with marriage used as incentives instead of rewards. The incentives create a desire to enter marriage even if it is prohibited from many groups. This marginalization occurring at the inception of marriage (same-sex included) can certainly be thought of in terms of inequality.

Similar to the marginalization of people who are excluded, a forced assimilation occurs for those who are included. After the technological revolution, Foucault argues, power is directly related to the amount of bodies one controls that can produce, namely people (Foucault 66). This is essentially what enables population control; that is to say the ability to monitor and stabilize fertility, longevity etc. The state can do this by regulating norms by which the population reproduces. Marriage is potentially an example of this kind of regulatory norm.

Now we can see where marriage and population meet in societies’ interest. The connection is that “sex is located at the point of intersection of the discipline of the body and the control of the population” (Foucault 67). That is to say that sexuality is the point at which population control (amount of bodies) and discipline (laws and the structure of the government) come together and are regulated through marriage. This is based on reproducing for production which is initially meant to produce a regular stream of offspring for the population. Thus sex, argues Foucault, is not
only judged, but also managed and administered. The marriage and family rules form one manner through which the regulation of the population is administered. Therefore marriage becomes the concern of the state (Foucault 307-9). We can see these laws now as a way the state both protects and regulates the population.

Thanks to Cruz-Malavé, we can view the separation which occurs in the gay community in terms of their sexuality and reproduction. In connection to Foucault’s thoughts of the state protection of reproduction this is an important note. When gay men and lesbians do not conform to the heteronormative reproductive style of family, the state has no need to grant them a status which reflects regulation of reproduction – but that interest may be promoted by a society impacted by economic drives to create new markets. The same-sex couples who do fall into a normative category of family or that reproduce can be regulated by the state (through the LPartG or marriage) and therefore do nothing to upset the power of the state to continue setting the terms of sexual norms.

Still, there must be another way to claim these rights without occupying the validated space defined by the state. Butler will claim later that this calls for a separation of the rights from marriage. Instead of making a case for equal marriage rights, Butler points out that the structure of marriage is in some ways inherently restrictive and says there is an alternative, “to ask for a delinking of precisely those rights and entitlements from the institution of marriage itself” (Butler, Žižek and Laclau “Competing Universalities” 273). This indeed would open a doorway to more civil rights for all German citizens and considering the agenda of the LGBTQ movement for more progressive civil rights, why this push is not seen in the mainstream LGBTQ movement is relevant.

Similar to the inherently restrictive nature of marriage, Butler provides a case for how we encounter marriage and sexuality in society. In terms of the norms we understand to be taken as given, she argues that everything has already been sexualized. In fact, Butler argues against the idea that every culture and society must be built on sexual difference, but still points to how we are
caught in this mindset through our language. In her argument, sexuality has been given a quasi-transcendental status, meaning that it “offers the criterial conditions that constrain the emergence of the thematizable” (Butler, Žižek and Laclau “Competing Universalities” 263, emphasis hers). Stating that the thematizable is already thought of in terms of sexualized nature has several important implications. This therefore enters the realm of the creation of the norms, language included, and attains an incontestable or even irrefutable level. For Butler, this means that although we can be critical of the sexualized nature of norms, we cannot step outside of the discursive context in which they are created (Butler, Žižek and Laclau “Competing Universalities” 263). Everything is grounded in the sexual and this includes the terms and thoughts we would use critically.

Later, Butler states that, “discourse has many more aims and effects than those that are actually intended by its users” (Butler, Žižek and Laclau “Competing Universalities” 269). Since our language is sexualized from conception, one of the powers of discourse is to inhabit the user’s intentions with its already sexualized nature. This means that a necessary sexualized component is at the core of these intentions. In one very powerful example, Butler talks about the naming of the subject and the discursive effect which happens at the moment the subject comes into being. The very first name which a subject obtains upon coming into existence is female or male. Since we are considering the unintended effects of discourse, we must see that the very first naming which takes place allows one to build a society upon the difference that is female and male. Butler states that this naming process is bound to fail, and one of the possibilities for this failure is that there is a complexity in every subject that is impossible to name (Butler, Žižek and Laclau Competing Universalities 269). This complexity and the interaction between a gendered society can be viewed in terms of marriage. As a structure to regulate legitimate sexual practices, it is too large and complex to be given such a simple gendered division and needs to be removed from the rights which are arbitrarily assigned to it.
Foucault writes on this topic in depth, examining how the creation of a discourse can manage and structure the way we think of certain items. The Foucauldian analysis of discourse in this sense can be a key to the unlocking of how this happens in practice with marriage. Where Foucault starts with the regulated sexual discourse is the state. As we have seen earlier, the state’s objective of regulating sex comes from the regulation of production power. Foucault writes, “as if in order to gain mastery over [sex] in reality, it had first been necessary to subjugate it at the level of language” (Foucault 301). What he then goes on to say is that this restraining opens up an area for secracies and discourses, one that can talk about this subjugated matter. Furthermore, sex can only be talked about in certain ways, causing power relations to surface within the forms of secrecy and discourses surrounding them (Foucault 309). Much like how we see the legitimacy of sexual practices validated by the state and therefore illegitimacy in everything else, there is a hierarchy at play within the very structure of the language surrounding sex and sexuality after its subjugation. While Foucault was writing about the seventeenth century onwards, this whole process of secretive speech and lifestyles relative to accepted legitimate ones are precisely what may happen in the context of same-sex marriage.

This connection between the legitimacy given by the state and language does not stop at the hierarchical level, but also on the spectrum of marginalized characters and groups. Foucault writes that “our epoch had initiated sexual heterogeneities” and that “matrimonial relations” were the center of these “licit and illicit” divisions (Foucault 317). This of course was backed by the idea that anything outside of the norm is immediately categorized by illness and that many sexual crimes were punishable and indeed punished (Foucault 316-19).

Marriage in this way is regulated by the state as it, like all other discourse and terms, lives within the sexualized nature of our norms. Also like the naming of the subject, it has been assigned two parts. If we follow the reasoning that there is a two part sexuality assigned to all norms from conception, then we can see how marriage, being opened to same-sex partners, will still resist the
obliteration of sexualized norms even as it opens up to allow more sexually diverse groups into its fold as long as they can adapt to the pre-established sexualized norms which we cannot break from.

As the norms are clearly set into the sexual sphere, breaking from this “intelligibility” of how we understand society around us becomes dangerous. Therefore a norm “must be instituted and safeguarded against attempts to undermine it (Butler, Žižek and Laclau “Competing Universalities” 263).” Butler claims that “to become part of culture means to have passed through the gender-differentiating mechanism ... and to accomplish both normative heterosexuality and discrete gender identity at once (Undoing Gender 120).” We can see an example of this by looking back at the debates surrounding the adoption of children by same-sex couples (“PP 15/136” 32). If the norm is sexualized and must be protected, then a child needing an example and guardian of both genders becomes necessary in order to enter culture with both “normative heterosexuality” and “discrete gender identity”.

This correlates with Foucault's description of state power and already existing power relations. For Foucault, the power relations in society are vast and complex and the state can only operate in this intertwining web (Foucault 64). He makes an interesting comparison between revolution and the state that points to the adaptability of the state in terms of the intertwining web. This means that the state and revolution codify power relations in different ways, but they are the same power relations. This, for Foucault, suggests not only the possibility for different kinds of revolutions, but also that there are conceivably “revolutions which leave essentially untouched the power relations which form the basis for the functioning of the state” (Foucault 64). What this thesis is proposing, then, is that same-sex marriage could very well be one of the revolutions which leave the state's power not only unharmed, but also strengthened in that more groups are allowing the state to more clearly regulate their sexual practices and kinship as legitimate or illegitimate. Additionally, the state’s power is unharmed in that the addition of same-sex marriage may not change the institution as much as it would seem at first glance.
The LPartG, Same-Sex Marriage and Their Functions in German Society

Since the last decade and a half of German law, the LPartG has been the center of many debates. It was created to open a “secure and rightful space” for same-sex partners: supposedly stopping discrimination by allowing them a legal place for their partnerships (“DS 14/3751” 1). Essentially, this piece of legislature was created in an effort to halt the discrimination against same-sex couples by giving these couples a structure with similar legal benefits and recognition as that of marriage. It is worth noting, however, that in many ways the institutions of marriage and the LPartG varied greatly in Germany during the initial creation of the LPartG. In these 14 years since the LPartG’s enactment, many of these differences have been resolved in order to create equality between the two structures; full equality has yet to be reached.

In many cases, however, parties and politicians against full same-sex marriage still support equality of rights for same-sex couples in certain aspects between marriage and the LPartG. These aspects include a large variety of items such as redefining the LPartG’s boundaries to allow more rights for same-sex couples. This in itself is important in that it shows the direction, speed and consistency of relevant arguments for the equalizing of marriage for same-sex couples. Among other things, this suggests that it is no longer acceptable to fully exclude same-sex couples from German society, and also that the political parties are forced into at least a partial attempt at supporting equal rights for LGBTQ citizens. This shows the normalization of same-sex relationships in Germany. Following these developments can help provide a picture of how the LPartG has affected the lives of the same-sex couples involved and how it may exclude other LGBTQ members from the legal space designed by the LPartG.

One of the tools in the repertoire of state validation is the term equality. There are several ways in which the LPartG moves for more equality. Out of all of the problems encountered with equality in the LPartG, possibly the categories that get discussed the most often are the lack of tax,
monetary benefits, inheritance and other items that directly affect the fiscal reality of same-sex couples. In February of 2004, a bill for welfare, personal income, death, inheritance and estate taxes was introduced by the FDP (Free Democratic Party) ("DS 15/2477"). As if to exemplify the back and forth nature of the laws surrounding the LPartG, the FDP is a party that later supports same-sex marriage, but was until recently in a cooperative coalition agreement with two parties which do not. Interestingly enough, this 32-page bill (half the length of the LPartG itself) was advised against by the CDU/CSU, but also the SPD, and Bündnis 90/Die Grünen. This advisement was due to internationally established precedents which disallowed same-sex adoption (also included in this bill) ("DS 15/4052", "PP 15/136" 33) and later failed to pass in the parliamentary session on October 29, 2004 ("PP 15/136" 39). These precedents informed the European Human Rights Court case wherein adoption was denied to a lesbian couple in France ("Case of Gas and Dubois v. France").

Similar bills, drafts and questions directed towards the Federal Government proposed by several of the other political parties have shown up repeatedly during the lifespan of the LPartG. Another example of a push for tax and income legislature equality is in the Bündnis 90/Die Grünen inquiry as to the constitutionality of continued unequal rights between the LPartG and marriage in December 2010 ("DS 17/4112") and the answer from the Federal Government in December 2011 ("DS 17/8248"). These few attempts were hardly alone. Some comparable moves with language on correcting the unequal nature of fiscal benefits in the LPartG and marriage is found in the February 2010 enquiry and March 2010 answer ("DS 17/740", "17/978"); the proposed bills of January 2008, June 2010 and June 2011 ("DS 16/7918", "17/2249", "17/6343"); the November 2008 and October 2010 amendments ("DS 16/11109", "17/3468"); and resolution claims in October 2010 and June 2012 ("DS 17/3470", "17/10133"). Eleven of these talked about so far are from 2008 onwards, only

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2 In the December 2013 elections the FDP lost their seats in the German parliament by being below the required percentage of votes to obtain seats (5%). Additionally, none of their candidates won seats via direct election ("Sitzverteilung 18. Deutscher Bundestag", "Die Fraktionen im 16. Deutschen Bundestag").
a six year span, which demonstrates the amount of effort put into passing laws in this subsection of the LPartG.

There are still discrepancies in the LPartG that are being fought for at the moment which additionally shows that the progressive civil liberty attempts have not won the ground they desire in order to make the two different apparatuses equal. Fiscal equality affects a great number of people’s everyday lives, however the increase in fiscal equality for the LPartG and marriage only affects those who are entering life partnerships. This section overlooks a large number of people who do not wish to enter a life partnership. Anyone, for example, participating in a non-monogamous or polyamorous lifestyle, not to mention people who do not desire to have their relationships defined and regulated by the state, falls into this overlooked category. These groups, and more, do not benefit from the fiscal savings arbitrarily allocated to life-partners and married couples alike. In this sense, it is worth questioning how the LPartG’s growth has an effect on the entirety of the LGBTQ community and not simply partners who join an increasingly restrictive system, which will be addressed later.

A second equality development within the LPartG has been a movement towards opening up the adoption benefits of life partners. One of the core experiences and benefits of marriage can be the right to adopt children. As one might expect, those fighting for equality between same-sex couples and married ones desire to see any gap here rectified. One may note that the adoption rights of life partners in Germany are a strange mixture of the rights allowed single Germans, unmarried heterosexual couples and married couples in Germany. There has been a back and forth

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3 In the German case, adopting a step-child, a partner’s adopted child and an unrelated child all have differing levels of difficulty and red tape due to the successive nature of the LPartG additions. For example in a married couple, becoming the guardian of the spouses’ adopted child was allowed but not for the life partners until the German Constitutional Court ruled that a piece of legislature was necessary in February of 2013 (“Leitsätze February 19, 2013”). These new adoption rights are expected to become finalized in June of 2014. At the moment, only one member of a same-sex life partnership may adopt an unrelated child. Additionally, a single parent and one member of an unmarried heterosexual couple may adopt an unrelated child, similar to the ability of one partner in a life partnership (“Intercountry Adoption”).
about the idea of marriage involving children, born to the couple or otherwise and this relates heavily to the rights bestowed onto the LPartG.

Recently in some of the later transcripts the idea that marriage revolves around having children has been challenged. The German Constitutional Court argued that not every marriage by a large number includes children, nor do all marriages start with the concept of having children ("Leitsatz 7. Mai 2013"). Additionally not all children live with married parents. For example, there is the enquiry in February 2010 into the discriminatory nature of the differences between the LPartG and marriage in Germany in the areas of tax and adoption, among other items ("DS 17/740" 1). The opening paragraph of the enquiry contains an argument against the idea of marriage revolving around children as a difference to the LPartG: both because not all marriages are conceived for children and Art. 3 Paragraph 1 of the German constitution states that all people are equal under the law ("Grundgesetz" 2). If a marriage is not defined by children, then it cannot be the grounds for unequal treatment via the LPartG.

On a related note, the converse to the previous example of splitting reproduction and partnerships is that many couples, same-sex and heterosexual, do indeed want children and often wish to adopt. A large number of the various bills, drafts, enquiries and other political pushes list the difference in adoption as one of the functioning discriminatory practices. Some of these list adoption as a primary concern, while others merely count it among the list of problems left to face with the LPartG. These include the enquiries in February and December of 2010 ("DS 17/740", "17/4112"), the draft bill in June 2011 ("DS 17/6343"), the June 2012 amendment ("DS 17/10185"), and the resolution proposal in June 2012 ("DS 17/10133"), while some of the answers to questions of inequality are addressed in March 2010 and December 2011 ("DS 17/978", "17/8248").
The discussions of these rights being added to the LPartG are extremely common. One of Butler’s main points in questioning the trajectory of same-sex marriage deals directly with these entitlements granted to married couples, such as adoption and tax benefits. These entitlements are important enough in the structure of marriage that when we look at the LPartG equality debates, we see that the proponents fight to secure them with all means available. In Butler’s argument, she poses the question of why these benefits are regulated by marriage at all. This question is posed, partially, in response to the legitimation effect given to the state via marriage.

It seems that there is an essential tie between these rights and equality for state legitimation to occur. There are other, less repeated concerns with the LPartG in terms of equality relative to marriage. One example expressed in the December 2010 enquiry and its response in December 2011 (“DS 17/4112”, “17/8248”) is the concern over the legal age at which one is allowed to enter into a marriage in Germany (16 years old) versus the legal age at which one is allowed to enter into a life-partnership (18 years old) (“DS 17/8248” 3). Another listed difference in these two documents has to do with citizenship and the ability to procure child welfare funding (“DS 17/4112” 4). An additional case shows a difference in the naturalization process of married spouses and life partners. Through this example, a few answers were proposed to show that the problem with citizenship is within the wording of the law and that the end effect of naturalization was the same in effect (“DS 17/8248” 11). There has even been a demand by the German parliament for the creation of a bill to equalize the LPartG and marriage in response to the parliamentary enquiry and response in June 2012 (“DS 17/10133”).

Apart from modifying the LPartG, one of the more direct approaches to creating equality between the LPartG and marriage has been to simply disregard the LPartG and allow full marriage for same-sex couples (“DS 17/6343”, “17/8155”, “17/9611”, “17/10185”). The argument often relies on the idea that simply having a separate structure for marriage between heterosexual couples and a partnership for same-sex couples is in itself discriminatory. Of course a separate, but
equal ideal creates an unequal reality. Even if both institutions had the same legal standing in all ways, there would indeed be a form of discrimination in that same-sex couples would not be able to participate in marriage. In the opening description of the outline for a law by the Bündnis 90/Die Grünen in June 2011 (“DS 17/6343” 1), there is a clear problem laid out with the lack of entry into marriage for same-sex couples. The draft claims that same-sex pairs have to date no access to marriage, which depicts both a concrete and symbolic discrimination against people on the grounds of their sexual identity. “Gleichgeschlechtlichen Paaren ist bis heute die Ehe verwehrt, was eine konkrete und symbolische Diskriminierung von Menschen aufgrund ihrer sexuellen Identität darstellt” (“DS 17/6343” 1). This argument about the concrete and symbolic discrimination is a significant one, and it needs to be taken seriously.

This effect of state (il)legitimacy in Butler’s analysis is very similar to what the Bündnis 90/Die Grünen claim about disallowing same-sex couples to marry. In both cases there are symbolic (illegitimacy) and concrete (lack of rights associated with marriage) negative effects on those who cannot take part in marriage (or the LPartG to a lesser extent). While legitimacy is rewarded with rights and acceptance, illegitimacy is punished with moral judgment and ostracization (Undoing Gender 112). Essentially the battle is over legitimacy: who/what is legitimate, who/what is not legitimate and who can move from illegitimate to legitimate (Undoing Gender 111). When we build upon this, we will soon see how hierarchies and hegemonies are created within the sphere of legitimacy given by the state.

The other proposed bills and parliamentary actions have a variety of reasons, often similar to the ones noted in the previous paragraphs, for why marriage should be opened to same-sex couples. The debate surrounding same-sex marriage is important not only to show symbolic and concrete discrimination, but it also documents many of the different political party approaches to equality. For example, a May 2012 resolution recommendation and report on the June 2011 bill and December 2011 motion for opening up marriage to same-sex couples (“DS 17/6343”, “17/8155”),
has a helpful compilation of various political parties in their methodology and argumentation (“DS 17/9611” 4).

In this resolution recommendation, Bündnis 90/Die Grünen argue that there is an inherently discriminatory characteristic within a barred marriage to same-sex couples. Further, they argue that the “outing” that is required to occur in the process of getting a life-partnership is also discriminatory. Then Bündnis 90/Die Grünen point out the loophole in the current German marriage laws wherein a person who goes through a transgender operation may continue to be married to their spouse even if they are then considered the same gender. Lastly, Bündnis 90/Die Grünen name several countries that already allow same-sex marriage as a reference to the normalcy of such legislature. Die Linke simply reminded that they had brought about a submission for the breakdown of discrimination and the option for same-sex marriage already in June of 2010 and that they stood behind the two bills under debate.

The SPD takes a different route in the fight for equal marriage by pointing out that there is a difference within the tax and adoption laws. They note that opening marriage would not only stop this inequality, but also that it is necessary for the welfare of children in relation to the adoption laws. The FDP, on the other hand, emphasized that where equal responsibility was, so too must be equal rights. However, they mentioned that an opening to equal marriage through simple law would be unconstitutional without a change to the constitution itself. The FDP then pointed out that same-sex marriage was to remain legal after a transgender operation due to the fact that during the inception, there was a legally valid union. This in itself has an interesting implication on transgender people. The so-called legality of their union puts transgender people firmly into a legitimate space before the transition, but post transition they now inhabit a place of quasi-legitimate status. Essentially they have been partially kept in a space of legitimacy due to having already occupied it, still they are outside of recognized legitimacy after the transition.
The CDU/CSU coalition countered, unsure if full adoption was for the benefit of the children and refused to open up same-sex marriage. They stated that there is no human right to enter into a marriage as a same-sex couple. Additionally, to counter the Bündnis 90/Die Grünen’s point about countries that allowed same-sex marriage, the CDU/CSU coalition mentioned that the number of nations that do not allow same-sex marriage far outnumbered the number of nations that do. On a similar note, states the coalition, the European Court for Human Rights denied full-adoption to a lesbian couple in March 2012, thus setting a precedent for exclusion of same-sex couples from adoption rights. This decision revolved around the case of a violation of rights brought to the Court when a French lesbian woman was denied the right to fully adopt her partner’s biological child. The Court decided that it was not a violation of human rights for a number of reasons, but one important point was that a heterosexual pair that was not married would be denied the same right, therefore there was no violation due to the woman being a lesbian (“Case of Gas and Dubois v. France”). What this did mean for same-sex couples, however, is that in this particular aspect there is a difference between the meanings of marriage and life partnerships which opposing parties such as the CDU/CSU coalition can use to their advantage.

As one can see, in these two bills moving towards equal marriage for same-sex couples, the five different coalitions and parties in power had vastly different reasoning to be pro- or anti-same-sex marriage. A significant amount of work has been put into these three bills, mostly by the Bündnis 90/Die Grünen coalition, yet none of them have passed.4

As we look through the previous section of the laws focusing on retroactively adding some of these benefits onto the LPartG, the power of the state’s tool of conversion becomes more obvious. It has invaded every section of the LPartG, a law originally designed for a group of people thought to be outside of the norm regarding sexual relations. In one sense, this transformative tool does not legitimize the previously non-normative same-sex partner group, but rather accepts a narrow

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4 An application attempted to amend the June 2011 bill for equal marriage ("DS 17/6343") by changing the year to reflect 2013 instead of 2012 and reviving the bill for another try ("DS 17/10185").
subset of them to include into its fold. This move is not broadening the scope of marriage, but rather closing access to rights of those involved in some forms of relationships. This closes the access with the more defined, harder to cross lines of legitimacy as defined by Butler.

Instead of marriage opening its definition to allow a larger portion of the population to take part, what actually seems to be happening is that the LPartG is adapting to mirror the heterosexual system of marriage. The “traditional” conceptions of family have not seemed to change all that much. For example, in the arguments for adoption the idea that a marriage is not necessarily based on children has essentially been used as an argument to allow for adoption in same-sex partnerships (“DS 17/4112” 1). This ironically can make these partnerships more akin to the “traditional” idea of marriage with children that they argue against. This happens in the sense that the partnerships are now more able to have and adopt children, a sphere previously limited more strictly to married couples.

Couples that may not seek any children in their partnership or break from the concept of a family with children may view this political battle as less important than that of the fiscal laws relating to the LPartG and marriage. This is an area which affects all who enter a life-partnership or marriage. Yet, again the move has not been to work on a new and different kind of tax law which may be more desirable, open or have more options for different kinds of families. Rather it has been towards what the “traditional” marriage apparatus currently entails. A person who does not believe in the system of marriage or partnerships would in this case not be represented by a structure that requires marriage in order to gain these tax or adoption benefits.

This topic feeds into the overall question of whether or not the opening up of marriage to same-sex partners achieves equality. As stated earlier, there is one sense wherein same-sex marriage might be a progressive step towards equality by providing the same rights to a larger, more universal base. However two things must be considered as we take this next step: who is allowed or disallowed into marriage and how does this affect their status in society? The first of
these two questions is much simpler to answer in the positive than the negative, since we know who same-sex marriage is aimed at.

We know that if same-sex marriage passes in Germany, people with partners of same-sex will be allowed to enter into marriage. What we can also see from this example is that there are indeed several groups and subgroups which will not be able to take part. Those whose goals, lives, partnerships or beliefs vary from the marriage ideal are excluded from this field of state given legitimacy. One very important note here is that the LGBTQ community is split when we ask this question. The groups which are not allowed into the same-sex marriage are further marginalized from legitimacy and also from gay men and lesbians who wish to partake in the LPartG and marriage. Such divisions may greatly diminish political capital in pushing for a broader range of acceptable forms of sexuality. The backbone of the LGBTQ movement in bringing legitimacy to a variety of sexual relationships, kinship, indeed sexuality itself, is being torn in order for same-sex marriage to become a reality. A movement further strengthening the borders of legitimacy is replacing a movement attempting to open the same legitimacy. Without the full support behind the LGBTQ community, we very well may see a drop off in the momentum and power of the gender equality movement.

The second question is also worth looking at because it, like the use of discourse, may have unintended consequences. The LGBTQ community strives for a more open acceptance of the sexual practices chosen by individuals. Marriage can be used to draw a concrete line between what is acceptable and what is not. This means that lesbians and gay men partaking in marriage are being dictated to what kind of sexual practices are allowed in the supposedly legitimate society they are entering and additionally, the people who cannot take part are further marginalized from the accepted norm. The line of legitimacy essentially thickens and becomes harder to cross.

As we can see here, groups which have already been enjoying the legitimate status of the state’s approval are left somewhat untouched relative to the newly legitimated or the further
marginalized. In one sense, same-sex couples who live in a manner similar to or even reflecting the already accepted norm of heterosexual married couples are assimilated into the space of legitimacy. Those who do not practice or wish to practice this type of life are ostracized. Another example would be transgender people, who may have a sexual identity not even considered by these two spectrums. Thus, we can see how simultaneously the move for same-sex marriage can be more and less equal or have positive and negative effects on sometimes even the same groups at the same time.

Even considering this double reality, the LPartG has from the beginning been focused on opening up marriage for same-sex couples. Not only is this something that many in the LGBTQ community do not want, or perhaps cannot benefit from, but also this means the political energy from the LGBTQ movement has been forced into the direction of same-sex marriage. This has created an idea of marriage being the key to equality and shut off a lot of power that could be directed towards a vast group of items, which still herald an incomplete equality. In order to prove a pro-equality agenda, marriage has to be tacked on to be complete. Of course there are quite a few people, inside and outside the LGBTQ community, that desire to see marriage equality, but the problem then becomes the vast nature of this movement overshadowing any potential for parallel ideas for equality.

For those who do not want marriage and are located within the LGBTQ or feminist movements, the whole idea of the “traditional marriage values” being imposed on the LPartG may be seen as a loss. Indeed Butler claims that those who are being marginalized by the direction of same-sex marriage may see it as “anathema, if not inimical” (Butler, Žižek and Laclau “Competing Universalities” 271). There are, for example, feminists who argue that the whole institution of marriage is based on a hierarchical system and that joining this system, even for same-sex couples, would not be a way of resistance from within, but rather a move to strengthen marriage. Butler offers one such position. She claims that this “advance of democracy” can become a violation of
political commitments (Butler, Žižek and Laclau “Competing Universalities” 271) and questions whether marriage should be the primary goal of the lesbian and gay movement (Butler, Žižek and Laclau “Competing Universalities” 272-3).

Other groups, which may be more focused on items such as immigration and nationalization, homophobic and transphobic violence, violence within their communities and the acceptability of being “out” or different and comfortable may find that the momentum of marriage equality prohibits attention to these other issues. This is a hugely handicapping movement away from many progressive civil liberties towards a somewhat limiting one.

This provides a struggle for intellectual activists such as Butler. She writes that many intellectuals fear becoming activists since they would need to work with concepts that they may be critically incompatible with in order to gain progress. For example, an intellectual against the idea of marriage for any of the previous reasons may seemingly still have only the outlet of same-sex marriage in order to fight for progressive civil liberties in the current political sphere. She writes that politics demand a stance on one side or the other of an issue and thus, to become involved, one must stand on a side one might not fully agree with (Undoing Gender 107, 109). Similarly, there are norms which we may not agree with on these sides and simply engaging in the debate reifies these norms and terms (Undoing Gender 129). Being forced to “choose” among multiple issues can be a strong deterrent to many people critical of the system of marriage because as pointed out earlier, every norm is already from conception steeped in the power of sexuality and language.

Like Butler, Foucault also, although in a different manner, questions the role of the new intellectual. What is worth describing, though, is the intersection between their answers. Foucault writes about truth as “a system of ordered procedures for the production, regulation, distribution, circulation, and operation of statements.” Additionally it “is linked in a circular relation with systems of power which produce and sustain it” (Foucault 74). He calls this “a “regime” of truth".
There are five important factors within this “regime of truth” that impact how truth, marriage as a tool, the state and the population interact.

“Truth” is centered on the form of scientific discourse and the institutions which produce it; it is subject to constant economic and political incitement...; it is the object, under diverse forms, of immense diffusion and consumption...; it is produced and transmitted under the control... of a few great political and economic apparatuses...; lastly, it is the issue of a whole political debate and social confrontation” (Foucault 73).

These definitions and criteria for the “regime of truth” demonstrate the control under which the discourse of same-sex operates if we understand truth as including the discourse of marriage. Where Foucault and Butler connect is that they both consider the necessity of the intellectual's stance in redefining the terms. Foucault thinks it is the task of the intellectual of “ascertaining the possibility of constituting a new politics of truth” (Foucault 74).

Here it is worth noting that Butler’s position does not end at the futility of joining and therefore expanding marriage equality. She does not wish to oppose marriage equality, but instead, she gives a counterexample of a stronger position to fight from. She does write that we should not be blind to how joining marriage will strengthen it, however Butler does not think that we can simply be trapped by this and she gives an example of the way we can fight onward. Instead of the opening up of marriage and attempt to make it a more liberal structure from within, she says that we should starve it of its strength (Butler, Žižek and Laclau “Competing Universalities” 274). Still, this would not unlock the privileges which are given to married couples for non-married ones and so Butler makes another claim that we should be fighting for the delinking of these “rights” so that they apply to all equally. If the rights given out arbitrarily to married couples applied to all, then marriage would be a weaker tool for the state to control the population’s sexual legitimacy.
Additionally Butler argues that we cannot lose sight of other parallel items in the LGBTQ agenda in the struggle for same-sex marriage (Butler, Žižek and Laclau “Competing Universalities” 271-3). In fact, she goes as far as to claim that “the proposition that marriage should become the only way to sanction or legitimate sexuality is unacceptably conservative (Undoing Gender 109).” In this sense, by only asking for a validation of same-sex marriage we are already giving boundaries to the legitimacy of sexual practices (Undoing Gender 115). By asking for intervention we also receive regulation (Undoing Gender 105). Furthermore, progressive sexual politics would be drastically curtailed if we allow marriage and family to mark exclusive parameters (Undoing Gender 130). All of these statements show the fear of giving the power of regulation over the spheres of sexual legitimacy, kinship and biological relations to the state.

Still, looking at the focus of the laws dealing with the LPartG and equal marriage, we can see that the push from outside and inside the lesbian and gay movement in Germany seems to be focused on these issues. Regulation of who may adopt (in this case married couples and life partners have the upper hand) is prominent in the bills increasing the rights for the LPartG. Regulation over tax benefits, also conferred to the realm of marriage and the LPartG is common. Additionally, regulation over the accepted norms of sexual practices by inclusion and exclusion of state sanctioned groups can be seen in the increasingly marriage-like design to the LPartG law and thus its life partners.

The Christopher Street Day Berlin Parade
The CSD Berlin is a vibrant event focused on, among other things, showing off the LBGTQ community inside and outside of Germany in order to bring visibility, recognition, and inclusion of their existence to the general population. Held in memory of the Stonewall Riots in New York, the event derives its name from Christopher Street, where the LGBTQ community demonstrated against police violence in 1969 (“CSD Pride Guide” 34). Holding true to the name, the CSD Berlin
fights against discrimination and for equal rights for LGBTQ community, though in a non-violent manner. This celebration takes place over the course of several weeks, and in 2013 it had items from the 23rd of May until the 26th of June. These events are a mélange of political, historical and cultural themes and culminate into such functions as talks, club nights, demonstration and mobilization efforts, charity, international awareness and of course the parade. But the CSD Berlin is not just a party, as the head of CSD Berlin points out in a public announcement (“CSD Pride Guide” 29). The pamphlet for the 2013 CSD Berlin even compares itself to the May first celebration of labor in that both are lasting themes of recognition and awareness of how society is structured (“CSD Pride Guide” 10). Raed Saleh, a politician of the SPD party, describes the CSD Berlin as an enrichment to the city in an interview about what the CSD Berlin is, stands for and brings to Germany (“CSD Pride Guide” 11).

Above all, the CSD Berlin has claimed its place in 2013 as a political event with the motto “Schluss mit Sonntagsreden! Demonstrieren! Wählen! Verändern!” (“CSD Pride Guide” 1) which translates to “Enough with the insincere talk! Demonstrate! Choose! Change!” This phrase was chosen with an obvious and significant connection to recent parliamentary votes which had not helped same-sex marriage become legalized. It attempts to show people that they must make a change in the system themselves which has not followed through with marriage equality. This holds true even though marriage equality in Germany it is a desire supported by the majority (“PEW – Global acceptance of homosexuality”). It is well worth noting, however, that the CSD Berlin has labeled itself political and refuses to call itself party-specific (“CSD Pride Guide” 14). Additionally, in multiple areas of the marketing, there are announcements that the CSD Berlin is not limited to people inside the LGBTQ community and encourages others to take part in the fight for civil liberties. As a political event, the CSD Berlin lists a series of demands which they want to see become realities (“CSD Pride Guide” 18) and gives out a Civil Courage Prize to three winners who
have demonstrated a strong connection to progressive civil rights and fought for their convictions (“CSD Pride Guide” 20).

As a recognizable affair propagating the equal rights and civil liberty movements within and surrounding LGBTQ community, what is of primary interest to this thesis are the themes represented in the functions put on by the CSD Berlin, as examples of contemporary focuses among highly visible mainstream gay rights activists. As such, this has a strong connection to the legitimating, hierarchizing and hegemony effects discussed in the previous sections. It is a practical and current view of a large part of the lesbian and gay movement’s direction in Germany.

Knowing what the recent laws surrounding LGBTQ rights have prioritized would lead one to infer that the CSD Berlin is potentially involved in same-sex marriage as well. This guess would be accurate according to the sheer number and intensity of the advertisements and events by the CSD Berlin team. In the very first interview of the 2013 CSD Berlin pamphlet the theme of marriage manifests in the idea of a generational gap. Boris Dittrich, a leader of the Human Rights Watch, describes this generational gap wherein young people growing up in the Netherlands cannot conceptualize a time when same-sex couples could not marry ("CSD Pride Guide" 8). This tone sets up the idea that equal marriage is not only the next obvious progressive civil liberty to be established, but also that life will remain the same after the opening of same-sex marriage for those who are against it. This removes doubts and fears from anti-same-sex marriage advocates of an anarchic overthrow of life as they know it.

Shortly after the interview with Dittrich, a section on the exclusion of the CDU in the CSD Berlin pointed out that not allowing the same-sex law in Germany to pass, or in this case actively fighting it, is the same as regarding and publicly stating that gay men and lesbians are second class citizens ("CSD Pride Guide" 14). Again, the importance to the LGBTQ civil rights platform is stressed in terms of how the lack of same-sex couples participating in marriage very negatively affects them.
This is what we have seen in Butler’s description of political paralysis. In order to participate in this political debate one must take a side. What this does not take into account is that perhaps neither directions are for the most benefit to society or are equal to the citizens partaking in these laws. If one is for same-sex marriage, then one must acknowledge the negative aspects alongside it, including the marginalizing of many groups. If one fights same-sex marriage, one is automatically forced into the realm of being anti-gay, homophobic or considering lesbian and gay people as “second class citizens.” Butler notes that for critical opponents to the system there is the possibility of “want[ing] to counter the homophobic discourses that have been marshaled against gay marriage, but one does not want to be, therefore, in favor of it” (Undoing Gender 119). This is the area she inhabits and points to as the possible ground for us to fight on.

An interesting tactic used by the CSD Berlin to convince one to take a side in their fight for more equality is a phrase that comes up a few times, “Gleiche Rechte für Ungleiche” (“CSD Pride Guide” 15). Meaning “same rights for people who are not the same.” The particularly interesting part of this approach is that the statement claims that different people should have the same kinds of rights without explicitly mentioning anything beyond this. With a little extrapolation one can see the simple move from why different people should have the same rights to the central argument of the CSD Berlin’s policy on marriage. This is namely that same-sex people should have the same right to marry. This in itself is very difficult to argue against without stepping into the grounds of the previous example, i.e. one must consider gay men and lesbians lesser to some extent if they are not afforded the same basic rights. However, as we have seen, there are large groups of people who are overlooked, pushed to the margins and remain illegitimate in terms of the state’s acceptance. These sections of the LGBTQ movement, which are already on the margins of societal legitimacy attempting to widen and erase the boundaries are still left out. This move, “Gleiche Rechte für Ungleiche,” neglects the neglected!
Following suit with the 2013 motto “Schluss mit Sonntagsreden,” the CSD Berlin pamphlet gives a general call for the German population to intervene. During this call, there is a list of demands given by the CSD Berlin and the reasons behind these demands. The very first demand listed is naturally the opening of same-sex marriage and the proper equal standing for these families as citizens (“CSD Pride Guide” 18). The emphasis of same-sex marriage equality as the number one demand of the CSD Berlin is important for two reasons in particular. Primarily, it shows the influence of marriage as an equalizing force in Germany to many activists and how its withholding affects the same-sex couple citizens in such a harmful way that they are not considered equal under the constitution which is supposed to protect the rights of all Germans. The second reason is that this demonstrates the focused nature that marriage puts on the civil rights activists. Though the list of demands goes on to mention several other items, marriage has topped this list in a similar fashion as it has dominated a huge amount of the political capital from the civil activists in the laws.

Directly after the demands comes the prestigious Civil Courage Prize 2013. Just as the demands started off with marriage, the first winner of the Civil Courage Prize 2013 is Dirk Siegfried, an activist for the equality of LGBTQ community (“CSD Pride Guide” 20). The first note about Siegfried is his involvement in the opening up of marriage for same-sex couples in Germany. As an attorney, he has taken a central role with the LPartG since its creation, working to equalize it with marriage in any way possible, including adoption and tax law. Siegfried has fought for these civil liberties for more than 20 years and seems to be an appropriate candidate for a prize that emphasizes the courage and hard work necessary to openly fight for progressive civil liberties.

The second prize was awarded to Kasha Nabagesera. Nabagesera is a Ugandan activist, who has worked for the improved living conditions of the LGBTQ community in Uganda. She is the founder of a large LGBTQ organization and remains in Uganda, fighting for civil rights, even in the face of threats to her life (“CSD Pride Guide” 20).
The third and final Civil Courage Prize awarded in 2013 was given to the Argentine Republic. This choice was significant for a number of reasons. First, the whole of the Argentine Republic was given the prize for its successful progressive civil rights. Secondly, the first item which was listed as a reason for the prize was the success of making marriage accessible to same-sex partners. This repeats how strong of a platform same-sex marriage has become. Looking at these three winners of the Civil Courage Prize provides interesting information in itself. This is precisely the fear of parallel items on the LGBTQ agenda being pushed aside to make way for same-sex marriage. The political force of marriage equality is immense and can overshadow other relevant progressive civil liberties.

In 2010, Butler was also nominated for the Civil Courage Prize by the CSD Berlin for her work as an activist in the LGBTQ field. As an activist, who works with theory on many of the topics surrounding LGBTQ and feminist rights, Butler seems like an exemplary nominee for the prize. Instead of accepting the prize, Butler rejected it due to the implicit and sometimes even overt complicity of some CSD Berlin organization’s opinions with homonationalism and racism, “…die Communitys türkischer, nordafrikanischer und arabischer Herkunft herabwürdigen” (to disparage the communities of Turkish, North African and Arabic ancestry) (“Ich bin für Spaß und Genuss”). Looking back at the case of the 2013 nominations for the Civil Courage Prize, the first winner was a white German, whose work focused on same-sex marriage and the LPartG, the second was a Ugandan fighter for LGBTQ rights and the third was an entire nation which also played its role in same-sex marriage. Not to say that these candidates are in any way undeserving of their prizes, but essentially it seems that queer anti-racist and immigration work in Germany, or even Europe, has been overlooked, or at least in two of the cases it has been superseded by the strength of same-sex marriage equality. In the CSD Berlin movement one may note that none of the prizes were awarded for achievements in queer anti-racist and immigration work. This demonstrates the hierarchical nature of the agenda items for the lesbian and gay movement through the prizes awarded in a
flagship event like the CSD Berlin. Butler also makes the claim that antiracist politics are an essential part of the work of progressive civil liberties ("Butler - I Must Distance Myself") and therefore as an extension the CSD Berlin.

Lastly, Butler names some other organizations, which practice the same kind of multi-faceted, anti-racist work within the LGBTQ community. These activist organizations include: GLADT (Gays and Lesbians from Turkey), which Butler describes as an organization which works with "fields of multiple discrimination, homophobia, transphobia, sexism, and racism"; LesMigraS (Lesbian Migrants and Black Lesbians), an anti-violence and anti-discrimination division; SUSPECT, "a small group of queers that established an anti-violence movement"; and lastly ReachOut, that Butler calls "a counseling center for victims of rightwing extremist, racist, anti-Semitic, homophobic, and transphobic violence in Berlin" ("Judith Butler - I Must Distance Myself from This Complicity with Racism"). As one can see, there are other groups which focus on not one, but multiple levels of discrimination, even inside of Germany, and therefore we must question, how the criteria for nomination for the Civil Courage Prize reveal the limitations of the recent focus on same sex marriage – particularly in preventing approaches to activism that integrate analyses of racism and transphobia.

Part of this lack in the antiracist agenda may parallel what Myra Marx Ferree describes as a disconnect between American and German feminism. Ferree claims that most American feminists see an obvious link between feminism and race/racism, whereas German feminists do not (Ferree 28-9). She describes a few reasons why this may be the case, but she also states that in Germany race is seen as a taboo (Ferree 30). In her argument, class has replaced race as an obvious connection to feminism. This in itself is interesting, because in the United States, class is somewhat frowned upon and a disproportionate amount of Americans claim to be part of the middle class (Ferree 32), presumably where they will not be judged for being overly wealthy or destitute. This
would also help explain why fiscal realities show up in such force throughout the LPartG debates in Germany.

Ferree goes on to describe the new German left in 1968 as a space for feminism. She writes that parties like die Grünen offered an increase of feminist interests and die Grünen even implemented a 50% “zipper policy” rule to create more equality in the amount of women in office (Ferree 54, 111, 120). Interestingly, as if to prove the point about the disconnect of feminism and race/racism issues, while gender and class was represented, women of color and ethnic minorities were not (Ferree 99). Another example came as late as 2004 when a law against discrimination failed, according to Ferree, due to connections of race within the law. Feminists during the debate were surprisingly silent, demonstrating this disconnect once again. Essentially the relation between gender and class was preferable to the relation between gender and race as “positive grounds for state action” (Ferree 199). The feminist movement, like the LGBTQ community, is devoted towards progressive gender and civil rights issues, so viewing the lack of race issues in the agenda may show us an area where the LGBTQ movement in Germany has a similar gap.

Puar’s description of homonationalism may help to understand the conditions under which the lack of queer anti-racist and immigration work live. For Puar, homonationalism is the (seemingly unlikely) connection between the gay community and nationalism, meeting at a point which benefits both. She writes that the frame of homonationalism can be used “for understanding the complexities of how “acceptance” and “tolerance” for gay and lesbian subjects has become a barometer by which the right to and capacity for national sovereignty is evaluated” (Puar 336). Puar does state that this is not a critique, but rather a way to understand the formation of the state. Also, in the way we have seen sexualized discourse in Butler’s analysis, homonationalism for Puar “can be resisted and re-signified, but not opted out of: we are all conditioned by it and through it” (Puar 336-337).
In the realm of German Muslims, Jin Haritaworn writes about the danger and homophobia associated with Muslim culture. This is represented in tandem with the vulnerable white (including gay) population ("Queer Injuries" 83, "Gay Imperialism" 76, 88). If Muslims are the true homophobes, then the gay culture can come into the mainstream via meeting the nationalist anti-Muslim or –integration discourse ("Queer Injuries" 83, "Gay Imperialism" 72, 88). This mainstreaming vehicle is aided by the acceptable idea of a homophobic Islam as opposed to a "just" and "multi-faceted" one, which Haritaworn describes as less "palatable" ("Gay Imperialism" 85). Butler raises a similar point when asked about a study focusing on the homophobic nature of Islam. She writes that the study is an interesting one, but lacks several possible components which might link homophobia to other groups, such as neo-Nazis ("Ich Bin für Spaß und Genuss"). Omissions like these, which refuse to link white German culture to homophobia (past or present) or over-extend the reach of Muslim homophobia cause a very negative reaction from white German culture towards many migrants, all contributing to Puar’s idea of homonationalism.

Nabagesera herself can be understood as a way in which the gay and lesbian community interjects itself into the mainstream. Haritaworn writes that the LSVD (Lesbian and Gay Federation Germany) tries to pass itself as a migrant organization ("Queer Injuries" 78). Further they propose a kind of exceptionalism of the West and of the migrants who can adapt to German values ("Queer Injuries" 78, "Gay Imperialism" 83). Nabagesera in this sense shows the gay and lesbian community’s acceptance (and therefore exceptionalism). By having a non-white or even non-German nominee for the Civil Courage Prize, the CSD Berlin can proclaim its migrant-friendly status without necessarily engaging critical issues surrounding migrants in Germany.

Along a parallel vein, Verloo discusses the importance of intersectionality in terms of structuring or framing debates. This is politically relevant in an issue like the CSD Berlin’s awards in much the same way legitimacy from the state affects the marginalized groups. Verloo notes that a careful framing can include or exclude different groups (Verloo 25) and this can be seen in the
awards given. Verloo also mentions that minority groups need a space (politically) to voice their interests (Verloo 27). By framing the three winners’ advancements of certain projects, agendas and goals, the ones which are repeatedly not represented are therefore excluded. This shows exactly the kind of (perhaps accidental) marginalization capable of occurring at an event which has claimed to be focused on ending discrimination.

As if to exemplify their concern for fighting discrimination, the CSD Berlin discusses its roots. Somewhat later in the pamphlet about the CSD Berlin 2013 a short description shows up about the history behind the Stonewall Riots on Christopher Street in New York. Naturally the riots against violence and discrimination are mentioned as the force behind the CSD Berlin in its current state. The stand for equality takes the shape of “Paraden, Protesten und Festen für Gleichberechtigung sowie gegen Diskriminierung demonstriert” (“CSD Pride Guide” 34). These “parades, protests and festivals” are an important part of the visibility of the LGBTQ community. It is also worth noting the large comparison between same-sex marriage and the LPartG inside this section.

Adoption and tax make a showing in the CSD Berlin’s agenda as well. Whether refuting the falsified arguments about child wellbeing (“CSD Pride Guide” 14), or desiring tax and adoption rights to be equal for same-sex couples and heterosexual couples alike (“CSD Pride Guide” 18), these are used to fuel the fire of the LPartG moving towards marriage. Even a picture on the page opposite the demands of the CSD shows two women who embrace each other in joy with the words “Schatz, wir sind schwanger!” (Dear, we are pregnant!) (“CSD Pride Guide” 17). All of this backs up the same-sex marriage stance quite nicely, further drawing the LPartG into a heteronormative and legitimate marriage.

As we have seen, the CSD Berlin claims to be a political event and they do back this statement up with a significant variety of items. After opening the cover to their marketing
pamphlet, the first item one can see is a statement written in large, bold letters saying “Wie macht man den CSD politisch?” (how does one make the CSD political) (“CSD Pride Guide” 3). The answer in this section is that one fires all of the CDU politicians. The statement then points out that the CSD is not simply a festival and the participants are there to get political work done. Of course right after the unsuccessful voting to legalize same-sex marriage in Germany, the CDU has become the number one enemy of the CSD Berlin and are thought of as against the fundamental human right to marry. As a result, one of the recurring themes in the CSD Berlin 2013 is throwing out the CDU and voting in new representatives, who are more attuned with the general population of Germany. This is backed by the recurring motto, “Schluss mit Sonntagsreden! Demonstrieren! Wählen! Verändern!”

Shortly after, a section titled “Die Guten ins Töpfchen, die Schlechten ins Kröpfchen” (the good ones into the pot, the bad ones into the crop) alludes to an old German fairy tale, known in English as Cinderella. This is in reference to Cinderella sorting out the good and bad lentils, obviously referring to the need to sort out politicians (“CSD Pride Guide” 14). At this stage there is a lengthier description of why the CDU must be removed. After the CDU voted against extended rights for same-sex couples in December of 2012 and again in March of 2013, the CSD Berlin claims that this equates gay men and lesbians with second class citizens. Furthermore, the CDU has disadvantaged millions of gays and lesbians and for these reasons they have been disallowed from taking part in the CSD Berlin 2013. Of course there was an outcry by many at the non-democratic nature that the CDU would not be allowed to take part, but the CSD Berlin leaders stated that a party which discriminates should be disallowed to take part in a demonstration against discrimination (“CSD Pride Guide” 14). Unsurprisingly when one looks at the parliamentary votes which have displaced the CDU from the CSD Berlin, one can see that these focus on the opening of equal marriage for same-sex couples.

At several more junctures the CSD Berlin reminds viewers of the CDU’s votes against same-sex marriage and the CDU’s general stance on the LGBTQ community. For example, at the start of
the demands the CSD Berlin claims that “[d]ie CDU beschloss auf dem Bundesparteitag im Dezember 2012 ausdrücklich, dass sie die Ungleichbehandlung beibehalten möchte.” (the CDU decided at the federal party conference in December of 2012 explicitly, that they would like to maintain the unequal treatment) (“CSD Pride Guide” 18). Then again later when describing the route of the CSD Berlin parade, the pamphlet mentions that the parade will cross the CDU central, but does not forget to use choice words to remind the audience of the “disrespectful” and “insulting” nature of the party (“CSD Pride Guide” 26). A third time during the section about the alternate CSD parade, a particularly negative comment by a previous leader of the CDU is repeated likening the LGBTQ community to rats (“CSD Pride Guide” 38).

It is worth noting the lengthy and intense response to the CDU’s votes by the CSD Berlin as it makes clear the level on which same-sex marriage is operating. If it is not the only item on the lesbian and gay agenda, it has certainly proven to be of primary importance.

While the same-sex marriage movement is exceedingly prevalent, there are surely other items on the agenda. The CSD Berlin makes it clear that the removal of discrimination is a primary goal (“CSD Pride Guide” 18). During the segment listing demands, violations against the constitutional rights of people due to their sexual orientation or identity, ancestry and age are addressed, albeit briefly (“CSD Pride Guide” 18). A call to do away with traditional roles and the use of “Schwul” (gay) as a curse both arise. Asylum for people who fear for themselves due to their sexual identity is demanded. A split between the church and state is required as is the ending of special status of the church in terms of the state (i.e. discrimination practices). At the end of the pamphlet, a small grey box in the corner states that a lecture by Dirk Siegfried, the winner of one of the Civil Courage Prizes in 2013, will take place. The content of the lecture is what comes after the equal marriage for same-sex couples: are all problems gone or are there more fights to win (“CSD Pride Guide” 45)? These important issues are brought up, but it must be noted that they are in no way nearly as prolific nor as recurring as the theme of marriage equality. As integration and racism
were the themes behind Butler’s rejection of the Civil Courage Prize in 2010, one might expect an increase in the awareness of these themes in the future years. Even the SPD politician Saleh, when asked about integration, changes the topic to “integration being when everyone in the society can take equal part” again referring to the laws affecting rights of same-sex couples (“CSD Pride Guide” 10).

It seems that at every turn of the CSD Berlin, same-sex marriage equality shows up as being a core value in the LGBTQ agenda. Similar to the laws developed around and for the LPartG, same-sex marriage owns a large portion of the political capital of the CSD Berlin. Again, while this may be a strong step towards equality in many senses, there are huge voids where this may not hold true and we must think carefully about the impacts of struggles for marriage equality.

Even if the CSD Berlin focuses heavily on same-sex marriage, it would be a mistake to say there are no other activist groups in Germany which fight for many more progressive civil liberties. Butler names several of these examples in her speech, GLADT (Gays and Lesbians from Turkey), LesMigraS (Lesbian Migrants and Black Lesbians), SUSPECT and ReachOut ("Butler - I Must Distance Myself") are all part of the activist civil liberty movement with which the CSD Berlin interacts. There is even an alternative CSD event which focuses on other items, such as transgender and racism issues (”Transgenialer CSD Berlin”). Puar and Haritaworn are two of the intellectuals, who look at how factors combine to affect different minority communities. While these groups and activists that deal with different progressive civil agendas exist, the amount of visibility they wield is less than the (in some ways commercial) CSD Berlin. This means that there is an ability for the CSD Berlin’s agenda to take precedence over other progressive agendas simply due to awareness.
Conclusion

Now that I have looked at critical theory, laws, public discourse and finally a large and current event held in Germany surrounding the LPartG and same-sex marriage, I wish to outline several conclusions. First and foremost, there indeed seem to be potential positive effects bestowed upon the same-sex couples, which may now enter into a partnership and therefore gain many of the rights associated with marriage. If a same-sex marriage bill does pass, then these rights and the destruction of discrimination against these couples may be furthered. A second visible net positive effect we may find through the analysis here is that the momentum given to same-sex marriage has opened the eyes of many others, outside of the gay and lesbian community. It may be easier see or better understand that there is a discrimination taking place against the gay and lesbian community. This should not be understated, as visibility and awareness are the first steps towards solving problems and fostering an equality amongst all citizens. In this sense, perhaps momentum will continue to build and progressive political collectives will be strengthened by the new visibility.

What we should note from Butler’s analysis is that there are other ways in which these same benefits can be reached without allowing the state to control legitimation. Her argument of the delinking of rights associated with marriage is a perfect example. If this delinking could be achieved, then the LGBTQ community as a whole could potentially gain the positives of same-sex marriage without suffering the negative aspects. Additionally this would open the possibility for heterosexual couples to opt out of state regulated marriage for a more self-realized way of gaining the same benefits. In some ways, this move of delinking can be seen in some of the northern European countries such as Sweden and Norway. Norway and Sweden have both seen an increase in cohabitation in their populations. While there are some different considerations as to why this seems to be the case, what is true is that these two examples can be seen as marriage being put aside by many partners, and with relative success and happiness in their relationships. Norway
shows an increasing amount of people relying on cohabitation relationships relative to marriage even recently (Noack 106), while Sweden has seen an increase as early as the 1970s (Trost 678). Denmark itself can be a good example of how opening rights for cohabitants is a good start to the equalization of rights for same-sex, and other, relationships (Eskridge and Spedale 49). As a country which, like Germany, opened some rights to non-married couples, we can see how this trend has withstood a lengthier temporal range than that of Germany’s LPartG rights without harming the societal structure.

Besides these potentially positive effects of same-sex marriage and the LPartG, there are still very real complications, which we need to be aware of. As noted earlier, same-sex marriage has a colossal amount of force behind it politically and this can have a kind of narrowing effect on other agenda items. For example, the strength of same-sex marriage can overwhelm another, different progressive civil rights move with its dominance in the current sphere of politics, such as racist violence in migrant LGBTQ communities. We have seen that this can split the LGBTQ community, which as a minority needs as many of their members as possible to achieve their progressive political agenda. Same-sex marriage causes this rupture by overriding other political convictions in several instances. These include, but are not limited to: disagreeing on the terms of marriage (i.e. how it is represented, who is allowed to take part, why certain rights are arbitrarily linked to marriage, a connection between the church and state, etc.); a wish to distance oneself and the legitimacy one’s sexual practices from the regulation of the state; and a desire to combat heteronormativity in general vis-à-vis opening the validation of sexual practices, identities and kinship.

Of course, related to this is the fact that many of these groups which fight for the relaxation of norms focusing on heteronormativity and sexuality are marginalized by a move towards same-sex marriage. The legitimacy of one’s sexuality given by the state does not apply to those who cannot join the same-sex marriage movement. Additionally, we can see how they are further
removed from acceptance as the line of legitimacy becomes more visible, defined and therefore harder to cross. We have seen that language itself is sexualized and this has the same kind of splitting effect on the various “illegitimate” groups as does the acceptance of only some into the structure of marriage. Additionally, even the gay and lesbian couples which wish to have their sexuality legally recognized have to face a certain assimilation by the state. This is not an equal relationship in that the state guards the terms of legitimacy through the tool of marriage and same-sex couples must partake under the state’s terms in order to acquire this legitimacy. Again we come across the problem of who has access to legitimacy. Haritaworn argues, “it is crucial that we recognise the differential access which partners of each coalition enjoy to its symbolic and material resources, and that we actively and radically redistribute them” (“Gay Imperialism” 89).

As people concerned with the equality and advancement of civil liberties for all to enjoy, we are faced with an important question: where and how can we proceed with this tricky footing? First and foremost we must accept that it is indeed a slippery slope to simply accept same-sex marriage as a move towards equality by progressive civil liberty groups and the state. Doing so would keep a blind eye towards the very significant issues brought up by the marginalization which takes place, and the problems with basing notions of rights on state recognition. For Butler, queer is a movement for minorities, that is to say for people who do not associate with larger groups and wish to have a space for themselves. Further, the fight against racism is exactly as important as against homophobia. Lastly, homophobia exists on different levels (“Ich Bin für Spaß und Genuss”). If homophobia exists on different levels, so too can racism. This means that the queer movement and its allies need to be aware and prepared to fight all kinds of discrimination, even in unlikely places.

If we accept that same-sex marriage may simultaneously have positive and negative effects, then we must reconsider our terms. By choosing our discursive battlefield perhaps we can evade the traps set by a language and system of marriage already steeped in gendered norms. As Butler suggests, perhaps we can use a system of delinking the rights associated with marriage in order to
start the process of starving it of its power. This struggle of the intellectual to partake in the fight for progress is clear. In order to really identify and correct problems, one cannot simply enter the debate with its terms already set. This requires a huge effort to stay critical and simultaneously engage the political realities, but as Haritaworn writes, “being an ally means work” ("Gay Imperialism" 89). Lastly, no matter what we decide upon as our next steps into the realm of same-sex marriage, we need to continue considering parallel political items of progressive civil rights lest we risk falling into negligence. This means we need to be careful how much of the political agenda same-sex marriage occupies.
Bibliography


“Grundgesetz für die Bundesrepublik Deutschland.” 23 May 1949 : n. pag. Print. Germany.
Deutscher Bundestag.


Ferree, Myra Marx. Varieties of Feminism: German Gender Politics in Global Perspective. Stanford, CA:


Landfester, Petra. “How Should a Body Move: Turkish German Claims to Recognition in
Architecture, Film and Literature.” University of Colorado Boulder, 2013. Print.


Trost, Jan. “Married and Unmarried Cohabitation: The Case of Sweden, with Some Comparisons.”

