

Reattachment Theory



QUEER CINEMA OF REMARRIAGE

Lee Wallace

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For the Stanleys of this world

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**There is no marriage
without remarriage.**
—Stanley Cavell,
Cities of Words

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The world is an imperfect place.

How we meet imperfection, and what we say about it, is up to us. Imperfection, as a rule, lends itself to criticism and critique. One of the strengths of queer theory is that it tends to grasp imperfection generously. It tells many hopeful stories about damage and shame and failure, things that are elsewhere considered as stains on the way the world or people should be. Yet, despite its counterintuitive allegiance to various orders of inadequacy and deficiency, queer theory has met the imperfection of marriage with radical skepticism. Whether it regards the phenomenon of marriage, including same-sex marriage, as an institutional failure (a mechanism for reproducing social inequality) or an ethical failure (an interpersonal contract that promotes sexual standards no one keeps), queer critique renders marriage a contemptible, not a redemptive, object.

Yet for all its imperfections, the world—including the world of marriage—is also an enchanted place. But, as anyone who has ever fallen in or out of love will know, enchantment is even harder to grasp than imperfection and still harder to trade in the languages in which we have learned to speak to each other, both personally and professionally. This book is an attempt to change the story we tell ourselves about marriage and to reenchant us to its queer possibilities as they appear in what Stanley Cavell refers to as the ordinary language of film. Cavell, who died in June 2018, around the same time that I completed the manuscript of this book, is not usually counted among queer theory's fellow travelers but, as I hope *Reattachment Theory* demonstrates, his account of film's capacity to capture the extraordinary in the ordinary, including the ordinary of married life, is an extraordinary resource for anyone wanting to think queerly about imperfection.

Like Cavell, I am drawn to the popular vehicle of narrative film as a medium in which the marriage plot is sustained and transformed through the generic means of comedy, tragedy, and romance. Whereas Cavell fixates on the transformation of the marriage plot that occurs in the classical Hollywood

comedies of remarriage, which were made in the wake of the contemporary popular acceptance of divorce, I see a similar transformation occurring in recent films that speak either directly or indirectly to the contemporary popular acceptance of same-sex marriage. I approach the gay remarriage plot—which also turns on the possibility of remarriage—not in sociological terms but through the lens of close reading. As practiced by Cavell, close reading is less a methodology than an orientation to the entrancement of cinema and an attempt to capture the formal intuition of a particular film sentence by sentence. Prose imperfectly captures the register of film but, as both the classical and queer comedies of remarriage happily teach, the pursuit of perfection relies on getting things wrong as a way toward getting them right.

Although any mistakes ahead are all mine, for the chance to make them I am indebted to the University of Sydney and to the Australian Research Council for the award of a Future Fellowship, which allowed time for error as well as its scholarly recovery. I thank the staff at the Center for the Promotion of Gender and Women's Studies, Freie Universität Berlin, for the Visiting Fellowship across which a series of unrelated essays found their rationale in remarriage. A small grant from the Sydney Social Science and Humanities Advanced Research Centre (SSSHARC) allowed me to invite Robyn Wiegman to the University of Sydney in early 2018 to put the draft manuscript of this book through an ultimate peer review. Robyn's input into this book was both intimidating and transformative. She challenged me to draw out the field implications of my argument and make more of my methodological refusal to concede homosexuality's relation to marriage as signified by its legal state. Similarly transformative was the role played by the three readers commissioned by Duke University Press, who, like the triplicate figures of folklore, each brought different expertise to the task of turning a fledgling manuscript into a fully formed book. Their intellectually imaginative response to the first draft of this book gave me confidence that my way of reading and writing could draw others into an open-ended conversation about film and made final revisions much easier than I had any right to expect. Ken Wissoker has been a steady guide and supporter throughout. I am also grateful to Joshua Tranen for helping me navigate the process by which a manuscript becomes a book. Final acknowledgment is due to Annalise Pippard for the deft research assistance that held the various parts of this project together from beginning to end.

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1 Queer Skepticism and Gay Marriage

Contrary to the widely accepted idea that the rise of the same-sex marriage is coterminous with the rise of neoliberalism, I argue that the history of homosexuality—and in particular the history of lesbianism—has always been entangled with the history of marriage and therefore integral to the reimagining of affective and erotic horizons within the couple form and the wider sociality it indexes. Although I make this case primarily through an engagement with film, in this introductory chapter I briefly review influential queer critiques of the marriage equality movement in order to unsettle them via a wider argument about homosexuality and its relation to continually evolving discourses of sexual and social intimacy. I begin with a selective overview of established and trending perspectives on same-sex marriage within social theory and legal theory before arguing for the ongoing salience of narrative as a framework for thinking differently about marriage post-marriage equality. This will ultimately allow me to replot contemporary gay marriage along the coordinates of remarriage first described by Stanley Cavell in his discussion of Hollywood comedies of the 1930s and 1940s and displace queer skepticism around marriage with a form of wry utopianism that builds on the experience of coupled love as much as its theorization. The seven films on which Cavell builds his argument about remarriage are, in the order he discusses them, *The Lady Eve* (Preston Sturges, 1941), *It Happened One Night* (Frank Capra, 1934), *Bringing Up Baby* (Howard Hawks, 1938), *The Philadelphia Story* (George Cukor, 1940), *His Girl Friday* (Howard Hawks, 1940), *Adam's Rib* (George Cukor, 1949), and *The Awful Truth* (Leo McCarey, 1937). As I will later demonstrate in relation to the films of Lisa Cholodenko and Andrew Haigh in particular, the possibility of reattachment that is central to remarriage comedy is closely tied to the question of whether one finds oneself in a tragedy, comedy, or romance. However appealing the idea, the pages ahead do not offer a theory of gay marriage as remarriage so much as insist on the importance of narrative and nonrealist reading practices in making sense of the contemporary dilemmas of long-term intimacy, for queers as for everyone.

This is to tell a different story about marriage than the one that queers have been telling for the last twenty years. Cast your mind back to 1999, a moment whose numerological cast seemed to call for apocalyptic diatribes. This was the year Michael Warner published *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*, an energetic critique of various normativizing tendencies within American neoliberalism that included a chapter-length polemic against gay marriage, which it correctly foresaw as the future of lesbian and gay mainstream activism.¹ One of the most influential aspects of Warner's argument was its insistence that the extension of the right to marry to same-sex couples is less a political achievement than a measure of the broadening reach of normativity, a benign system of social docility that readily encompasses those sexual constituencies who have traditionally been considered—and considered themselves—beyond its ken. Whereas Warner makes a strident argument for the ethical value of engaging “the perspective of those at the bottom of the scale of respectability: queers, sluts, prostitutes, trannies, club crawlers, and other lowlifes,” the decades since the publication of his book have seen the global uptake and unanticipated popularization of the marriage equality movement.² Operating from an ever-broader social base, the respectable tenor of the marriage equality movement can be seen in the Ring Your Granny campaign that contributed to Ireland becoming the first country in the world to adopt same-sex marriage by popular referendum in 2015 and, two years later, the #Ring-YourRellos initiative launched in the context of the Australian Marriage Law Postal Survey, which also saw a generation of media-savvy activists reintroduced to the quaint affordances of stick-down envelopes and pillar boxes. The naughtiness of the mainstream embrace of the idea of gay marriage continues to bolster the outlaw appeal of Warner's argument for the value of queer counterpublics, those informal networks of friends and strangers linked together by relations of care that have no recognition in law but effectively comprise an alternative public sphere in which sexuality is valued for its social stickiness beyond the lines mandated by heterosexual kinship and family.³

Although she acknowledges that “the topic of gay marriage is not the same as that of gay kinship,” Judith Butler has pointed out that “the two become confounded in U.S. popular opinion when we hear not only that marriage is and ought to remain a heterosexual institution and bond, but also that kinship does not work, or does not qualify as kinship, unless it assumes a recognizable family form.”⁴ Like Warner, Butler is interested in severing the link between reproductive heterosexuality and the kinship system over which it is presumed to exercise exclusive rights. Kinship, Butler argues, does not only radiate out from birth and child-rearing practices but includes all social

practices “that emerge to address fundamental forms of human dependency” such as “relations of emotional dependency and support, generational ties, illness, dying, and death (to name a few).” She points to the long ethnographic tradition of mapping both African American and gay and lesbian kinship patterns that may or may not “approximate the family form” in order to argue that, both theoretically and in practice, “conceptions of kinship have become disjoined from the marriage assumption.”⁵ This conceptual separation of marriage and kinship is, as Butler notes, also furthered by those legal responses to calls for marriage equality that separate recognition of civil partnerships from the right to coparent, adopt, or access fertility services. Yet, far from weakening the heterosexual grip on kinship, this legal differentiation produces a situation in which family law is enshrined beyond marriage rights in a legally quarantined sphere that is less susceptible to the inclusion of nonnormative practice.

Variously applied in different legal jurisdictions, this apparent devaluation of marriage in association with same-sex claims to marriage-like relationships and its legal separation from other kinship practices considered integral to social reproduction is, in many senses, what queer critics of marriage have often predicted would happen when marriage by definition included same-sex relationships. Far from spreading social equity, they argued, the advent of same-sex marriage would only deepen and displace the inequities at the heart of a patriarchal institution that remains central to the governing heterosexual social order. In addition, they warned, by extending social legitimacy to those gays and lesbians who assimilate the heteronorms of marriage, same-sex marriage would further marginalize and disadvantage those who didn’t. But, as Louise Richardson-Self has recently noted, these well-rehearsed “assimilative” arguments about whether to accept or reject same-sex marriage on the grounds of its reification of heteronormative privilege are most useful in clarifying that at base the same-sex marriage debate is concerned with the “*equal regard* of LGBT people” rather than marriage per se.⁶

As an objection to discrimination rather than a claim to marriage, Richardson-Self goes on to argue, the argument for marriage equality is thus based on the recognition of difference rather than the ascription of sameness. Starting from this premise, Richardson-Self argues for the need to understand marriage not as an institutional form that delivers legal privilege to some and denies it to others but as a full-scale social imaginary that facilitates structures of identity and belonging in association with certain notions of intimacy and kinship but not others. From this perspective the goal of the marriage equality movement is not winning political rights but reimagining the terrain of marriage as composed of “traditional and nontraditional” practices of affiliation and care

that are “horizontally” aligned rather than ranked in a moral hierarchy. Like Butler, Richardson-Self argues for the need to bring into social circulation “a new meaning-generating story” that challenges marriage’s stranglehold on notions of affective kinship. In place of current ideals of marriage, she proposes an expanded “narrative of caring-love” that “acknowledges that all persons at all stages of their life require, desire, and/or deliver care, and that care is fundamental to our flourishing as intersubjective individuals.”⁷ The point is not to change the institution of marriage but to change the story of marriage, an outcome that can seem woolly and imprecise in activist frameworks that agitate for legal rights and recognitions but is, I would argue, business as usual for novel and film genres that survive only to the degree that they can innovate and renew received narrative patterns for historically evolving audiences. Of course, changing the story of marriage is also business as usual for those who are married or in marriage-like relationships, including the relationships of care that Richardson-Self points to that evolve across time in relation to different expectations and abilities, not all of which are rationally geared or knowable in advance. As we will see in the chapters ahead, it is the made-to-be-broken quality of all attachment that increasingly imprints itself in stories about commitment in the era of marriage equality.

Wanting to shift the normative ideal of marriage until it becomes radically inclusive of all relations of “caring-love” leads Richardson-Self to take a stance against politically expedient arguments for the strategic adoption of current marriage norms. She points out that those countries that moved early to legalize same-sex marriage, such as the Netherlands, by and large have not seen the advent of new norms and collective behaviors that demonstrate the social acceptance of LGBT populations or their families of choice but continue to report instances of intolerance. Richardson-Self takes the persistence of homophobia in these liberal jurisdictions, like violent protest in opposition to the proposed introduction of same-sex marriage elsewhere, as evidence that marriage reform has “little real social effect” beyond the endorsement and strengthening of the narrative of traditional marriage, which men and women have always had different stakes in, and the racially and ethnically unmarked nuclear family with which it remains cognate in “the dominant shared Western social imaginary.”⁸ Whether gays and lesbians are allowed to marry, or not allowed to marry, it seems the story of marriage remains the story of a bleached-out familialism that knows no difference from itself. Whether exclusively heterosexual or inclusive of homosexuals, marriage is considered to be in the service of normativity or, more specifically, what Lee Edelman has called “reproductive futurism,” the popularly mandated system

of symbolic generationalism that defuses and redirects present-tense calls for social justice into an anodyne emotional mode that refuses to acknowledge structural injustices and their long-term racial legacies.⁹ In this sense, the story of marriage is a closed book.

The drive to normalization that queer theory finds within the marriage imaginary has meant that marriage, and the affective participation in sociality it supports, has been dismissed out of hand as a research object that might warrant sustained inquiry through a range of perspectives or methodological instruments. Social scientists, who tend to be more at home with the idea of the normative and its role in generating social change, are by and large better at investigating what it is that folk achieve when they marry beyond the rights and privileges that marriage equality activists argue for and queer theorists argue against.¹⁰ Kimberley Richman's book-length account of her quantitative and qualitative survey of same-sex-marrying couples from California and Massachusetts begins with the revelation that of the nearly fifteen hundred couples she surveyed, 70 percent were already registered domestic partners and 55 percent had already been through nonlegal commitment ceremonies. That is, the majority of lesbians and gays seeking marriage, often at great personal cost, "already had access to the *rights* associated with marriage (at least at the state level), and many had already experienced the *ceremonial* aspect of marriage."¹¹ In her follow-up interviews with one hundred couples, Richman draws out the diverse reasons why gays and lesbians get legally married so as to tease out "the complexity of both the meaning of marriage and the legal consciousness of those seeking it."¹² Drawing on the tripartite model of legal consciousness established by Patricia Ewick and Susan Silbey's landmark study of the role of law in everyday attitudes and actions, Richman initially confirms that the same-sex couples surveyed and interviewed identify a variety of instrumental, validating, and oppositional motivations for seeking legal marriage, often in combination with each other.¹³ In addition to this expected result, however, Richman discovered that some of the couples voiced none of these motivations and that, further, many of them expressed "an unmistakable voice of romance, which did not quite fit with the tripartite model of legality, but rather expressed motives that were seemingly external to the law and legality—they were neither strategic, nor reverent, nor resistant. They were instead aimed at purely emotional, personal, or romantic drives."¹⁴ Richman points out that while it is no surprise that marriage is considered a "mechanism for attaining these things, it is not entirely intuitive why *legal* marriage," as opposed to a wedding ceremony or equivalent ritual, "was a necessary component to satisfying these drives." As she goes on

to argue, this can be accounted for only by acknowledging “the hegemonic power of law, and the way that it infuses human relations, even in barely perceptible ways.”¹⁵ Sensitive to the many motivations for marriage and orientations to law expressed across and within the couples she interviewed, Richman emphasizes the critical significance of the emotional schema engaged by her interview subjects, many of whom initially sought out marriage on completely different grounds. Not only does Richman’s study reveal that “the newly emerging right to marriage for same-sex couples is one that is not confined to the instrumental, political, or even symbolic realm,” but it reveals law to be “a conduit or cultivator of emotion” insofar as “the data shows us that the personal or affective impact of law is often unsought or unexpected, but nevertheless profoundly felt.”¹⁶ Arising at the point where marriage law intersects with the marriage imaginary, the bewildering experience of conjugal affect is a normative phenomenon that cannot be fully explained within either legal or sociological frameworks.

This evidence for the emotional impact of marriage law, even on those who initially bring nothing but political pragmatism to it, is extremely suggestive. It is not that people are dumb or wrong to have a feeling for marriage, or to think that they don’t have any such feeling, but rather that this phenomenon, whether anticipated or unanticipated, speaks to the affective as an important and motivating reality in people’s everyday public lives. Lauren Berlant has identified our collective yet highly individualized attachment to the story of emotional attachment as one of the abiding vectors of contemporary life in which multiple “pedagogies” instruct us in the wisdom of identifying “having a life with having an intimate life.”¹⁷ Berlant traces the origins of this intimate regime back to a liberal society founded less on separate public and private spheres than on the constant and complex “migration of intimacy expectations between the public and the domestic.”¹⁸ While the drive toward intimacy might take many forms, only some of those forms harden off into social conventions. The longest standing and most adaptable of these intimate conventions is the story of marriage since, as Berlant points out, it exactly satisfies the enigmatic requirement that “the inwardness of the intimate is met by a corresponding publicness.”¹⁹ That is, of all the things marriage does, it is the way in which it trains us to experience our “internal lives theatrically, as though oriented to an audience” that is key to its social canonicity.²⁰ While the first to acknowledge that attachments themselves have no preordained utility and are typically marked by contradictory energies and ambivalence, Berlant argues that the story of marriage generates an “aesthetic of attachment” that is normatively promoted “across private and public domains” in a way that stabilizes, clarifies,

and cultivates “the couple or the life narrative it generates.” Against this “normative” aesthetic of the married couple, she contends, alternative intimacy plots—such as those based in the appetites rather than love, community, and patriotism, the trifecta of emotions uniquely tied up in American notions of marriage—struggle to find a “designated place” in culture and must “develop aesthetics of the extreme” in order to be publicly heard.²¹

Contra Berlant, I will go on to suggest that almost since its eighteenth-century inception the story of marriage has proven capacious enough to harbor nonnormative plotlines and the social publicity they require to thrive. First, however, I would like to return to the presumption that marriage never has, never will provide hospitable ground for the advancement of alternative intimacies. Many have observed that the right to marry may, when awarded, offer no more legal protection or access than gays or lesbians currently enjoy under common-law provisions and in some instances may actually introduce legal vulnerabilities.²² Coming at this double bind from the perspective of critical legal studies, Katherine Franke has recently pointed out that the extension of rights such as the freedom to marry does not in itself constitute freedom or resolve “complex questions of justice and equality, but rather inaugurates a new set of hard questions about what it means to be liberated into a social institution that has its own complicated and durable values and preferences.”²³ Among the durable aspects of marriage that survives its expansion to include same-sex subjects, Franke argues, is its insistently gendered profile: “Paradoxically, gaining rights can have the unintended effect of conscripting the beneficiaries [of marriage reform] into gendered roles they have little interest in inhabiting.”²⁴ I will return to Franke’s point about the gendered aspect of marriage below, but I focus first on her decision to approach the legal downsides of same-sex marriage via the historic example of the granting of marriage rights to blacks in the raft of reforms that followed the abolition of slavery in North America. As Franke points out, for many freed blacks this unsolicited equality immediately complicated their capacity to negotiate the ongoing racist strictures of nineteenth-century American life. She documents the many violent injustices visited on black men and women whose sexual alliances did not fit sanctioned models of marriage but approximated forms that were considered criminal, such as bigamy. Rights-bearing citizens, Franke reminds us, are often restrained by the rights they bear and may even become subject to laws from which they previously had dispensation, as when these newly emancipated slaves found their domestic lives subject to state licensure and themselves imprisoned for retrospectively infringing marriage laws that never originally applied.

By framing same-sex marriage through the historic lens of race, Franke cautions those who think of marriage equality as an unmitigated legal advance to be mindful of the unfreedoms and legal liabilities that may follow upon having previously outlawed relationships incorporated in law. But this is not the end of her lesson. As she is fully aware, Franke's critical invocation of the racialization of nineteenth-century marriage law in the context of gay marriage debates runs counter to the more routine political likening of twenty-first-century extensions of marriage law to the overturning of antimiscegenation statutes in the civil rights era. As many have pointed out, this analogy is flawed on multiple counts. Chandan Reddy, for instance, has argued that the frequently drawn connection between same-sex marriage equality and the overturning of US antimiscegenation laws in the late sixties blurs the racially whitening effect of rights discourse itself, a liberal ideology indentured to Enlightenment abstractions notoriously indifferent to structural mechanisms of inclusion and exclusion and their remedy. Reddy argues that the 1967 Supreme Court decision in *Loving v. Virginia*, which specified marriage as a fundamental human right, "does not so much mark the end of antimiscegenation or the racial organization of US kinship or the rise of ideologies of color-blind intimacy and love" but rather "indexes and mediates the shifts in racial meanings conducted through a juridical discourse on interracial intimacy" that is consistent with the wider postwar shift that saw the United States move "from being officially white supremacist to a racial liberal state."²⁵ Reddy first made this argument in 2008, when the federal recognition of gay marriage was regarded as constitutionally inevitable if still a ways off; then, in 2016, he revisited it in the context of a roundtable on the role of queer theory "after" marriage equality.²⁶ As part of his update, Reddy points to June 2013 and the proximity of Supreme Court judgments that recognized marriage equality with those that struck down "voting protections for African Americans and other disenfranchised poor communities of color."²⁷ Reddy insists that, if there is a line of continuity between the *Loving* moment and the recognition of marriage as a fundamental right for homosexuals, too, it is a line that traces their mutual imbrication in a system of biopolitical governance that overlooks structural inequities in favor of categories—such as the rights-bearing citizen, an entity that already presumes layers of state recognition denied to many racialized demographics, such as undocumented migrants, or marriage conceived as a fundamental right or human dignity—that erase the social and racial differences through which injustice operates.

Reddy's argument is representative of a wider field of queer of color critique that targets the racism endemic to neoliberalism and its precursor

forms. In general, this strand of social theory has little positive to say about gay marriage, which it tends to sweep aside as the normative proposition par excellence in favor of queer kinship bonds that keep their distance from racially privileged, heterosexist, and gender-normative models of state-sanctioned relationality.²⁸ Many of these arguments can be traced back to Roderick Ferguson's influential account of the coarticulated "normative ideologies of civil rights, canonical sociology, and national liberation" that serve to pathologize African American culture whenever it departs from the heteronormative models so easily detected in white middle-class family life.²⁹ In her well-tempered discussion of Ferguson's *Aberrations in Black*, the various chapters of which bind together American schools of sociological thought with exemplary African American literary texts, Amy Villarejo draws out the implications of his methodology and the equivalency it supposes between sociology and literature.³⁰ Specifically, Villarejo wants to "cleave apart the two senses of *nonheteronormative* Ferguson proposes," on the one hand, nonheteronormativity as a social symptom or pathology understood to be the result of the damage wrought upon African American families by slavery and industrialization that needs be corrected through benevolent social policy, and on the other, nonheteronormativity as a perversion of the American family ideal through which African Americans express social agency outside the normative regime of the expanding black middle class, whose thriving is registered in its capacity to reproduce heteropatriarchal marriage norms. As Villarejo argues, the blurring of these two diagnostics determines that "the politics of African American life and struggle" are "forced to yield their lessons in the same terms in which [they] have been pathologized." As diagnosed by the sociology of race, the nonheteronormative is a sign of ongoing social damage or dysfunction; as diagnosed by the literature of race, the nonheteronormative is an ongoing social resource. Villarejo suggests looking at cinema in order to find a richer "vocabulary for parsing the distinction" between symptom and agency otherwise "collapsed" in the term "nonheteronormative," a strategy that I suggest also yields results in thinking about gay marriage outside the dualism of political poison or political cure.³¹

Although queer marriage critique has rejected the drawing of simplistic parallels between gay marriage and antimiscegenation law, the *Loving* analogy continues to dominate in both popular and legal spheres, where it has become a legal convention in its own right. In an article in 2007 marking the fortieth anniversary of *Loving v. Virginia*, legal scholar Adele Morrison takes up the issue of the case's applicability in the context of same-sex marriage.³² Morrison points out that, although pro-same-sex arguments freely avail

themselves of the *Loving* analogy and the “decision’s freedom of choice and anti-discrimination elements,” they “rarely incorporate the Supreme Court’s antisubordination message, as articulated through its anti-white supremacy stance.”³³ So far so good, but in a move that goes against much subsequent queer of color theorizing, Morrison goes on to argue that same-sex marriage subverts white supremacy by undermining heterosupremacy: “The contention is that while heterosexual marriages, as exemplars of heteronormativity, may reinforce the status quo of white supremacy, same-sex intimate relationships challenge white supremacy by being non-normative.”³⁴ Although it is hard to imagine an argument for gay marriage subverting white supremacy getting much traction considering the ongoing persistence of racialized inequality in the era of marriage equality, the symbolic pull of the *Loving* analogy continues unabated in the contemporary moment.³⁵

Despite its constitutional specificity, the well-worn *Loving* analogy is not restricted to US contexts but is often invoked whenever advocates wish to lend political gravitas to bids for marriage equality in other legal jurisdictions. The international take-up of the *Loving* analogy has been boosted by the release of Jeff Nichols’s *Loving* (2016), an earnest melodrama based on the marriage story behind *Loving v. Virginia*. Featuring the Australian actor Joel Edgerton as Richard Loving, the film has been taken as an opportunity for a new suite of well-intentioned but historically wobbly comparisons between US and Australian antiscegenation law and governance practices. These arguments by analogy get additional celebrity traction from the revelation that Edgerton—near cata-tonic in the role of Loving but in real life an outspoken supporter of the Australian campaign for marriage equality—has been in a relationship with Cathy Freeman, a Kuku Yalanji and Birri-Gubba woman and Olympic superstar.³⁶ To be sure, it is not that these transnational analogies are out-and-out wrong or not worth making but that, in striving to establish political parallels, they can obscure the different and contradictory ways in which racialized intimacies have been disciplined and normativized across the postcolonial world.

In the Australian case, for instance, the policing of miscegenation was for much of the twentieth century in line with an assimilationist policy explicitly designed to breed out Aboriginal bloodlines in pursuit of a white Australia. Under this eugenicist order, which ran in one form or another from the 1890s to the 1970s and was stretched particularly thin in sparsely populated northern Australia, where the discouragement of sexual commingling had little effect, the establishment of white paternity could result in mixed-race children being forcibly taken from their indigenous mothers by federal or state agencies and church missions, an occurrence so frequent and extensive that those children

are now known as the Stolen Generations. As evidenced in indigenous autobiographies and scholarship, while some white fathers had ongoing relationships with the Aboriginal mothers of their children and sought permission to marry them, others were incorporated into Aboriginal kinship systems as a means of acknowledging these relationships and the children born into them without risking their removal.³⁷ The complexity of these intimate genealogies, and their departure from state-sanctioned conjugal norms, is often lost within an overall cultural landscape that continues to observe white codes of reticence around the sexual exploitation of Aboriginal women and girls and other generational effects of racism, dispossession, and exclusion.

Manifestations of interracial intimacy that conflict with imperial drives to racial hygiene are part and parcel of the colonial project as it has unfolded in various locations. Their affective byways are always highly specific, however, involving as they do the intermeshing of indigenous and introduced expectations around sexuality, marriage, and kinship.³⁸ It is well known that different imperial administrations applied different dispensations in relation to interracial marriage or its many corollaries. Ann Laura Stoler's archivally driven work on the Dutch East Indies is the most thorough account of how semisanctioned systems of concubinage, in which colonial administrators and military personnel were permitted to keep indigenous sexual partners in marriage-like relations that bore children, lead to creolized affiliations that ran athwart colonial aims and ultimately assisted the rise of independence movements.³⁹ In the American context, the social history of Louisiana likewise abounds with instances in which the customary practices of different colonial regimes intersected with the institution of slavery to produce extraordinarily complex systems of sexualized intimacy that continue to unsettle notions of a color-blind polity in present-day America.

Certainly Franke's account of the complications and vulnerabilities that followed the nineteenth-century extension of marriage law to cover emancipated slaves demonstrates not only how much gays and lesbians might learn from historic black experience but also, and more alarmingly, how much the contemporary marriage equality movement has benefitted from the presentation of its cause as an implicitly white concern. Before ending her book with an eight-point manifesto that holds married queers accountable "to the ways in which the same-sex marriage movement has been the beneficiary of a racial endowment, and how some arguments made in furtherance of marriage equality may have amplified the ways in which marriage has not been a liberating experience for many people of color," Franke makes the unsentimental and seemingly contradictory observation that marriage law

exists for the requirements of divorce.⁴⁰ This legal preoccupation with divorce is a legacy of coverture, or the doctrine by which a woman's rights and obligations were upon marriage subsumed by those of her husband. Yet, long after wives have ceased to be considered their husband's chattels, the state's interest in marriage continues to be most acute at the point of its dissolution, where it exercises control over the distribution of accumulated wealth and the future obligations of alimony and child support. Unsurprisingly, at least in the terms of Franke's argument, it is therefore same-sex divorce that most thoroughly reveals the coercive persistence of gendered expectations in the now expanded domain of marriage law as many gay and lesbian couples discover that laws of divorce devised in support of the financial dependency presumed to be at the heart of heterosexual marriage do not reflect the reality of their same-sex unions, which, whatever inequalities they may harbor, are not founded on sex-based differentiations.

In the final chapter of her book, Franke provides a lengthy example of same-sex divorce that falls somewhere between legal case study and ethnographic anecdote or narrative. Across several pages she outlines the situation of a married lesbian couple who, in the process of legally dissolving their relationship, are differentially positioned as lesbian husband and lesbian wife via a judge's ruling that appears to apply gendered notions of financial dependency that derive from heterosexual templates. Franke's exemplary case has the dramatic richness of a lesbian soap: a history of passionate discord between two women exacerbated by class and economic differences; multiple breakups across a ten-year period and relationships with others established in the periods of estrangement; recourse to counseling and the verbal agreement of ground rules around separate and joint finances prior to reconciliation; marrying out of state on impulse; then a final bust-up followed by one woman filing for divorce and the other demanding her right under the law of the state they resided in to half her spouse's assets and ongoing financial support. In the family court hearing that decided the legal outcome, the judge discounted the verbal premarital agreement as "irrelevant and unenforceable," since state law required prenuptials to be agreed in writing. The cool-headedness of her legal scholarship shot through with a dramatic verve more often associated with scriptwriting, Franke describes how the justifiable distribution of assets that followed "required that the judge determine when the marital clock started ticking." In an unexpected plot twist, the judge "back-dated" the marriage to when the two women started dating, even though at that point one was still legally married to her male spouse. The retroactive application of marriage law was justified by the judge's argument that across