

2017

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Recommended Citation

Givelber, Jackie, "Is Love a Battlefield? The New Politics of Marriage Equality in the Aging War on Terror" (2017). *Scripps Senior Theses*. 1026.
http://scholarship.claremont.edu/scripps_theses/1026

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**IS LOVE A BATTLEFIELD? THE NEW POLITICS OF MARRIAGE
EQUALITY IN THE AGING WAR ON TERROR**

by

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**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT OF THE
DEGREE OF BACHELOR OF ARTS**

**PROFESSOR GOLUB
PROFESSOR DRAKE**

APRIL 21, 2017

I. Introduction: 2016

The election of Donald J. Trump to the presidency of the United States marks a key shift in the state of national politics. For rightwing enthusiasts, his election represents a triumph over rampant political correctness and the elitist political establishment of Washington, DC. For leftwing opponents, it signifies the disturbing normalization of a fascist discourse at the highest level of mainstream politics. In the aftermath of perhaps one of the most contentious elections in US history, those on the left side of the aisle find themselves counting their losses and evaluating the stakes of their defeat, desperately sifting through the slew of pledges amassed during Trump's lengthy seventeen-month campaign. Some of the centerpieces of Trump's campaign to "Make America Great Again" that launched the president-elect into political stardom among persuaded Americans included the deportation of eleven million undocumented immigrants to Mexico, the construction of a wall spanning the entire length of the US-Mexico border, the temporary ban of Muslims from entering the country, and the federal defunding of Planned Parenthood. Conversely, his polarizing platform touched a nerve among minorities across the spectrum and their political supporters, serving to rally those disenchanting voters against his divisive message.

As a Republican presidential candidate, Trump made a historical appeal to the LGBTQ electorate. Despite his concerted efforts to court the LGBTQ vote, data collected from exit polls reveals that LGBTQ voters were the only major demographic whose opposition to the Republican candidate in 2016 has actually increased since the re-

election of Barack Obama in 2012.¹ To be fair, it is no surprise that proponents of LGBTQ rights failed to turn out in droves in favor of a Trump presidency. They protested his vice-presidential pick, Mike Pence—the Indiana governor notorious for opposing same-sex marriage, advancing “religious liberty” legislation that would sanction discrimination against LGBTQ folks, and promoting conversion therapy for LGBTQ minors throughout his state. Furthermore, there was deep worry over the possibility of Trump appointing Supreme Court justices who would attempt to gut same-sex marriage. Without delegitimizing the threat that these factors pose to mainstream LGBTQ politics, I focus my attention on the more unusual “pro-LGBTQ” efforts that defined key moments of Trump’s campaign.

Just days before the election in November, Trump was seen parading a rainbow flag on stage at a Colorado campaign rally. However, it was in July 2016 during the Republican National Convention that Trump’s apparently “pro-gay” position became definitively grounded in his campaign platform. Peter Thiel—billionaire tech investor, founder of PayPal, and openly gay man—spoke out in support of Trump, proclaiming, “I am proud to be gay. I am proud of be a Republican. But most of all I am proud to be an American,” signaling the first time an openly gay person has taken the stage at the Convention.² When Trump himself came around to the podium on the final night of the Convention, he made a startling appeal to the LGBTQ community. Highlighting the “Islamic terrorist” attack at Pulse nightclub in Orlando on June 12, 2016, Trump stated, “As your President, I will do everything in my power to protect LGBTQ citizens from the

¹ "LGBT Voters Came out Strong for Hillary, Dumped Trump in Historic Numbers." *AMERICAblog News*. N.p., 15 Nov. 2016. Web.

² "Why Peter Thiel's Speech at the GOP Convention Matters." *Time*. Time, n.d. Web.

violence and oppression of a hateful foreign ideology.”³ As a lesbian viewing the broadcast in real time, I was speechless; not only was his message a stark departure from the explicitly anti-gay platform that the Republican Party has embraced for years,⁴ but it also signaled Trump’s attempt to pit LGBTQ folks against Muslims (falsely assuming the mutual exclusivity of the two groups). To top it all off, the Republican-packed arena frantically cheered and chanted “USA” in response to Trump’s promise to protect LGBTQ citizens from Islamic terrorism, to which Trump himself expressed astonishment.⁵ These bizarre moments in present-day American politics have left me desperately searching for answers: what ideological objective is served by Trump’s promotion of the LGBTQ community as a class of citizens, worthy of protection from Islamic terrorism? What events in recent history might explain this significant shift in Republican campaign strategy towards a favorable (if only rhetorically) treatment of the LGBTQ community?

The answer, as I will argue throughout this paper, has much to do with same-sex marriage and the US nation-building project. On June 26, 2015, the Supreme Court publicly announced its landmark decision in *Obergefell v. Hodges*,⁶ effectively legalizing same-sex marriage throughout the US. Aside from offering state-sanctioned marriage and

³ Donald J. Trump/G4ViralVideos. “Donald Trump Promises to Protect the LGBTQ Community.” Online video clip. YouTube. YouTube, 22 July 2016. Web. 26 September 2016.

⁴ See GOP’s 2016 platform: “The 2016 Republican Party Platform.” *GOP*. N.p., 18 July 2016. Web.

⁵ In response to the crowd’s cheers, Trump states, “And I have to say, as a Republican it is so nice to hear you cheering for what I just said. Thank you.” Donald J. Trump/G4ViralVideos. “Donald Trump Promises to Protect the LGBTQ Community.” Online video clip. YouTube. Youtube, 22 July 2016. Web. 26 September 2016.

⁶ See *Obergefell v. Hodges*. United States Supreme Court. 26 June 2015. Print.

its material benefits⁷ to same-sex couples across the nation for the first time, the ruling created new inroads for certain groups of queer folks⁸ in accessing full-fledged citizenship and partaking in the nation-building project. Utilizing the mass shooting at Pulse nightclub and its aftermath as temporal indicators of shifting political attitudes around LGBTQ rights, I argue that since *Obergefell*, the respectability⁹ newly available to queer folks (specifically those who participate or aspire to participate in traditional marriage and family-building) is responsible for creating a new class of “good queers” worthy of protection from “bad Muslims.” In other words, beyond enabling certain queer folks to reap the legal and social benefits afforded to “good citizens,” the legalization of same-sex marriage has also assisted in reifying a new strategic incentive for the continuation of the War on Terror: that is the state’s investment in protecting its good

⁷ The material benefits and responsibilities afforded to married couples by the government include “taxation; inheritance and property rights, rules of intestate succession; spousal privilege in the law of evidence; hospital access; medical decision making authority; adoption rights; the rights and benefits of survivors; birth and death certificates; professional and ethics rules, campaign finance restrictions; workers’ compensation benefits; health insurance; and child custody, support and visitation rules.” *Obergefell v. Hodges*, 135 S. Ct. 2584, 2601 (2015).

⁸ The term “queer” has been the subject of extensive debate both within and outside lesbian, gay bisexual, transgender, queer (LGBTQ) communities and their respective discourses. I do not simply reject the critical negotiations over this term that such scholars like Cathy J. Cohen have engaged in, including her extension of the term “queer” to apply to certain racialized heterosexual individuals; rather, in acknowledgment of the rhetorical limitations within the discourse of sexuality, I assert my usage of “queer” throughout this paper as a means of capturing all folks whose sexualities reside outside of conventional understandings of heterosexual conduct (that is sex between two cisgender individuals of the opposite sex), as opposed to the commonly deployed lesbian, gay, bisexual (LGB) classification, which inherently excludes two larger groups: 1) those individuals who engage in non-heterosexual sex who reject assigning themselves to the above-mentioned LGB categories, and 2) trans individuals who engage in heterosexual sex but whose trans identity may forbid the state’s recognition of it as such.

⁹ Throughout this paper I utilize the term “respectability” to describe the state’s attitude towards queer folks whose aspirations and life choices adhere to its idea of proper citizenship

queers from “Islamic terrorism” and, more specifically, those bad Muslims who aspire to kill them.¹⁰

Throughout this paper, I will grapple with the major debates that have dominated the discourse around same-sex marriage—utilizing the conservative view offered in *Lawrence v. Texas*,¹¹ the liberal view in *Obergefell*, and foundational leftist anti-marriage theories as the primary objects of my analysis—and give weight to the ways in which the state’s administration of social and legal rewards (as made available through the institution of marriage) has necessarily been shaped by its preferences for whiteness and the traditional nuclear family. Taking into account the arguments that ultimately succeeded in achieving marriage equality, I will go on to situate these winning logics in the framework of US counterterror strategies and expose how the state’s production of good queers worthy of protection is currently being deployed for the purposes of bolstering support for the War on Terror,¹² as evidenced by Donald Trump’s comments at the Republican National Convention. Ultimately, I aim to highlight the mechanisms by which the state’s construction of good queers helps legitimize the hyper-surveillance and sustained targeting of Muslims as a disposable class of “terrorists” in the name of national security.

II. The Path to Protection: A Queer’s Journey into the Heart of the Nation-State

¹⁰ Later in this paper I will discuss other ways in which the construction of the “good queer” has served to marginalize other groups—in addition to Muslims—not traditionally defined by their sexuality, such as low-income women of color.

¹¹ *Lawrence v. Texas*. United States Supreme Court. 26 June 2003. Print.

¹² Although Trump characterizes the war as against “Radical Islamic Terrorism” instead of as the “War on Terror” (originally coined by President George W. Bush on September 20, 2001), I utilize the latter term to emphasize the continuity of the war initiated in 2001 and its targets.

Although the battle over marriage equality has been a dominant fixture of political discourse in recent years, it was not until the early 1990s that the same-sex marriage agenda materialized as a bona fide political campaign. Scholars posit that some members of the LGBTQ community pursued marriage equality with new fervor as a response to the AIDS crisis, during which challenges to hospital visitation, surrogate medical decision-making, and property inheritance exposed the stark injustices many experienced due to their unmarried status.¹³ Others suggest that the intensified push for marriage equality paralleled organized efforts to combat additional problems emerging against the LGBTQ community, such as President Clinton’s authorization of “Don’t Ask, Don’t Tell” (1992) and the “Defense of Marriage Act” (1993)¹⁴—both of which codified the illegality of homosexuality in unprecedented ways.¹⁵ While some queer folks were for the first time organizing the fight for same-sex marriage, the legality of queer sexuality was still unsettled and pending review by the Supreme Court. It was only in 2003 that the Supreme Court overturned *Bowers v. Hardwick* (1986)¹⁶ and ruled in favor of petitioners in *Lawrence v. Texas* (2003), declaring Texas’ anti-sodomy laws unconstitutional and effectively legalizing the practice of “private” homosexual sex across the nation. Indeed, the logics produced by the courts during this period of sodomy decriminalization have

¹³ Klarman, Michael J. "How Same-sex Marriage Came to Be." *Harvard Law Today*. N.p., n.d. Web.

¹⁴ Although Don’t Ask, Don’t Tell (DADT)—recognizing the inclusion of LGB people in the military—and the Defense of Marriage Act (DOMA)—defining marriage as between a man and a woman—differed in their fundamental treatment of queer folks (DADT being understood as an extension of rights and DOMA as a restriction), both pieces of legislation made queerness explicitly a legal subject in unprecedented ways in the US.

¹⁵ Warner, Michael. *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life*. Cambridge, MA: Harvard UP, 2003. Print.

¹⁶ In *Bowers v. Hardwick* (1986), the Supreme Court held that states were within their rights to impose bans on sodomy.

contributed substantially to the contents of the debates over same-sex marriage, as evidenced by the justices' written opinions and their explicit references to *Bowers* and *Lawrence* in defending their respective points. As such, it cannot be dismissed that the rationales supporting the decriminalization of sodomy in 2003 have necessarily informed the Court's authorization of same-sex marriage in 2015.

A. The Conservative Slant

The arguments that constitute Justice Antonin Scalia's dissent in *Lawrence* expose the logics that have driven mainstream conservative political discourse and its unapologetic promotion of legal regulation of deviant sexualities. In admonishing the Court for overturning *Bowers*, which legitimized a state's ability to criminalize sodomy, Scalia writes, "State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity are likewise sustainable only in light of *Bowers*' validation of laws based on moral choices."¹⁷ Scalia and like-minded conservative-thinkers subscribe to the notion that the legitimacy of the state's regulation of sexuality is located in its ability to distinguish between what is moral and what is immoral. However, by situating his support for the state's regulation of sodomy among a slew of other non-normative sexual behaviors deemed collectively "immoral," Scalia not only reaffirms these behaviors' shared immorality relative to heteronormative¹⁸ principles but also makes available a more fundamental critique of the state's regulation of sexuality as it functions in relation to moral judgments—that the state dangerously overextends

¹⁷ *Lawrence v. Texas*. United States Supreme Court. 26 June 2003. Print.

¹⁸ I use "heteronormative" to describe the process by which authoritative heterosexual notions of proper interpersonal and sexual conduct are standardized and embedded in mainstream social discourse.

itself into the intimate lives of private individuals when it attempts to referee proper sexuality in the first place. His dissent thus accurately predicts some of the chief logics that would drive the Court's eventual adjudication of same-sex marriage and simultaneously exposes the state's long-standing practice of regulating sexuality according to normative moral judgments.

B. The Liberal Slant

Interestingly the language of morality is entirely abandoned among the conservative justices' dissenting opinions in *Obergefell*. Whereas the substance of their dissents focuses on the alleged overreach of the courts in creating policy in lieu of conventional democratic procedures, it is the liberal branch of the Court that embraces the language of morality and dignity (as made available by conservative dissenters in *Lawrence*) in order to fashion its defense of same-sex marriage. While this language certainly percolates through the entire *Obergefell* majority opinion, Justice Robert Kennedy's conclusion paragraph remains perhaps the single most widely cited segment among misty-eyed liberals who bask in the language of the Court's ruling. As such, it deserves its own focused evaluation. Kennedy famously writes the following:

No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitions in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. Their hope is not to be condemned to live in loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.¹⁹

¹⁹ See *Obergefell v. Hodges*. 28. United States Supreme Court. 26 June 2015. Print.

The conclusion paragraph serves as a vehicle through which the court—as an executor of state power—makes normative a particular set of assumed “shared aspirations” and disseminates them to the American people, queer and otherwise. Kennedy reiterates the significance of marriage as an embodiment of our “highest ideals of love, fidelity, devotion, sacrifice, and family.” This family-centric position is a shared ideal among liberals and conservatives alike, returning to the long-held reverence for the nuclear family as a reflection of the nation-state’s most deeply held values.²⁰ Indeed, this characterization of the family as an embodiment of American values has been rearticulated by Supreme Court justices countless times with respect to an array of legal issues extending beyond the scope of marriage and family.²¹ This veneration of family saturates Kennedy’s defense of same-sex marriage in *Obergefell*, which is further evidenced by his adamant defense of the petitioners on the basis of their deep respect for the institution of marriage. Kennedy proposes that “it would misunderstand these men and women to say they disrespect the idea of marriage”—a presumable response to rightwing opponents—and offers “that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves.” The language Kennedy deploys here is significant in that it reveals two key factors underlying the Court’s decision: the successful defense of same-sex marriage is located in the liberal justices’ joint

²⁰ Berlant, Lauren Gail. *The Queen of America Goes to Washington City: Essays on Sex and Citizenship*. Durham, NC: Duke UP, 1997. Print.

²¹ See *Meyer v. Nebraska* (1923), in which the Court found it pertinent to emphasize the importance of family in relation to a state law prohibiting schools from teaching foreign languages to students below the eighth grade; In deeming the law unconstitutional, Justice McReynolds delivers the opinion of the Court, writing, “[The freedoms guaranteed by the Fourteenth Amendment denote] the right of the individual to contract, to engage in any of the common occupations of life... to marry, establish a home and bring up children... and generally to enjoy those privileges long recognized by common law as essential to the orderly pursuit of happiness by free men.” *Meyer v. Nebraska*. United States Supreme Court. 4 June 1923. Print.

appreciation for the queer petitioners' "deep respect for marriage" as well as the justices' collective disavowal and implicit denunciation of marriage-abstainers. As such, it becomes clear that the designation of marriage rights to same-sex couples is premised on queer folks' assumed respect for the institution and all it implies. Conversely, those who presumably "disrespect marriage" are relegated to a lesser status.

In the final moments of delivering the majority opinion, Kennedy makes a remarkable departure from the conventional debate over the right to marriage and its corresponding benefits. Situated in the haze of Constitutionalized fantasies and romantic reflections on civil liberties and "the pursuit of happiness," there is a cagey shift in which the Court's rhetoric of marriage rights expands to include a new and ostensibly discrete "right": the right to dignity.²² In closing his statements, Kennedy writes, "[The queer petitioners] ask for equal dignity under the law. The Constitution grants them that right," effectively fortifying the inextricable link between marriage and dignity. Delivering queer folks from a "*condemned* life of loneliness," Kennedy offers the gift of marriage as a path to the acquisition of dignity. Consequently, Kennedy's defense of same-sex marriage is intimately tied to assumptions about the dignity that marriage confers upon its subjects *in general*, regardless of sexual orientation. As such, the resonations of this ruling are felt across the general public indiscriminately, including (perhaps unexpectedly) unmarried individuals belonging to groups whose identities fall outside the

²² According to Neomi Rao, the form of "dignity" that is conferred upon same-sex couples through marriage is defined by the social and political recognition that the institution makes available: "dignity does not necessarily turn on tangible rights or freedoms. Strict equality of legal benefits are viewed as inadequate standing alone, because dignity as recognition depends essentially on how one's choices and relationships are viewed by the broader social and political community, by the *attitude* expressed about one's relationships by the law." Rao, Neomi. "Three Concepts of Dignity in Constitutional Law." *Notre Dame Law Review* 86.1 (2011): 183-271. Web.

conventionally understood category of queer. While purporting to further a new equality (the equal right to marriage for homosexual and heterosexual couples alike), *Obergefell* may also be understood as a legal catalyst for the reinforcement of a deeply entrenched social inequality with roots well-documented in U.S. history: the inequality of unmarried folks against the married.²³ Although an already well-established pillar of social convention, the inequality of unmarried folks in relation to their married counterparts becomes reinvigorated by the *Obergefell* decision and its explicit assignment of dignity to those who marry. As such, the results of these judicial logics are far more widespread than may be immediately apparent.

C. The Injustice of Marriage

Though framed as an extension of rights to queer folks, the *Obergefell* ruling is nothing short of a blatant message to the American people as a whole—a message that indeed carries with it an array of material benefits to those who comply with the Court’s valuation of marriage and punitive actions against those who deviate. It is a message whose origins in the US can be traced back to the inception of the nation-state itself, and it has been reiterated in compliance with evolving socio-political contexts, most of which have necessarily involved race and debates over extending equal rights to black folks. During the “slavery era,”²⁴ black folks were forbidden from accessing citizenship and its material benefits—including the right to enter into contracts such as marriage—on the

²³ Murray, Melissa. "Obergefell v. Hodges and Nonmarriage Inequality." *California Law Review* 104.5 (2016): 1207-258. *Academic Search Premier*. Web. 4 Nov. 2016.

²⁴ The notion that state-sanctioned slavery no longer exists in the US remains contestable in relation to the prevalent conditions of mass-incarceration and forced labor; however, I refer here to the colonial period through 1865, marking the passage of the Thirteenth Amendment effectively abolishing chattel slavery.

basis of their assumed inequality to whites.²⁵ In the years following the passage of the Thirteenth Amendment and the effective abolition of chattel slavery in 1865, efforts to preserve the integrity of marriage and white racial purity²⁶ manifested in anti-miscegenation laws prohibiting interracial marriage and sex.²⁷ It was only during *Loving v. Virginia* (1967) that the Court overturned these anti-miscegenation laws and cemented marriage as a “fundamental right” under the Fourteenth Amendment’s Equal Protection Clause. Indeed, there are striking parallels to be made in comparing the reverence for marriage that was used to legitimize the prohibition of interracial marriage through the 1960s and the present-day extension of marriage equality to same-sex couples. In his defense of Virginia’s anti-miscegenation laws in *Loving*, Assistant Attorney General R.D. McIlwaine III presents miscegenation as a threat to marriage—an institution “[having] more to do with a welfare and civilization of the people than any other institution.”²⁸ He goes on to characterize interracial spouses as possessing “a rebellious attitude towards society, self-hatred, neurotic tendencies, immaturity, and other detrimental psychological factors,” from whom child “victims” and “martyrs” are born.²⁹ Although serving to further ostensibly different legal goals, McIlwaine’s and Kennedy’s arguments converge in their adoration and ardent protection of marriage; whereas the passionate and sentimental defense of marriage in *Obergefell* is understood to have brought about

²⁵ See *Dred Scott v. Sanford* majority opinion: *Dred Scott v. Sandford*. United States Supreme Court. 6 Mar. 1857. Print.

²⁶ Cohen, Cathy J. "Punks, Bulldaggers, and Welfare Queens." *GLQ* 3 (1997): 437-65. Web.

²⁷ Oh, Reginald. "Interracial Marriage in the Shadows of Jim Crow: Racial Segregation as a System of Racial and Gender Subordination." *U.C. Davis Law Review* 39 (2006): n. pag. Web.

²⁸ "Excerpts from a Transcript of Oral Arguments in *Loving v. Virginia* (April 10, 1967)." N.p., n.d. Web.

²⁹ In his majority opinion in *Obergefell*, Kennedy invokes a similar child-based justification for upholding marriage: “Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser.”

“justice” for queer folks, that same defense has been a critical element in maintaining the oppression and subordination of racial minorities—particularly black folks—throughout US history.

Taking into account the plethora of ways in which this history of the courts’ veneration of marriage has remained intimately intertwined with systemic racial inequality in the US, the correlation between marriage and injustice must be situated front-and-center in the context of its extension to same-sex couples. All-too-absent from the mainstream debate over marriage equality is the leftist position that rejects the institution altogether precisely *because* of the injustices it introduces and perpetuates. As queer theorist Michael Warner keenly points out in his famous anti-marriage manifesto “Normal and Normaller: Beyond Gay Marriage,” “Squeezing gay couples into the legal sorting machine will only confirm the relevance of spousal status and leave unmarried queers looking more deviant before a legal system that can claim broader legitimacy.”³⁰ The impenetrable layer of sentimentalism that blankets the conventional liberal sermon in favor of same-sex marriage muddies the water for a more pointed interrogation of the institution of marriage as a whole (including the inherent harms it poses for unmarried queer and heterosexual folks alike). Pitched as threats to the beloved institution of marriage, “adulterers, prostitutes, divorcees, the promiscuous, single people, unwed parents, and those below the age of consent” find themselves the inadvertent adversaries of the crusade for marriage, according to Cathy J. Cohen.³¹ Indeed, so too do *heterosexual* women of color on welfare—already deemed sexually immoral and

³⁰ See Warner, Michael. "On Normal and Normaller: Beyond Gay Marriage." *The Free Press* (1999): 123-43. Web.

³¹ See Cohen, Cathy J. "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ: A Journal of Lesbian and Gay Studies*. 01 Jan. 1997. Web.

unworthy of state support—suffer from the increased scrutiny and marginalization that accompanies intensified efforts to promote the importance of marriage. As such, the discourse around marriage equality must not be reduced to romanticized notions of rights and upward mobility for certain queer folks when such an approach erases the *de facto* harms produced by the institution itself: the further marginalization of numerous racialized and classed groups already relegated to the extreme fringes of the nation-state.

D. Marriage and Nation-Building

By now, the personal benefits afforded to queer folks wielding their marriage rights (as well as the corresponding problems of the institution altogether) should be well established. It is important that the *Obergefell* decision not be interpreted merely as a sort of rights-allocation to a traditionally marginalized group but as a crucial element in the furtherance of the United States' enduring quest for nation-building and nationalism. Benedict Anderson's theoretical conception of the nation as "an imagined community"—whose collective identity and purpose are located in its fantasy of shared values and other points of alleged mutual identification—stands as a salient approach for understanding the state's incentive for granting marriage rights to same-sex couples.³² In *The Queen of America Goes to Washington City*, Lauren Berlant situates her analysis of present-day identity politics around the notion of "citizen trauma" in order to explain the United States' investment in revamping its nation-building efforts within the twenty-first century. Identifying some of the major drivers of widespread national insecurity as of recent, she writes, "The crisis of national future, stimulated by sexual politics, comes at a time when America feels unsure about its value on a number of domains: in world

³² See Anderson, Benedict. *Imagined Communities*. London: Verso, 1991. Print.

military politics, in global economics, in ecological practice, and in the claim that the nation has a commitment to sustaining justice, democracy, and the American Dream when there seems to be less money and reliable work to go around.”³³ In identifying some of the underlying issues that continue to challenge possibilities for US nationhood, Berlant highlights the incentives driving the nation-state’s commitment to curing its suffering sense of self.

Our nation’s leaders naturally emerge as some of our most sacred keepers in furthering this project to repair the nation. Accordingly, the illusion of absorbing certain queer folks into the nation-state presents itself as central to the Supreme Court’s legalization of same-sex marriage. Kennedy’s remarks in *Obergefell* expose the extent to which marriage bestows queer subjects access to citizenship³⁴ and national belonging. He writes the following:

[T]he Court’s cases and the Nation’s traditions make clear that marriage is a keystone of the Nation’s social order . . . When the American retires from the turmoil of public life to the bosom of the family, he finds in it the image of order and peace. . . [H]e afterwards carries [that image] with him into public affairs . . . For that reason, just as a couple vows to support each other, so does society pledge to support the couple, offering symbolic recognition and material benefits to protect and nourish the union.³⁵

Most noteworthy here is Kennedy’s rumination on the symbiotic relationship between married couple and nation. His fantasy entails a social order in which spouses support each other, and in turn the nation offers “symbolic recognition and material benefits to protect and nourish the union.” Kennedy’s articulation of the linkage of marriage to

³³ See Berlant, Lauren. *The Queen of America Goes to Washington City Essays on Sex and Citizenship*. Durham: Duke UP, 2012. 18. Print.

³⁴ I refer here to Zareena Grewal’s notion of “social citizenship”—as distinct from “legal citizenship”—from which certain citizens are granted the social capital that enables them to participate freely in the imagined nation; see Grewal, Zareena. *Islam is a Foreign Country: American Muslims and the Global Crisis of Authority*. New York: New York UP, 2014. Print.

³⁵ *Obergefell v. Hodges*. 16. United States Supreme Court. 26 June 2015. Print.

nation is not without cause; indeed, it is a strategic and authoritative decree effectively permitting—if not *insisting* on—the good queer’s entry into the nation-state. Riding on the coattails of established US ideology that has sought to define the nation by its commitments and rules to marriage, *Obergefell* serves as the effective culmination of a political progression in which the nation-state becomes reimagined as belonging to the good queer, too. As I display in the sections to follow, the bestowment of dignity and social citizenship onto the good queer through these judicial proceedings will eventually lend itself to the rhetorical premises supporting Trump’s warmongering presidential agenda.

III. A Queer’s Right to Marriage is the Nation’s Right to War: Reimagining the Nation’s Role in the War on Terror

“Only weeks ago in Orlando, Florida, 49 wonderful Americans were savagely murdered by an Islamic terrorist. This time the terrorist targeted the LGBTQ community... As your president, I will do everything in my power to protect our LGBTQ citizens from the violence and oppression of a hateful, foreign ideology... And I have to say, as a Republican, it is so nice to hear you cheering for what I just said.”
—Donald J. Trump, Republican National Convention, July 21, 2016³⁶

The concurrent progressions of the crusade for marriage equality and the War on Terror are not an accident. Indeed, in peculiar ways the two campaigns have functioned in tandem, with each defining and driving the basis for the other. Following the attacks on the World Trade Center and the Pentagon on 9/11, the nation found itself extensively reimagining who it was and the nature of the threats lodged against it.³⁷ Accordingly, while June 26, 2015 may be understood as the culmination of the good queer’s absorption

³⁶ Donald J. Trump/G4ViralVideos. “Donald Trump Promises to Protect the LGBTQ Community.” Online video clip. YouTube. YouTube, 22 July 2016. Web. 26 September 2016.

³⁷ See Masco, Joseph. *The Theater of Operations: National Security Affect from the Cold War to the War on Terror*. Durham: Duke UP, 2014. 15. Print.

into the image of the nation-state,³⁸ we may also view September 11, 2001 as the commencement of a colossal campaign to define and obliterate public enemy number one—the bad Muslim, the terrorist.³⁹ Donald Trump’s recent pledge to “protect our LGBTQ citizens from the violence and oppression of a hateful, foreign ideology”—Islam, to be explicit—signals a key turning point in the War on Terror and the socio-political conditions that sustain it. For the first time in mainstream US politics, we see bipartisanship around a particular kind of “queer rights”—albeit hawkish by nature and premised on the eradication of Muslim bodies in “defense” of certain queer ones.

For the remainder of this paper, I argue that the legalization of same-sex marriage and the continuation of the War on Terror are inherently linked in producing this fairly new brand of mainstream queer politics. I do so by exposing the particular ways in which the defensibility of the good queer—as promoted by liberals, Donald Trump, and other likeminded Republican leaders⁴⁰—is contingent upon the construction of the bad Muslim as savage, religiously zealous, morally devoid, sexually deviant and racially other.

Furthermore, I situate this analysis within the broader discourse of “American exceptionalism”⁴¹—a concept that relies heavily on a *belief* in the United States as

³⁸ I use “the image of the nation-state” because this paper does not aim to prove the good queer’s *de facto* immersion into the nation-state but rather the theoretical and rhetorical elements that have sought to place the good queer in the imagined conception of the nation-state.

³⁹ I do not suggest that the nation-state’s construction of the Muslim other definitively started on 9/11 (indeed, the othering of the Muslim is part of a long tradition in the West dating back to the Spanish Inquisition and has reappeared in various temporal waves); rather, I highlight this moment in order to mark the start of the War on Terror as the official activation of an enormous apparatus seeking to define, target, and destroy the state’s purported enemies.

⁴⁰ See Paul Ryan’s post-Orlando comments: Johnson, Chris. "Republicans Recognize LGBT Massacre Victims, but Mum on Rights." Washington Blade: Gay News, Politics, LGBT Rights. N.p., 22 June 2016. Web.

⁴¹ In *Terrorist Assemblages*, Jasbir K. Puar notes, “exceptionalism gestures to narratives of excellence, excellent nationalism, a process whereby a national population comes to believe in its own superiority and its own singularity”: Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer times*. Durham, NC: Duke UP, 2008. 5. Print.

superior (morally or otherwise) in order to legitimize enduring modes of intervention throughout the Middle East, be it under the pretense of “humanitarian aid” or flat out war. By tracing some of the key moments that have defined the nation-state’s investment in the War on Terror, I aim to reveal the critical role that the fluidity of the US nation-state’s morality politics has played in maintaining efforts to target Muslims and prolonging what has already been the most drawn-out war in US history.

E. Defining the Muslim Threat to the Queer and the Nation

The seemingly abrupt arrival of the good queer as a defensible citizen must not merely be understood as an isolated phenomenon but as part of a larger project to systemically filter and weed out adversaries of the nation-state. Just as unwed queer folks, prostitutes, and heterosexual women of color on welfare, for example, emerge all the more deviant against their newly “legalized” queer-marrying counterparts, so too does the Muslim body become the object of intensified surveillance, discipline, and punishment at home and abroad. In *Terrorist Assemblages*, Jasbir K. Puar coins the term “homonationalism” to describe the process by which the emergence of a “pro-gay” national discourse supports the nation-state’s mission to other and target suspect Muslim bodies; she writes, “For contemporary forms of U.S. nationalism and patriotism, the production of gay and queer bodies is crucial to the deployment of nationalism, insofar as these perverse bodies reiterate heterosexuality as the norm but also because certain domesticated homosexual bodies provide ammunition to reinforce nationalist projects.”⁴² Indeed, her reference to “certain domesticated homosexual bodies [that] provide

⁴² Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer times*. Durham, NC: Duke UP, 2008. 39. Print.

ammunition to reinforce nationalist projects” concerns those good queers whose acquiescence to marriage and other expressions of normative sexuality guarantees their passage into the nation-state, imagined or otherwise. The domestication of the queer thus becomes crucial to the process by which the nation-state reimagines who it is and, conversely, who it is *not*. Accordingly, the good queer is deployed not only as a mouthpiece for the nation’s principles but also as a weapon⁴³ against the nation’s primary adversary—the Muslim terrorist—from whom the good queer is definitively distinguished.

Indeed, the legalization of same-sex marriage throughout the Western world has proven integral to the production of this queer-versus-Muslim mythology. Referring to the nature of these ideological forces prior to the *Obergefell* ruling in 2015, Puar writes the following:

Gay marriage, ‘less about gay rights and more about codifying European values,’ has become a steep but necessary insurance premium in Europe, whereby an otherwise ambivalent if not hostile populace can guarantee that extra bit of security that is bought by yet another marker in this distance between barbarism and civilization, one that justifies further targeting of a perversely sexualized and racialized Muslim population (pedophilic, sexually lascivious, and excessive, yet perversely repressed) who refuse to properly assimilate, in contrast to the upright homosexuals engaged in sanctioned kinship norms... Among other groups, OutRage!⁴⁴ is codifying, for Europeans but also implicitly for Americans, that Muslims are an *especial threat* to homosexuals, that Muslim fundamentalists have deliberately and specifically targeted homosexuals, and that the parameters of this opposition correlate with those of the war on terror: civilization versus barbarism.⁴⁵

Touted as an indicator of the West’s civilizational prowess, the recent emergence of same-sex marriage proves remarkably convenient as a cogwheel in the West’s ever-

⁴³ By invoking “weapon,” I do so both figuratively (as in the good queer’s rhetorical defensibility) and literally (taking into account the repeal of Don’t Ask, Don’t Tell in 2010 and the effective inclusion and recognition of LGB military service members).

⁴⁴ OutRage! is a British-based LGBTQ organization

⁴⁵ Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer times*. Durham, NC: Duke UP, 2008. 20. Print.

evolving War-on-Terror story. Interestingly, today's Republican leaders who promote the protection of LGBTQ folks against "Islamic terror" also sought to constitutionally ban same-sex marriage and adoption by same-sex couples not long ago (in 1999, in Paul Ryan's case).⁴⁶ The present-day promotion of queer-defensibility relies heavily on long-standing constructions of the Middle East as breeding-grounds for bloodthirsty zealots and of Muslims as racialized, sexualized, barbarous subjects. The racialization of Muslims is aided by a confluence of factors; indeed, numerous physical identifiers—such as dress, behavior, and phenotypic expressions—become legible to Westerners only through traditional Orientalist translations⁴⁷ and present-day efforts to group Muslims according to essentialized tropes—the infidel savage, slave/captive, terrorist, and immigrant.⁴⁸ These hegemonic characterizations of Muslims thus undergird the rhetorical foundations of the War on Terror and a western investment in promoting its civil values—including domesticated queerness—against the purported savagery and intolerance of the Muslim world.

Indeed, the West's commitment to imagining and developing this queer-versus-Muslim discourse may be read as a crucial element in the furtherance of American-exceptionalism mythologies and parallel calls to war. Describing the fundamentally ironic conditions of "American exceptionalism," Jasbir Puar writes, "the United States creates the impression that empire is beyond the pale of its own morally upright behavior, such that all violences of the state are seen, in some moral cultural, or political fashion as anything but the violence of empire. U.S. exceptionalism hangs on a narrative of

⁴⁶ Ring, Trudy. "As House Speaker, Paul Ryan Will Be as Antigay as John Boehner." *ADVOCATE*. N.p., 20 Oct. 2015. Web.

⁴⁷ Said, Edward W. *Orientalism*. New York: Vintage, 1979. Print.

⁴⁸ Rana, Junaid Akram. *Terrifying Muslims: Race and Labor in the South Asian Diaspora*. Durham: Duke UP, 2011. 29. Print.

transcendence...that posits America as the arbiter of appropriate ethics, human rights, and democratic behavior while exempting itself without hesitation from such universalizing mandates.”⁴⁹ Coincidentally, the ferocity of American-exceptionalism rhetoric and the nation-state’s aggressive claims to moral superiority enable US militarism and other intervention methods to deceitfully enact the very “savage” conditions it allegedly seek to eliminate throughout the Muslim world. As such, the mainstreaming of homonationalism and particular notions of “queer rights” opportunely accommodates long-standing narratives of American exceptionalism and corresponding efforts to monitor, regulate, and enforce bloodshed across the Muslim world under the guise of moral-politicking.

F. Practicing Exceptionalism in the Middle East

Although fairly recent in the scheme of American exceptionalism, the promotion of queer-defensibility as a justification for warfare against Muslims is not unprecedented on the global stage. Dubbed “pinkwashing” by queer and trans activists, efforts by the Israeli government to brand Israel as “gay friendly”⁵⁰ in contrast to its “homophobic” Palestinian neighbors have proven central to Israeli military practices and public relations. This discourse hinges on furthering the notion of “Israeli exceptionalism” in its tolerance of homosexuality in order to deflect interrogative arguments concerning occupation, settler colonialism, and apartheid and to legitimize its brutal military efforts in the Palestinian territories. Highlighting the methods by which pinkwashing raises Israel as “civilized” and racializes Palestinians as “barbaric, homophobic, uncivilized,

⁴⁹ Puar, Jasbir K. *Terrorist Assemblages: Homonationalism in Queer times*. Durham, NC: Duke UP, 2008. 8. Print.

⁵⁰ It is important to note that Israel does not permit same-sex marriage but relies on vague notions of “gay friendliness” and the promotion of LGBTQ tourism in order to advance this image.

suicide-bombing fanatics,” Puar writes, “In reproducing orientalist tropes of Palestinian sexual backwardness, [Israel] also denies the impact of colonial occupation on the degradation and containment of Palestinian cultural norms and values. Pinkwashing harnesses global gays as a new source of affiliation, recruiting liberal gays into a dirty bargaining of their own safety against the oppression of Palestinians, now perforce rebranded as ‘gay unfriendly.’”⁵¹ Although the Israeli nation-state has been advancing such “pro-gay” messaging for years with the backing of the US, queer-defensibility as a budding strategy within the US nation-state’s own warmongering platform has curiously materialized only after the legalization of same-sex marriage. Indeed, this revelation further evidences the critical role that “legalizing queerness”—with all its respectable bells and whistles attached—has played in mobilizing emergent nationalist mythologies towards hawkish recourse globally.

Before the queer defense came into fruition, the enforcement of American exceptionalism in the Muslim world manifested in efforts to restore “gender equality,” centering the liberation of Muslim women from the oppression of Muslim men and, for all intents and purposes, Islam altogether. After President George W. Bush launched the War on Terror on October 7, 2001, First Lady Laura Bush became the quintessential spokesperson for promoting the liberation of the Afghan woman under the Taliban. Indeed, the First Lady (alongside her husband) played a decisive role in explicitly linking “feminism” to the US military bombardment of Afghanistan, famously pronouncing “the fight against terrorism [as] also a fight for the rights and dignity of women” in a radio

⁵¹ Puar, Jasbir. "Israel's Gay Propaganda War." *The Guardian*. Guardian News and Media, 01 July 2010.

address to the nation.⁵² The Feminist Majority Foundation (FMF)—a nongovernmental organization committed to “Stopping Gender Apartheid in Afghanistan,”⁵³ among other issues—echoed the First Lady’s words and promoted the war as a “benevolent” cause against the gender-segregated conditions in Afghanistan, rallying policymakers and the American public around the “equitable” principles driving US intervention. The FMF’s seemingly admirable campaign centered on dislodging the authority of the Taliban, inserting a democratic government composed of Afghan women, providing emergency humanitarian assistance, and aiding in the reconstruction of the economy and infrastructure of Afghanistan.

The American public’s backing of the war in Afghanistan was in large part supported by this “emancipatory” rhetoric. However women’s studies scholar Ann Russo interrupts this hegemonic US-savior discourse by highlighting the extent to which these “humanitarian” objectives served to reinforce notions of US superiority and “benevolence” in order to rationalize military control and intervention. In her critical analysis of the Foundation, she writes the following:

The FMF campaign assumes ‘Western’ superiority through its ahistorical and Orientalist focus on ‘the veil’ and gender segregation as symbolic of women’s oppression and its implicit assumption that the US embodies gender equality and women’s human rights. This Orientalist logic constructs an absolute difference between the ‘West’ and the ‘East’/ ‘self’ and ‘other’. It does so by erasing the history and politics of Afghanistan and by projecting a cultural barbarity in need of a civilizing mission. The assumption of superiority and benevolence is possible because the FMF evades its own implication in the politics of the region and condones the terms of imperialism – the right to control, the

⁵² Bush, Laura. "Laura Bush on Taliban Oppression of Women." Radio Broadcast. 17 Nov. 2001. Address.

⁵³ See the campaign to “Stop Gender Apartheid in Afghanistan” of 1997: "Campaign for Afghan Women & Girls - Feminist Majority Foundation." Campaign for Afghan Women & Girls - Feminist Majority Foundation. N.p., n.d. Web. 10 Apr. 2017.

right to invade and the right to occupy under the guise of ‘liberating’ women and creating ‘gender equality’ resonant with so-called Western standards.⁵⁴

Russo’s reflections situate the “equitable” agenda of the Feminist Majority Foundation and First Lady Laura Bush within the larger Western imperialist and hegemonic framework. She challenges these efforts to defend US militarization as exercises in “benevolence,” calling attention to their critical role in reifying Western dominance over cultural and political autonomies of peoples abroad—particularly those in the predominantly Muslim and Arab countries of the “Orient.” Accordingly, the “liberation of the Afghan woman” reveals itself as yet another manufactured alibi in the furtherance of US geopolitical hegemony.

Indeed, this protectionist discourse reminds us of the substantial role that moral-politicking has played in activating the massive US war-machine as well as of the strength with which it resonates today. It is the state’s capacity to project a “moral cause” onto the conflict that sustains the War on Terror, insofar as the moral politics of the moment remain relevant to the American public. Since its original launch fifteen years ago, the story of the War on Terror continues to evolve and re-introduce itself according to the authoritative forces of contemporary US politics; we have watched its agenda transform from “protecting the Afghan woman” in 2001 to “protecting the American queer” in 2016, all the while holding our breath on the defensibility of the war itself. These changes expose the extent to which the terms of the War on Terror remain malleable and relevant in accordance with shifting political tones on US soil, enabling the conflict to persist with indefinite reach.

⁵⁴ Russo, Ann. "The Feminist Majority Foundation's Campaign to Stop Gender Apartheid." *International Feminist Journal of Politics* 8.4 (2006): n. pag. Web.

IV. Conclusion: The Stakes of the War on Terror Story

The convergence of the politics of marriage equality and the aging War on Terror reflects the sheer stamina of contemporary American warfare ideology. The invocation of queer-defensibility as fodder for the already-immense counterterror state is revealing in two fundamental ways: on the one hand, it exposes a reimagined nation-state in which privileged queer folks now find home and security, and on the other, it demonstrates the tenacity of the War on Terror and its ability to persevere simply by reimagining the threats that are posed against the nation-state. Between Congress' declaration of war on September 14, 2001⁵⁵ and the signing of the Patriot Act into law on October 21, 2001⁵⁶, the US government became equipped with an unprecedented degree of military and surveillance authority in the name of national security. Indeed, when President Bush announced "our War on Terror begins with al-Qaeda, but it does not end there; it will not end until every terrorist group of global reach has been found, stopped, and defeated,"⁵⁷ he effectively opened the door for a counterterror campaign whose unforeseeably immense capacities would have surprised perhaps even him. National imagination has played a key role in defining the parameters of the conflict; as Joseph Masco describes, "The innovation of the War on Terror is that it formally rejects deterrence, with its focus on global stability, as an objective in favor of preemption—an unending manipulation of the future for national advantage."⁵⁸ Rooted in the provocation of fear and the boundless

⁵⁵ H.R. Res. S.J. Res. 23, 107th Cong. (2001) (enacted). Print.

⁵⁶ H.R. 3162, 107th Cong. (2001) (enacted). Print.

⁵⁷ Bush, George W. "Transcript of President Bush's Address to a Joint Session of Congress on Thursday Night, September 20, 2001." Washington, D.C. 20 Sept. 2001. Address.

⁵⁸ See Masco, Joseph. *The Theater of Operations: National Security Affect from the Cold War to the War on Terror*. Durham: Duke UP, 2014. 15. Print.

imagined possibilities of existential threat to the union, the War on Terror prospers in its ability to morph and *seemingly* respond to national sentiment, wherever it lands at any given moment. Whether or not the infrastructures of the War on Terror are *actually* activated in the name of protecting queer folks from “Islamic terrorism” is beside the point. It is of more immediate concern that those innocent Muslim and Arab communities across the Middle East, South Asia, and the Western world—which since 9/11 have become the sites of ritualized surveillance, scrutiny, and violence under the pretense of “national security” and the promotion of “Western” values—become centered in mainstream conceptions of the War on Terror as well as the rhetorical ploys and moral-politicking that continue to sustain it.