
Book review: Beyond (Straight and Gay) Marriage

By Nicky Grist

Beyond Marriage, written by Nancy Polikoff, belongs on the bookshelf of every AtMP member. Many members are instinctively skeptical about the role of marriage in American law and economics. After reading Beyond Marriage, you will command persuasive arguments to back up your instincts. You'll be a confident spokesperson for fairness.

Beyond Marriage opens with a quick but solid review of legal history and the history of social movements. It highlights the philosophical and tactical links between the women's movement and gay rights movement, property rights and divorce law, family diversity, Murphy Brown and the marriage movement. Remembering (or learning) this history is important. History shows that neither our positions nor those of our opponents are passing fads. Knowing our history prevents us from falling for false claims.

Beyond Marriage bridges and ties together fairness for same-sex, different-sex, and non-sexual caring relationships. In "Wrongly Defining the Problem" at the heart of the book, Polikoff says "The [same-sex] marriage-equality movement diminishes efforts to win legal recognition of diverse family forms.... First it presents problems … [as] stand-alone problems for gay and lesbian couples rather than as problems many types of families face. Then it posits marriage – rather than a broader set of legal reforms – as the solution to those problems.” In contrast, after quoting the typically poignant example of gravely ill "Ronnie" from a marriage-equality website, Polikoff points out that "Ronnie doesn't need a spouse, she needs care. A spouse could provide that care … but so could Ronnie's niece, her sister, her closest friend, or a group of her closest friends. And such people must provide the care if Ronnie doesn't have a partner" (emphasis in the original.)

Thus, Polikoff clarifies that the key consideration for law should be the nature of care and dependency, not the name of a given relationship. The second half of the book presents concrete proposals for how to base legal definitions of care on the social purpose behind a law. For example, a registry of "designated family relationships" would enable people to publicly declare who should count as family under the law.

Polikoff also proposes how to balance the social priority of care with the cultural priority of autonomy. When someone does not put her wishes in writing or register his relationships, the law should maximize the chances of doing what she or he would have wanted. This requires a shift in the modus operandi of the legal system: from prioritizing efficiency and relying on the shorthand of named or registered relationships (like spouse or domestic partner), to prioritizing justice and considering the facts of individuals' lives. Polikoff recommends that the legal system should put dependent children's needs first, and also recognize the importance of interdependent adult relationships.

Beyond Marriage dovetails beautifully with AtMP's advocacy work, but naturally there can't be a perfect

overlap. While mentioning the range of interdependent adult relationships, Polikoff primarily focuses on couples. In contrast, AtMP takes pains to include the distinct interests of singles and multiple-partner families in its work, often at the expense of concise prose and political popularity. *Beyond Marriage* speaks primarily to an LGBT audience (the publisher even categorizes the book as Gay and Lesbian Studies). I worry that this pigeon-holing will prevent these important ideas from reaching the broad national audience they deserve. I bristle when people call AtMP a "straight" organization or assume that any different-sex relationship is "straight." We know better than that! I look forward to the day that the well-funded, politically powerful gay rights movement puts its full weight behind AtMP's advocacy on behalf of all unmarried people.

Reading *Beyond Marriage* will give color and depth to your understanding of AtMP's policy positions. We all know that changing American law is an uphill battle; but the clear and practical approach in *Beyond Marriage* makes the trek seem less steep.

Nicky Grist is the executive director of the Alternatives to Marriage Project. Nancy Polikoff has been a generous contributor to AtMP for many years. Nicky and Nancy will make a joint presentation to the Philadelphia Bar Association on May 5th.

This article appeared in AtMP's periodic newsletter, Update #2008-1. [Download the entire newsletter here.](#)