

# Straight Marriage Under Protest

(With apologies to Lucy Stone)  
by Sarah Deer, 1996

When Lucy Stone and Henry Blackwell married in the 19th century, they were both extremely frustrated about the loss of legal status for women which was inherent in marriage. Women lost their rights to property, contracts, wages and protection from abuse. When Stone agreed to marry Blackwell (brother of the first American woman physician), she demanded that they sign a contract repudiating the discriminatory nature of marriage. She also retained her own last name - extremely scandalous in that time.

Is there a parallel option for woman/man couples (whether they be straight, bisexual, or transgendered) who are reluctant to marry because of the implication that they are supporting prejudicial laws? It may be possible for woman/man couples to sign a statement somewhat similar to that signed by Stone and Blackwell. This document may be a method by which we formally state our opposition to the unfair and discriminatory nature of marriage laws. I propose the following, which adopts some of the same language used in the Stone-Blackwell contract:

"While acknowledging our mutual affection by publicly assuming the relationship of a married couple, yet in justice to ourselves and a great principle, we deem it a duty to declare that this act on our part implies no sanction of the present laws of marriage, as they blatantly refuse to recognize all couples who wish to declare themselves married. We protest especially against laws which give only to heterosexual couples the right to legally marry and to adopt and raise children. We believe that independence and equal human rights can never be forfeited, except for crime; that marriage should be an equal and permanent partnership based on mutual affection, and so all couples, regardless of gender or sexual orientation, should be recognized by law. Until it is so recognized, we believe single persons and married partners should work against the radical injustice of present laws, by every means in their power. Thus reverencing law, we enter our protest against rules and customs which are unworthy of the name, since they violate justice, the very essence of law."

The Stone-Blackwell contract also had a section which was applicable to legal action; that is, they agreed that should they ever divorce, they would not ever divorce in a court of law (because Stone would not have been recognized as an equal and independent person.) Instead, the contract required the couple to resolve marital problems through arbitration. In this modern adaptation, the woman/man couple would not be making an agreement to avoid a court of law - it is simply a formal statement of protest.

What purpose does this proposal serve? Perhaps woman/man couples might choose to incorporate such a statement into the marriage ceremony itself. Additionally, a formal statement might be sent to legislators and politicians as an educative measure. In any event, a woman/man couple would be formally announcing their opposition to the present laws.

What good would this do? Perhaps if enough woman/man couples raised their voices, it could create an impact politically. On a more personal level, we would be communicating to our queer brothers and sisters that we will not cease to work for their rights and freedoms.

Of course, another obvious option for woman/man couples is to boycott; that is, to refuse to get married (in a legal sense) altogether. This is a sacrifice

that is worth exploring. The decision of whether to embrace the institution of marriage as it now stands is very personal and very difficult. There are many benefits to gain from legal marriage. As a couple eligible for this privilege, it is tempting to put aside political beliefs and adopt the romantic notion of a wedding and marriage.

However, trying to imagine myself gaining legal recognition for my relationship while my dearest friends and relatives are barred from establishing the same legal recognition, all images of romance disappear. My "straight" relationship is no more valid or legitimate than those of my queer friends who have committed. I cannot, in good conscience, take advantage of a legal right which is not granted to those I love.