

---

**Book Review: Stephen Macedo, *Just Married: Same-Sex Couples, Monogamy and the Future of Marriage* (Princeton University Press, 2015) ISBN: 978-0-691-16648**

**Alexander Maine\***

Macedo's *Just Married* discusses the arguments for and against same-sex marriage from an American perspective, which is highly inclusive of, and sometimes reliant on, conservative, Judeo-Christian morality and reasoning. Macedo attempts to occupy a central ground that is distanced from queer liberalism and closer to conservatism, as a means of justifying same-sex marriage. Macedo does this through maintaining that marriage should be preserved as an institution that maintains the family and promotes monogamy. Therefore, Macedo promotes an inherently homonormative argument, that maintains and upholds the heteronormativity of marriage while allowing for the assimilation of same-sex couples. Macedo's centrist approach, therefore, does little to further any cause except one that would benefit those who conform to the homonormative model, defined by Duggan as those who are depoliticised, demobilised, domestic and monogamous.<sup>1</sup> As such, Macedo's book accurately and importantly assesses the reasons as to why marriage should be available to same-sex couples, however it fails to criticise adequately the institution of marriage and the politics that has brought about the legal change.

The first chapter of *Just Married* assesses the strong historical rejection of homosexuals and the early notions of same-sex marriage. Macedo assesses conservative arguments against same-sex marriage, many of which have origins in disgust against sodomy, rather than same-sex relationships per se, with a strong focus on the need for procreation in order for sex to be permissible.<sup>2</sup> Macedo then argues that same-sex marriage is the method with which to change these views, stating 'Conservatives have long warned that gay marriage would change marriage for all, ultimately spelling the death of marriage and monogamy. It is undeniable

---

\* Phd Candidate, Northumbria University School of Law. Email [alexander.maine@northumbria.ac.uk](mailto:alexander.maine@northumbria.ac.uk).

<sup>1</sup> Duggan L, 'The New Homonormativity: The Sexual Politics of Neoliberalism' in Nelson D and Castronovo R (eds), *Materializing Democracy: Toward a Revitalized Cultural Politics* (Duke University Press 2002) 175, p. 179

<sup>2</sup> Macedo S, *Just Married: Same-Sex Couples, Monogamy and the Future of Marriage* (Princeton University Press 2015) p. 25

---

---

that marriage and monogamy face new and ongoing challenges.’<sup>3</sup> Macedo then argues that same-sex marriage should not create a challenge, but same-sex marriage will actually bolster marriage as an institution, creating inherent value in the monogamous coupling of lesbian and gay people.

Macedo first discusses the legal challenges and legal arguments against sodomy, homosexuality, and same-sex marriage. One of his most prominent themes is an examination of the journey of homosexuality: from sodomy, to sexual preference and ultimately to sexual orientation. The immutability of sexual orientation, he argues, allows for the acceptance of homosexuality as an inherent trait, and one that gained traction throughout the 1980s and 1990s when the number of people ‘coming out of the closet’ erupted.<sup>4</sup> The inherent immutability of sexual orientation is also used in relation to marriage. Using natural law arguments, Macedo states that marriage has a specific and *inherent nature* that is prior to and independent of law and culture<sup>5</sup> using George et al.’s statement that ‘we are, after all, embodied creatures. If marriage didn’t include bodily union, “it would leave out – it would fail to be extended along – a basic part of a person’s being”’.<sup>6</sup> Further to this, Macedo relies on George et al.’s list of the benefits of marriage: that marriage is inherently: good for children, good for spouses, good for society, particularly through the limitation of government, encouraging spousal focus on being economically productive and engaging in responsible endeavours.<sup>7</sup> Macedo uses this list of benefits and quotes from a book that is devoted to refuting the notion of same-sex marriage. By doing this, it is clear that Macedo is interested in appeasing those with conservative, anti-same-sex marriage ideas, rather than attempting to present an overarching argument for LGBTQ acceptance. This clearly demonstrates how Macedo seems to have little interest in further equality apart from for those whose lives fit within, and would benefit from, same-sex marriage. He goes on to focus on the ‘New Natural Law’ movement, a conservative rethinking of traditional natural law jurisprudence which is firmly against same-sex marriage:

---

<sup>3</sup> Ibid., p. 16

<sup>4</sup> Ibid., p. 29

<sup>5</sup> Ibid., p. 39

<sup>6</sup> George R, Girgis S and Anderson R, *What Is Marriage? Man and Woman: A Defense* (Encounter 2012).

<sup>7</sup> Macedo S, *Just Married: Same-Sex Couples, Monogamy and the Future of Marriage* (Princeton University Press 2015) p. 40

---

---

New Natural Law's conception of marriage and sex is perfectly respectable if conceived as the perfectionist ethic of those who embrace its system of ideas and commitments. If asserted as a guide to the law that will be imposed on all, then it fails to respect the range of reasonable views concerning marriage and sexuality in our society.<sup>8</sup>

This argument, however, only takes diversity of sexual relationships and behaviours into account to a limited extent. As he goes on to argue, Macedo does not believe that polyamorous relationships should be recognised by law, while sexual 'deviancy' is played down throughout the book. This range of 'reasonable' views therefore excludes the 'unreasonable' gay citizen, such as those who do not fulfil the role of the good gay citizen that marriage offers.

Macedo then goes on to present his views on sex. Many conservative critics of same-sex marriage advocate that marriage can only be performed by a man and a woman as only heterosexual couples can consummate. 'The norms that define marriage – "twoness" permanence and exclusivity – depend on coitus and its natural orientation to procreation and new life.'<sup>9</sup> Macedo goes on to refute this claim by using common sense arguments that rely on the beneficial nature of a stable home to children, as a means of rejecting the natural law argument that focuses so strictly on heterosexual consummation. 'In other words, according to these philosophers, it is the baby-making sex and *not the babies* that makes sense of marital norms of twoness (monogamy) permanence and exclusivity.'<sup>10</sup> This argument then leads to the impossibility of marriage between same-sex couples, rather than the denial of a right to marry in conservative arguments. This is highlighted by Macedo as a means of confirming the often nonsensical arguments against same-sex marriage which ultimately rely on tradition and morality rather than practicality and reality. Macedo then goes on to reference the sexual hierarchy constructed by religion, in particular, Catholicism, noting that the Catholic Church judges all sex that is not uncontracepted marital procreative sex as immoral or bad.<sup>11</sup> Although this heterosexist and discriminatory attitude is rejected by Macedo, he actually upholds this sexual hierarchy by

---

<sup>8</sup> Ibid., p. 59

<sup>9</sup> Ibid., p. 42

<sup>10</sup> Ibid., p. 42

<sup>11</sup> Ibid., p. 47

---

stating that anonymous, promiscuous sex could be seen as self-destructive, repeating the natural law philosopher's thinking. Uncontracepted homosexual sex is also seen as 'bad' unless within the confines of marriage, an argument that pressures gay men to identify as the good gay citizen 'to the degree that they can alienate themselves from the transgressive jouissance of unprotected sex'.<sup>12</sup> When relying on this notion of good sex and sexuality, Macedo perpetuates sexual hierarchies and maintains the centrality of normative marriage, seeking to include the good married gays within this hierarchy, and therefore doing nothing to create equality. Marriage equality, we can see here, only creates equality for the privileged, monogamous, good-sex couple.

This reliance on 'good sexuality' as a precondition for marriage, and marriage as an enabler of good sexuality pervades *Just Married*. Macedo is very critical and dismissive of non-monogamy, open relationships, and polyamory throughout, relying on unjustified expectations that open relationships cause harm with little evidence to substantiate this claim. This leads to a misunderstanding of the role of jealousy and emotion within open relationships, and a dismissal of large amounts of evidence showing that LGBTQ communities are successfully challenging<sup>13</sup> the traditional heterosexual model of marital fidelity.<sup>14</sup> He also expresses disdain for the notion of same-sex marriage having the potential to radically alter marriage:

Of course some on the left express the hope that gay marriage will undermine the expectation of monogamy in heterosexual marriage, but those voices were stronger in the 1970s and 1980s and seem to have been marginalised as the gay rights movement has matured and more gay Americans have come out.<sup>15</sup>

This idea that the gay rights movement has matured into normativity is at odds with current research suggesting that it is in fact younger people who are more likely to be predisposed towards monogamy and homonormativity as they are growing up in a 'post-gay' society, in

---

<sup>12</sup> Russell J, 'Bio-Power and Biohazards: A Projective System Reading of Gay Men's Community-Based HIV Prevention' (2005) 7 *Journal of Culture, Health and Sexuality* 145, p. 156.

<sup>13</sup> Heaphy B, Donovan C and Weeks J, 'A Different Affair? Openness and Nonmonogamy' in Same Sex Relationships' in Duncombe J and others (eds), *The State of Affairs: Explorations in Infidelity and Commitment* (2004) 167, p. 167.

<sup>14</sup> Macedo S, *Just Married: Same-Sex Couples, Monogamy and the Future of Marriage* (Princeton University Press 2015) p. 72

<sup>15</sup> *Ibid.*, p. 73

---

which levels of polarisation are lower and therefore there is a diminished need to engage in political activism and LGBTQ solidarity.<sup>16</sup> He only mentions consensual non-monogamy in the conclusion as an afterthought and again, fails to recognise its significance or the breadth of research in its favour, while stating it is a break in faith between the individual, their partner and wider society, weakening social norms. As such, he argues that non-monogamy, as with polygamy, are issues entirely separate to same-sex marriage (and therefore the good gay needn't be implicated).<sup>17</sup> This argument is inherently flawed and seeks to rely on the notion that resistance to heteronormativity is outdated and immature. Macedo's idea that resistance to normativity is now marginalised diminishes those whose relationships and sexualities do not fit so easily within the marriage model, and ultimately relies on a form of binaristic uniformity to argue that marriage is a one-size-fits-all measure of maturity and respectability.

With regards to the issue of the changing face of marriage, Macedo states that the breaking down of gendered roles within marriage is less to do with same-sex marriage than with the role of women. 'Same-sex marriage does not require and is very unlikely to lead to the erasure of gender identities. Liberal justice does require real equality of opportunity for men and women, and the erasure of artificial boundaries excluding women from certain fields.'<sup>18</sup> Macedo thus argues that it is feminism and changing gender roles that have a transformative effect on marriage, rather than same-sex marriage. This allows for the good gay married citizen to preserve the centrality of marriage as an institution, and do little to alter it. He goes on to argue that:

The complaint about gender-inequality is dated. Thanks to the long struggle for women's equal rights, marriage is no longer essentially gendered, and opponents of same-sex marriage warn precisely that it puts the last nail in the coffin of 'gendered marriage'.<sup>19</sup>

---

<sup>16</sup> Plummer K, 'Symbolic Interactionism and the Forms of Homosexuality' in Seidman S (ed), *Queer Theory/Sociology* (Blackwell 1996) 64, p. 81

<sup>17</sup> Macedo S, *Just Married: Same-Sex Couples, Monogamy and the Future of Marriage* (Princeton University Press 2015), p. 206-207

<sup>18</sup> *Ibid.*, p. 62

<sup>19</sup> *Ibid.*, p. 126

---

In a roundabout way, he is essentially arguing that feminism is no longer needed, and LGBTQ activism is no longer needed, as same-sex marriage provides all the equality and rights that are needed. To go further, in recognising rights to other forms of relationships, or to recognise the cultural issues faced by women would be to go too far for Macedo. He fails to engage with the debate or recognise the issues faced by those for whom marriage is excluded, while advocating preserving monogamous marriage as a distinct relationship in law but failing to say why, preserving this hierarchy as a means of rewarding those who can be 'faithful', while the fundamental good of commitment sanctions marriage and stigmatises polyamorous relations.<sup>20</sup> This is further reinforced by his calls for public policy to encourage young people to recognise the benefits of marriage and commitment,<sup>21</sup> promoting the centrality of marriage in hetero- and homonormative manners. It is clear that Macedo has keenly felt the sting of not being able to marry his monogamous partner, wearing a 'badge of inferiority' and feeling like a second class citizen, victimised by harmful promiscuous stereotypes damaging to children and young adults.<sup>22</sup> While this may be true, Macedo argues for a form of top-down equality, in which the good gay may climb the marriage ladder and feel equal and accepted, but then also pull the ladder up with them, doing nothing to advance the equality of other sexually and gender deviant populations.

Macedo's *Just Married* presents a clear case in favour of preserving and upholding marriage and allowing gay couples to enter into this sacred institution. He presents clear and important arguments rebutting the attempts of conservative and homophobic commentators to state that same-sex marriage should not be legalised, however he fails to assess any of the negative issues surrounding marriage, particularly with reference to queer theory, or feminist theory. Macedo's vision of equality, therefore, is one which brings gays and lesbians up to the top of the sexual hierarchy in allowing them to get married, leaving behind the issues that pervade single LGBTQ life, such as promiscuity, discrimination, HIV, and lack of security. The victory of same-sex marriage also presents a symbolic victory for Macedo:

---

<sup>20</sup> Ibid., p. 94

<sup>21</sup> Ibid., p. 117

<sup>22</sup> Ibid., p. 205

---

Gays and lesbians have been fighting for decades for marriage equality, and the symbolism of the word itself is of enormous importance, both to same-sex marriage supporters and opponents. To drop the term now from the civil law would be a form of ‘levelling down’: it would achieve equality in a degraded or devalued currency.<sup>23</sup>

Therefore we can see, that *Just Married* is still in its honeymoon period, as the benefits and symbolism now extended to same-sex couples and the validation flowing from this are still heralded as an all-encompassing beneficial right.

---

<sup>23</sup> Ibid., p. 122

---