Introduction

Marriage constitutes a surprisingly dense site in contemporary cultural logics. The fantasies about romance, commitment and relationships, proliferating across a range of media contexts (see Cadwallader and Heise in this issue), often obscure the way that marriage is used politically to discipline and administer the population. Indeed, as Baier maps (this volume), the movement for same-sex marriage in Australia has turned from the analysis of marriage as a means for distributing material rights and responsibilities, toward the focus on feelings, commitment and love, perhaps best encapsulated in GetUp!’s video depiction of an unfurled love letter, as discussed in Richardt and Richardson-Seif (this volume). This turn towards the ‘beauty’ of love often situates critiques of marriage as killing others’ joy. As Sara Ahmed has pointed out, however, killjoys remain important in challenging injustice, and this editorial seeks to do precisely that.

This editorial, then, seeks to offer a Foucauldian framework for understanding the contemporary significance of marriage, primarily within Australia, but with resonances for other contexts. In it, we explore the way that marriage continues to be used as a means of administering populations, enhancing some forms of life—through easy access to material rights—and denying, obscuring and making so difficult the following other forms of life. The first section lays out Foucault’s theory of biopolitics, emphasising the role of marriage within it. The second section seeks to examine particular kinds of life—that is, particular kinds of people—which are denied access to marriage, drawing out the significance of this denial for the possibilities of ordinary life. The third section builds on this, demonstrating that a wide variety of people are precluded from the apparent happiness of marriage (Ahmed 204) because of who they are, or their styles of relating, and that as a result of this abandonment, same-sex marriage has come to be constituted as the ‘last frontier’ to be overcome by queer communities. As a result, the material consequences of exclusion from marriage for the immense variety of queer (and not only queer!) relationships are obscured.

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Marital Life: Biopower’s Stake in Marriage

Foucault (Society) sought to demonstrate the political shifts that occurred around the early 1800s which asserted power over life itself. Biopower—the power over life—was enabled through two intertwined functions. The first, which he called biopolitical, focused on the administration of the life of the population, seeking to strengthen and enhance it through techniques as wide-ranging as labour laws, public hygiene, and the regulation of heredity. The second, called anatomopolitical, focused on the disciplining of individuals, primarily through knowledge and institutions from medicine and psychiatry to principles of taxation. This discipline was peculiarly effective partly because it deployed the notion of power as oppressing natural desires to produce those desires as the individual’s own, and in this way,like the exchange of these two techniques (Society 249-256).

As Foucault argued, circulated within these two intertwined elements of biopower was "the norm," and a proliferation of knowledges and institutions engaging with questions of health and pathology, sexuality and race, and bodies and disABILITY. This enabled Foucault calls a "caesura" or "fragmentation" of the population into two, in the name of enhancing life. On the one hand was the "superior," (Society 61), those whose lives and well-being must be prioritised and nurtured. On the other hand were the "subordinate," (Society 61), those associated with death, who, according to Foucault, could be subject to "not... simply murder as such... but murder... that takes shape within the institutions and narratives that bolster conventional and traditions of propriety. They learn, further, to be transformed into a purified, cleansed, moralized domestic space. It was to undertake the moral training of its children. It was to domesticate and familiarize the dangerous passions of adults, tearing them away from public virtue, the gin palace and the gambling hall, imposing a duty of responsibility to each other, to home, and to children, and a wish to better their own condition. The family, from then on, has a key role in strategies for good health and good order of the social body with the desire of individuals for personal health and well-being. A 'private' ethic of good health and morality can thus be articulated on a 'public' ethic of social order and public hygiene, yet without destroying the autonomy of the family—indeed, by promising to enhance it (75).

The government of freedom, here, may be analysed in terms of the deployment of techniques of biopolitization. The home was to be transformed into a purified, cleansed, moralized domestic space. It was to undertake the moral training of its children. It was to domesticate and familiarize the dangerous passions of adults, tearing them away from public virtue, the gin palace and the gambling hall, imposing a duty of responsibility to each other, to home, and to children, and a wish to better their own condition. The family, from then on, has a key role in strategies for good health and good order of the social body with the desire of individuals for personal health and well-being. A 'private' ethic of good health and morality can thus be articulated on a 'public' ethic of social order and public hygiene, yet without destroying the autonomy of the family—indeed, by promising to enhance it (75).

The biopolitical management of life, then, had and still has, a peculiar stake in the institution of marriage. This is partly about reproduction, as Rose demonstrates above, but it is not merely about the reproduction of biological offspring through managing who can bear children and where and when. It is also bound to the reproduction of styles of life and culture (see Costa, this volume).

In this context, the choice to get married, or even to simply be in a socially approved dyad (depending on the situation), cannot be disjoined from this biopolitical administration. Understanding these privileges as supporting, sustaining and approving only of very select forms of relationship does two things: first, it helps to ground a politics concerned with how these inequalities are sustained, and second, it makes clear what is frequently concealed by the romantic feeling, the fun, the fantasy, the drama and the consumerism—all coded as profoundly individual, and as manifesting the uniqueness of the individual couple—which remain so key to the representations of marriage.

As queer critique has shown for a long time, there are far more forms of kinship beyond the legally recognised and socially approved dyad, forms that proliferate both within and outside queer contexts, and these remain unrecognised (Butler; Warner; Foucault; Beyond Marriage Working Group). It is not simply that these are being jettisoned from the queer imaginary as it is taken over by the "nice, clean-cut boys-next-door who help make same-sex marriage palatable (GetUp!; Sams), but that as a result of this abandonment, same-sex marriage has come to be constituted as the ‘last frontier’ to be overcome by queer communities. As a result, the material consequences of exclusion from marriage for the immense variety of queer (and not only queer!) relationships are obscured.

Perhaps unsurprisingly, those who are precluded from the apparent happiness of marriage (Ahmed 204) because of who they are, or their styles of relating, are usually situated discursively as responsible for their own unhappiness. As Pendleton and Serisier demonstrate in their paper, a key example is the "immiserated queers," whose rejection of discipline and a normative way of life in their "promiscuous under-world" apparently leads inevitably to unhappiness. As Lauren Bernt put it, People are schooled to recognize as worthwhile only those desires that take shape within the institutions and narratives that bolster conventional and traditions of propriety. They learn, further, to be afraid of the consequences when their desire attaches to too many objects or to objects deemed "bad" whether they find themselves

This “schooling” is an anatomically disciplining, and it encourages individuals to invest in the biopolitical institution of marriage. In this way, the turn towards marriage itself in contemporary same-sex marriage movements, rather than sustaining the critique of the asymmetrical way that biopower sustains some lives and not others, cannot be understood as neutral.

**Identifying Right**

As Foucault argues, "racism" is the "biological-type caesura... [that] will allow power to treat that population as a mixture of races, or to be more accurate, to treat the species, to subdivide the species it controls, into the subpecies known, precisely, as races" (Society 255). What he means by this is because life is identified here as biological, the fragmentation of the population into the subracial and the superracial is usually identified as arising from natural biological difference, one in which the death of the subracial strengthens biological life overall:

Racism makes it possible to establish a relationship between my life and the death of the other that is not a military or warlike relationship of confrontation, but a biological-type relationship: 'The more inferior species died out, the more abnormal individuals are eliminated, the fewer degenerates will be in the species as a whole, and the more I—as species rather than individual—can live, the more will I be able to procreate.' The fact that the other dies not mean simply that I live in the sense that his death guarantees my safety; the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier; healthier and purer: (Society 255)

This means that the caesura that identifies those people who should be excluded, for example from accessing marriage, appears (through authorised forms of knowledge like sociology and psychometrics) to fail all the criteria of natural differences used to recognise particular identities. The history of knowledge about homosexuality, and the continuing though discredited attempts to find "gay genes" or "gay brains," reveal that the exclusion of gay and lesbian people from marriage has been parsed through the naturalisation of the superiority of heterosexuality and the deeming of homosexuality as a biological, if "unnatural," difference. Other differences parsed in this way are, as will be demonstrated in this section, function to preclude racialised others, and people described as trans*, disabled, asexual and intersexed.

In many ways, our contemporary negotiations with race and marriage are leftovers from colonialism. In colonial contexts, as Ann Laura Stoler articulates, the regulation of sexual and domestic relationships, especially through the granting and withholding of marriage, enabled racial hierarchies to be produced and sustained. Marriage and the variety of relationships and non-relationships which are deemed to lie outside the realm of the privilege form of union. There are, of course, more ways of relating which are not named here, particularly those associated with non-Western cultures. While our description, then, seeks to undo some of those exclusions of certain people from accessing the institution of marriage can occur also through the exclusion of immigration laws from the Disability Discrimination Act (Panichi).

Immigration is one of the most explicit sites of the exclusion of certain people from the population. Even partnership visas require the announcement of "Arab background," and the evidencing of "exclusivity" in relationships. The reaction against polygamy in Australia is thoroughly shaped by racialised discourse, often Islamophobic, and invisiblising Aboriginal kinship arrangements:

Everyone should be on notice that the law in Australia is that marriage is between a man and a woman, and a woman to the exclusion of others... It's based on the culture of our community and polygamous relationships are entirely inconsistent with that culture and indeed with the law. (Robert McClelland, cited in "Minister Warns Muslim Polygamists")

Yet those recognised explicitly as another race are not the only ones whose place in the population is carefully delimited by this racialised "fragmentation" of the population. Other forms of naturalised difference are regulated in this way. People with disabilities have their participation in relationships, sex, marriage and reproduction limited in a variety of ways. Women with disabilities, especially intellectual disabilities, are frequently subject to sterilisation (Women with Disabilities Australia). Marriage and the institution of marriage have been excluded from the colonisers through only permitting a certain groups of people access to marriage, usually on the basis of familial heritage, provided techniques for managing a resistant colonised population. This history continues in contemporary Australian neocolonialism.

Relating Right

As the example of asexuality makes particularly clear, the exclusions of certain people from accessing the institution of marriage can occur also through the exclusions of particular ways of relating: identities and forms of relating intersect in significant ways, especially according to the knowledge of biopower. These various forms of relating can be difficult to recognise because they are rarely narrated or legitimated, as Berlant describes above. We would like to explore a range of others, in particular those associated with non-relationships and non-relationships which are deemed to lie outside the realm of the privilege form of union. There are, of course, more ways of relating which are not named here, particularly those associated with non-Western cultures. While our description, then, seeks to undo some of the invisibilising influence of the contemporary public imaginary of marriage, it also replicates it in some ways.

Various forms of non-monogamy have proliferated in the West, especially, or perhaps simply more explicitly, over the past 50 or so years. Infidelity is a very common contemporary practice, though accurate statistics are obviously difficult to access. Alterations to the Family Law Act now allow the recognition of both

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formalised marriages and de facto relationships, especially during break-ups (Hewitt). This means that the party outside the legitimate marriage (the "other woman," as the figure is heteronormatively known) and their children are protected in the event of a break-up. This brings an even more interesting dynamic to the biopolitical administration of relationships, because it favours deceit and the betrayal of the official requirements of marriage over negotiated, agreed and more-or-less formalised non-monogamous relationships.

The variety of non-monogamous relationships is expansive (Harlilawon, Lin, and Klesse; Klesse; Albury; Heckert; Banker and Langridge; Barker). Some fall into the following categories: There are non-marital relationships where people might, depending on arrangements, have romantic dates, make-out sessions, sex and/or on-going relationships with others, sometimes identified as "secondary." There are polyamorous (many-loving) singles, couples, triads, quads and tribes, where different kinds of significant relationships, including but not only sexual, co-exist. These arrangements can extend to polyfidelitous tribes, where the commitment to one person or more is based on sex within the tribe as a way of enhancing community and safer sex.

The non-monogamous relationships described so far issue from a predominantly (though very far from solely) white, Western, middle-class community, often with libertarian, queer and/or anarchist commitments, as Rambukkana observes. These communities rarely connect with or explicitly discuss those forms of non-monogamy which are associated with religious or cultural groups, such as polygamy in some Aboriginal Australian communities, amongst Mormon sects and in some Islamic communities, sometimes because of concerns about sexism, misplaced or otherwise, and sometimes because of an inability to negotiate with their own implicit racism and privilege.

People in the relationships described above often appear in institutional terms to either be couples (sometimes married) or single, for two main reasons: first, because other forms of relationship are not recognised, for example, on forms that ask about marital or relationship status; and second, because there are numerous risks associated with coming out as involved in non-monogamous practices including, in some places, possible but uncertain risks to child custody, immigration status, worker rights, or housing (Easton and Hardy 43). In this way, the expectation of dyadic relationship formations means that poly and other non-monogamous folk—their numbers, their position in the community, their role in sustaining community or each other—are obscured, and difficult to access. This also makes it difficult to counter the narrative that situates monogamous relationships as the site of happiness.

The lack of institutional recognition of those involved in these varying forms of relationships in many ways is what enables them to happen at all, since the conditions placed on non-marital relationships mean that those involved are not willing to accept, or even to pretend to accept in order to access material benefits—for example, by promising to “exclude all others” from the relationship, or to be together “until death do us part.” (See Fordham, this volume, for a further discussion of the contemporary content of marriage vows). But it also means that many of the material benefits of dyad unions must be given up or unfairly divided amongst partners, and there is little protection offered those involved in these relationships, especially if or when they break down. The biopolitical exclusion of these particular kinds of non-monogamous relationships (unlike the marriage + the other woman cheating model) from these regulatory benefits demonstrates the state’s commitment to very limited notions of union.

Intimate friendships, including cohabiting, is often associated with youth, especially university students. Yet as the population ages in Australia, older people are turning toward living together, and supporting each other. Often described with reference to Golden Girls—a TV series from the 80s and 90s, in which four elderly women have relations, and in which these relationships may often be platonic, and can also be the most significant relationship in a person’s life. The capacity for such elderly close friends to be able to share, for example, health insurance, would help to protect them against the losses they face with the death of spouses (which, given the benefits of marriage, extend far beyond bereavement and into heavily practical, material matters).

There has been increasing consideration of the possibilities of remaining single throughout one’s whole life, sometimes associated with the increased demands in neoliberal society for flexible availability of care-giving, and the distribution of work between the state and individuals (see Potts, this volume), which sustains these systems. There has been increasing recognition that many people are better off remaining single, and that the legal status of marriage is no longer a reflection of the possibilities of modern life. Thus, giving only some access to the life-saving rights and benefits to those who do not adhere to a variety of norms.

The account of marriage provided here has sought to put the frequent appeals to emotion, romance and the prettiness (or otherwise!) of weddings to one side, to examine the role that marriage plays in the contemporary state. It is a technology of biopower that enables the discriminatory distribution of rights and benefits in ways that sustain only particular kinds of people in particular kinds of relationships, those which function to reproduce a stable population and thus a stable, unified, normalised State. The extraordinary investment in marriage, then, as displayed across various forms of media, and in the “Marriage Equality” movement in Australia, helps to maintain the idea that this institution is primarily about love and romance, and not about the racist fragmentation of the population, and the denial of basic life-supporting rights and benefits to those who do not adhere to a variety of norms.

But the variety and number of people, identities, races and relationship styles who are excluded from the benefits attached to marriage, whether through an inability or a deliberate designates, also demonstrates the ways in which the Australian Marriage Equality movement, for all of its claims to be "working for equal rights for all Australians," The claim that "marriage is about love and commitment, not about your partner’s gender," becomes, in this context, a fantasy, one which feeds into the neoliberalism that workers be flexible about their location, and sometimes with an array of other freedoms (Klinenberg). Bella DePaulo has written about the unique challenges faced by single people, including the financial difficulties of remaining single for one’s whole life, and the social stigma regularly attached to singledom. Singles are excluded from numerous material benefits associated with marriages: insurance, for example, is often more expensive for single people, while the savings associated with couples and families are passed on to consumers.

Conclusion

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