
Gay Marriage: LGBT Movement Led To The Legalization Of Same-Sex Marriages In The United States Of America

Question: How did the LGBT Movement Led To The Legalization Of Same-Sex Marriages In The United States Of America?

The contemporary LGBT movement started in 1969, however the struggle for their rights have been going on since centuries, only the way of protesting and displaying grievances has changed with time. The legalization of same-sex marriage is something that has only been achieved recently, the road to this has been a slow one. This essay will first discuss the history of the gay rights movement and the circumstances before 1969. Then it will move on to discuss the important events that took place after the start of the contemporary LGBT movement and how it led to the eventual legalization of same-sex marriages. Lastly, the factors that led to people protesting for the LGBT community will be conversed and how that specifically helped in the process of legalization.

“A gay rights movement, also called homosexual rights movement or gay liberation movement is a civil rights movement that advocates equal rights for gay men, lesbians, bisexuals, and transsexuals; seeks to eliminate sodomy laws barring homosexual acts between consenting adults; and calls for an end to discrimination against gay men and lesbians in employment, credit lending, housing, public accommodations, and other areas of life.” (Levy) The people of the United States were aware of homosexual activity since centuries but it was frowned upon to the extent that any kind of homosexual activity was criminalized. People who were caught indulging in homosexual activities were executed, whipped and fined by the Court. Even wearing clothes of the opposite sex would lead to public humiliation in the 17th Century. The situation was so grave that sodomy committed by women or men became punishable by mutilation rather than death. But humans are creatures of rebellious nature, many letters and writings have been found from back then where people have openly admitted about their love for a person of the same-sex or men would secretly dress as women and vice versa. Also, ‘joya’ (a man living as a woman) was a common occurrence in local villages back in the 18th Century. Later on, in 1948 a study of sexuality was conducted by Kinsey in the US which revealed that 28% of American women and 50% of American men have ‘homosexual tendencies’ which shocked the American public. (“A Timeline of Lesbian, Gay, Bisexual, and Transgender History in the United States.”) Finally, after years of struggle the first organization in the United States, that advocated tolerance of homosexuality, was founded in Los Angeles by Harry Hay in 1950 and in 1962, Illinois became the first state to decriminalize sexual acts between people of the same sex.

Initially, women were left out to a large extent and the movement was dominated by males, focusing on just gay rights. However, influenced by the feminist movements of the 1970s, lesbians formed their own collectives, record labels, bookstores and newspapers. Eventually, the gay rights movement came to be known as the LGBT (Lesbian, Gay, Bisexual and Transgender) movement. However, New York City’s ‘Stonewall Riots’ of June 1969 is considered to be the starting point of the modern LGBT rights movement. The police raided a bar, called Stonewall Inn, which served as a sanctuary for the city’s lesbian, gay and

transgender groups. Such raids were common on the basis of operating without a proper liquor license. However, that night the public decided to fight back. As the employees of the bar and the cross-dressers were being loaded onto the police vans, onlookers standing outside started abusing the police and throwing pennies and even bottles at them. The people resisted arrest and started to attack the police. The gay activists took advantage of this moment and gathered at the Stonewall after the riots to increase awareness about the LGBT movement and in 1970, the first Gay Pride parade set off from Stonewall. (Pruitt) As time passed by, the movement gained more support and most people protested for LGBT rights. "In the last decade of the 20th century, millions of Americans watched as actress Ellen DeGeneres came out on national television in April 1997, heralding a new era of gay celebrity power and media visibility." (Morris) Then came the 21st Century and there has been a keen emphasis on transgender activism and an increasing use of terms that question binary gender identification. Images of transwomen became more prevalent in film and television, as well as, same-sex couples raising children, for example in the show 'Modern Family.' The internet played a huge role in the popularity and in raising awareness about the movement. The LGBT movement is a perfect example of both, a movement for personal change and a movement that seeks institutional changes. Personal change because it wanted to change human's value system, their way of thinking by highlighting the importance of giving the gays, trans and lesbians their rights and institutional change as they wanted to change the laws that criminalized homo-sexual acts and once, the basic rights were achieved they wanted to legalize same-sex marriages.

Regardless of the mass support for the LGBT movement, there were still many people present across the 50 states of America that were against same-sex marriages. Back in 1993, "the highest court in Hawaii ruled that a ban on gay marriage may go against the state's constitution. State voters disagreed, however, and in 1998 passed a law banning same-sex marriage." (History.com Editors) Even though marriage rights backtracked, gay rights advocates got other victories an example of this is that, permission was given to judges to impose harsher punishment on people who commit crimes on the basis of the victim's sexual orientation and the abolition of the anti-sodomy law. It took a few years for the majority of people to be convinced to let the LGBT community have marriage equality rights as the activists and leaders of the movement created the scenario that the "movement represented an effort to make more real the nation's democratic ideals and revolutionary promise. It was profoundly a patriotic struggle" (Hall) This was important as the citizens of the United States are mostly liberals and the state is known for its open-minded ideologies. Also, in a democracy all citizens are supposed to have equal rights, regardless of their ethnicity, gender and sexual orientation, so phrasing the movement to be a patriotic struggle gained it a lot of support. Moreover, there were many cases arising in the Supreme Court regarding the issue of same-sex marriages. There were also many cases that the Supreme Court did not hear for example; United States Department of Health and Human Services V. Massachusetts, Office of Personnel Management v. PEDERSON and Bipartisan Legal Advisory Group of the U.S. House of Representatives v. WINDSOR. Although there were four main cases that the Supreme Court heard which led to the legalization of same-sex marriages, the main one being 'United States v. Windsor.' This case questioned the legality of the Defense of Marriage Act, which defined marriage as the union of a man and woman and allowed states the permission to deny recognizing the union of same-sex couples. There were eight other cases that questioned the same legality of the Defense of Marriage Act but luckily, this one particular case went through the lower courts all the way to the Supreme Court. After hearing this case, Justice Kennedy announced his opinion on June 26, 2013. He concluded that the Defense of Marriage Act wrote inequality into the entire United States Code and demeans the people who are in lawful same-sex marriages. (Watkins) Hence,

same-sex marriages were not legalized outright but it did prohibit state oversight in state matters involving same-sex marriages. It was finally on June 26, 2015, exactly 2 years later, that the US Supreme Court struck down all bans on same-sex marriages and legalized it in all 50 states in *Obergefell v. Hodges*. (“Guides: A Brief History of Civil Rights in the United States: A Timeline of the Legalization of Same-Sex Marriage in the U.S.”)

Now, coming to the factors that led to the legalization of gay marriages, or in broader terms the legalization of same-sex marriages. Basically, what urged the people of the United States to protest and demand the legalization of gay marriages. First and foremost, marriage is a person’s individual choice and by restricting the right to get legally married, the government was violating a gay, transgender and lesbian’s basic right. Many states allowed gays to get married but it was not legally recognized. This meant that in case of a divorce, the assets would not be fairly divided between the two spouses or the laws of divorce would not apply on them, which led to greater grievances. In the 21st Century, there is wide-spread recognition about almost every aspect of life and the internet has made it easier for information to travel from one part of the world to another. People even protest for things that don’t directly affect them, only because they’re important human rights. A recent example would be the occupation of Kashmir by the Indian forces, who took over Kashmir and tortured the Kashmiri citizens, violating their basic human rights and the United Nation’s protocols. Due to the internet, almost everyone around the world knew about these violations and the tiny details about what was happening there. People all around the world protested against this occupation and forced the Indian government to lift the day curfew, even though they were not directly affected by the actions of the Indian government. Similarly, there were many people, who were not gay, lesbian or transgender in the US, who protested for the LGBT rights, even though it wouldn’t directly affect them because they realized that denying someone the right to marry was against their basic rights. Also, the American State “does not traditionally place many barriers or restrictions on marriage, aside from age and blood relation; this is one reason why the Defense of Marriage Act and other explicit limitations on marriage stand out so markedly in the American legal lexicon”. (Richman 51)

The above factor for why people protested for LGBT rights which led to the legalization of same-sex marriages can be linked to the study of the role of emotions in why people protest. Clearly, the gays, lesbians and transgender protested because this was something that directly affected them but they garnered support for the movement by using emotions as a tool to attract people. In this case, the emotions did not come biologically but rather were created by the social setting. However, there were different emotions at play for various people; most were protesting because they felt sympathetic towards the LGBT community for they were being discriminated against. Also, as the leaders of the movement had phrased the movement to be a kind of a patriotic struggle, many were motivated by that and wanted to uphold the tradition of their country for never denying the basic rights to an individual. Others were angry with the government for the similar reason that they were discriminating against a particular community. Some might even be using the LGBT movement protests as a medium to vent out their anger and grievances, about something else, in these protests. Likewise, being a democratic country, the citizens of US can easily gather on the streets for protests or take out rallies and parades, as opposed to, people in authoritarian countries such as the Middle East, where same-sex marriages are still not legalized. So, due to the cultural setting and the ability of the people to gather and garner more support for the movement, collective action was easier. The LGBT movement is a great example of the success of collective action, the mass amounts of people protesting for one thing led to its success. One critique of the collective action theory is that people have trouble

aligning their goals and cooperating with each other which is why the protests usually fail and “members are more prone not to act in the group's common interest unless motivated by personal gains.” (Ioannou 151) This might be the reason why it took years of protesting to finally legalize gay marriages but such changes in law and human's value systems do take years to break down and change.

Furthermore, another factor is that the exclusion of gay men was not just in terms of marriage but also in other aspects of life, such as, in the workplace. Individuals couldn't openly announce their sexual orientation for the fear of getting dismissed from their job or a higher position. People who had dismissed their identity were mostly discriminated against compared to people who kept it disclosed. Waldo (1999) found out that “those who had been discriminated against exhibited higher levels of psychological distress and health related problems as well as lower levels of job satisfaction. He also discovered that those who had disclosed their sexuality were more likely to experience direct forms of discrimination and harassment.” (Roberts 22) There are also many instances where people who disclosed their sexual orientation were paid less as compared to the other employees. However, as more support was gathered for the movement, a lot of individuals did start ‘coming out’ in their work place, regardless of the consequences, as a means of accomplishing social change. Still passive sort of discrimination remained a problem by other employees and senior management staff. Also, “silence (by the gays) was used as a form of exclusion creating significant barriers in the ways gay men could make themselves visible and use their voice within organizations.” (Roberts 4) This definitely added to the grievances of the people, being unable to be yourself in your every day life is challenging and does affect the mental health of a person.

Lastly, the citizen's initiative law is one obvious trend that has legalized same-sex marriages. “According to the Initiative and Referendum Institute Website, of the five states that condone same-sex marriages, four do not have any form of citizens' initiative, with Massachusetts being the exception.” (Larsen 57) A citizen's initiative grants the citizens of a country to give their opinions in government matters and be able to call a referendum. This could explain why, California, did not allow same-sex couples the right to marry, whereas, conservative Iowa allowed same-sex couples the title of marriage because there was no citizen's initiative present there and at the time most people were against same-sex marriages. It was after a while that more than 50% of America's population started protesting or were in favor of same-sex marriages. Previously in every instance that same-sex marriage was legalized, the law was removed by a popular initiative. But as most of the citizen's started supporting this cause, it was much easier for the government to pass the legalization law. Hence, the presence or absence of the citizen's initiative did have a direct correlation with the legalization of same-sex marriages.

In conclusion while it is true that society has achieved the legalization of same sex marriage, it still cannot be said that same sex couples are being treated fairly and equally amongst all societies. There is still a social stigma around this area in the more traditional parts of the world. However, the internet as mentioned has made a big difference in spreading awareness on a wide scale. As more people are willing to come out and fight for their rights. The LGBT movement as discussed was greatly helped by the demographics of the United States, as it is a free democratic country and allowed the people to come in collectively and protest with a similar voice that helped bring about a change in the legal system. Therefore, the LGBT has evidently come a long way but it can be said that while it has legally achieved its goals, it has to go above and beyond that to an extent where same sex couples are seen as equal and no different to heterosexual couples.

Works Cited:

1. "A Timeline of Lesbian, Gay, Bisexual, and Transgender History in the United States." <https://www.gsafewi.org>, www.gsafewi.org/wp-content/uploads/US-LGBT-Timeline-UPDATED.pdf.
2. "Guides: A Brief History of Civil Rights in the United States: A Timeline of the Legalization of Same-Sex Marriage in the U.S." A Timeline of the Legalization of Same-Sex Marriage in the U.S. - A Brief History of Civil Rights in the United States - Guides at Georgetown Law Library, guides.ll.georgetown.edu/c.php?g=592919&p=4182201.
3. HALL, SIMON. "The American Gay Rights Movement and Patriotic Protest." *Journal of the History of Sexuality*, vol. 19, no. 3, 2010, pp. 536–562. JSTOR, www.jstor.org/stable/40986338.
4. History.com Editors. "Gay Rights." History.com, A&E Television Networks, 28 June 2017, www.history.com/topics/gay-rights/history-of-gay-rights.
5. Ioannou, Dr Christina. "The Problem of Collective Action: A Critical Examination of Olson's Solution of 'Selective Benefits.'" *International Journal of Business and Social Research*, vol. 2, no. 3, 2012, pp. 151–157., doi: https://www.academia.edu/4150398/The_Problem_of_Collective_Action_A_Critical_Examination_of_Olson_s_Solution_of_Selective_Benefits_.
6. Larsen, Benjamin. "Gay Marriage and the Citizens' Initiative: A Comparative Analysis." Boise State University, Scholar Works, 2011, core.ac.uk/reader/61727341.
7. Levy, Michael. "Gay Rights Movement." *Encyclopedia Britannica*, Encyclopedia Britannica, Inc., 1998, www.britannica.com/topic/gay-rights-movement.
8. Morris, Bonnie J. "History of Lesbian, Gay, Bisexual and Transgender Social Movements." American Psychological Association, American Psychological Association, www.apa.org/pi/lgbt/resources/history.
9. Pruitt, Sarah. "What Happened at the Stonewall Riots? A Timeline of the 1969 Uprising." History.com, A&E Television Networks, 13 June 2019, www.history.com/news/stonewall-riots-timeline.
10. Richman, Kimberly D. *License to Wed: What Legal Marriage Means to Same -Sex Couples*. New York University Press, 2015.
11. Roberts, Simon Peter. "Exploring How Gay Men Manage Their Gay Identity in the Workplace." *Exploring How Gay Men Manage Their Gay Identity in the Workplace*, Queen Mary, University of London, Queen Mary Research Online, 2013, core.ac.uk/reader/77038800.
12. Watkins, Olivia. "How the Case *United States v. Windsor* Paved the Way for Same-sex Marriage Legalization in the United States." [Http://Thesis.honors.olemiss.edu](http://Thesis.honors.olemiss.edu), The University of Mississippi, 2014, core.ac.uk/reader/148694965