

prolonging its sexual governance through legislative intrusion. While this framing may explain the judicial complicity of the courts, it fails to sufficiently probe the juridical politics that constitute this complicity. More recent scholarship (Bhuwania 2017) has suggested that the enormous powers that public interest litigation confer upon the appellate judiciary germinates in its populist character. While Puri frames the juridical complicity of the courts in participating in the sexual governance of the state, she neglects to interrogate that very political economy of juridical complicity in either case by explaining what a “neo-liberal” or “post-liberal” court encapsulates, which could have been a valuable and instructive addition to this work. That said, *Sexual States* is an important work in chronicling the history of LGBT struggle against section 377 in India for any reader who is interested to engage with the same.

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***Justifying Same-Sex Marriage: A Philosophical Investigation.***  
By Louise Richardson-Self. London: Rowman & Littlefield  
International, 2015. 178 pp. \$37.95 (paperback), \$115 (hardcover).

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Louise Richardson-Self’s *Justifying Same-Sex Marriage* is a compelling reminder that the arguments we make to justify same-sex marriage matter at least as much as the policy reforms those arguments help to achieve.

As Richardson-Self observes, campaigns for same-sex marriage are about more than domestic-partner registries, civil unions, and marriage equality. Ultimately at stake in these campaigns is “the *equal regard* of LGBT people” — that is, the recognition of LGBT people “*as LGBT people*” who defy heteronormative standards but nevertheless remain “rights bearing member[s] of society equal in dignity and deserving of equal regard” (3, 63). By framing same-sex marriage campaigns as part of a broader struggle for equal rights and dignity, Richardson-Self opens a critical angle of vision on some of today’s most prominent justifications for same-sex marriage. She then leverages this critique to construct an alternative (and potentially revolutionary) path forward for the marriage equality movement. Richardson-Self’s book is both philosophically rigorous and politically engaged. Scholars interested in the limits and radical potentialities of human rights theories will find much of value here, as will activists engaged in LGBT human rights work around the world.

*Justifying Same-Sex Marriage* opens with a brief overview of the status of same-sex marriage in the West. While some of the particulars here are out of date — perhaps the most glaring omission is *Obergefell v. Hodges*, the Supreme Court decision that legalized same-sex marriage in the United States in the summer of 2015 — Richardson-Self’s observation that justifications for same-sex marriage have generally been assimilationist in character remains apt (7). One of the leading assimilationist justifications singled out by Richardson-Self is the so-called “paucity of options” argument rooted in James Griffin’s “personhood account” of human rights (41). According to this argument, excluding LGBT people from marriage undermines their “normative agency” by denying them access to an institution that is essential to the “bare pursuit of the good life” (50). This argument, Richardson-Self emphasizes, relies on the assumption that marriage “is not simply one among many intimate relationships that people can voluntarily enter into,” but “*the* normative ideal for how sexuality, companionship, personal economics, and child rearing should be organized” (49). While Richardson-Self does not discuss it, the majority opinion in *Obergefell v. Hodges*, which states that “the right to marriage is fundamental because it supports a two-person union unlike any other” that “safeguards children and families” and serves as a “keystone of the Nation’s social order,” is a testament to the influence the paucity of options argument has exerted on the same-sex marriage debate (3).

Elucidating the assimilationist character of such prominent justifications of same-sex marriage is important because, Richardson-Self argues,

assimilationist arguments actually work to undermine the rights and dignity of LGBT people. By holding up marriage as a unique relationship integral to a fully human life, assimilationist arguments reinforce what Richardson-Self, following Moira Gatens, describes as the “dominant shared Western social imaginary” (4). Within this set of “images, symbols, metaphors, myths and narratives [that] help to structure forms of embodied identity and belonging and create social meaning and value,” monogamous married heterosexuality is taken as the natural human model and queer intimacies and relationships are cast aside as deviant and inferior (128). By invoking the ideal of marriage prescribed within the dominant shared Western social imaginary, Richardson-Self maintains, assimilationist arguments bolster norms that constitute LGBT people as “marked persons” undeserving of equal rights and regard (57).

At this stage in the argument, Richardson-Self’s position does not appear all that different from the positions staked out by radical queer critics of marriage equality. (The work of some of these critics has recently been anthologized in *Against Equality: Queer Revolution, Not Mere Inclusion*, a volume that would make a fine companion to *Justifying Same-Sex Marriage*.) However, Richardson-Self’s next move sets her apart from these self-styled queer revolutionaries. Rather than dismiss the struggle for marriage equality as an irretrievably assimilationist errand that ought to be abandoned in favor of more radical political projects like prison abolition, decolonization, or socialist revolution, Richardson-Self formulates an alternative justification of same-sex marriage that she believes can challenge the dominant shared Western social imaginary and advance the cause of LGBT equal regard.

Richardson-Self calls her alternative justificatory strategy the “combined approach” because it merges Rainer Forst’s “intersubjective justification theory” of human rights with Luce Irigaray’s politics of sexuate difference. By hitching Forst’s theorization of persons as moral agents equally entitled to justifications for the norms that they are to live by to Irigaray’s radical reimagining of difference “though an A/B figuration, rather than an A/not-A binary logic,” Richardson-Self effectuates a philosophical union as queer as those it can be employed to justify (106). The nonassimilative justification for same-sex marriage that Richardson-Self derives from her combined approach goes something like this: Whereby “all people are to be acknowledged as potentially differing persons” of a “basic equal status” that entitles them “to contribute to the establishment of certain norms that they will have to live by,” the exclusion of LGBT people from the institution of marriage

and the legal and social privileging of marriage over other forms of intimacy and caregiving must be explained in a manner that takes seriously the moral agency of LGBT persons *as LGBT persons* and meets criteria of generality and reciprocity (154, 84). Since no such explanations can be devised, LGBT people must be granted access to the institution of marriage. Moreover, nontraditional forms of intimacy and caregiving must be granted formal legal recognition alongside traditional marriages (156). This argument, Richardson-Self emphasizes, eschews heteronormative narratives that “affirm the hierarchical and normative worth of ‘traditional’ marriage” while circulating “a new meaning-generating narrative” that roots the value of human relationships in the “caring-love” they provide (156, 6). Because this narrative of caring-love both resonates with *and* pushes against the dominant shared Western social imaginary, Richardson-Self believes it can serve not only the cause of marriage equality, but the broader struggle for LGBT equal regard as well (133).

For readers who object to the assimilationist tenor of the marriage equality movement but recognize the practical benefits it stands to bring about for many queer people, *Justifying Same-Sex Marriage* will prove an immensely gratifying read. For readers more radically skeptical of the place of marriage equality in a movement for queer liberation, *Justifying Same-Sex Marriage* is sure to spark continued critical reflection and engagement.

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