

The Rise of State-Centric Advocacy in American Sexual Rights Organizing

Sexual rights organizing in the United States has taken many forms since its inception, shifting between models of resistance, accommodation, and direct engagement with the state. The mid-1950s and early 1960s marked the emergence of the first large-scale public LGBT movement, led by organizations such as the Mattachine Society and the Daughters of Bilitis, which sought to create spaces for sexual minorities while challenging prevailing narratives that framed homosexuality as pathological. As explored in Simon Hall's "Protest Movements in the 1970s: The Long 1960s," the Mattachine Society, arising out of the broader homophile movement and shaped by the "new, urban gay subculture that had been forged during the war against fascism," played a critical role in "lay[ing] the basis for future advances" in sexual rights advocacy by confronting the dominant medical and legal frameworks that classified homosexuality as a sickness.¹ Unlike later movements that would seek state recognition through legal avenues, the Mattachine Society and the Daughters of Bilitis instead worked to cultivate internal community support, focusing on social services, education, and cultural advocacy rather than direct political action.²

This emphasis on respectability politics – framing homosexuality as a benign, socially acceptable identity – represented a tactical decision that, while aiming to integrate sexual minorities into mainstream society, also reinforced the idea that acceptance was contingent upon conformity to normative expectations. Yet, despite their ultimately assimilationist goals, these organizations operated largely outside of state structures, building networks of mutual aid and fostering a sense of community among individuals who, at the time, had little institutional support.³ In this sense, while the homophile movement did not explicitly challenge the authority of the state, its efforts to carve out independent spaces for queer existence – without reliance on formal legal recognition – aligned with many of the foundational principles that later came to define queer political thought. Though it lacked the formal language of queer theory, the movement's rejection of dominant classifications and its emphasis on self-determination over

¹ Hall, Simon. "Protest Movements in the 1970s: The Long 1960s," *Journal of Contemporary History*, 2008, <http://www.jstor.org/stable/40543228>, 656.

² Hall, "Protest Movements in the 1970s," 656.

³ Hall, "Protest Movements in the 1970s," 656.

legal recognition mark it as an early iteration of a distinctly queer approach to activism, one that would later evolve into more overtly anti-assimilationist models of organizing.

As sexual rights movements gained broader visibility in the United States, the strategies employed by LGBT organizers shifted, moving away from the community-centered, non-state models of the homophile movement and toward a rights-based approach that prioritized legal recognition as the primary means of securing equality. By the 1980s and 1990s, mainstream LGBT advocacy had become increasingly entrenched within legal and political institutions, with major organizations centering their efforts on litigation, legislative lobbying, and electoral politics as mechanisms for securing state-sanctioned protections. As Julie Mertus details in “The Rejection of Human Rights Framings: The Case of LGBT Advocacy in the U.S.,” organizations such as the Human Rights Campaign (HRC) and Lambda Legal overwhelmingly framed their struggle for sexual liberation “in civil rights terms, with little or no reference to human rights” – a distinction that not only shaped movement priorities but also determined the nature of its engagement with the state.⁴ Thus, unlike earlier movements that sought to cultivate autonomous queer spaces, mainstream advocacy in this period pursued integration into existing legal structures, focusing on issues such as anti-discrimination laws, military inclusion, and marriage equality as the central battlegrounds for sexual rights.

This legalistic approach, while instrumental in securing key policy victories, also marked a fundamental transformation in the movement’s relationship to state power. Rather than challenging the structures that regulate sexuality, mainstream LGBT organizations worked within these frameworks, seeking recognition on terms dictated by the state rather than on the principles of radical self-determination. As Mertus argues, this strategy “advanced the goal of assimilation rather than structural transformation,” reinforcing normative understandings of sexuality and gender rather than subverting them.⁵ Given this shift, although these efforts undoubtedly expanded legal protections for sexual minorities, they also reoriented the movement away from its earlier emphasis on community-driven activism and non-state forms of organizing. This departure – from resistance to inclusion, from disruption to institutional engagement – signified a critical disjunction from earlier iterations of sexual rights organizing and laid the groundwork for

⁴ Mertus, Julie. “The Rejection of Human Rights Framings: The Case of LGBT Advocacy in the US,” *Human Rights Quarterly*, 2007, <https://doi.org/10.1353/hrq.2007.0045>, 1051.

⁵ Mertus, “Rejection of Human Rights Framings,” 1051.

later critiques that would argue that the pursuit of legal recognition came at the cost of queer radicalism.

As legal and policy reform became the dominant strategy of mainstream LGBT advocacy, major court rulings began to redefine the legal status of LGBTQ+ individuals in the United States, further entrenching the movement's reliance on state institutions as the primary arbiters of sexual rights. A pivotal moment in this process came with *Lawrence v. Texas* (2003), a Supreme Court decision that overturned *Bowers v. Hardwick* (1986) and struck down sodomy laws on the grounds that they violated constitutional protections of privacy and liberty. As lawyer Evangelos Kostoulas examines in "Ask, Tell and Be Merry: The Constitutionality of 'Don't Ask Don't Tell' Following *Lawrence v. Texas* and *United States v. Marcum*," *Lawrence* marked a decisive shift in the legal landscape by affirming that the criminalization of same-sex intimacy – or what was referred to as "deviant sexual intercourse" – constituted an unconstitutional intrusion into private life, declaring that the State cannot demean a person's existence or deny the "fundamental right to forming intimate associations," regardless of sexuality.⁶ In other words, by situating same-sex relationships within the broader framework of constitutional privacy protections, the ruling not only invalidated legal mechanisms that had long been used to justify discrimination against LGBTQ+ individuals but also reinforced the growing perception that sexual rights could – and should – be secured through judicial intervention rather than through alternative modes of activism.⁷ Thus, unlike earlier movements that focused on cultivating independent queer spaces outside of state authority, *Lawrence* solidified the role of legal institutions in shaping the trajectory of sexual rights advocacy, demonstrating how, by the early 2000s, mainstream LGBT organizing had become deeply enmeshed within the structures of governance it once sought to resist.

The momentum generated by *Lawrence v. Texas* reinforced the growing perception that state-backed legal efforts represented the most effective avenue for securing mainstream LGBT rights, further solidifying the movement's reliance on judicial and legislative intervention as the primary mechanism for advancing sexual equality. As John F. Kowal outlines, the repeal of

⁶ Kostoulas, Evangelos. "Ask, Tell, and Be Merry: The Constitutionality of 'Don't Ask, Don't Tell' Following *Lawrence v. Texas* and *United States v. Marcum*," *University of Pennsylvania Journal of Constitutional Law*, 2007, <https://scholarship.law.upenn.edu/jcl/vol9/iss2/9>, 568, 574.

⁷ Kostoulas, "Ask, Tell, and Be Merry," 575.

sodomy laws prompted LGBT advocacy groups to expand their focus beyond decriminalization, shifting their attention toward a broader range of legal and social objectives, including “legal recourse for discrimination in employment and housing, protection from violence and bullying in schools, adoption and child custody rights, hospital visitation rights, the right to serve openly in the military, and culture change to foster acceptance and visibility.”⁸ However, among these goals, securing marriage rights for same-sex couples quickly emerged as the movement’s central priority, largely due to marriage’s dual significance as both a legal institution conferring tangible benefits – such as tax advantages, inheritance rights, and medical decision-making authority – and a deeply symbolic marker of legitimacy and full citizenship within American society.⁹

Given the decentralized nature of U.S. family law, early efforts to achieve marriage equality unfolded primarily through state-level litigation. As The New York Times writer Pam Belluck reported in 2003, Massachusetts became the first state to legalize same-sex marriage following sustained advocacy efforts and, more critically, a series of lawsuits “brought by seven same-sex couples” petitioning the Massachusetts Supreme Judicial Court, which ultimately ruled in their favor.¹⁰ This legal strategy, rooted in the pursuit of rights through judicial review rather than grassroots mobilization, became the dominant model of LGBT advocacy throughout the early 2000s, with similar cases emerging across multiple states in the years that followed. As documented by GLAD Law, these state-level victories culminated in *Obergefell v. Hodges* (2015), in which the U.S. Supreme Court declared that bans on same-sex marriage violated constitutional protections, thereby extending marriage rights to sexual minorities nationwide. In securing one of the most visible and widely recognized legal victories in LGBT history, *Obergefell* exemplified the extent to which mainstream sexual rights advocacy had become almost entirely embedded within the mechanisms of the state, with legal recognition – rather than alternative forms of social or political transformation – positioned as the ultimate marker of progress.¹¹

⁸ Kowal, John. “The Improbable Victory of Marriage Equality,” *Brennan Center for Justice*, June 26, 2015, <https://www.brennancenter.org/our-work/analysis-opinion/improbable-victory-marriage-equality>

⁹ Kowal, “The Improbable Victory of Marriage Equality”

¹⁰ Belluck, Pam. “Massachusetts Arrives at Moment for Same-Sex Marriage.” *New York Times*, May 17, 2004, <https://www.nytimes.com/2004/05/17/us/massachusetts-arrives-at-moment-for-same-sex-marriage.html>

¹¹ GLAD Law. “*Obergefell v. Hodges*: Marriage Equality at the Supreme Court.” *GLAD Law*, 2015. <https://www.glad.org/cases/deboer-v-snyder/>

The Limits of Legal Recognition in U.S. LGBT Advocacy

The strategic shift toward legal and state-backed initiatives within LGBT movements, culminating in the attainment of same-sex marriage, suggested that, in a conventional sense, equality had been achieved among sexual minorities across the United States. However, despite the widespread celebration of these legal victories as definitive markers of progress, the singular emphasis on marriage not only obscured but actively marginalized the broader structural inequalities faced by sexual and gender-nonconforming individuals, particularly those whose experiences of oppression intersected with racial and economic disparities. As Marcus Anthony Hunter argues in *Race and the Same-Sex Marriage Divide*, the dominant framework of marriage advocacy rested on the assumption that “all else being equal, marriage is good and desirable,” neglecting the “costs and benefits” of legal marriage – nuances more acutely perceived within non-white communities, where marriage has historically functioned not only as a personal institution but as a site of state regulation and economic exclusion.¹² As such, the movement’s overwhelming focus on securing marriage rights, rather than dismantling the structures that produce sexual and economic precarity, reinforced the prioritization of state recognition over more radical transformations in queer life.

This misalignment between state-sanctioned LGBT reforms and the material realities of marginalized queer communities is particularly evident in the economic disparities confronting unmarried LGBTQ+ individuals, especially youth. As reported by the National Network for Youth, in 2014, LGBTQ+ youth constituted approximately “40% of the homeless youth population” despite comprising only “9.5% of the overall youth demographic,” an overrepresentation that speaks to the structural inequalities left unaddressed by marriage-focused advocacy.¹³ Feeding into this issue, while foundation funding for marriage equality reached \$9.1 million in the same year, initiatives targeting LGBTQ+ youth homelessness remained severely underfunded, reflecting a broader pattern in which mainstream LGBT organizations channeled resources toward legal recognition while neglecting issues of survival for those most vulnerable within the queer community.¹⁴ Taken together, these disparities illustrate the inherent limitations

¹² Hunter, Marcus Anthony. “Race and the Same-Sex Marriage Divide,” *Contexts*, <https://doi.org/10.1177/1536504213499884>, 75.

¹³ National Network for Youth. “LGBTQ+ Youth Homelessness.” *National Network for Youth*, 2023 <https://nn4youth.org/lgbtq-homeless-youth/>

¹⁴ National Network for Youth, “LGBTQ+ Youth Homelessness”

of a legalistic approach to sexual rights, reinforcing the argument that the integration of LGBT activism into state institutions – rather than ensuring liberation – has, in many ways, constrained the possibilities for more expansive and intersectional modes of queer political engagement.

Taking these limitations even further, the prioritization of legal victories also reinforced a hierarchy within sexual rights advocacy – one that privileged issues most relevant to cisgender individuals while neglecting the systemic barriers facing transgender and nonbinary communities. As Drabble et al. examine in their study “It’s Complicated: The Impact of Marriage Legalization Among Sexual Minority Women and Gender Diverse Individuals in the United States”, while the mainstream push for marriage equality was widely perceived as a marker of “increased social inclusion and acceptance,” it simultaneously “contributed to the erosion of queer identity and community,” with many gender-diverse individuals experiencing heightened marginalization in its aftermath.¹⁵ This shift was not merely symbolic but had tangible consequences, as the absorption of LGBT activism into legal and policy frameworks deprioritized issues such as employment discrimination, barriers to healthcare, and the disproportionate rates of violence faced by transgender individuals – concerns that had once been central to grassroots queer organizing but were now sidelined in favor of state-sanctioned recognition.

More critically, the focus on marriage not only diverted resources away from trans-specific advocacy but also reinforced the assimilationist tendencies of state-backed LGBT rights. By prioritizing legal recognition within pre-existing institutions, the movement advanced a vision of equality that was contingent upon adherence to normative structures rather than a reimagining of social and political relations. The consequences of this shift were especially apparent in the continued vulnerability of transgender individuals, for whom marriage rights offered little recourse against employment discrimination, healthcare exclusion, and criminalization.¹⁶ In this way, the legal victories achieved through state collaboration did not represent a fundamental transformation of power but rather a selective extension of rights that

¹⁵ Drabble, Laura A. Cat Munroe, Emma Sophia Kay, Nancy J. Worthington, and Jennifer McCartney. “It’s Complicated: The Impact of Marriage Legalization among Sexual Minority Women and Gender Diverse Individuals in the United States,” *Psychology of Sexual Orientation and Gender Diversity*, 2020, <https://doi.org/10.1037/sgd0000375>, 2.

¹⁶ Drabble et al., “It’s Complicated,” 12.

ultimately reaffirmed the same exclusionary frameworks that queer activism had historically sought to dismantle.

Embodied Theory: Mutual Aid, Anti-Normativity, and Queer Autonomy Beyond the State

Given the significant limitations of state-backed LGBT reforms, true progress was instead achieved through organizing efforts that operated outside state institutions, filling the void left by legal recognition's narrow scope. In other words, rather than relying on the slow-moving and exclusionary processes of policy reform, queer-led mutual aid networks emerged as direct interventions against the persistent inequities that mainstream LGBT advocacy had failed to redress. As Mia Fischer documents in her piece "Making Black Trans Lives Matter," organizations such as the "Marsha P. Johnson Institute," "For the Gworlds," and "G.L.I.T.S." have taken on the work that legal frameworks have neglected, providing critical resources – including housing, healthcare access, and emergency financial assistance – to "Black trans individuals," who remain among the most vulnerable within the LGBTQ+ community.¹⁷ These initiatives, built upon principles of collective care and radical redistribution, reject the logic of assimilation and state validation in favor of immediate, community-driven action that "firmly centers the voices and experiences of Black trans people" while directly challenging the structures that perpetuate economic and social precarity.¹⁸

In a similar vein, Dean Spade underscores in his piece "Being Together, After Nonprofitization" that grassroots movements operating beyond the constraints of traditional nonprofit structures prioritize "accountability to local directly affected populations," ensuring that their work is not oriented toward securing institutional legitimacy but instead dismantling the systemic barriers that necessitate such interventions in the first place.¹⁹ Through redistributing resources, fostering solidarity networks, and building sustainable alternatives to state dependency, these queer mutual aid efforts do more than simply offer temporary relief; they construct models of care and resistance that challenge the fundamental premises of state-backed inclusion. Thus, where legal reform has focused on integrating a select few into pre existing

¹⁷ Fischer, Mia. "Making Black Trans Lives Matter," *QED*, 2021, <https://muse.jhu.edu/article/801973>, 113.

¹⁸ Fischer, "Making Black Trans Lives Matter," 115.

¹⁹ Spade, Dean. "Being Together, After Nonprofitization," *Women's Studies Quarterly*, 2013, <http://www.jstor.org/stable/23611520>, 248.

institutions, mutual aid networks have redefined the very meaning of justice, illustrating that the pursuit of sexual liberation need not be contingent upon recognition from the state but can instead be built upon the autonomous, collective action of the communities most affected.

Beyond addressing the material conditions left unremedied by state-backed reforms, queer organizing has actively resisted the assimilationist logic that underpins mainstream LGBT advocacy, rejecting the premise that equality can be achieved through mere inclusion within preexisting institutions. As articulated in the anonymous queer manifesto *An Army of Lovers Cannot Lose*, queer movements do not center around securing a “right to privacy” but instead “the freedom to be public,” a framing that challenges the notion that legal recognition constitutes liberation. Rather than seeking validation within institutions historically designed to uphold heterosexual and cisnormative privilege, radical queer movements have constructed alternative spaces that prioritize community autonomy, fostering a politics rooted in direct action, visibility, and collective resistance.²⁰ Unlike the mainstream push for marriage equality – which centered on state recognition as the ultimate marker of legitimacy – queer activism has long recognized that survival itself is an act of defiance in a society where “there is nothing on this planet that validates, protects, or encourages [queer] existence.”²¹ This refusal to conform to institutional frameworks has allowed grassroots movements to cultivate self-sustaining networks of care, mutual aid, and solidarity, illustrating that true liberation is not contingent upon the state’s acknowledgment but instead emerges through the ability to define queerness on its own terms, free from the constraints of structures that have historically sought to erase it.

Through this analysis, it becomes evident that while the United States has historically relied on state structures and legal recognition as the primary mechanisms for advancing LGBT rights, these frameworks have consistently fallen short in addressing the needs of those most marginalized within the queer community. Legal victories, though often celebrated as milestones of progress, have prioritized the assimilation of select groups into preexisting state institutions rather than dismantling the structural barriers that perpetuate inequality. In response to these inadequacies, grassroots networks have emerged to fill the gaps left by state inaction, embodying the very principles of queer theory – anti-normativity, community care, and resistance to state

²⁰ Queers Read This. *An Army of Lovers Cannot Lose*. Act UP NY, 1990, <https://actupny.org/documents/QueersReadThis.pdf>, 1.

²¹ Queers Read This, *An Army of Lovers Cannot Lose*, 1.

dependence. With this in mind, the United States, as the birthplace of queer theory, serves as a crucial case study not only in demonstrating how grassroots movements can operate independently of state recognition but also in illustrating the connections between named queer movements and unnamed yet structurally similar organizing efforts elsewhere. The explicitly queer framework within U.S. activism provides a reference point for understanding the continuities between named and unnamed queer movements, with the emphasis on non-hierarchical organizing, mutual aid, and the rejection of institutional assimilation – central tenets of U.S.-based queer activism – mirroring the strategies found in similar movements that do not explicitly identify as queer. Thus, the U.S. queer movement, by existing as both a theoretical and applied framework, provides a means through which unnamed queer movements can be recognized not as separate or incidental but as part of a broader continuum of resistance against normative structures of power, suggesting that while linguistic and cultural differences shape the ways in which movements self-identify, the principles underpinning queer activism can and do emerge outside of a strictly Western academic or state-centric framework.