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»Liebe ist ... (*Love is* ...)«.

Visual Strategies of Normalization and the Swiss Partnership Law

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The Swiss Partnership Law, which took effect on 1 January 2007, had been affirmed in June 2005 by a majority vote of 58 percent of the population in a referendum. Years of often heated debates inside and outside the Parliament regarding the concrete constitution of the law had preceded the referendum. In addition, advocates and opponents of the Partnership Law attempted to influence the public opinion in different ways, including through poster campaigns. In the following, I will show how the law's provision for normalization correlates with the visual strategies employed in the *Liebe ist ... (Love is ...)* poster campaign by the association *Ja zum Partnerschaftsgesetz (Yes to the Partnership Law)*.¹ My reading focuses on the ambivalences and contradictions that arise when attempts are made to integrate forms of ›otherness‹ into a preexisting framework of structures of recognition.

I will thus first give a brief account of the Partnership Law and its relationship to marriage. This will provide the basis for my clarification of how mechanisms of normalization, on the one hand, enable the Partnership Law to become accepted into the existing structure of norms and, on the other hand, simultaneously underscore its exceptional status and hierarchical subordination to marriage.² I will then address the *Liebe ist ...* poster campaign, focusing on how the strategy of referencing and recontextualizing a heteronormative visual template produces a certain conventionalization of lesbians and gays—a strategy that, in my opinion, is the epitome of an anti-queer endeavor. My critical discussion of this form

of self-normalization is fueled by the desire to uncover its ambivalent and contradictory strategies to better understand and utilize them in future projects of queer appropriation.

The Swiss Partnership Law (*Partnerschaftsgesetz* or *PartG*)

The main issue at stake in formulating the Partnership Law (see *Partnerschaftsgesetz* 2004) was to clearly distinguish it from marriage. This becomes evident on the formal and symbolic levels as well as in its content. On the one hand, the Partnership Law presents a separate piece of legislation. Although it is largely based on the marriage law, it is formulated as a distinctly separate legal issue and unlike the marriage law the Partnership Law was consciously omitted from the family law of the Swiss Civil Code. In addition, several differences to the marriage law are interspersed throughout the law, which have more symbolic character and less of an actual effect on the constitution of a partnership. There is no formal engagement, the couple has no shared civil rights, it is not possible to officially take on the same name and exchanging vows at the Swiss *Zivilstandsamt* (civil registry office) is substituted by simply registering a declaration of intent. Finally, marriages and registered partnerships (RPs) have a series of significant similarities as well as significant differences in the constitution of specific legal norms.³ The main demarcation between these two legal institutions, with few exceptions, runs between the partnership elements, which are largely conceived as analogous to the marriage law, and between the protected realm of family law, which shows substantial differences.⁴ This discrepancy clearly shows that registered partnerships do »not [constitute] a basis for starting a family« (Botschaft PartG 2002: 1310) and should be clearly distinguishable from marriage.

On the other hand, the marriage law or its »preexisting specified core,« (Büchler/Michel 2006: 15) is considered the logical point of departure for the legal regulations governing same-sex partnerships: namely a long-term, monogamous, financial and sexual partnership comprised of two persons who live together. This conceptualization is unfortunate, since it (consciously) forfeits an opportunity to actively set norms in a creative manner (see Cottier 2005). Instead of forming an alternative institution that is able to accommodate the different needs of multifaceted relationship constellations and life realities, marriage is further inscribed as the ideal model. This ideal model serves as the basis for assessing where equality is appropriate or similar needs arise and where differentiation is necessary in »accounting for the specificities of same-sex couples« (Medienmitteilung EJPD 2000). In order to determine these specificities, an ideal type of

same-sex partnership was introduced or produced: the crux of this ›homo-norm,‹ which the law was tailored to fit, is its assumption that the couple is without children from which it is inferred, among other things, that both partners are gainfully employed on a full-time basis.⁵ In light of the disparity of income between men and women and the significantly greater number of children who live in lesbian relationships, it is not difficult to conclude that to a much greater extent gay male couples fit the image of the ›homo-norm‹ at the basis of the Partnership Law and consequently benefit from the Partnership Law to a much greater extent.

The way in which the Partnership Law was introduced into the normalizing fabric of state-sanctioned structures of recognition can be described through the concept of normalization. Drawing on Michel Foucault (see Foucault 1977 and 1983) and Antke Engel, I understand normalization as a »mechanism of hierarchically differentiated integration« (Engel 2005: 136). The legal normalization as described above is ambivalent, as it finally provides lesbian and gay couples an undeniably significant and necessary form of legal certainty, which however applies only to certain lesbian and gay couples. Aside from that, the Partnership Law is primarily defined through its relation to marriage. This implicates, on the one hand, that the Partnership Law's norm setting is rooted in an irrefutably unjust system of recognition that privileges certain forms of two-person relationships over other forms of two-person relationships or those between three, four or five persons.⁶ Moreover, the necessity of belonging to one of two clearly distinguishable genders that correspond to specified criteria is reinforced as one of the fundamental prerequisites for attaining legal recognition.⁷ On the other hand, setting new norms further emphasizes the hierarchically dominant position of marriage. For, it is a matter of integrating that which is *different/other* in relation to marriage, which is expressed by the deliberate demarcation of the Partnership Law in its form, symbolism and content. Despite the fact that marriage no longer constitutes the only legitimate form of relationship worthy of recognition, through its demarcation, it becomes elevated and valorized in its present form as virtuous, inviolable and worthy of preservation. This privileging of marriage is primarily legitimized by its social significance based on its professed orientation towards children, an orientation that same-sex couples are denied under the Partnership Law.⁸ Instead, the recognition of same-sex partnerships lies primarily in a different area of public interest. It is, in fact, to be understood within the framework of an increasing privatization of state social welfare benefits.⁹ An extremely revealing passage in this regard is included in the Swiss Federal Council's commentary on the Partnership Law:

»Ultimately it is about recognizing the *services* of mutual care and provision that same-sex partnerships can furnish. In terms of one's social and personal development and being participants in society, it is generally desirable for people to engage in reliable relationships. In turn, it is pertinent that the state recognizes these types of relationships under the law as so-called *unions of responsibility*.« (Botschaft PartG 2002: 1291f, author's emphases.)

Volker Woltersdorff provides a pointed interpretation of this in the following:

»In the course of the neoliberal reconstruction of the family as a legally recognized union to which former social security functions can be delegated [*Absicherungsgemeinschaft*], the state has also taken notice of homosexual partnerships. Breaking up social solidarity is thus the historical condition for the recognition of certain non-heterosexual ways of living...« (Woltersdorff 2004: 146)

So, in order for lesbians and gays to qualify as conformist addressees of the normalization offered by the Partnership Law they must fulfill certain requirements. Along with the basic requirement of conforming to one of two genders according to legal criteria, desire is also subject to regulation. In regards to lesbian mothers and gay fathers, the Swiss Federal Council also speaks of »bisexually oriented persons« who will be »taken into consideration,« but »are not intended to be the premise of the regulations« (Botschaft PartG 2002: 1311). The terms lesbian, gay, heterosexual and bisexual appear here as stable unchangeable categories of identity and desire. Also, under the Partnership Law lesbian and gay parenting is not simply left out; it is not even conceivable. Consequently, children who actually live with lesbian and gay parents have only limited access to legal protection. A further requirement for conformity is being in possession of the right passport. In order to prevent so-called »partnerships of convenience« and »marriages of convenience,« consultations for a revision of the Swiss Civil Code and the Partnership Law are scheduled for summer 2008. The deliberations aim to implement regulations requiring both partners to be legal residents of Switzerland previous to marriage or registering partnership.

Furthermore, the fact that same sex-couples (newly) qualify for formal recognition is, not least, the result of their ability to provide certain socially relevant services, such as »to care and provide for one another« (Botschaft PartG 2002: 1291). This clearly demonstrates that the legal recognition is founded on economic reasoning or economic interests. Providing relief to the social welfare state and the associated benefits to society—not, however, a principal appreciation of diverse ways of living and of their need for recognition—is the precondition for the recognition of same-sex partnerships. The Partnership Law thus demands and produces a conformist lesbian/gay legal subject in a very specific manner. The form of

gender of the legal subject is as unchangeable and consistent as her desire. Furthermore, this subject is a legal resident, in a high-income bracket, focused on a two-person relationship and childless. How this legal subject is depicted in an attempt to visually underpin her conformity is shown in the following considerations concerning the *Liebe ist ...* poster campaign.

The *Ja zum Partnerschaftsgesetz* national referendum campaign¹⁰

The association *Ja zum Partnerschaftsgesetz* (*Yes to the Partnership Law*) was active from October 2003 to September 2006, and was mainly comprised of the organizations *LOS* (Lesbian organization of Switzerland), *pink cross* (Swiss gay organization), *NETWORK* (Gay manager's association) and *FELS* (Friends and parents of lesbians and gays). According to Lilian Schaufelberger, co-president of the association *Ja zum Partnerschaftsgesetz*, the *Liebe ist ...* campaign was targeted at people over the age of fifty. The leftist German-language Swiss weekly newspaper *WOZ* quotes Schaufelberger as saying »with a wink« that the campaign intends to convey that homosexuals are not strange or exotic. The critical article further notes that the campaign attempts to undermine the »cliché of the boisterous, avant-garde homosexual« by no longer highlighting difference, but rather »normalization« (Hafner 2005). This endeavor can also be read in the campaign's political rhetoric. The texts with which the campaign transports arguments in favor of the Partnership Law seek to underscore that the Partnership Law does not present an assault on society's value system, since it »respects marriage and leaves it fully intact as an institution« (*Gute Argumente PartG* 2004). Because the Partnership Law is based on »simple, well-known rules of the game«—that is, the rules of marriage—it is »by no means new, extreme or revolutionary«; instead, it is the outcome of a »reasonable compromise« (*ibid*). In addition to the campaign's defensive and self-normalizing rhetoric that draws equal attention to the model character of marriage and to the Partnership Law's status as a separate piece of legislation, the argumentation structure of the association's campaign allots a central position to emphasizing the social benefits of registered partnerships, through which social responsibilities are tied to the gain in rights. The campaign's emphasis on the legal package's shared rights and obligations also forms the central element on the textual level of the *Liebe ist ...* poster campaign.

As a template for their poster campaign, *Ja zum Partnerschaftsgesetz* used the well-known works of illustrator Kim Casali from New Zealand. Casali drew the first comic in the *Love is ...* series in 1968 as a present for her

boyfriend Roberto (later her husband). It is reported that he secretly sent the drawing to the *LA Times*. The first *Love is ...* comic appeared in the newspaper on Valentine's Day 1970. The rest is a (success) story seen in newspapers, on towels, bed sheets, postcards, coffee cups and countless other items.¹¹

Kim Casali utilizes stylized, child-like representations. Her comics commonly depict two figures: one male and one female. Both figures are naked and have no identifiable primary or secondary sexual organs. Gender differences are visually signified by the omission of the male's nipples, the difference in the length of their hair and eyelashes, and in the different sizes of the two figures. In the meanings produced in the texts, the ubiquitous »love is ...« is completed not only through its (banal) everyday complement, but also through stereotypical, heteronormatively differentiated commonplaces, such as »when he kisses her before going to the office,« »helping her with the shopping« or »knitting him a sweater that fits.«¹²

Let's take a look at the campaign to see who or what is represented. The campaign of the association *Ja zum Partnerschaftsgesetz* utilizes four different motifs (see fig. 1-4). They echo Casali's design in their comic format, but the image composition is a mere reference at most. The primary motifs substantially differ from the original comic. Beneath the text heading »Love is ...« there is also a couple in the center in an everyday situation, below which the text continues. The campaign's figures, however, differ from the original in terms of age, in that they are clothed, and in that eight different figures are portrayed. The motifs that were brought into circulation via posters, postcards and advertisements depict two pairs of women and two pairs of men. All the figures are white, middle-aged and ordinarily clothed. Most of the couples have their eyes on one another and are shown in rather common situations. A closer look at the images reveals that the women couples are associated with the slogans concerning rights, such as visitation rights and entitlement to inheritance (see fig. 1 and 2), while the male couples represented responsibilities, such as being obliged to make do with a reduced retirement pension (AHV) because of their same-sex partnership (see fig. 3 and 4). The gender differences are further signified not only by hair length and styles or beard (stubble) and chest hair for the men, and lipstick, nail polish and cleavage for the women, but also by the colors in the images. The female couples are framed in pink and have orange lettering in their captions while the male couples are framed in orange and have pink lettering. This indicates that emphasizing gender difference or gender dualism did not play an utterly unimportant role in the campaign. It is also apparent that the campaign avoids referencing colors according to the codes readable by the gay and lesbian scene (in which traditionally pink signifies gay and lavender lesbian).

I argue that the self-inscription of gays and lesbians into the familiar and thus far strictly heteronormative template renders them visible in a conformist manner. The frame of discourse surrounding the Partnership Law thereby already provided certain parameters of conformity. As I have shown, the Partnership Law's offer of normalization is directed at certain kinds of gay and lesbian partnerships (childless, gainfully employed on a full-time basis, legal residence status etc.) in order to then configure them as unions of care and responsibility. Through its attempt to insert into the picture a certain type of two-person relationship worthy of (social and legal) recognition, the *Liebe ist ...* campaign makes use of the mode of normalization available within the visual framework into which it fits itself. For, referencing the format of Kim Casali's comics and their stylized, child-like nudity that exudes an aura of innocence and cuteness, normalization is extremely well-served by making lesbian and gay couples seem unthreatening. This harmlessness owes its effectiveness primarily to the highly desexualized form of representation that successfully forces sexual desire and sexual practices—which, after all, present the actual basis of legal (and social) discrimination of lesbians and gays—out of the picture.

This notwithstanding, what indicates that the two persons in the image are a couple and not just siblings or best friends? In other words, what makes them decipherable as gay or lesbian on a purely visual level? There may be a small chance of identifying the couples or the figures represented as gays or lesbians through the restrained use of stereotypical depictions of gays and lesbians. The images contain references to the cliché of the effeminate man in the way the men look at each other or in the pink bathrobes they wear at the breakfast table (fig. 3). The images also contain the stereotypical masculinization of a woman with short hair and glasses sitting at her partner's bedside in the hospital (fig. 2). In contrast, for the two non-stereotypically portrayed couples, their eye and physical contact only become decipherable as gay and lesbian through the picture caption, through the context of the campaign, and through the reference to the original comics (fig. 1 and 4).

The reference to Casali's heteronormative template thus paradoxically creates the framework within which the constellations of couples become readable as lesbian or gay. This framework is absolutely dominant, as there are no subcultural signs or indications that could possibly connect them to a community that would render these persons readable as lesbian or gay. This means that there is absolutely no sign of a context or background linking demands for legal rights and recognition to a political movement. It is solely the couple that forms the center of the visual depictions. This form of privatization de-socializes, individualizes and thus also radically depoliticizes the political demand for state recognition of a discriminated

way of life. At the same time, this ›private matter‹ is revealed on the textual level to be very much a social matter, as the seemingly private demand derives its legitimacy from its ability to relieve the social welfare state, thus serving economic and public interests.

A tension thus arises between the privatization of a gay and lesbian relationship culture that is created on the visual level and the retranslation of the privatized partnership into an economic and public interest on the textual level. I would like to add a second contentious element to this tension: the interplay between the textual and visual levels breaks with the original template. Although this rupture does not disturb the conformity, it still manages to smuggle in at least a potentially disruptive and insubordinate element. While the visual representation of the couple in an everyday situation still corresponds with Casali's original drawings, the *Liebe ist ...* campaign text does not continue with mundane sayings, such as ›feeding her dog‹ or ›putting milk in his coffee.‹ Instead, the campaign employs what I find to be, at least in some places, disruptive ways of connecting the love discourse with the legal discourse. Love is equated with ›visiting each other in the hospital‹ (fig. 2), ›not only having rights, but also obligations‹ (fig. 3), ›sharing everything, including old age pension‹ (fig. 4) and ›being able to inherit the rights to her house and dog‹ (fig. 1). These ›unromantic‹ superimpositions break with the original here because, rather than evoking the playful banter of lovers, the images pinpoint actual everyday instances of discrimination, the negative forms of which facilitate the positive statements on the textual level. This allows for indirect references to be made to the largely invisible privileges of marriage. And yet, the system that creates the formation of privileges remains unquestioned and is even bolstered by demands for allowance or entitlement to these very privileges.

While the *Liebe ist ...* campaign's textual level publicizes and links the granting of registered partners rights and obligations to questions of justice and social advantages, its visual level attempts to create conformity by referencing a stylized, child-like heteronormative template. Although the format of the representations allows them to be decipherable as lesbian and gay, it does so in such a way as to underscore that they are not a threat to the social value system and portrays them as upstanding citizens who are willing and able to do their part.

Conclusion

In Switzerland lesbians and gays are currently confronted with an ambiguous offer of normalization that enables their recognition/visibility only under certain conditions. This offer of normalization is directed at those who are prepared or in a position to adapt to the preexisting structures, that is, those who demonstrate their conformity in the sense of a heteronormative template. This conformity, which is the key to accessing more rights and greater visibility, relies, for one, on economic criteria. The Partnership Law is tailored to accommodate full-time, gainfully employed couples without children and aims to create »unions of responsibility« (Botschaft PartG 2002: 1292). Furthermore, the heteronormative legal framework calls for legal subjects corresponding with two clearly distinguishable genders. In addition, although the new Partnership Law inserts lesbian and gay partnerships into the fabric of state-sanctioned relationships they still remain hierarchically subordinate to marriage, which prevails as the decisive norm.

This ambivalence or paradox inherent in the attempt to fit into and adapt to a preexisting heteronormative framework is also visible in the *Liebe ist...* poster campaign. By referencing the heteronormative framework of images, a form of visibility of gays and lesbians is created that qualifies them for recognition, while still relying on a trivializing portrayal that is significantly desexualizing and depoliticizing. Nonetheless, the reworking or—better yet—occupation of a hitherto exclusively heterosexual visual repertoire and thus creating an opportunity to become visible and readable in a way that is worthy of recognition could serve as a point of departure for queer politics of visibility. The knowledge of this mode of producing normalizing visibility strongly calls for further attempts of strategic employment. How then might the demand to recognize all forms of partnerships that seek recognition be portrayed in a way that reaches beyond economic interests?

Notes

1 Unfortunately, at this point I cannot go into the opponent's campaigns that argue against the Partnership Law. The website of the referendum committee *Nein zum Partnerschaftsgesetz (No to the Partnership Law)* no longer exists. Their campaign material is available only upon request from the committee's parties (Union of Federal Democrats or EDU and Evangelical People's Party or EVP).

2 For a more detailed analysis of the different aspects of the Partnership Law, see Mesquita 2009.

3 In the following, registered partnerships may be referred to as RPs.

4 Registered partners have the same rights as married partners in laws regarding inheritance, the provision of benefits from employed partners, federal tax, residence and work laws for foreign nationals, procedural law, debt enforcement and bankruptcy, shared entitlement to housing contracts, legal representation of the partnership and the obligation of disclosure to one another; further similarities include the obligation of care and provision, and alimony. Equal rights are also afforded in social security law; the only significant discrepancy regards the rights of surviving lesbian partners who are treated as widowers and receive a pension under more restricted conditions than widows. Major differences occur, however, in the areas of civil rights concerning, for example, names, dissolving the partnership, property rights and the explicit denial of the right to adoption and access to reproductive medical technology.

5 My doctoral thesis, which I am still working on, contains a detailed analysis of the Swiss Federal Council's statements regarding this fact. Here I include a brief excerpt from their statements, which is significant as it reflects the dominance of a logic grounded in economics: »At this point in time, the standard for legal regulations should primarily be the image of two adults who share their household and wish to lead their lives together. Through this union, the partners will not or only insignificantly be limited in their ability to work.« (Botschaft PartG 2002: 1311).

6 For a more comprehensive queer critique of the privilege distribution system see, for example, Bubeck 2000 and Ganz 2007.

7 For more on this see Andrea Büchler: »Hardly any other development has reinforced the discourse around the dual-gender system as much as the endeavors to legally establish (*Verrechtlichung*) same-sex partnerships within the last decade.« (Büchler 2001: 86) For more on how laws acknowledge only two genders, see also Holzleithner 2002, Danielczyk/Holzleithner 2004, Büchler/Cottier 2005.

8 Paradoxically, single lesbians and gays have the right to adoption in Switzerland. This right is, however, forfeited as soon as they enter into a registered partnership.

9 For further discussions on the connection between normalization processes and economic conditions see, for example, Hennessy 2000, Engel 2005, Duggan 2003, and Woltersdorff 2004.

10 The referendum on the Partnership Law took place on 5 June 2005 at the same time as the referendum that determined the bilateral agreements between Switzerland and the EU; there was an above-average participation of voters, as 56.6 percent of the

eligible voters cast their vote. The Partnership Law was passed with 58 percent of the votes and went into effect on 1 January 2007. Before the referendum in summer 2004, both chambers of parliament had relatively clearly approved of the draft legislation, after years of legislative procedures. Nonetheless, as expected, the (right-wing) conservative parties, the Eidgenössische Demokratische Union or EDU (Union of Federal Democrats) and the Evangelische Volkspartei or EVP (Evangelical People's Party), made use of their right to call in a referendum, for which they procured over 66,000 signatures, making a national referendum compulsory before being able to pass the law. In order to put a bill up for popular vote, it is necessary that at least 50,000 registered voters or eight cantons sign a petition that calls for a referendum on the decisions; the petition must be submitted within 100 days after publication of the decisions voted on in the parliament. If a sufficient number of signatures is collected, a parliamentary decision may come into effect only after it is affirmed by public referendum.

11 See http://de.wikipedia.org/wiki/Kim_Casali (10 November 2007).

12 An archive of »Love is ...« sayings is available online at: www.segurafamily.com/li/ (10 November 2007).

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