

## AN ESSAY ON GAY MARRIAGE

### Context

There is a groundswell of opinion, often expressed in raucous, intemperate tones, that no couple should be denied the right to get married. Why, it is asked, should the delights of marriage be withheld from a couple in love merely because they are of the same sex? That's unfair, isn't it? Surely that can't be right? I shall try to address that question in a moment. First, I'd ask you to set aside caustic language, like describing as 'bigots' people who dislike the idea of gay marriage. Insult isn't an argument. If there is justice in a cause, it must be shown to be right. So in place of rudeness, I set out some facts and then consider the issues.

### Facts

In 2005, HM Treasury and the Department of Trade and Industry completed a survey to help the Government analyse the financial implications of the Civil Partnerships Act (such as pensions, inheritance and tax benefits). According to [Wikipedia](#) the survey found that there were 3.6 million gay people in Britain—around 6% of the total population. [The Guardian](#) interprets that as about 1.5 million to two million gay men, lesbians and bisexuals in the 30 million-strong workforce. So we can assume that about one in sixteen of us is gay: about 3.5 million of us. More significantly, there may be about 2 million working age gay people who might wish to enter civil partnerships, or (were it allowed to them) to get married.

Civil partnership has been possible since the beginning of 2006. [Official tables](#) tell us there were about 100,000 civil partners by 2011, the number increasing by about 13,000 a year, after an initial burst in the first year [see note (1)]. So 100,000 people have chosen to enter and sustain civil partnerships out of the two million people eligible: 5% of the total, and about 13,000 people enter civil partnerships annually.

By contrast, the number of marriages has declined. Official tables tell us that about 350,000 marriages were celebrated somehow in 1981, but only 307,000 ten years later. Over the past few years the number has stabilised at about 240,000. About 65% of those marriages were the first time for both people, whereas 35% of marriages either one or both of the partners had been married before. The number of marriages in place is more difficult to determine.

To summarise: currently about 240,000 marriages take place each year; that is 480,000 people get married annually. Currently about 7,000 civil partnerships take place annually: that is, about 14,000 people choose to enter a civil partnership each year. Thus fewer than 3% of new unions are same-sex; more than 97% are between people of opposite-sex.

### Equality

The current thrust of social policy gives great importance to the idea of *equality*. People seek equal treatment under the law, equal rights, equal respect. Equality is a valid aspiration. *Liberté, égalité, fraternité* has been the national motto of France since the Third Republic: it is a neat expression of the European ideal for fair treatment of all, whatever their apparent differences from some imagined social norm. Under this sort of banner civil society has recognised the need to stop unfair mistreatment of previously disadvantaged groups: for example women, disabled people, children with learning difficulties, people of ethnic minorities, and of course gay people. Legislation can provide people who identify in these ways with equality in many senses: equal pay, equal employment opportunities, equal pension rights, equality of access to public facilities like transport, and so on. Legislation can

also persuade us to change our behaviour and attitudes. So, we already have a law requiring companies to employ a proportion of disabled people. One might imagine a law requiring companies to employ a specified proportion of black people, or women, or gay people. Some political parties have embraced the idea of all-women short lists with the idea of increasing female representation in Parliament. The armed forces have overcome their earlier objection to gay people and opened up more opportunities to women. Importantly the talismanic Section 28 has been repealed, so schools are now able to deal sensitively with gay sexuality in development and parenting. Children and young people are now educated to believe in equal and fair treatment for all people. These moves shift the balance of public perceptions and prejudices so that all of us can play a full part in our society and develop our potential.

### **Equality and Uniformity**

There is a crucial difference between equality under the law, and *uniformity*. People are individuals and each individual person has his or her own personality, talents, beliefs, and so on. Similarly, we can see that self-identifying clumps of people may seek equality with other sorts of people, but do not seek uniformity with them. Consider Sikhs, who wear turbans rather than bearskins in the Brigade of Guards. Whereas we once had uniformity we now celebrate difference. For years I (if a Sikh) have been allowed to wear a turban rather than a crash helmet when riding a motor cycle. Now I am not debarred from participation in the Changing of the Guard because my religious duty is to keep my hair long and wind it into headgear that makes it impossible to wear a bearskin. Similarly, I (if a woman) have been regarded as equal (or perhaps superior) to a man in the Civil Service. But I am not identical to a man. I am not uniform. I do not have to wear a shirt and tie. More significantly, men and women in general have other important differences: on average women live longer than men, are somewhat shorter, less weighty, less warlike, able to bear children whereas men are not, and so forth.

It is politically possible, desirable, to seek equality between the rights, respects, and duties of men and women, but it is not possible to direct that they be equal in height, age at death, or child-bearing potential. To legislate for that would be foolish. Instead we celebrate the difference. To borrow from the French again: *Vive la difference!* In the same way we aspire now (though we did not fifty years ago) to insist on equality of respect and treatment between gay people and others. Yet we do not call for uniformity. Rather, we celebrate difference. We hold Gay Pride marches in our cities. We recognise the contribution that gay people make to the cultural life of our society, to the arts, to theatre, to public life. We recognise that we were wrong to try re-orienting gay people to the more generally conventional lifestyle, just as we now think it unnecessary and wrong to try to alter left-handed people so that they should adopt right-handedness. We used to do those things but we do them no longer. Our consciences are pricked when we remember the suffering and suicide of Alan Turing, the opprobrium heaped upon Oscar Wilde. We now celebrate the gay contribution to our civilisation. We know we were wrong before. So we do not try to make gay people conform to the lifestyle of the majority; instead we celebrate their difference, and the different contribution they are able to make.

In the same way we should be prepared to celebrate the difference between couples of same sex and couples of opposite sex. We should relish and celebrate the difference in contribution each type of couple can and should make to our civilised society. We should note not only the pleasure but also the burden and heavy responsibility placed upon opposite-sex couples to generate new life, and on the other hand the opportunity that same-sex couples have to focus more on other valuable aspects of their lives.

## **Equal Marriage**

Many same-sex couples say they are happy with civil partnership. No doubt they would convert their partnership into marriage were that option available or mandatory, but they do not press for it. So is it right that same-sex couples should have their relationship described and regulated in the same way as opposite-sex couples? Should same-sex couples be persuaded or forced to 'marry'? It is often asked: "Why should gay people be denied the right to marry?" I suggest that question flows from an understandable wish not to suffer from disadvantage, an understandable insistence on equality. Equality, granted, but uniformity is another matter; uniformity is neither practically possible nor desirable. I am tempted to suggest, having been married for 42 years, that anyone of whatever persuasion who desires to get married should see a doctor, for it ain't a bed of roses. I am fortunate: as a married person I have the delights and duties of parentage. I have three children, the youngest of whom is 38 years old and still has calls on my time, attention and (until recently) cash. I have the benefit of marriage, and I suffer the inconvenience too. Marriage is not walking up the aisle with a carnation and kissing in front of the camera. Marriage is a commitment for life, perhaps with the gift and responsibility of children. Marriage is for life, not just for Christmas.

Marriage is voluntarily entered into between two people, to the exclusion of all others, for life. Of course there is also, unfortunately, divorce. However, the intention is establishment of a stable loving relationship, offering mutual help, comfort and companionship. Marriage is also to provide for procreation and nurture of children in a stable and loving family. So it is necessarily the union of one man and one woman. It is that element that differentiates, and needs to differentiate between a marriage and a partnership between people of the same sex. Same-sex couples can love each other, offer mutual help, comfort and companionship, but they cannot procreate children. It may be said that same-sex couples can nurture children in a stable and loving family, and our current law allows for adoption of children by gay couples. Indeed recent judgements enshrine the principle that no organisation offering to broker adoption will be allowed to practise unless it offers identical facilities to same-sex couples as to opposite-sex couples. However, the fact remains that, at least unless and until medical advances change the biology of men and women, same-sex couples cannot produce children. That is the key difference between marriage and civil partnership.

## **Gay satisfaction**

That angry question resurfaces: "Why should gay people be denied the right to marry?" I suggest it is simply that they are not biologically equipped to marry. No law can change that. We can legislate to impose taxes, to go to war, to prevent people hunting with dogs, but we cannot legislate to enable same-sex couples to procreate. That is not to say that same-sex couples cannot have flamboyant ceremonies. They can, and they do. I have to ask: "What more do same-sex couples want that they do not already have?" I am tempted to suggest that they wish to destroy the institution of marriage simply because that is something not open to them. Same-sex couples who wish to marry want to be uniform. Gay people want, curiously, to abandon their usual wish to celebrate their difference, their Gay Pride, and pretend to be identical with people who are attracted to the opposite sex. That, it seems to me, is very sad.

Is it the wording? Do gay people long to say "I am married"? But that would mean denying their sexuality, their distinctiveness. I suggest a better way. Let same-sex couples celebrate by coining a new word, equal in status yet different from 'Marriage'. Gay couples writing to newspapers on this subject seem to have a variety of views about what to call their role in relation to their partner. One hears of partnerships between 'husbands' for example. But that suggests an ache to be uniform with the other type of person, the other type of union that is

not desired. This sort of unhappiness has been manifest before, and a solution was found. People who didn't like being described as homosexual (or with more unpleasant words) are now comfortable with their own chosen word: "Gay". Gay people are now proud to be Gay.

It's not my place to impose terms, but perhaps I may suggest an idea: What about 'Bonding'? Two people would be 'bonded'. They would refer to each other, if they wished, as 'my bond'. It's just a thought. I'm sure that someone will come up with a better idea.

### What now?

It seems to me important from the point of view of societal stability that:

*first, we recognise the value and contribution made to our lives and pursuit of happiness by people in same-sex partnerships,*

*second, that we celebrate difference as much as ensuring equality, and*

*third, that we avoid upsetting the still considerable majority of people who are married and see marriage as a valuable, indeed essential part of our world.*

In short, we should build confidence in diversity without destroying marriage. Drain the bath but keep the baby.

### Note (1)

#### Numbers of civil partnerships and partnership dissolutions in the UK from 2006 up to 2011

	Partnerships			Partners		
	entered	dissolved	in force	entering	dissolving	remaining
2006	18,059	0	18,059	36,118	0	36,118
2007	8,728	41	26,746	17,456	82	53,492
2008	7,169	180	33,735	14,338	360	67,470
2009	6,281	353	39,663	12,562	706	79,326
2010	6,385	522	45,526	12,770	1,044	91,052
2011	6,795	672	51,649	13,590	1,344	103,298
	<u>53,417</u>	<u>1,768</u>		<u>106,834</u>	<u>3,536</u>	

Source: <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-264793>

#### Number of marriages in England and Wales: 1981–2010 (provisional figure for 2010)

	1981	1991	2000	2006	2010P
Civil ceremonies	172,514	151,333	170,800	158,350	164,330
Religious ceremonies	179,459	155,423	97,161	81,104	76,770
<b>Total marriages</b>	<u>351,973</u>	<u>306,756</u>	<u>267,961</u>	<u>239,454</u>	<u>241,100</u>

Source: <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-249125>