

'It's Made a Huge Difference': Recognition, Rights and the Personal Significance of Civil Partnership

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Abstract

In this paper we map briefly some of the arguments around the meaning and significance of the introduction of Civil Partnership in England and Wales, and in this way show how contested these meanings are with some groups profoundly against this legal reform and others supporting it, but for a mixture of reasons. We then turn to our empirical data based on interviews with same-sex couples to explore the extent to which these arguments and issues are part of the everyday decision making processes of same sex couples who have decided to register their partnerships or to undergo a commitment ceremony of some kind. In doing this, we were interested in how people make their own meanings (if they do) and whether they actually frame important decisions in their lives around the ideas that are part of the current political debates. We are interested in whether the public debates (such as legal equality) are featured in the accounts of our interviewees but we are also concerned to reveal whether other issues are important to same sex couples when they decide to have their relationship publicly recognised in some way. We found for example that while equality and legal rights were important, love, commitment and respect from wider family featured just as strongly in people's accounts.

Keywords: *Civil Partnership, Same-Sex Relationships, Marriage, Law Reform*

Introduction

1.1 The introduction of legislation on civil partnership (hereafter CP) in England and Wales might be said to have come as a surprise to many. Not only did it not appear to be on the Government's legislative agenda but in 2000 Jack Straw, who was then Home Secretary, stated

[Marriage is] ... about a union for the procreation of children, which by definition can only happen between a heterosexual couple. So I see no circumstances in which we would ever bring forward proposals for so-called gay marriages. (*The Times*, 2nd October 2000)

1.2 Notwithstanding this clear (and somewhat misguided^[1]) assertion which seemed designed to deter any optimism about the possible introduction of CP (or an equivalent), the Government's Women and Equality Unit produced a discussion paper in June 2003 which set out proposals for a change to the law governing same-sex relationships and requested responses within a very short time frame. By November 2003 the Government had published these responses to the Consultation Paper and by November 2004 the legislation introducing CP had passed through both Houses of Parliament with an enactment date of December 5th 2005. There are several reasons why the Government appears to have changed its stance and to have done so very quickly. First it seems likely that the Government paid attention to developments elsewhere in western democratic societies (e.g. Canada^[2] and The Netherlands^[3]) (see Bell, 2004). Notwithstanding the negative response of the Bush Administration to gay marriage in the USA^[4], the UK Government would have seen that the introduction of gay marriage into other similar liberal democratic societies had not led to the immediate loss of power for the party in government, nor to huge civil unrest and discontent. Second, the Government would have been alert to the potential impact of the integration of European Convention on Human Rights into English law in 1998. As knowledge of the scope of the Human Rights Act became more widely understood it would have been only a matter of time before a case was taken against the Government on the basis of the denial of human rights to lesbians and gay men. This combination of developments appears to have led to a situation in which the Government quickly accepted the 'inevitable' and moved to introduce its own style of legislation, rather than being forced to open

heterosexual marriage to homosexuals.

1.3 The speed with which CP legislation was introduced meant that the period for public debate was relatively short, but nonetheless, the issues raised were an indication of how far civil society had moved in terms of acceptance of same sex relationships. However, the content of the debate was to be found positioned between two poles. One was the equality pole where priority was given to the question of rights and obligations (and to a lesser extent recognition) and the other was the theological or religious morality pole, where the debate focused on notions of acceptance and tolerance versus condemnation. It might be argued that although the introduction of CP was a victory for legal equality, the whole tenor of the public debate was removed from many of the everyday concerns and priorities of most lesbians and gay men. In the UK, CP was not something that gays and lesbians were actively demanding. This may have been because the general feeling was one of ambivalence or even hostility (Wise and Stanley, 2004; Jeffreys, 2004; Donovan, 2004), but it may also have been because the public level of debate seemed to swing between the narrative of a patronising Government giving homosexuals something that would be good for them, to the unpalatable rhetoric of fundamental religious groups and the apparent ambivalence of more established churches. Below we will briefly analyse this public debate before turning to the ways in which lesbians and gays discuss the meaning of 'marriage' and its significance in their lives. In the case of the latter we carried out interviews with couples (which we discuss in full below). In the former we examined debates in Hansard, official publications, coverage in the print media and also the web pages of key organisations, but for this discussion we have focused primarily on government statements and publications, and religious and gay organisations' outputs. This was because we wanted to compare the 'official' stance of core social institutions rather than being deflected by the personal standpoint of, for example, individual members of the House of Lords (viz Norman Tebbit).

Public debates on Civil Partnership

The official New Labour discourse

2.1 In the introduction to the Consultation Document produced by the Government in 2003 the perceived significance of the proposed legislation was outlined.

Civil Partnership registration would be an important equality measure for same-sex couples in England and Wales who are unable to marry each other. It would provide for the legal recognition of same-sex partners and give legitimacy to those in, or wishing to enter into, interdependent, same-sex couple relationships that are intended to be permanent. Registration would provide a framework whereby same-sex couples could acknowledge their mutual responsibilities, manage their financial arrangements and achieve recognition as each other's partner. Committed same-sex relationships would be recognised and registered partners would gain rights and responsibilities which would reflect the significance of the roles they play in each other's lives. This in turn would encourage more stable family life. (Women & Equality Unit, 2003: 13)

2.2 In this core paragraph many of the hopes and aspirations of government policy on personal and family life were revealed. The first concern was with equality, and CP was promoted as an instrument for achieving this equality in areas of benefits, pensions, and legal status. Moreover, the passage also acknowledged the significance of 'recognition' and 'legitimacy' which go beyond simple equality. CP was thus promoted as a measure for improving the quality of life of lesbians and gay men through the conferring of significant rights, and also by providing a kind of civic standing in the community. However, it was made clear in the statement that this standing was meant to be the preserve of those who saw themselves as entering into 'permanent' relationships. CP was thus construed as a kind of rite of passage into a new status, which would come with clearly identified responsibilities.

2.3 It is, however, in the final sentence of the passage quoted above that the Government provided the clearest reason for embracing CP. The key word in this statement was 'stable'. It has become a cornerstone of New Labour policy to support and encourage 'stable' families because the Government sees such families as the foundation for both a stable society and also for well balanced, well socialised children who will become the citizens of the future^[5]. While this emphasis is not new, nor peculiar to New Labour, the difference is that this Government has no problem with combining ideas of diversity with the aim of stability. While traditionally, stability was associated with heterosexual, married couples living with their own biological children in the same household, New Labour has succeeded in ideologically separating the idea of stability from the normative assumptions surrounding the superiority of two parent and/or heterosexual households. For example, while supporting marriage as the best institution for raising children, New Labour has also supported lone parent families and, in terms of fiscal policies, has directed support more towards parenthood than marriage per se. Thus, in terms of policy rhetoric, the Government

has promoted (traditional) marriage while at the same time supporting other family forms both in terms of public statements and in terms of practical support. Lewis (2001) has argued that New Labour has a postmodern policy approach to families which means that it has developed flexible, diverse and even contradictory policies, rather than uniform, uni-directional measures. If this is true, then the incorporation of lesbian and gay relationships under the umbrella of state recognition is an inevitable part of such a strategy. But, as with the acceptance of other 'alternative' types of families, the emphasis remains on achieving and sustaining stability. Thus diversity in the forms that families take is no longer treated as a problem; but only those relationships that appear to be stable or striving for stability are seen as meriting social and legal recognition. It is this element of the Government's policy that many critics (Stychin, 2003; Auchmuty 2004) see as a strategy for 'co-option' of gay men and lesbians rather than a simple extension of rights to a previously disadvantaged group. In effect, the recognition comes with strings and the contract that the Government appears to want to strike balances rights against 'good behaviour'.

Equality discourses

2.4 The most visible and active voice supporting the extension of marriage-like rights to gays and lesbians was the lobby group Stonewall. They worked closely with Lord Lester (in the House of Lords) to develop the original Bill for Civil Partnership and their agenda was one based purely on taking a stand against injustice and promoting equal rights:

Same-sex couples are largely invisible in the eyes of the law. Unable to register their relationships, lesbians and gay men often face considerable difficulties in their day-to-day lives. ... Therefore Stonewall welcomes the Civil Partnership Bill, as originally put forward by the government. We think the Bill, if passed, will remedy many of the injustices that committed same-sex couples face in a number of areas. These include inheritance, pensions, next of kin, and the right to make key medical decisions. (Stonewall 2004)

2.5 Although Stonewall used the language of equal rights, they did not argue for simply expanding the institution of marriage to include homosexuals (as has happened in Canada). Instead they argued that Civil Partnership was preferable to marriage because it should be seen as a twenty-first century means of recognising modern relationships and that this was preferable to attempting to radicalise the traditional notion of marriage. They developed a basic 'equal' but 'different' position in which CP was positioned as separate from marriage but equal to it, and with a more modern flavour. In this way Stonewall was able to avoid the criticism of appearing to support a flawed and patriarchal institution (namely marriage) by supporting something new. It also allowed the group to avoid becoming enmeshed in arguments with the religious Right because it could sidestep arguments about the special nature of marriage and its exclusively heterosexual nature by insisting that CP was a parallel but specially designed legal status.

2.6 Not all gay and lesbian lobby groups were as supportive of the creation of this parallel institution as was Stonewall. For example the Coalition for Marriage Equality^[6] wanted full equal rights in both partnership recognition and marriage. Thus they argued that both marriage and Civil Partnership should be accessible to both same-sex and opposite-sex couples. The Coalition also recognised the significance of faith or religion to marriage; an aspect of recognition that both the Government and Stonewall failed to address. Thus the Coalition moved the debate much closer to the heart of opposition to the Bill and took issue with the fact that CP did not provide for a religious ceremony or blessing in the union of gay and lesbian couples. As we shall discuss below, this element of religious recognition was important to many couples in our interviews and in avoiding this question the public debate failed to address an important aspect of everyday experience.

2.7 The demand for full equality did not lead all lesbian and gay lobbyists to demand the expansion of marriage however. Peter Tatchell of Outrage!, for example, argued for a 'queer' rejection of marriage (Tatchell, c1998). He felt that it was impossible to 'rehabilitate' a patriarchal and oppressive institution such as marriage and wanted the creation of a completely new legal institution for both gays and straights. Thus he neither accepted the 'separate but different' line adopted by Stonewall, nor did he follow the Coalition to its final conclusion on wanting both marriage **and** CP for gays and straights. Instead he proposed an Unmarried Partners Act which would provide equal rights but which would also avoid the co-option of gays and lesbians into the value system of heteronormative society. In pursuing this line of argument, Tatchell remained closest to both a queer and a feminist perspective on marriage while also recognising that same-sex couples were entitled to access the same legal and social rights as heterosexuals. But although this concern over co-option into heteronormativity did feature in our interviews, we found that it was heavily outweighed by other more personal and less overtly political concerns.

Christian discourses

2.8 The proposal to introduce CP inevitably led to a public focus on the position of the Established Church and other religious ministries. The main voices in opposition to the Bill which were garnered by the Government's consultation exercise came from religious groups^[7], with the more fundamentalist organisations voicing the greatest opposition (e.g. The Christian Institute, 2002). However, the response from mainstream Christian churches was relatively muted because CP was always presented as an entirely civil ceremony without any religious element, in much the same way as civil marriage is a secular affair. Nonetheless the Anglican and other main Churches did feel they had a moral responsibility to comment and so took steps to publish their views and to issue pastoral statements.

2.9 The Church of England in its pastoral statement (July 2005) reaffirmed its position that sexual activity belongs within marriage and that marriage can only be between a man and a woman. But building on its established position on homosexuality (namely that to be a homosexual is a misfortune while to act as a homosexual is a sin) the C of E emphasised that CP is not based on a presumption of a sexual relationship between the couple. Hence the Church argued that it was possible for couples to enter into Civil Partnership while still living within the teachings of the Church. Thus the Church of England did not seek to condemn, nor would it refuse ministry to those who entered into Civil Partnerships. However, the Church was clear that it would not be celebrate Civil Partnership ceremonies by offering blessings. The Catholic Bishops' Conference in England and Wales was less accommodating (April 2004). Although it was acknowledged that there was a need for legal changes to address financial and property based problems faced by same-sex couples this was put in the context of a requirement for a legal recognition of any persons living together in an interdependent way (e.g. 'spinster' sisters). But the main concern of the Catholic Bishops was that CP would come to be viewed as a form of marriage^[8] and that this would undermine the fundamental theologically based belief that marriage can only be a union between a man and a woman. For many of the couples we interviewed who had been brought up in a faith and who still believed, this complete rejection by many of the organised religions was a serious issue (Yip, 2004).

The Study^[9]

3.1 This study was conceived and started before the Government published its consultation document on CP and our fieldwork was completed before it was possible for same sex couples to enter into a CP. But the research anticipated the likelihood of legislative change and the original project was designed to explore why some same sex couples were already having their own ceremonies of commitment and why some were registering their partnerships with local authorities (such as London, Leeds and Manchester) albeit that these registrations were mostly symbolic and without legal effects. Once the Government announced that CP would be available, we were also able to ask couples whether they planned to enter into a CP as well. Although the timing of our project proved to be less than ideal, our research questions were not affected by the legal changes that overtook us. These included questions on why lesbians and gay men might want to register their partnerships or have commitment ceremonies, on what kinds of ceremonies are chosen and what meanings are attributed to particular rituals, whether wider families are supportive, and whether performing such rituals is a personal matter or part of a process of gaining greater legitimacy and recognition (Liddle and Liddle, 2004; Lewin, 1998).

3.2 The study was based on in-depth qualitative interviews with same-sex couples and we also held two focus groups with parents of gay men and lesbians. We conducted 54 interviews in total, 37 with couples and 17 with individuals. Of these 61 were women and 30 were men. We recruited participants through notices in the gay media, through gay and lesbian organisations (including religious groups) and by leafleting at venues and events. Once we had contacted people we gave them the choice of whether to be interviewed together or separately and in the main we saw them together. Obviously interviewing couples together can create a different dynamic to separate interviews but we felt that it was proper to give people a choice, and anyway we were interested in how our interviewees presented themselves as 'couples'. The interview schedule was entirely open-ended (except for gathering information on basic data like date of birth or occupation) and covered topics from how the couple originally met, the type of ceremony they had organised or were planning, and how their friends and families of origin had reacted to the knowledge of their ceremony. We taped the interviews which were anonymised, transcribed and then entered them into the qualitative software NVivo to assist with data management and early stages of data analysis. We organised the interviews into broad thematic categories at first, and then refined these categories as further themes emerged. This provided us with cross sectional data, but this was also supplemented by the identification of key case studies and whole narrative analysis.

3.3 We do not claim that our sample is statistically representative and it is clear that we were interviewing only those who were in favour of 'marriage' or Civil Partnership. However, we regard this as such a new and under-researched area that this project can offer new insights which can be pursued in subsequent research. The majority of our interviewees were between 30 and 49 and some couples had been together as long as thirty years or more. All, except one, respondent described him or herself as white (mainly White

British, White English, White Scottish etc) and our sample was disproportionately 'middle class' (a ratio of 8:1) taking into account factors of education level, the nature of employment and housing tenure. Just under a half (45%) of our sample described themselves as having a faith or being part of a particular church congregation. All the respondents had already held some form of commitment ceremony / partnership registration or were planning one in the near future, although later in the project we found that they were planning a CP rather than an informal registration.

Everyday reasons for partnership recognition

4.1 In our interviews with these couples and individuals we found that the reasons they gave for entering into a commitment ceremony or registering their partnership did overlap to some extent with the points raised in the public debate, however, they also offered many other reasons and it became clear that motivations to 'legitimise' relationships fell into distinct categories. These reasons fell under 5 headings: i) love, ii) acknowledging mutual responsibility, iii) the importance of family recognition, iv) legal rights and recognition and v) the importance of a public statement of commitment. We found very quickly that although the issue of legal rights was important (especially at certain times in the lifecourse) the significance of entering into a CP was not driven purely by instrumental reasons, nor a preoccupation with equality. We explore the reasons given below:

Love

Jules: [M]y niece said to me [...] I think she was six, and she said "Why are you getting married?" And I said "Because we want to and we love each other."

4.2 Jules's comment to her niece offered love as a very straightforward reason for having a ceremony. In a very significant way this reason is much the same as the one given by the majority of heterosexuals when asked why they are getting married. Love and marriage are seen as the cultural justification for each other and marriage is taken to be the demonstration of love. There is a presumed automatic progression which is taken for granted. The point about Jules' comment is that, although it might be seen to be a cliché, for many lesbians and gay men this is how the main motivation for getting married is expressed. Marriage is, of course, a legal contract but at no time did we get the impression that marriage (or CP) would have been palatable without the 'love thing'. Many of our respondents spoke of strong emotions, especially love, and it seemed to us that at an everyday level the introduction of CP was seen primarily as an opportunity to express these feelings.

4.3 This did not mean that the couples we interviewed were unaware of the significance of legal recognition, but the importance of such recognition was expressed as a means for demonstrating love and caring, or as a means of protecting against disrespect for the feelings that the couple had for each other. Thus, in many cases, the expressed desire for legal change was not expressed as something purely instrumental. Shona explained how interwoven these issues are:

Shona: Part of my drive, my main drive for doing this is because I want to and because I love Jean and it's a natural progression in our relationship. Another part of my drive is that I experienced the legal and technical and officialdom problems when my former partner died and I really resent the fact that just because we are same sex we can't have the same rights and things so that's kind of where my feeling behind the legal recognition comes from.

4.4 It has to be acknowledged that another important element for many of the couples we interviewed was the power of what it usually called romantic love (Evans, 2003; Langford, 1999).

Richard: I mean I have been on the scene for twenty years. I have always been against gay marriage because I thought it was not legal. I thought there was not any point in it. And I have shocked a lot of my friends because I have totally gone back on [that]. You know: I would never move in with anybody; I would never get married; I would never settle down with anybody, and I have said that for donkey's years. And within a matter of months the whole lot of that has changed.

Will: We blew each other away didn't we?

Richard: Yes,

Will: Totally knocked each other off our feet.

4.5 Richard's narrative is interesting because he alludes to the power of love to change political commitment and/or personal preferences. The question that remains of course is whether gay men and lesbians who experience these dramatic changes (and who then may fall out with old friends) are falling into the trap that feminists identified in the 1970s and 1980s in which romantic love was depicted as a false consciousness which operated to oppress women through apparently voluntaristic means (Comer, 1974; de

Beauvoir, 1974; Barrett and McIntosh, 1982). If so, this concern did not materialise in our interviews and perhaps it is unlikely that it would, given that all the individuals in our sample had gone through or were planning something akin to a marriage. But our interviewees were often aware of the criticisms that could be levelled at them for 'selling out', and sometimes their plans were met with a degree of disinterest if not hostility. This makes it all the more interesting that they felt that their private feelings mattered more than the way their decisions would be greeted in the wider world of kin and friends.

Mutual responsibilities

4.6 We suggested above that one of the main motivations for the introduction of CP was to inculcate stability. This motive of course suggests that CP is not simply an equality measure but a mode of governance (Stychin, 2003) under which regime gay men and lesbians would find themselves channelled towards conventional couple relationships. However, the point for many of our interviewees was that they were already in stable, committed relationships with shared obligations and mutual responsibilities. CP was seen as a means of protecting the relationship they had achieved, not as a kind of glue which would ensure that they stuck together in the future. For example we interviewed lesbians who had children in their relationship and they wanted a means to safeguard the position of the other parent should anything happen to them:

Sally: Legitimising our relationship in everybody else's eyes [was] really for his [son's] benefit as much as anything else. So that, you know, should I not be able to care for him or whatever there was some acknowledgement that Jude was his parent as well.

Sally was not suggesting that a CP would make Jude into a proper, stable parent because Jude was already her son's mother; rather she wanted a CP to make sure that no one could prevent or interfere with Jude's position as parent.

4.7 It should be noted that out of the 54 relationships we heard about, 40 had lasted for five years or more and, of these, 26 had lasted for ten years or more. This high degree of stability in our interview population might have been a result of bias arising from our sampling technique and research focus. However, it may actually be indicative that there are already high levels of commitment to long term partnerships amongst same-sex couples and that the imposition of 'stabilizing measures' is both inappropriate and unnecessary.

Family recognition

4.8 For some of the couples we interviewed, their most significant battles for recognition were not with the state or the law, rather they sought recognition from their families. This was not an issue in the public debate, and yet the desire to create firmer or better links with kin was of considerable importance at the everyday level. Quite simply, many couples wanted the kind of respect and acknowledgement given automatically to their heterosexual brothers and/or sisters who either married or made a commitment. Recognition allowed these couples to be treated as both 'adults' (i.e. becoming fully fledged citizens), but also as part of the family. This was incredibly important for some:

Audrey: [M]aking [your mother] understand that this is serious, this is a serious commitment, this isn't something that is going to change, that I am now her daughter-in-law from our perspective. So in other words she's got 3 step-grandchildren and things like that. You know, I come as a package. **Jen:** Which she's recognised at the end.

Audrey: Yeah. She came up to us at the start of the wedding and said "Oh here's my two daughters" as she came up to us, and I thought, "It has worked; it's made a huge difference".

Jen: It worked.

4.9 Jen and Audrey registered their partnership at the local city council so it was not technically a wedding but they combined the registration with a ceremony involving about 150 guests. Although they had initially wanted the ceremony to be just for themselves, it became a way of acquiring recognition from their families (particularly Jen's mother). This desire had a significant impact on the way they framed their ceremony. They used the language of marriage and weddings when discussing their ceremony with family in order to impart the seriousness of the occasion and also to use concepts which would already be familiar and accepted by other family members. In this regard it may be that the established Churches fears about the blurring of heterosexual and same-sex marriage are well founded since it seems likely that most people will slip into the familiar terminology of marriage. This is particularly likely to be the case because terms such as marriage or wedding (problematic as they may be in many ways) convey the idea that a couple love one another. CP by comparison merely suggests that people will find it legally convenient to exchange contracts safeguarding their interests. In other words CP conveys no sense of emotions, and this may be particularly significant when couples are keen for their families to recognise the emotional quality of their

relationships.

4.10 This desire to bond with and be recognised by family had a particular resonance for those people we interviewed who held a strong religious faith. For many in the Anglican and Catholic faith, marriage held additional meanings because it was also a covenant with God and these couples often wanted the witness of God as well as parents:

Erin: I have been going to church since I was little and I have been brought up in the whole Christian marriage thing. Just because I am in a gay relationship, that did not change for me really. It is still important to me to get married in front of people and in front of God and in front of friends. And also my family have not been very supportive and my parents are both very strong Christians and I kind of wanted to make a statement to them: "Look this church that I am going to is prepared to give me a ceremony and recognise my relationship, just because you do not does not mean that therefore it is kind of wrong".

4.11 The issue of religious recognition was experienced as part and parcel of the personal set of meanings associated with CP. It was very important for this group to find supportive churches or individual ministers who were prepared to provide the extra element of recognition that they wanted. As with Erin's experience, it was necessary precisely because her parents (who were Evangelical in orientation) would not accept her relationship, and so an acknowledgement from God took on a particular significance.

Legal recognition

4.12 We have discussed the importance of affection, love and care in relationships and how it was these feelings which generated the need for legal protection. However, not all couples spoke in this way and some also spoke in what may be read as instrumental terms, quite devoid of romantic feelings:

Kevin: It is mainly for the legal recognition that we are interested in it, because neither of us has a particularly good relationship with family. It is extremely irksome that we are not each other's next of kin. So that is really why we plan to have it, friends have done it, and the need to get some kind of legal recognition.

4.13 Kevin, with his partner John, had no intention of holding a ceremony or of making an event of their CP; in other words they did not want a 'wedding'. But it is important to know that they had been together as a couple for 26 years when we interviewed them. Their instrumental attitude was therefore not an indication of selfish individualism, nor a potential exploitation of the system for material gain; it simply reflected the fact that they had been 'doing commitment' for nearly 3 decades and they did not need to prove it further. For couples like Kevin and John, CP was important because it would prevent hostile kin creating problems for a survivor in the case of death, and it would also protect against financial hardship through the imposition of inheritance tax or the loss of a shared pension. It was clear that the older the individuals in a couple were the more likely it was that CP would be viewed as a straightforward legal contract which merely acknowledged what was already apparent from the longevity of their partnership. So these couples tended not to talk of love in the way that younger couples did, but this should not be misconstrued as a lack of love or care. The quotation from Brenda below expresses this very clearly:

Brenda: But for those of us who have waited a long, long time and for whom it is an issue around things like pensions and inheritance, it has got a quiet different meaning. It is just a piece of legal equality that we will get as soon as it is there, so it is we do not have that need ...to make it into a statement of who we are, because everybody knows. So it will have a different meaning. Just briefly I think there will be hordes and hordes of old people storming the register offices and then it will all die away won't it and it will just get down to a normal routine like marriages are.

4.14 Brenda and her partner Joy had been together for 44 years and Brenda expressed very succinctly that they did not need CP in order to feel comfortable in the world or accepted by other people. But she also drew a vivid picture of vast numbers of gay and lesbian elders forming queues outside register offices quickly to safeguard their financial interests. What is also interesting about Brenda's comment is that she saw CP becoming part of the 'normal routine' like marriage because, in future, young lesbians and gay men will take it for granted as an option and will be able to form CPs at an earlier stage in their relationships. As with many of the other couples we interviewed, Brenda slipped easily into the terminology of 'marriage' which in turn makes the Government's insistence on maintaining the difference between CP and marriage seem pedantic and unworkable.

Public statement of commitment

4.15 For some couples an important component of CP (or a commitment ceremony) was the fact that it was a public statement. This did not mean that they felt they had to have lots of family and friends present because the 'public' could be a kind of virtual public rather than known people. In fact some were worried about the press turning up and turning their ceremony into a kind of spectacle. So being public did not have to mean a huge ceremony, but it did mean that a kind of civic recognition could be called upon. For others it was the huge wedding that was important because this was a literal and metaphorical statement about 'having arrived' and being acknowledged. For yet others it was just a straightforward shared celebration without political overtones. The two comments below reflect this nuanced difference:

Stella: For me it was about sharing my commitment with family and friends if you like and everybody kind of celebrating the partnership.

Debbie: We were, we just wanted to make a public sort of statement to everybody, to all our friends and family and to celebrate our relationship really so. The legal side obviously is important to us with the house and everything and our rights and stuff but the... just to make a declaration really that was just our main reason for the ceremony.

4.16 Very few of the couples we interviewed did not want to their ceremony or planned CP to make a statement of some sort. But some looked forward to a time when it was no longer necessary to keep making statements:

Yvette: No I do not really like all this public thing.[...] I do not feel the need to be so over the top about it all the time, I mean nobody ever makes a film about gay people just leading an ordinary life, nobody is going to make a film about us are they? Well they are not. But surely that is what it is all for, so that you can lead an ordinary life on a par with everybody else.

Conclusions

5.1 In this paper we have attempted to explore and compare both public discourses and private voices on CP. In the public realm the discussion has focussed on equality and justice, but also on maintaining a parallel system for same-sex couples in order that marriage is preserved for heterosexuals (and in order to placate the Established and other Churches/faiths). Lobby groups who supported gay and lesbian rights and interests put forward competing messages with some proclaiming that a 'separate but different' system is progressive and better, some saying that only making heterosexual marriage open to same-sex couples will suffice (Kitzinger and Wilkinson, 2004), while others have argued that state recognition, particularly in the form of relationship regulation, de-radicalises and co-opts gay men and lesbians who will feel less inclined or able to forge new, more progressive ways of developing relationships outside the new system (Donovan, 2004; Stychin 2003). But, in talking to same sex couples we found that a different set of issues emerged. All of our interviewees were aware of the debates about rights v co-option (Lewin, 2004), but they developed a stance in relation to this debate which was based on their everyday lived experiences. For example all those who had experienced the illness and/or bereavement of a former partner had been personally affected by the indifference of hospitals and other functionaries to their status as caring partners. These people were often the most determined that it should not happen again and saw the provision of CP as a major safeguard for the future. In other words they saw the provision as offering a sufficiently important protection even if it came with strings. At the other end of the spectrum, some couples saw CP as a way in which they could ensure that their loving relationship was taken seriously by their families. In much the same way as heterosexual cohabiting couples report, it is hard for kin and friends to accept that a commitment has been made if there is no tangible sign (namely a ritual or ceremony of some kind). So for these couples the availability of a legitimate ceremony meant that their partner would be more likely to be accepted as part of the wider family. The public debate hardly touched on the importance of CP for personal relationships within families, yet this was often the main issue for same-sex couples. Where couples were estranged from their families CP promised protection against interfering relatives, but where couples had a reasonably good or worthwhile relationship with wider kin, CP was seen as offering a kind of rite of passage and a signal that their relationship was truly committed.

5.2 Of course, it must be recognised that in interviewing couples who were already going through ceremonies or who were planning a CP, we were unlikely to come across views which were strongly against these measures. But few of our interviewees were one hundred percent in agreement with CP and many had had to negotiate complex feelings and degrees of ambivalence. The couples had all thought hard about their decisions^[10] and had weighed up the benefits and disadvantages, but had concluded that the personal benefits of receiving recognition (especially in their families), of stating their commitment to one another, and of legal protection (especially for older couples or those with children) outweighed the fear of being co-opted into a heteronormative or patriarchal institution. Moreover some realised that in taking the decision they could lose their friends (or some of them) and so the decision was not cost-free. We might say that they were actively conducting and making choices about their personal lives but not in a context of their

own making.

5.3 Those who had actually had their ceremonies (notwithstanding that they were then still legally non-binding) thought that things had changed in a positive way, but again the changes they tended to describe were highly personal.

Beccy: So did you feel differently afterwards?

Alice: I think we felt married.

Hanna: We felt committed, because we have had quite rocky periods since then and it makes me feel different; it makes me feel married and committed. It is quite different really that a different feeling like a social contract has been entered into and it is beyond your whim you know like even if you do not feel like carrying on. Or not getting on temporarily, you know that you have got a long term commitment that is how I feel.

Alice: Yes I did feel not all of a sudden but it became more obvious I suppose that you have a responsibility to try and make it work - have commitment through it. Not that, I mean, not that I felt particularly frivolous about it before - but certainly after.

5.4 This raises, of course, a longstanding debate about the relationship between the 'personal' and the 'political'. Feminists have long argued that what one does in one's personal life carries political meaning and consequences. In this light Warner has asserted bluntly that:

[M]arrying consolidates and sustains the normativity of marriage. And it does so despite what may be the best intentions of those who marry. (Warner, 1999: 109)

5.5 But arguably Warner's approach is an orthodox one which emanates from the level of principle rather than the complexities of everyday life. It also presumes that there is only one political consequence arising from gay marriage and that this is a reactionary and problematic one. We suggest however that there may be other competing outcomes which are political at the personal level. For example, lesbian mothers may gain greater security and thus may be in a stronger position to deal with public institutions like schools (Millbank, 2003); or couples may be able to change the power dynamic in their wider families and assume a more respected place. It is not at all clear that we can predict the impact of this new development, but on the basis of talking to couples who are making these difficult decisions, we suggest that the outcomes are likely to be as diverse as the reasons people give for wanting to celebrate and legitimise their personal relationships. In addition we suggest that outcomes at the personal level should be recognised as politically significant. This entails reading the political from the perspective of the personal, and not just reading (and criticising) the personal from the level of the political.

Notes

¹ Jack Straw's comment was misguided because he suggested that lesbian and gay relationships were not 'productive' of children when clearly many lesbians do conceive and raise children within their relationships and more gay men are seeking to adopt. But it is also misguided because he says that the Government will not introduce *so-called* gay marriage. But arguably CP is precisely *so-called* marriage in as much as it is not to be referred to as real or actual marriage.

² In Canada there had been several moves towards the introduction of gay marriage in various states, but in July 2005 Parliament approved a Bill to allow lesbians and gay men across Canada to marry on exactly the same terms as heterosexuals.

³ In The Netherlands registered partnerships were introduced for both same-sex and opposite-sex couples in 1998. This was followed by the opening of marriage to same-sex couples in 2001

⁴ In the USA the mayor of San Francisco enabled gay marriages to take place in February 2004. There was a huge rush of couples going through the ceremony. However, the law was revoked a month later and the Bush administration subsequently gave consideration to altering the US Constitution in order that it would be impossible for any State to introduce gay marriage.

⁵ See *Supporting Families* published by The Stationery Office, London, 1998

⁶ The Coalition is made up of a number of LGB and queer groups including Outrage!, Scotsgay, Queer Youth, Lesbian and Gay Christian Movement and the Gay and Lesbian Humanist Association.

⁷ We consulted a range of religious organisations' websites including that of the Chief Rabbi and the Muslim Council of Britain but found virtually no discussion of homosexuality, let alone Civil Partnerships.

⁸ In our focus sessions with two Parent Support Groups it became clear that some parents simply saw CP as marriage and that the linguistic difficulties of referring to sons and/or daughters becoming 'civilly partnered' would lead to a colloquial use of the term marriage very quickly.

⁹ We are grateful to the ESRC for funding this study R000-23-0418. We also wish to acknowledge the contribution of Professor Jennifer Mason who was coapplicant on the project and team member.

¹⁰ For gay men and lesbians, before the CP was announced, they had to make positive decisions to have ceremonies etc in the face of both opposition and indifference. It was not possible to 'drift' into this decision as it might sometimes have been for heterosexuals.

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