

Why Same-Sex Marriage?
Written for OutViews Journal, Victoria, B.C.

This summer, my partner, Diana and I attended two straight weddings. Beauty, anticipation, love, excitement and a sense of rightness glowed from each of the couples. The small crowd that had gathered to honour each commitment beamed back. Both couples balanced each other. Both had spent enough time together and were mature and communicatively skilled enough to know what they were doing by choosing to make these lifelong commitments.

We attended the first celebration in June, in the front garden of my brother's family home. The flower girl and youngest bridesmaid scattered yellow rose petals in front of the glowing bride who followed on the arm of her father. This eldest daughter radiated at the side of her equally smitten beloved. Cellist and violist friends serenaded these two professional cellist partners into matrimonial partnership. Everything seemed perfect. Even the three young motorcyclists who came roaring and crashing out of the woods and down the dirt road in front of the garden, drowning out the ceremony until everybody laughed and vows had to be repeated, provided the perfectly safe "thing to go wrong". It was all just right, that is until the justice of the peace proclaimed solemnly that "marriage was between one man and one woman exclusive of all others". Then that sense of rightness ran down our veins and dropped like lead on our toes.

My niece never intended that we feel this way. In fact, my brother's entire family has been our staunchest cheering squad from the moment Diana and I got together nineteen years ago. My niece's thank-you card for her wedding gift included a note saying that our relationship had always been a model of love for her. As I reacted to her compliment, the visible side of my smile was truly glad that we'd inspired her to a

great love, while the other, rueful side wondered about Judge Pittfield's ruling in the B.C. marriage case in which we are plaintiffs fighting for equal rights to be married. How could he declare that it was okay to discriminate against our homosexual love, that our marriage licence application was not even worthy of registration by our government, when my niece's is just fine?

The second wedding, in early September, of some middle-aged friends, involved similar beauty, thoughtfulness, joy, love, celebration...and included the same exclusionary words solemnly declared by an otherwise warm-hearted, Colombian-immigrant Anglican minister. Those words stabbed like ice daggers through the warm summer air. Others in the congregation caught them, too, turned to us and asked, "Why?"

Diana and I are one of the eight couples in B.C. fighting in the courts for equal marriage. When people learn of our involvement, if they don't start off like Jane Rule and XTra West, "Why buy into the straights and bother with marriage at all?", they ask "Why *same-sex* marriage?" or at least, "Why not Registered Domestic Partnerships or Civil Unions or some other name?" A few declare that they had no idea we didn't have equal rights already. I'd like to address these questions in this column.

To begin at the beginning: *Why Marriage?* After all, a legal piece of paper can't produce or even enforce that feeling of loving commitment between two people. There is nothing deeply romantic about the certificate per se. It seems that half of those who sign on that wedded line successfully grow within its definition, while the other half need to break out of what they perceive as its constraints in order to grow beyond

them. So why do people bother to get married?

Major life changes deserve, and often flourish by having, ceremonies. The decision to cohabit, in love and support, forever and ever, is obviously one of those worthy moments to herald at large. Societies around the world have constructed a multitude of ways to commemorate and to try to support the longevity of a couple's commitment. Regardless of what we may think of the institution, all major international governments recognize and accept this piece of paper as the only representation that such commitment exists. Granted, the institution of marriage is riddled with faults and inequities, especially for women in a large number of countries, but that marriage licence is as good as we've got right now in the legal department. In addition to granting this marital recognition, our government gives spouses some goodies that are at present impossible to receive as instantaneously within any other construct.

From Day One of marriage, a couple is freed from having to set up a huge number of individual contracts in going about their business together. Any other type of partnership would entail legal fees for similar shared rights from the first day of setting up house together. Beyond being able to buy houses in the knowledge of shared ownership, married partners have automatic rights when going into or out of businesses together, testifying in a court of law, immigrating to a spouse's different country, sharing tax responsibilities to support varying social benefits, sharing child-rearing responsibilities, gaining access to health and retirement benefits, or being allowed instant access to support partners when hospitalized. Common-law relationships entail waiting varying lengths of time. If a couple moves to another province that has longer co-habitation requirements than the one previously lived in, then such benefits don't accrue until the common-law spouses

have satisfied that province's differing laws. Even within all the broadening changes trying to achieve equality of gay rights in our country, only marriage allows us this instant recognition, and only marriage is equal from province to province, or territory to territory.

Outside the somewhat cold, legal side of marriage, there is the matter of honouring the heart. Throughout our nineteen years together, Diana and I have been and continue to be absolutely delighted to wake up every morning and look into each other's adoring eyes. We are as in love and fully committed as any happily married couple could possibly be, wishing only equal joy for everyone else. Our four children whom we raised together from ages 4, 5, 13 and 16 to adulthood, are loving, supportive, healthy, contributing members of society. We all laugh, cry, cheer, hug and support each other as equally as any other caring family. No piece of paper could ever come close to illustrating these facts of our soul-wedded bliss.

That specific piece of paper could, however, honour it. Our government could give us its blessing (and its above-mentioned 'goodies') just as equally as it gives every other citizen or immigrant couple, *if straight*, throughout our vast country. We shouldn't have to prove anything, even though we already have, by continuing to wave our flag of love.

Against great odds, our love has not only survived but flourished. The statistics on the longevity of gay relationships is renowned to be low: small wonder, when there have been so many threats cascading upon gay and lesbian love, when so many of us have had to hide the facts of our existence instead of celebrate them. We have all had to endure the straight world flaunting the events of their week-ends of dancing or movie-going or traveling together after returning to work on a Monday morning, while many of us have shriveled in the

closet, wondering how we'll be judged for wanting to share our version of something so simple. Worrying about our safety while holding hands in the park clouds the joy, depletes the energy, impacts the health. Taking these hurts home after a hard day's slog just augments the recipe for failure.

Although facing none of these oppressions, common-law straight couples also face lower odds: according to the 1995 General Social Survey, women whose first conjugal union was a common-law relationship were almost twice as likely to separate as women who married first," (Times-Colonist, August 20, 2002, "Life" section, page one). It seems that that legal piece of paper carries more weight in terms of survival than the generally declining marriage rate indicates. If this is so, why should anyone be denied access?

My cynical side says maybe those who are still married are only surviving, while others who have left relationships decided to do so because they wanted not just to survive but to flourish. The fact is, that if for no other reason than for the sake of our children, if Diana and I had been a straight couple, we know for sure that we would have married as soon as we could have, after realizing how committed we were to each other. Knowing what we know now about the legal benefits of marriage would simply have added to that resolve. Having the choice is one thing. Being denied such a simple, seemingly-innocent citizen's right, is another.

However, the matter of marriage goes beyond the personal. Two years ago, when EGALÉ (see www.egale.ca) asked us to be one of the five B.C. couples whom they were going to sponsor, they said they were looking for couples in committed, long-term relationships. "How easy!" we thought, "At last, here's something we can do to help the fight for equality. Others, much braver than we, have done so much to

pave the way for us. Now we can return the favour for future generations."

We realized that we would receive homophobic reactions for our efforts, but we never dreamt that some of the attacks would come from within our own ranks. We were amazed that a few in the lgb community saw it as an affront against our culture to even consider entering what they perceived as an exclusively straight institution shackled by exclusively straight restraints. The way we see it is: *Nobody is forcing anybody to get married, if they don't want to. Our fight is one of enabling freedom of choice and full equal rights. When we win the rights to equal choice to access marriage, we will have the full recognition of our Canadian government standing behind us.* This can be a huge benefit.

Up to the present, the provinces have been in charge of issuing licences and providing the ceremonies with the justice of the peace as requested, while the federal government has been in charge of saying who is allowed to be married. Now some of the straights are feeling so threatened that they are mumbling about possibly taking the federal government out of the marriage business altogether. Ironically, we hear a little echo from some homosexuals muttering that they don't want to play with the government's version of love and commitment anyway, so who cares? Well, we care, we know others care, and we'd like to have the choice. The most important thing to understand about all of this is that it's not so much about marriage, as about equal rights, in this case the equal right to *choose* marriage or not to choose it. We personally feel that having our government's recognition is all about moving towards total societal acceptance of the equality of love, whether heterosexual or homosexual.

That recognition counts for much more than petty personal preference. It matters on a global scale. Especially when we still hear comments like "those

homosexuals are worse than pigs or dogs” (President Mugawbe of Zimbabwe, in a BBC news report September 11th, 2002, -- <http://news.bbc.co.uk/2/hi/africa/2251859.stm> -- commenting about a lesbian judge in South Africa granting adoption rights to gays and lesbians while also indicating that an equal marriage case is coming up for consideration as well.) It matters that some countries, like Iran, still maintain the death penalty for homosexuality. It matters that in Egypt earlier this year, over 50 men were arrested on a gay boat cruise. It matters that even the U.S. still maintains criminal sanctions for homosexuality in a number of States. If same-sex couples here in Canada could be ‘legitimized’ through marriage, it would be very hard for school boards like Surrey to ban books depicting same-sex parents.

Currently, The Netherlands is the only country in the world modeling complete equal rights for their homosexual and heterosexual citizens. Canada, widely respected internationally for its peaceful multi-culturalism and acceptance of diversity, must model similarly. One of the Ontario couples fighting for equal marriage rights, Kevin Bourassa and Joe Varnell, authors of the informative *Just Married*, also have an in-depth website: www.samesexmarriage.ca. In addition to up-to-the-minute Canadian equal-marriage news, the site contains international information, including letters from American gays and links to U.S. gay citizen activist groups cheering us on. If we win equal rights, they know they’ll stand a greater chance to be heard on their side of the border.

Like marriage or not, it is a fact that a large percentage of the Canadian

population believes in the honour of the institution. Not only denying homosexuals access to it, but using our tax money as well as theirs to fight against us, slaps us soundly in the face. Trying to offer us the panacea of Registered Domestic Partnership or Civil Union instead of marriage is like saying “Get down. Go to the back of the bus. You can be equal to us by having a school, but you have to go to a different one.” We’ve heard all those arguments before and we know they don’t work. That’s why Diana and I are prepared to fight for as long as it takes to pave the way for the general populace (i.e. the government) to embrace us fully enough to acknowledge our right to have fully equal choice in the matter of marriage. After that, well, one of the great things about our culture is that we homosexuals often lead the way in creative thinking and in taking action. With our wonderfully diverse abilities and intellectual intuitiveness, surely we will be able to improve the institution of marriage when we are part of its whole.

Once the government grants us our rights as equal citizens, then we will be fully, completely and justly recognized. Having gained such respect, logical spin-offs for families consequently comfortable with their homosexual relatives, will be improvements in homosexual health and a reduction in the rate of teenage gay suicide. A lot of ordinary Canadian citizens will, I think, realize that if the government honours all of us, then it would only be natural for them to fully respect their homosexual daughters and sons, their brothers and sisters, their uncles, aunts, mothers, fathers, their cousins and the guys next door, as well as women down the street. Seems to me that it’s a small gift to ask after 19 years of soul-wedded bliss.