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On 'strange and distant people' in a 'decent society':

debating marriage in Barcelona, 2005.

'We are not legislating, Ladies and Gentlemen, for strange and distant people. We are widening the chances for happiness for our neighbors, our colleagues at work, our friends and our relatives. And at the same time we are building a more decent country, because a decent society is one whose members are not humiliated.' This was the most often quoted part of the speech by Spanish Prime-Minister José Luis Rodríguez Zapatero during the plenary session of parliament on June 30<sup>th</sup>, 2005, the day that the Civil Code reform was approved establishing total equality in marriage, family and adoption, regardless of the sex of the spouses.

## **1.**

Let me start by counterbalancing the prime-minister's political speech with the account of an interview with two women who were planning on getting married. Nuria and Montse are in their early forties and met 20 years ago. They both come from traditional Catholic, middle-class and small town backgrounds in Catalonia. After the first year of their relationship they decided to live together and rented a small apartment in the outskirts of Barcelona. Montse didn't work at the time and depended on her parent's financial support. Their relationship was not public and families saw them as 'roommates'. That was the identity they used at family gatherings - no questions asked, but also no coming out done. They went along with the 'don't ask, don't tell' attitude, out of 'respect for the families and their values'. This status quo went on for many

years, until they decided to adopt their first child on the 10<sup>th</sup> anniversary of their relationship. This was decisive for their coming out to their families: 'Suddenly it was as if the previous 10 years hadn't existed at all!'. Although the families' reaction wasn't warm, they kept visiting each other's parents at least once a month. Montse's parents took it harder, Nuria's mother (her father had died already) was probably the most supportive, although not vocal about it. Breaking the news about wanting to have children was a 'major explosion', but when the first child arrived he was accepted enthusiastically. They now have two more children and 'they are all part and parcel of the family': their parents and relatives refer to the children with the appropriate kinship terms. It's Nuria's and Montse's relationship that remains unmentioned and unnamed.

The first child was adopted 8 years ago, the second 2 years later and the youngest in 2004: two are from Nicaragua, one from Morocco. When they first met, twenty years ago, after breaking up with their boyfriends, they both had it very clear that they wanted to be mothers. But when they started their lesbian relationship it seemed impossible and unfeasible. They had no examples around them of lesbians with children. As a matter of fact they didn't know any lesbians and their group of friends consisted mostly of gay men - they were all together in a Gay Christian group. N ria and Montse attend Church and say that they 'feel Christian'. They say they are lucky to have a priest who is very open and who accepts their relationship fully. They were very embarrassed with all the hassle surrounding the Pope's death on TV and the media and stressed that their Christianity is more based on the Gospels than in the Church's structures and hierarchy. Their eldest son was baptized at the parish and has recently completed his first communion. In both occasions they were accepted by the priest as 'the mothers'.

When the civil union law was approved in Catalonia in the mid-nineties they immediately registered in the notary. But they had drafted a contract before, to make sure that if one of them died the other - the non-adopting mother - could have the custody of the child. Nuria and Montse did not want to say which of them legally adopted (now they will both be able to do it, with the new law). Since it was a joint decision they didn't want to make public any distinction between them. They also did not want to specify who (if not both) tried artificial insemination. Both methods were put to practice, but the adoptions worked out faster.

When I asked them who they counted on the most and with whom they have the closest ties, they replied that it was with Nurias's brother, who is also gay, and his partner. As a gay couple without children they have been the most supportive of Nuria and Montse and the kids. Second, Montse's brother and his wife and three children. Finally, another lesbian couple who also adopted and who are members of Families, a support group for gay and lesbian parents. They belong to the group because they felt the need to provide their children with other examples of 'different' families, and to fight for full marriage and adoption rights.

The Spanish *Registro Civil* demanded that a child had both a mother's and a father's name - in order to guarantee all children's equality neither field could be left void. When they registered the first child they refused to write down a father's name and were told that they couldn't write down both their names as mothers. They filed a complaint at the Constitutional Court in Madrid. The answer was that 'unfortunately nothing can be done until the law changes'. The situation was 'solved' by the *Registro Civil*: the bureaucrats just made up a father's name... Since a new adoption law was passed in Catalonia last year, however, they will now be able to alter their children's registrations and have both their names in the children's registries.

At their children's schools they introduced themselves as a couple and have both been accepted as mothers. They are the only homoparental family in the eldest son's school, whereas in their daughter's school there is another one. They feel that there aren't enough educational materials for their children, such as children's books, but they do try to exchange as much as possible with other people at Families.

Nuria and Montse feel like they 'always have to be one step ahead', predicting problems and trying to avoid them. They say that their investment in the children is probably greater than that of most straight couples. They have to go through all sorts of extra efforts, like both making a point of going to all the children's parties, to 'show their faces and existence' to their children's colleagues' parents - even if that is a tiresome activity.

They wanted to get married a.s.a.p., preferably on their 20th anniversary, which was coming up. They did however have different notions about the wedding and still had to settle on a solution that will suit both. Montse wanted a big public event, with all the people that one 'is supposed' to invite for a wedding. She wanted to make a statement. Nuria, on the other hand, wanted a smaller and more private ceremony, mainly because she only wanted to invite those people who have always been supportive of their relationship: 'and when it comes to family, I guess only my brother and his partner would be invited'. Both agreed however that the wedding is not THE act of love - their 20 years together are. They also want to marry because they want to 'make the relationship legal'. Montse was more adamant about the notion of wanting to be considered 'a person with full rights and with the status that comes with marriage' - something that, she admits, 'sounds bourgeois'. She stresses the family background: she comes from a family of five kids; all her brothers and sisters married in Church; although she has been in a longer relationship than any of her siblings, she always feels

that they look down on her as someone who is in a second class situation: 'They don't say so, I feel it'. The families - more so Montse's family than Nuria's mother – are 'in panic' with the possibility of marriage and a wedding. They are afraid of their friends' and neighbors' opinion, and especially of any publicity on the TV - since Nuria showed up a lot during the struggle for the adoption and marriage laws. (Montse can't do that: she teaches in a catholic educational institution; Nuria works at the Catalan government's social services department). Still, they were sad with the fact that nobody in their families called to congratulate on the adoption law, which for them was a huge and happy victory. Montse's sister, who always claims to be very progressive and a socialist, actually has confessed that 'I can't take it, this gay marriage theme, I just can't take it, sorry...'. Montse's conclusion is again that 'It wasn't worth it, respecting their silence for so long... I was deprived of the possibility of getting married for 20 years. I can't be neutral about it and just say that I don't believe in marriage. Maybe I used to say that because I couldn't marry. Anyway, the struggle for faithfulness, loyalty and the relationship is a daily thing and we've done it for 20 years without papers', says Montse. Nuria, on the other hand, says that 'probably if I had been with a man I wouldn't want to marry; I want to get married just to have the same rights. As for respect, faithfulness and so on, they have to be guaranteed in other ways, not through a piece of paper'.

## **2.**

Catalonia – and especially its capital, Barcelona, where people like Nuria and Montse started their life together – is the birthplace of the Spanish LGBT movement. The movement started in the last years of Franco's dictatorship with an organization called FAGC (Catalan Gay Liberation Front). It is still active and its leader, Eugeni Rodriguez once explained to me how its logo represented gay politics (the pink triangle),

revolutionary politics (the fist) and nationalism (the Catalan flag's red and yellow stripes). A complicated history of mixed ideological and personal conflicts – different allegiances in the nationalist, political, and gay agendas - led to the creation of several other organizations. Besides FAGC, which today is probably the weakest of the three, two other groups exist as the result of breaking up with FAGC's radical left political tradition: the Coordinadora Gai i Lesbiana de Catalunya (CGL) and Casal Lambda. CGL is today the largest organization and its membership is commonly regarded as being sympathetic to the PSC, the Catalan Socialist Party now in power. Casal Lambda's constituency is commonly perceived as having affinities with ERC, the Catalan Republican Left.

FAGC has a radical and critical approach, portraying marriage as a patriarchal and heterosexist institution. Although it officially supported the legalization of same-sex marriage as a matter of equal rights, it invested considerably more in producing discourse against marriage as such, and did so in alliance with smaller radical feminist groups such as GLF (Lesbian Feminists). CGL and Casal Lambda have been the strongest supporters of the legislative change. The three organizations also have different styles of representation of the LGBT experience, and of public action: FAGC is engaged in forms of direct action in the denunciation of homophobia and in alliance politics with several social movements, namely anti-racism, feminism and the *okupa* movement; CGL has grown as a group focused on AIDS politics and is very articulate in the mainstream contexts of the urban gay lifestyle; its headquarters also host a series of special interest groups, namely Gay Christians and Gay Immigrants. Finally, Casal Lambda has pursued its initial vocation as a research and cultural center, focusing more on cultural activities and support groups such as the association of mothers and fathers of gay people. The leaders of these organizations have all been involved, at some point

in their biographies in both the Catalanist, or nationalist, movement and in left-wing political parties. Josep Anton of Casal Lambda was a catholic cleric and broke up with the Church as a result of his coming out. Jordi Petit was in exile in France for some time during dictatorship.

Supporters of same-sex marriage in Spain (and I am drawing on the testimonies of people from the parliamentary left, the CGL and Casal Lambda) always place same-sex marriage in an evolutionary narrative, in which the democratization of marriage and the family by feminist struggles plays a foundational role; same-sex marriage would be the ‘natural’ outcome of these developments. Gays’ and lesbians’ right to marry is also seen as the ultimate test on societal homophobia: since the right to marry is seen as the remaining step in the full establishment of democracy and equal rights, they contend that reactions against it can only be based on homophobia. That is also why they adamantly refused the possibility of specific forms of unions tailored for same-sex couples (such as PaCS in France) or lower-status forms of marriage in which the name – ‘marriage’ – is avoided for symbolic reasons (as is the case in the UK). The slogan ‘Dignity presupposes equality’, sums it up: the issue of the right to marry goes beyond the question of finding a solution to material problems and the access to specific rights – which, in the Spanish universal welfare state (furthermore complemented by the Catalan welfare state), are significantly less dependent on marriage than in the US. The issue is rather one of belonging to the *polis* and being able to use the symbols that mark that belonging at a given historical moment, namely marriage. It is an issue of *recognition*, not just of *tolerance* (a much despised word, and one that is much used by the Church); it is an issue of publicly defining forms of relationship and family that are taken to be as strictly private. Not only did the defenders of the right to marry stress that it was immaterial whether few or many couples did actually want to marry; they also stated

they did share a critical view of the institution of marriage, but that achieving equal rights was a priority. As Jordi Casas, of the political party Iniciativa per Catalunya, Els Verts (ex-communists and greens) said, ‘we cannot decently discuss this issue if the people we discuss it with don’t have the right to marry, whereas we do. Let us first achieve equal rights and then we can discuss the value of marriage’.

In sum, positions favorable to same-sex marriage in the sense of equality of rights, personal dignity, and acknowledgment of a progressive democratization of the institutions that frame intimate relationships, were upheld by the Socialist party in government at the national level, by the socialist, republican and ex-communist coalition in the Catalan government, and by the mainstream LGBT movement in Spain and Catalonia. In this region, the conservative nationalists found no other way than to accept the change without actually defending it – since popular support for the change was overwhelming in Catalan society. The only outright opposition to same-sex marriage came from the PP, a regional branch of Spain’s main opposition party, and clearly outside of the local tradition of nationalist politics.

Although stands in favor of same-sex marriage fit into the liberal democratic consensus of equal rights, that does not mean that acknowledging sexual orientation as a source of inequality is part of that consensus. The main opposition party in Spain, PP, was in favor of some sort of recognition of homosexual unions *as long as they would not be called marriage and did not involve adoption rights*. PP’s proposal was for the creation of a specific jural institution, halfway between civil unions and marriage. Note that several types of registered unions were already in place in different municipalities and autonomous regions, including the right to adopt. Right to center arguments in Spain revolved around the notion that marriage should be *defined as an alliance between a man and a woman and that children need a father and a mother*. They did so



while downplaying the issue's importance, saying that there was no real social demand for the change, and always stating 'our position is not based on homophobia'.

The debates about same-sex marriage took place in parliament, in opinion articles in the media, in TV political debates. The gay movement staged large demonstrations in favor of the law and, on the opposite end of the spectrum, Catholic family associations promoted rallies against it. For a few months the general feeling was that the 'two Spains' – the republican, secular and progressive one, and the Church-obedient, catholic and conservative one – were fighting a final battle over the definition of Spanish society and democracy. Same-sex marriage ventriloquized, to an extent, wider debates about the unity of the 'nation', its future, and the 'eligibility' to full citizenship and the constitution of families as basic institutions for the reproduction of society and nation.

Most active against same-sex marriage were the Church and civic associations inspired by it, and institutions of state power and sovereignty, like the judicial. The Judicial Power Council, a consulting organ with judges designated largely by the previous PP government<sup>1</sup>, issued a document stating that 'marriage is heterosexual or it is not marriage', since it is 'a heterosexual union because it is based on sexual complementarity'. (A passage that was to be written out in the final draft actually compared 'homosexual marriage' to 'a union between more than two people or the union between a man and an animal'. It also said that homosexuals were not prohibited from marrying, as long as they did it with persons of the opposite sex...). The focus of anxiety seemed to be, again, the child: 'joint adoption by a couple of homosexuals is contrary to the integral protection of children, which is an obligation of the state', because the mother and father figures are absent and because homosexual couples are

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<sup>1</sup> <http://www.poderjudicial.es/eversuite/GetRecords?Template=cgpi/cgpi/principal.htm>. Last access: November 4, 2005.

less stable. The document states that stressing the ‘complementarity of heterosexual marriage’ should not be seen as ‘an ideological option, but rather *an anthropologically undeniable fact*’, since homosexual unions are ‘sterile, incapable of reproduction’.

It was however in the documents of the Roman Catholic Church (RCC) that the *normative and dogmatic* foundations of these positions were clearly stated. A document issued by the Spanish Episcopal Commission on the Family<sup>2</sup> read thus:

‘In God’s plan sexual difference is a constitutive element of man’s and woman’s being. Each person is deeply in heart man or woman ... when sexuality is reduced to a mere biological thing one risks objectifying it, turning it into an external prop. It is this wrong premise that, then, allows for talk about “sexual orientation”, something that each person could freely determine... besides the fact that no one can choose to be man or woman, divine blessing consists in the commandment to “grow and multiply”. This means that spouses find the greater fulfillment of their personal beings as man and woman in paternity and maternity. The existence of a new human being can only become dignified within marriage and as an expression of conjugal love; ... marriage is based on sexual difference and thus is an essentially heterosexual institution; ... it is through the figures of the father and the mother that the boy and the girl shape their personal and sexual identities as man and woman; ... all this constitutes family into the basic cell of society.’

Besides the interesting recourse to naturalistic and psychoanalytic arguments, this document did not hesitate in supplying the arguments that the secular public debate refused to use, out of self-censorship: that of homosexuality as a problem before or above the consideration of equal rights. The RCC sees the homosexual ‘inclination’ (*sic*) as objectively disorderly, as a *test* or *ordeal* for homosexuals, who must be welcomed with ‘respect, compassion and gentleness’. They have the same rights as

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<sup>2</sup> *Hombre y Mujer los Creó*, <http://www.conferenciaepiscopal.es/iniciativas/hombremujer.htm>. Last access: November 4, 2005

everyone else as human persons – but those rights are theirs ‘as persons and not as a result of their sexual orientation’. Although the ‘homosexual inclination is not, in and of itself, sinful, homosexual behavior is always sinful ... and the love that may occur between homosexuals must not be confused with genuine conjugal love’.

On the opposite end of the spectrum, in the camps of feminist activism and the radical left one could sense a tension between a radical critique of marriage, on the one hand, and the general defense of equal rights, on the other. If, as we have seen with the mainstream LGBT movement, it was possible to set up a strategy of defense of the right to marry – leaving the discussion of the merits of the institution for a future political moment – there were some other sectors that prioritized the latter and downplayed the importance of the former. Most cases that I came across were cases of people and groups who were against marriage as such but were nonetheless supporters of the right to marry. This qualified version of the pro-marriage position went along with the celebration of gays’ and lesbians’ conjugal and emotional experimentation as a crucial element in the reconfiguration of subjectivity and family forms in the late modernity. Eugeni Rodriguez of FAGC told me that gays and lesbians had been ‘creating new types of “families”’, such as *hermanas* (two gay men living together as friends, without a sexual relationship), open relationships, and other kinds that are not necessarily *couples*. He also expressed fear for the stigmatization of those gays and lesbians who do not want to live in couple relationships - ‘first class’ gays and lesbians (i.e., married) versus ‘second class’ gays and lesbians (unmarried and accused of being promiscuous). These interpretations were framed by a wider political-economic critique of the commodification and objectification of gay and lesbian social experimentation and identities (namely the urban, consumerist and globalized lifestyle that the mainstream movement supposedly represents). Marriage was seen as the final chapter in this process

of integration. Eugeni Rodriguez, from FAGC, told me that he was in favor of the right to marry for same-sex couples, ‘because it is a right that should be universal. However, this does not mean that the organization should be for it. We’re not in favor of women in the military since we’re against military service; we’re not in favor of the possibility of a woman being queen, because we’re against the monarchy’.

Sectors of lesbian feminism subscribed to the notion that marriage and the family are institutions that have historically subordinated women and that the state should not define the contours of relationships between two adults, but instead should support relationships of *care*, whether or not conjugal. According to Marta Estella of the Feminist Lesbians Group, by promoting marriage the state wants to cut down on social security and welfare expenses and transfer those costs to married couples and families, since marriage legally obligates one to support the spouse in case of need. She saw a trend towards fitting gays and lesbians in a heterosexual *logos* involving the marriage contract, compulsory cohabitation, faithfulness and economic duties.

### **Excursion<sup>3</sup> # 1**

My conversations and interactions with couples, such as Nuria and Montse, who were considering marrying once the law was passed, as well as those with activists and political representatives, took a giant quality leap when I started talking in Catalan. In our first encounters I had always started by apologizing for having to speak in Spanish (or, as people say locally, Castilian). They would politely accept it, but when I finally had the courage to address them in my broken Catalan (heavily contaminated by Spanish which, in turn, was heavily contaminated by Portuguese), a much more intimate sort of communication happened. By ‘taking sides’ in the local linguistic dispute and identity politics, I was seen as capable of understanding better how the defense of same-

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<sup>3</sup> Excursion: *n.* A diversion or deviation from a main topic; a digression; *Physics*: A movement from and back to a mean position or axis in an oscillating or alternating motion. (<http://www.thefreedictionary.com/excursion>) Last access: May 13, 2006.

sex marriage had an *added value* in Catalonia in comparison with the rest of Spain. If same-sex marriage was a symbol of modernity and democratization, Catalonia was seen to be the place best suited for accomplishing that project. If it was part of Europeanization, Catalonia was also best suited for that. Several forms of registered partnerships had sprung all over Spain before the marriage issue came up. Politicians and activists in Barcelona were proud of being at the forefront of these accomplishments. As a matter of fact, just a few weeks before the new Spanish marriage law was approved – and when everyone knew that it would, since parliamentary majority was guaranteed, thanks in good part to the support of the Catalan left parties - the Catalan parliament passed a law allowing adoption by gay and lesbian couples.

The Spanish State (as the country ‘Spain’ is referred to by people in my field), has been divided into autonomous regions since the return of democracy in the late seventies. Some autonomous regions – Catalonia, the Basque Country, and Galicia – are usually referred to as ‘historical nationalities’, a form of recognition of past independence and/or the existence of ethnolinguistic specificity. Especially Catalonia and the Basque Country enjoy forms of autonomy that approximate the notion of federated states. The ‘state of the autonomies’, as Spain is referred in the local political slang, has become the negotiated form for a middle of the road solution between two extremes: the right wing’s notion of a unitary Spain, and the Left’s Republican heritage of a federation of nations – two opposite models inherited from the conflicts of the Civil War. The Catalan government is held by a coalition of progressive nationalist parties. They have an agreement with Zapatero’s national government, guaranteeing parliamentary majority. The coalition parties were elected with platforms and programs that very clearly stated their support for women’s rights, immigrants’ rights, the environment, and same-sex marriage. They all have organized LGBT sections, whose

leaders are people who, at some point, have also been involved in CGL and/or Casal Lambda.

The people I worked with associated Catalan nationalism with notions of modernity and modernization. Catalonia is one of the more developed regions in Spain and home to a considerable part of Spain's industrial, commercial and financial capitals. A strong bourgeoisie developed from the 18<sup>th</sup> century onwards. Catalan entrepreneurial, and even 'capitalist spirit' - the target of many ethnic jokes in Spain - developed together with Barcelona's tradition of artistic and literary innovation, and its reputation for bohemia. Barcelona was the site of some of the most daring experiments in social innovation, namely during the period of the First Republic, and became a symbol of resistance to Franco's armies and dictatorship. A representation of Catalonia and Barcelona as 'more European than Iberian' became part of the common sense, passed down to the common folk by bourgeois intellectuals' literary, artistic, and architectural productions. The anarchist revolutionary and the bourgeois captain of industry, two opposites in a spectrum, have both been part of representations of modernity and avant-garde in Catalonia. Nationalism developed therefore not as a reaction against modernity but as part and parcel of its building and the claim for it. Furthermore, the power and influence of the Catalan bourgeoisie helped maintain Catalan language, and symbolic practices of ethnic identity even during the years of Franco's official ban on such expressions. In sum, Catalan nationalists are united in the construction of a discourse of nationality that is largely juxtaposed to a notion of Europeanization vis-à-vis the representation of a 'backward' Spain. That is why, in part, issues related to the welfare state, women's rights, immigration, and now gay and lesbian rights, have been incorporated into the local political agendas much faster than in the rest of the Spanish State. This also affects subjectivity: among my informants it was very common to come

across the use of their Catalaness as a justification for their desire for equal rights in all levels. The fact is that the defense of Catalaness is seen not as the nation-states' hegemonic discourse over other, subordinate, identifications, but *as one of them*, parallel to them. Civic values, democracy, individual and collective rights are discoursed in the same fashion. Some go as far as saying that Catalan nationalism is not ethnic but rather *civic*, having adopted a progressive position in favor of a new order of industrial and urban modernity.

## **Excursion #2**

I bring this up because the issue of same-sex marriage, and that of LGBT rights in general, can only be thought of in a way that articulates sexual politics with issues of citizenship, the nation and the state; and also in a way that articulates globalization with local meaning production.

Gay and lesbian identities are not 'ethnic'. Individuals enter homosexuality at a given moment of their biographies. They are not born into their homosexuality – in fact, they are born into the impossibility of it. Until recently they would first be exposed to the category of the 'homosexual sub-species', in Foucault's sense, and their first encounter with homosexual semantics would be mediated by 'the insult', to use Didier Eribon's formulation. What the LGBT movement managed to achieve was a legal definition of the category of sexual orientation as part of the menu of recognized rights and identities. But largely people still enter homosexuality as a social identification when they simultaneously are transformed as sexual subjects and when they access symbols of communal identification. Each 'generation' of homosexuals is created as if from scratch, were it not for the availability of a narrative that is basically one of struggle for recognition – collective (by the state through concession of rights), and recognition by the self and by others in an intimate sphere of kinship and/or relatedness

(acceptance, coming out, etc). These processes are simultaneously very global (the LGBT narrative is truly transnational) and very intimate (corporeal and sexual and in need of performative affirmation in order to exist socially). They are articulated at the local level of national politics in ways that bring out the mutual constitution of the polity, the nation, and subjectivity. Due to the sexual definition of these meanings, the articulation is largely done in terms of family, kinship, reproduction, and emotional relations, not so much in the realm of strict citizenship or communal rights. Most of the people I worked with had access to representations of the LGBT experience at a truly globalized level; and they easily created the analogy between LGBT liberation and the affirmation of Catalan identity within Spain.

In discussions of models of citizenship and recognition, the most common comparison is that between two prototypes of national politics of identity, the US and France (France being the model for national and state construction in Southern Europe, including Spain). In the French *républicain* model, there should be no acknowledgement of group identities, since the *universalist* model of citizenship is supposed to be based on abstract individuals (2001:216). Identity difference should remain *private* and not part of the *public* sphere. French political rhetoric points the US as the opposing model, one where supposedly individuals belong to ethnicized 'communities'. My inclination is towards thinking of the Spanish case, particularly in its Catalan instance, as bridging this dichotomy; and towards thinking of LGBT politics as doing the same.

The issue of gay marriage addresses directly debates about gender, the family, kinship and reproduction that probably go deeper than the issue of political models of citizenship. Take for instance Eric Fassin's (2001) analysis of the debates in France around PaCS (and the possibility of gay marriage). Then, the oppositional rhetoric



around universalism versus communitarianism was not used. Not just because in the US, surprisingly, pro-same sex arguments were actually following a universalistic logic. But because in France many people – namely many anthropologists, sociologists, and psychoanalysts – came out against the PaCS not because they feared gay communitarianism, but because the PaCS would open the way to same-sex marriage which, in turn, would threaten the *structure of filiation*. They used what came to be known as the ‘*symbolic order* argument’. ‘Symbolic order’, according to Borrillo and Lascoumes (2002), ‘similarly to its ancestor, *natural order*, is something that, for its defenders, must remain unaltered and outside of the political sphere’ (2002:99). It is no longer a theological *a priori*, for sure, but it is an *anthropological invariable*.

*Natural order, anthropological invariables, and symbolic order* seem to be presented as equivalents in the arguments against same-sex marriage. Note that the same intellectuals that were against marriage in France had been strong advocates of *parity* – equal political representation by sex, in line with the French tradition of differentialist feminism. Parity, for them, would be the correct political translation of an *anthropological fact, that of sexual difference*. For philosopher (and now possible future socialist prime minister) Sylvanne Agacinski, homosexuality is the exception that confirms the rule, a form or reminding of, and comforting, the ‘symbolic order’. It comes as no surprise that she has manifested a personal preference for the imaginary figures of Jean Genet or Mishima, or even Foucault, in detriment of those of gay couples. Françoise Héritier too announced her position against the PaCS, stating that society would be unthinkable without filiation based on opposite-sex parents. In the US the debates revolve around equality in access to civil rights, the rhetoric of non discrimination by sex, access to material benefits granted by marriage, and the well-being of already existing children in families started by gay and lesbian couples. In

France, marriage, as the notion of *démarriage* indicates, has come to be seen as of little symbolic importance, and both cohabitation and children out of wedlock are highly accepted socially – more so than in the US. The French case shows the centrality of the issue of children and filiation, in the absence of a strong Church influence, and in the presence of widespread ‘transformations of intimacy’, to borrow Giddens’ expression.

### **Excursion #3**

The major change caused by homoparental families is that the filiative fiction (social parents as genitors) works no longer, ‘the two parents of the same sex not being able, between themselves, to produce the child and make out as if they were the genitors ... *they provide situations of reproduction which necessarily reveal the way in which kinship is social*’ (Cadoret, n.d. 2:8, my emphasis). Our fiction states that sexuality, procreation, filiation and alliance coincide. But, in Anne Cadoret’s words, our conjuring trick was making believable that it is nature, the truth of the body that created filiation. When, in fact, it was the foundation of filiation and the fabrication of the child *within marriage* that supplied the validation. But now the separation of procreation from marriage becomes evident, as does the separation of making children from the process of reproduction (Cadoret, n. d. 2:16).

Several factors were at play in Spain. First of all the strength of the Church; second, the secular and left to center political sector’s wager on ‘civilizational’ change as a counterweight to its acceptance of labor and economic neo-liberal policies. The Church and the conservatives played extensively the ‘Children’ card. The government, on the other hand, did not see changes in family structure as contradictory with the neo-liberalization of life. In Catalonia, same-sex marriage and adoption rights were further seen as part and parcel of the region’s development. A liberal assisted reproduction law and access to international adoption had also created the conditions for a lesbian ‘baby

boom' in the nineties, thus creating *de facto* homoparental families. Once more, different elements of the US and the French case were present.

But my narrative wouldn't be complete without some sense of the local structures of meaning in family and reproductive practices. Olga Viñuales, a Spanish anthropologist who works with the lesbian population, hasn't found in Catalonia, or in Spain in general, what Kath Weston (1991) has, in the US context, called horizontal families, made of ex-lovers and friends, or, for that matter, 'families of choice'. In Catalonia and Spain, *amante* is one thing, *novia* quite another. The lover or the ex-lover is not kept within the personal network after separation, whereas the *ex-novia* is. What Viñuales is trying to convey is that people refuse to juxtapose network and family. 'Family is family', that is, consanguines; friends and lovers are friends and lovers. A *novia* is someone with whom you have a stable and public relationship – someone who can enter the family through the ties of what is perceived as a simile of marriage, even if it does not involve cohabitation. *Casar* – to marry – is used to refer to sharing residence – in continuity with local notions of the *casa* as a cultural equivalent of *familia*. In young people's coming-out narratives, to be expelled from *casa* means to be expelled from family. It means having access to your kin denied. Lesbian couples that decide to live together and become parents are entering the local cultural logic of relatedness. As are their kin, who welcome the children into the *casafamilia*'s continuation, regardless of concerns about gendered bilateral filiation. This may help explain why the Catalan 'lesbian baby boom' may not be contradictory with the reproduction of 'traditional' representations of femininity regarding maternity. Think of Nuria and Montse – not to mention their capacity for changing the meaning of what it means to be Catholic, by establishing a distinction between 'Catholic hierarchy' and 'Christian feeling'.

When it comes to marriage, the fundamental step is to consider that *marriage has no content in and by itself, and is not a relation*. In a comparative analysis of same-sex and civil union laws in Europe, Fassin (2004) says that ‘...in terms of legal consequences, for same-sex couples, marriage means less in Belgium than registered partnership does in Sweden and the Netherlands; and in these last two countries, informal cohabitation means more legally than registered partnership does, not only in Belgium, but also in France and Germany’. Marriage is one of several contractual forms that may or may not cover certain relational contents. Those contents and those relations were already at play – think of how Nuria and Montse re-entered their families/*casas* once they reproduced. It was their relation (as a couple) that remained nameless and publicly unacknowledged. It is this problem that, at the relational level, the right to marry changes symbolically. As the right to jointly adopt solves the ‘problem’ of filiation. The state (Spanish and/or Catalan), the political parties, and the LGBT social movement may be working towards different purposes and interests but agreed on the magical efficacy of marriage – as institution, contract, and symbol

Let me finish by going back to Nuria and Montse and the epigraph. Nuria and Montse did get married in the meanwhile. It happened at the Barcelona *Ajuntament* (City Hall) on October 8<sup>th</sup>, 2005. Their true names are – I can *now* say it - Elisabet and Dolors. Paraphrasing Zapatero’s sentence in the epigraph – and playing with the obvious anthropological undertones of his phrasing - they do not feel anymore like *strange and distant people*, but rather as members of *a decent society*. At least as much as that is possible on the basis of civil rights.

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