

Opinion: More work to do on same-sex marriage issue

BY ROBERT LECKEY, SPECIAL TO THE GAZETTE APRIL 9, 2013



Robert Leckey

MONTREAL — It's a banner year for same-sex marriage. This June will mark 10 years since the first gay couples wed at Toronto city hall. Elected lawmakers are debating legislation on the subject in France and Britain. The U.S. Supreme Court will soon rule on it.

After a decade in Canada, there's much to celebrate. But the anniversary also prompts reflection on analogous harms and injustices that equal access to marriage hasn't solved, and might even have made worse.

Consider the legal problems same-sex marriage has solved. Most directly, it addressed a pressing exclusion for gay or lesbian couples who wanted to marry. Less directly, ending this discrimination may have had positive symbolic effects for gay and lesbian individuals, whether they would ever marry or not.

Conversely, same-sex marriage hasn't solved other legal problems for those historically marginalized by traditional definitions of proper sexuality, family and gender identity. Think of transgender individuals. In many Canadian jurisdictions, they face serious obstacles in securing identity papers that reflect their chosen name and sex designation. Without appropriate identity papers, they confront daily difficulties in such areas as medical services, employment, social benefits and banking. Trans activists highlight other pressing issues, including the harms from the criminalization of sex work and changes to the refugee system.

Nor did opening up marriage to same-sex couples address the range of adult relationships that aren't like marriage. Our laws and social policy still overlook other kinds of supportive, long-term relationships in which care is given and received and interdependence develops.

For example, the tax system restricts preferential treatment to spousal relationships, excluding others that may function similarly. So do pensions and employment benefits. Indeed, the current federal government has enriched the tax system's rewards for traditional families. These regimes leave two or more siblings or close friends who live together for many years out in the cold.

Lawyers may forget, but not all problems in human relationships call for legal solutions. Marriage law now treats same-sex and different-sex couples identically. Unfortunately, same-sex and different-sex couples display another, disturbing similarity. Research on the rates of domestic violence and abuse within same-sex couples shows that domestic violence isn't only a question of men against women.

The causes of abuse within same-sex relationships are complex. The stress for gay men and lesbians of growing up in a homophobic society is one factor. Another may be the relative lack of role models for healthy relationships. Beyond law reform, social measures are needed.

These examples highlight the abiding presence of disadvantage linked to sexuality, gender identity and family form. But why discuss these issues in relation to equal marriage? Surely same-sex marriage can't have exacerbated such problems?

A worry that equal marriage may have made anything worse stems from the widespread view that it marked the end of the journey toward sexual or familial justice. Some people saw victory on same-sex marriage as the cue for everyone to take down the tent and go home.

Admittedly, the issues mentioned here don't lend themselves to simple slogans as easily as the push for equal marriage. Building coalitions around them is difficult. In addition, they call for remedies in different spheres: legal, bureaucratic, social. Tackling them would require us to rethink fundamental assumptions about sexuality, kinship, gender identity and family.

As Canadians observe other countries' struggles to achieve marriage equality, we can celebrate the courage and conviction of those who made change here. But we should seize this moment by taking stock of the work that lies ahead.

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Robert Leckey and the Institute for Gender, Sexuality, and Feminist Studies are hosting a free public event, Radical Formations: Sex, Race, Trans, at 4 p.m. on April 12 in the Leacock Building, Room 232. For more information or to register, go to mcgill.ca/igsf/events.

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Previous

Next



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