

# France: The vote on gay marriage

Tuesday 23 April 2013, by [GIRARD Gabriel](#) (Date first published: 23 April 2013).

**On 23 April the second vote in the National Assembly passed this proposal into law. The radicalisation of the opponents to “Marriage for all” had continued apace since the article below was written. Demonstrations saw the “parliamentary right” alongside leading members of the far-right National Front, although not Marine Le Pen herself. Homophobia became frighteningly visible, including in attacks on people leaving gay bars in a number of cities. The demonstrations by partisans of the draft law, although supported by the Socialist Party and the other parties to its left (Front de Gauche including the Parti de Gauche and Communist Party, the NPA...), did not mobilise as broadly. This is no doubt due to the general disillusion with the Socialist Party government. *International Viewpoint* will publish more in the future on the polarisation around this question.**

## *International Viewpoint*

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On Tuesday 12 February, a little before 5pm, the French National Assembly voted by a large majority for the so-called “marriage for all” law, which gives same sex couples the right to civil marriage and to adopt children. Although this is a first reading, with the law yet having to be examined and voted on by the Senate, there is no doubt that the text will be definitively adopted before the summer, since the left holds the majority in both chambers.

This vote comes after several months of intense debates within French society between supports and opponents of equal rights. The satisfaction of an old demand of the LGBT movement is an undeniable success. However, the formal equality thus acquired does not end the fight against homophobia and transphobia. The adoption of the law, an indispensable stage on the road to equality, could however accentuate the process of differentiation developing among gays and lesbians. For the better off, a homosexual lifestyle is becoming increasingly one option among others. A banalisation barely detectable in the more precarious fringes of the community (youth, transgender, women, ethnic minorities, the HIV positive and so on), while the economic crisis strengthens dependency on the family, undermining the material conditions of emancipation. Awkwardly, some critical actors in “homo-nationalism” have in recent weeks wished to stress the existence of these fractures, in particular in the popular neighbourhoods and among young people of immigrant origin. [1] Some dangerous positions which have revived controversies on racism and imperialism in the LGBT communities, which run through the movement at an international level. Not a very good climate for a constructive debate on these issues

Developing an approach of critical emancipation of hetero-normality, which is however attentive to the rhythms of mobilisation and politicisation of the majority of LGBT persons is the challenge for radical activists and the left of the LGBT movement.

## **The context**

Contained in the manifesto of the candidate of the Parti Socialiste, François Hollande, during the presidential campaign of 2012, the demand for the right to same sex marriage has been raised for 15 years by the French LGBT movements.

In 1999, the left government had established the PaCS, a contract of civil union offering a legal framework to same sex couples, but without granting them all the associated rights of marriage. At the time, this first advance, however timid, had raised heated debates on the left, some fearing that the recognition of same sex unions threatened the “symbolic order” of the family. As an illustration of this, the adoption of the PaCS had been delayed for several months by the weak mobilisation of left deputies, who were in the minority in the Assembly during the first vote on the text. For the LGBT movements, the PaCS was a protective gain notably for couples including an HIV positive partner. But it was immediately challenged as a discriminatory law, because it established a legal inequality between homosexuals and heterosexuals.

From 2000 onwards, in a context where the right was in power, equality of rights rapidly became the main demand of the LGBT movements. In 2004, as Spain legalised the right to same sex marriage, a Green deputy, N. Mamère, participated in a marriage between two men, taking advantage of a loophole in the law: the sex of the married couple was not specified in the Civil Code. This symbolic action of disobedience had a high media profile, but remained isolated, with no other elected representative following. In subsequent years, the demand for marriage remained a priority on the agenda of LGBT struggles. But the perception that a victory would not be possible while the right was in power led most organisations to await a left electoral victory. Hence, while equality remained the main theme of Gay Pride Marches, no significant political campaign was waged on the subject.

The weakening of a perspective in terms of construction of a relationship of forces on these issues explains to a great extent the relative disorganisation of activist groups at the time where the right and Catholic Church entered the debate in September 2012.

## **The forces on the ground**

During the debate on the PaCS in the late 1990s, the right and its fringes close to the Catholic Church had already led a heated opposition to the project, organising a demonstration of nearly 100,000 persons in Paris. The emblem of this anti-PaCS right, the deputy Christine Boutin, had not hesitated to brandish the Bible in the National Assembly to support her arguments. In a general manner, debate gave way to a deluge of homophobia. Meanwhile the left and the LGBT movements remained barely audible, and the Socialist Party was divided on the subject.

In 2012, the context was very different. The Socialists had just won the elections; the right was defeated, weakened by an internal leadership race and electorally rivalled by the Front National. The UMP leaders thus sought subjects to oppose the left, since the austerity policies pursued by Hollande left it with little room to differentiate itself. The draft law on “marriage for all” gave it an opportunity. In contrast to the debate on the PaCS, opponents advanced an apparently more “subtle” approach.

Openly homophobic discourse was abandoned, at least publicly, and the arguments centred above all on issues of parenting (adoption, medically assisted procreation, surrogate parenting). The figureheads of the “anti-equality” movement – two gays against marriage and a second rate singer/humorist – sought to offer a less political face to this combat. The critique of the “right to the child” and the defence of family values provided the rhetorical framework for the right. However, without surprise, opposition to the draft law rested on a highly reactionary movement very much anchored to the right and the Catholic networks. And during the demonstrations, homophobic slogans dominated. Two big demonstrations were organised, on November 17, 2012 and January 13, 2013, which attracted hundreds of thousands of people, supported by the UMP and the Front National, as well as the main representatives of Catholicism and other monotheistic religions. The Catholic Church put all its strength into the battle, massively organising the transport of demonstrators to Paris.

Occupying the media terrain, the anti equality forces adopted an essentialist and sexist discourse on gender and the heterosexual family order. They succeeded in polarising the debate around parenting and mobilised deputies opposed to the draft. The confusion reached its target, when Hollande wobbled, evoking a “conscience clause” for mayors hostile to the law. This, coupled with the massive demonstration of November 17, had the effect of an electric shock for LGBT activists and their supports. All the more in that the discourse of the right gave new life to everyday homophobia. On December 16, at the call of associations, trade unions and left political parties, nearly 150,000 people demonstrated throughout France in support of equal rights. The political left as a whole (NPA, Front de Gauche, Socialist Party, Greens) gave its support to the draft law. This demonstration, followed by a new, still bigger, march on January 27, was an unexpected event. They marked the most significant mobilisation for the LGBT movement in the past 40 years, apart from the Gay Pride Marches (which in recent years have attracted nearly 500,000 people in Paris).

However the government continued to send contradictory signals. While stating its determination, it retreated on the issues of parenting, explaining that access to assisted fertilisation for female couples would not be part of the draft law. Meanwhile Hollande personally received the organisers of the anti-marriage demonstrations, and the government unambiguously denounced surrogacy. The law voted for on February 12 satisfied some of the major demands of the LGBT movement but remained short of hopes.

Even if it is still too soon to draw the balance sheet, the mobilisation in favour of equal rights in autumn and winter constituted an important vector of politicisation in the LGBT communities. During these demonstrations, poles of radicalism appeared: the Pink block, articulating anti-capitalism, anti-racism and the fight against hetro normality; or the collective “Oui, oui, oui”, notably around the Panthères Roses, defending a clear demand for equality faced with the hesitations of the socialist government. More broadly, hundreds of thousands of gays and lesbians have gone onto the street, taken part in social networks, in their places of study or work, expressing the force of a daily resistance to the homophobic discourse of the right.

### **The strategic issues for the LGBT movement**

The limits to this mobilisation should be noted however. Strategically, it has at first rapidly appeared indispensable to agree on unifying demands. But with the pro equality movement being established above all in reaction to the right wing mobilisation, and according to the legislative calendar, demobilisation could be strong once the law is definitively adopted. The institutional bodies of the movement (the inter-LGBT in particular) bear a great share of the responsibility for this. At a time when the recrudescence of homophobic discourse and acts observed during recent months has

cruelly underlined the need to continue a basic struggle on this terrain.

On the “content” of equality, the recent mobilisation has not allowed deeper debates to emerge. Hence, the feminist critiques of the institution of marriage or the necessary debates on surrogacy have been inaudible. For the left activists of the LGBT movement, a “progressive” strategy has been imposed: to win first on marriage and adoption so as then to push forward debates on family and conjugal norms. However, in the absence of democratic structuring, the potential political space for these debates could be significantly reduced in the coming weeks.

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**P.S.**

\* Traduction International Viewpoint. [www.internationalviewpoint.org/](http://www.internationalviewpoint.org/)

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## **Footnotes**

[1] Houria Bouteldja, “Universalisme gay, homoracisme et ‘mariage pour tous’”, February 12, 2012.