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Citizenship and Same Sex Relationships

CATHERINE DONOVAN,* BRIAN HEAPHY
AND JEFFREY WEEKS

ABSTRACT

In the UK in recent years, a dramatic growth in media concern with same sex relationships has led to the suggestion that the resulting visibility is indicative of the extent to which the intimate lives of non-heterosexuals are becoming more acceptable. In this article we question this using data drawn from the Families of Choice Project, a qualitative research project based on interviews with over a hundred non-heterosexual women and men, which highlight the ways in which they are prevented from participating as full citizens in civic, political, economic, and legal society. Using Plummer's (1995) notion of intimate citizenship, we discuss first how respondents talk about the ways in which their intimate relationships are not recognised or validated legally, economically, politically or socially. We then analyse the respondents, ideas about what policy options could be considered to include their 'families of choice'. Finally, we argue that the family model on which most legislation and policy is based is too narrow, exclusive and inflexible to include families of choice.

INTRODUCTION

[T]here is a lot more in the media now ... lesbians being very trendy and being all over the media ... on Brookside and so on ... But I think the day-to-day reality if you're actually living in a same-sex relationship with somebody and you want to have a child – there's all sorts of issues around schooling, jobs, insurance and with our neighbours. (Joan, F32)

But at least they're acknowledging that some people are gay, whereas before, I mean they didn't believe that there were gay people or whatever. And it feels like the soaps, from a young person's point of view, have done quite a lot. Like they all know about Beth [Jordache] and whoever it is, and the dykes in Eastenders. (Matthew, M28)

* University of Sunderland, School of Social and International Studies.

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If we were to take a glance at the media in Britain in recent years we would see an explosion of images, articles and programmes about and/or for lesbians, gay men and bisexuals. Radio and television programmes, mainstream magazines and newspapers, as well as specialist ones, have all covered various aspects of lesbian, gay and bisexual lives. Matthew, the gay man above, suggests that such visibility is positive especially for helping individuals come to terms with their own sexuality. Joan, a bisexual woman, is more cautious. Visibility, for many, is not enough if we cannot fully participate in the life of society. In Britain, non-heterosexuals can take very little for granted in terms of the legitimacy afforded their intimate relationships. Two examples illustrate this. The first concerns the case of Martin Fitzpatrick who fought to accede the council tenancy after the death of his partner. After living in the housing association flat with his partner for nearly twenty years he was served with a notice to quit. The Central London court to whom he took his claim rejected it in May 1996 and he subsequently asked the court of appeal to reconsider that decision (*The Guardian*, 1997: 15). The second case concerns the celebrated (partly because the applicant's barrister is married to the British prime minister) case of Lisa Grant. Lisa went to the European Court of Justice with a case against her employers, South West Trains. She claimed equality with heterosexual married and unmarried couples who get concessionary travel passes for their partners (Grant and Percey, 1997). After two and a half years of fighting, the preliminary decision found in her favour in October 1997 (Dyer, 1997). However, in February 1998 the European Court ruled against Grant's claim on the grounds that, because gay men would also be excluded from receiving the perks afforded heterosexual employees, there was no sex discrimination to answer (Northmore, 1998). The basis of the argument against these lesbians and gay men, and articulated by the European Court in Grant's case, has been that same sex relationships cannot be compared with, and are not equal to, heterosexual relationships (Northmore, 1997: 2; 1998: 9).

In recent years the question of intimate relationships between same sex partners, their friends, ex-lovers, families of origin and children has emerged as a predominant feature of much non-heterosexual scholarship and activism. The research project from which this article is drawn is called 'Families of Choice' a qualitative research project. The core of the data is forty-eight interviews with women and forty-eight interviews with men who self-defined as non-heterosexuals, i.e., lesbians, gay men, bisexuals, queer and so on (for an outline of the methodology see Heaphy *et al.*, 1998a). We have discussed elsewhere how a shift has occurred

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from a focus on research and collective activism around identity which took place in the sixties and seventies to the emergence of what we have called 'families of choice' (Weeks *et al*., 1996). Debates about, and campaigns to win, recognition for the intimate relationships of non-heterosexuals have occurred in most Western countries. Most of the focus has been on gaining legal recognition for couple relationships, for same-sex marriage, immigration rights and so on, although there has also been much debate about the question of non-heterosexual parenting (e.g., Sandell, 1994; Martin, 1993; Radford, 1993; Saffron, 1994, 1997; Turan, 1996; Griffin and Mulholland, 1997; Fanshawe, 1997). The most notable gains have been made in Scandinavian countries (Bech, 1996; Waaldijk and Clapham, 1993) with registration of partnership legislation – although this legislation specifically denies same-sex couples the right to adopt children. The legalisation of same-sex marriage in Hawaii is still being decided.

THE LIMITS OF CITIZENSHIP

Up until very recently Britain has had no legislation or public policy that explicitly recognises the intimate relationships of non-heterosexuals. However, in October 1997 the new Labour government introduced changes to the immigration laws to allow 'unmarried people in a long standing relationship' – including same sex relationships – to apply to settle in Britain (O'Brien, in Travis, 1997: 7). In order to keep what the immigration minister, Mike O'Brien, calls 'the special position of marriage' (Travis, 1997: 7), unmarried couples will have to show that they have been together for four years (previous common-law policy required two years) and stay together for a further year once in Britain before being allowed settlement. This kind of policy change is welcome in many respects yet, like legislation in other countries regarding the intimate relationships of non-heterosexuals, the result is that the inherent superiority of the marriage relationship is reinforced at the same time as the unmarried (heterosexual or same sex) relationship is given some measure of recognition; it appears that the latter relationships can never be considered equal to the former, not legally, socially, civically, symbolically or ideologically. Perhaps this is enshrined most potently in the notorious Section 28 (actually Section 2a in the final Local Government Act, 1988) which prevents the promotion of homosexuality by local authorities and the teaching in schools of lesbian and gay families as pretended family relationships (Colwin and Hawksley, 1991). This legislation, together with the absence of any anti-discrimination legislation that includes sexuality, reasserts the construction of non-heterosexual rela-

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tionships as problematic and 'abnormal'. Instead, individuals are left to find their own ways of validating their intimate relationships, and some are able to negotiate an interpretation of the existing laws to recognise their family relationships – like those lesbians who have been able to use The Children Act, 1990 to win some recognition for non-biological mothers or co-parents (Donovan, 1997; Harne and Rights of Women, 1997).

Weeks (1991) has argued that Section 28 was a key moment for non-heterosexual communities across Britain who were mobilised and politicised by the debates about what constitutes family. This and the growing momentum of campaigns in other countries for partnership rights have been important factors in creating the growing demands of non-heterosexuals for recognition and validation of their intimate relationships on the same basis as those of heterosexuals. 'Stonewall', the lesbian and gay lobbying group in Britain, have put partnership rights on their agenda and the debates have taken place in most of the feminist, lesbian, gay and bisexual press (e.g., Rankine, 1996/7; Powell, 1997). Perhaps a measure of the success of these campaigns was the issue of *The Economist*, a right-wing magazine, that devoted its front cover and leader article to supporting same-sex marriage in January 1996.

The social movement of non-heterosexuals who are active in raising these issues draws many of its members from other social movements who have organised around common experiences like ethnicity, disability and gender. These movements have emerged in recent years and '[worked for] the creation of alternative models of social organisation ... trying to reconstruct the world ideologically and to create alternative forms of service provision (Oliver in Croft and Beresford, 1996: 177).

The question then has not necessarily been how to make governments or organisations give non-heterosexuals equal access to the same legislative and policy provision heterosexuals enjoy but how approaches to legislative and policy provision can be changed to include a plurality of relationships without a hierarchical ordering of them. Our study suggests that for most respondents the main concern is with getting social and legal recognition and validation of their intimate relationships. For some respondents, the use of the concept of citizenship is used as a benchmark of the minimum level of recognition and validity they might expect as members of this society. Often, however, they even feel excluded from this: unable to exercise their rights and responsibilities as citizens (Croft and Beresford, 1996) openly, honestly and fully – for example, as parents, sexual partners, employees, consumers, members of families of choice. For example, Martina says, in relation to same-sex marriage:

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it's about being a citizen. It's about having full, full rights as a citizen really and other citizens – every citizen has the right to certain things you know, it feels like as lesbians we haven't got the right to sort of you know, publicly declare or have a state sanction our, a relationship you know, so it feels like it's almost depriving me of an aspect of my citizenship really. (F26)

Most discussions about citizenship begin with Marshall's triumvirate of civil, political and social citizenship. Marshall's analysis focuses on the rights and responsibilities that accrue to individuals as a result of social membership of a shared community. Whilst his premise of evolutionary progress in the development of citizenship has been critiqued for being both racialised and gendered (e.g., see the collection by Taylor, 1996b; *Feminist Review*, 1997; Richardson, 1998), others have used his analysis as a starting point to develop other aspects of citizenship. For example, Pakulski has developed the concept of cultural citizenship in which rights to participate and be represented in the media and popular culture of a society are expounded (in Richardson, 1998). At the beginning of this article, we quoted our interviewees Joan and Matthew, alluding to this aspect of citizenship and the importance of seeing oneself (or one's community) reflected in popular culture and media. However, Joan also alerts us to the danger of inflating its importance since visibility may imply acceptance when there is no actual increase in the legal and social recognition and validity of non-heterosexuals' intimate relationships.

More recently there has been some discussion of sexual citizenship or intimate citizenship (for detailed analyses see for e.g., Plummer, 1995; Evans, 1993; Richardson, 1998; Weeks, 1998). In these discussions there has been some attempt to accommodate the growing numbers of people who either construct, or are allocated, their identities around sexuality and gender and who subsequently find themselves excluded from hegemonic understandings of citizenship. A dominant construct of citizenship is located in the public sphere and centred on the rights and responsibilities of individuals in relation both to their fellow citizens and to the wider community (see Weeks, 1998). However, there are a range of legal and social policy benefits, obligations and entitlements that regulate the private sphere and are crystallised around a hegemonic model of heterosexual family life (see Richardson, 1998). This leaves non-heterosexuals (as well as many heterosexuals) unable fully to participate in society. The struggle for citizenship on the part of non-heterosexual people is for full participation in society as parents, sexual partners, employees, friends, children, receivers of 'benefits', contributors to and receivers of public and private sector services, as local and central government electors, council and income tax payers, and as consumers.

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Plummer describes intimate citizenship as 'the *control* (*or not*) *over* one's body, feelings, relationships; *access* (*or not*) *to* representations, relationships, public spaces etc.; and *socially grounded choices* (*or not*) *about* identities, gender experiences (Plummer, 1995: 151).

Focusing on the sexual citizen could imply that the concept of citizenship has hitherto not been sexualised. As this article shows, participation in society is premised on not only being heterosexual but for the most part belonging to a married heterosexual couple embedded within a particular type of family. (Hetero)sexuality infuses the normative concept of citizenship (Richardson, 1998) so that the concept of intimate citizenship then is not an adjunct to, but one which permeates the underpinnings of, the legal, political and particularly social aspects of citizenship. In addition, Turner's analysis of citizenship 'as a set of social practices' (Turner, 1993: 4) helps us get away from the somewhat false dichotomy between the liberal approach to citizenship reflected in some respondents' desires to have their same-sex relationships validated and the solidaristic notions recalled by some respondents' desires for inclusion in society. Instead we concentrate on the range of social practices that act to, in this case, exclude respondents from society as a result of the (hetero)sexualisation of citizenship.

The respondents in this study were self-selected and self-defined in terms of their sexuality, social class and ethnicity. Interviews were semi-structured and respondents chose whether to participate in sole, joint or group interviews. Plummer (1995) argues that new stories will only be told when there are audiences to listen to them. As we argued earlier, the focus of many non-heterosexuals' activism and literature has shifted from issues of identity to issues of family and intimate relationships. In consequence, as the audience opens up to listen, so too do new storytellers emerge to add their own stories to the growing numbers of stories that reflect and shape the lives of listeners and storytellers alike. This article is based on the stories of exclusion and inclusion that respondents told us. The rest of the article is divided into three sections. In the first we outline some of the ways in which respondents feel themselves to be excluded from society and the effects this has on them. The practices of exclusion can take many forms, from feeling that one's intimate relationships are ignored to being physically threatened. For these participants, inclusion requires the development of policy and legislation that recognises the intimate relationships of non-heterosexuals. In the second section we explore some of the respondents' ideas about how they and their families of choice might be included in policy and legislation. In the final section we argue that the family model on which most legislation and policy is

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based is too restricting to allow inclusion of families of choice and we develop the themes that emerge from the respondents' stories to argue for a model that is based on choice, flexibility and inclusivity.

EXCLUSION AND THE LACK OF VALIDATION

As we have described elsewhere, the majority of the respondents talk about their closest, intimate relationships as being family and characterise them with the themes of choice and of being created (Weeks *et al.*, 1999a). We have argued that these 'families of choice' are illustrative of what Giddens (1992) has called 'experiments in living', and are indicative of what he has argued has been a transformation of intimacy in heterosexual and same-sex relationships. They are founded on relationships that are defined by what Giddens (1992) calls confluent rather than romantic love. Confluent love is contingent on continual reflexive evaluation and negotiation, presuming equality in emotional reciprocity, and is not based on the in-built assumptions about gender, power, monogamy and commitment to 'forever' that characterises traditional ideas of romantic love (Giddens, 1992: 61–2; Heaphy *et al.*, 1998b). Many of the features of these non-heterosexual relationships are consonant with hegemonic notions of family, for example continuity, care and support, commitment and responsibility. However, there is a key difference in that these relationships are negotiated between assumed equals and are not based on the preconceived ideas about roles that are associated with hegemonic notions of family. Rather, as Finch and Mason have described, individual needs and commitments cannot be assumed but instead have to be negotiated and 'worked out' (Finch, 1989; Finch and Mason, 1993).

In order to begin to understand respondents' experiences of exclusion, hostility and fear it may be useful to consider that they attempt to live their lives in the context of what has been called the 'heterosexual panorama' (Blasius, 1994). Similar to Rich's (1983) notion of compulsory heterosexuality, the heterosexual panorama attempts to explain the way in which there still exists an expectation of heterosexuality and an invisibility of non-heterosexuality. This expectation is not necessarily benign and respondents often live in very real fear of the consequences of being 'found out' as non-heterosexual. As a result, it is helpful to think about there being layers of 'outness' which non-heterosexuals continually negotiate and renegotiate. As some of the black respondents point out, in some situations non-heterosexuals can choose to pass as heterosexual in a way that black people are unable to pass as white. For example, respondents may be out to themselves and to a sexual partner but to

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no one else; to some but not all of their family of origin; to some or all of their work colleagues – so they may be out to an individual colleague but not out at work; they may be out and involved in lesbian, gay and/or bisexual activities but not out to their mother, doctor or neighbours. The decision(s) to be out in whatever layer of one's life is dependent on what the perceived consequences are for the respondent's life and livelihood and those of their loved ones.

To avoid the real or perceived consequences of being out, many respondents have to contend with daily experiences of the negation of their selves and their relationships. Respondents tell four kinds of stories about negation. The first group of stories speak about the personal effects of feeling and being stigmatised. The last three relate to the different ways in which respondents feel they are not accorded citizenship: by being targets of hostility; lacking recognition for their relationships; and describing different spheres of life from which they feel excluded.

The effects of stigmatisation

Many respondents talk about the continual vigilance they exercise in order to keep themselves and their families of choice safe from 'the general sense of intimidation' (Pat, F36) resulting from the existence of 'homophobia all around' (Paul, M14). Obviously this takes its toll as Mollie says: 'I often feel extremely tired ... my life is an effort' (F30). Alan, says in a similar vein: 'prejudice and images ... had an impact on who I was allowed to be – which has been my life's work really [laughs] to kind of come to terms with who I am' (M39). Simon, talks about realising 'at worst that I'm not even considered to exist and probably at best that I'm seen as something exotic' (M05). Respondents employ various strategies to maintain their sense of security. Jill, a lesbian in her forties, is very involved with her local lesbian and gay switchboard and co-founder of several community groups. Yet when asked about her dealings with officialdom she says 'I only come out where I feel it's necessary' (F22).

Others who are less open about their sexuality and relationships often speak about withdrawing from potentially 'dangerous', that is exposing, situations. 'I tend to discretion' (M21) is how Paul, puts it. One lesbian lost contact with most of her friends when she started her first relationship: 'I couldn't deal with their reaction or their judgement' (F04/05) she says. Children are sometimes the reason why respondents do not 'come out'. Many are conscious of the strain on their children of being closeted, yet believe this to be preferred to the consequences of being open and out. Jackie and Sam, a lesbian couple, have a daughter they co-parent: 'we're already aware that she has to be secretive' (F04/05) they say. Often this

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secrecy is in order to protect the children, and indeed, it is often at the request of children, but sometimes, like Jenny, a lesbian mother who long-term fostered three of her four children before she adopted them, they fear they could lose them. Underlying the fear that people refer to is the very real knowledge that their safety is precarious. Jenny, says: 'A lot of us still live in fear of losing our jobs, fear of losing our children, people still get ... driven out of their homes. There were what, after [Lesbian and Gay] Pride this year [1995], was it six attacks?' (F21).

Targets of hostility

Many of our respondents had suffered as a result of being found out or suspected of not being heterosexual. Dee, a blind lesbian who has lived all her life on the same working-class estate became 'rapidly aware' in the change in people's behaviour after she came out. From people calling out 'hello' to her on the street or in local shops, 'these things just all stopped happening' (F06/07). This woman and her partner have also been the targets of their neighbours' hostility, having stones thrown at them as well as suffering verbal abuse. Other respondents have been shouted at on the streets, beaten up outside pubs and clubs and one couple had a car driven at them. Will talks about having 'to consider stupid things like "what's going to happen when I walk out of the pub, if I'm last out and I'm leaving alone? Who's following me?"' (M23).

Some respondents had also been the target of hostile local and national press interest and Pat had an anonymous letter sent to her employers. Pat believes that it was because she was already out at work that the anonymous letter was ignored by her employers. Several respondents had been discriminated against at work. Luke talks about how when he was single and first coming out, 'I wouldn't confront them because I was scared what happens if I lose my job. They were the people who would be writing references' (M04). Luke feels that he has become more confident with age and now uses equal opportunities policies to challenge discriminatory behaviour at work.

Unfortunately, not all the hostility comes from relative strangers. Many of the respondents had suffered a range of negative reactions from heterosexual friends and members of their family of origin. Sarah, a bisexual woman, describes how, because some of her and her female partner's friends found their relationship 'difficult', they were more 'subtle about their relationship' (F23). Angela, a lesbian, has a sister, who is an 'out and out homophobic' (F28). Another, Julie, has 'never quite forgiven' her adoptive parents for being so 'glad .. there was no blood link' (F14/15) when she came out to them.

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Living in fear of hostility and/or a continual state of anxiety about rejection is not helped by the fact that many respondents feel that there is no protection for them under the law. The negative reactions of other people are, it seems to some of the respondents, given credence by this. As Malika, a black lesbian, explains when she talks about living in a society which she believes to be heterosexist:

> it forces me to hide parts of myself to various people at various times. And it affects me on a political level because there's no legislation, there's no social policy, there's no protection offered by society that validates who I am and who we are and that ... allows us to be positive about who we are. (F03)

Lack of recognition

Lack of recognition and validation for people's relationships are strong themes emerging from respondents' stories. For Juliet, a single lesbian, this was made clear to her when she realised that a heterosexual woman friend of several years' standing, 'thought I was a kind of very lonely person who didn't really have anybody very much in my life and you know the truth is completely different from that' (F01). Many respondents referred to being excluded from what Lilly, a lesbian, called 'all those little things' like holding hands in public 'even on Exmoor' (F47); generally having to 'have more private behaviour than heterosexuals do' (Melanie, F29); and, again for Lilly, having a 'long time pretending that Mindy [her partner of 39 years] and I were just good friends' (F47). For others it was the realisation that they could never be fully themselves. As Will puts it: 'I'm not able to express myself because I might break this clause or that law. ... as the church put it you can believe it but you can't act upon it and you certainly can't tell anybody else about it' (M23).

For those respondents who have non-monogamous relationships the lack of words to describe their intimate relationships means that, as Joan says, 'I just end up not talking about people at work' (F32). How to respond to other people's questions, especially questions from those in official positions, can be fraught with tension. '[I]t would be nice occasionally ... if they included that possibility that I might be her partner' says Jayne (F06/07). Annie found out how nice it could be: '[she said] "Have you got a partner?" and I said "yes" and she said "Oh what does he or she do?" And that was really nice, because I just felt I could just (pause) talk' (F40/41).

The lack of recognition and validation were important for all the respondents and it was perceived to operate at different levels. Perhaps the two most important were first within their own networks, and second at the level of what we will call citizenship. Clearly there is overlap

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between the two, and, especially for those who are not out or are only partially out within their networks, there is a sense of the need for fuller citizenship as a way of protecting, affirming and removing the stigma from their families of choice. As Matt, a gay man says: 'if two straight people love each other they can get it recognised and they have rights. You know, I mean they're citizens, they've got full rights whereas I haven't got the same rights' (M10).

Spheres of exclusion

Respondents' stories about what spheres of life they feel excluded from depend on their own experiences and to some extent the degree to which they feel able to be out and proactive about asserting the reality of their intimate relationships. For example, the following are contrasting stories of two respondents each of whose partners has died and each of whom was present in the hospital or hospice in their partner's last days. Lilly is a woman in her sixties who for most of the thirty-nine years she had with her partner, Mindy, was completely closeted. Of her experience she says:

> A huge regret that I've got ... was that I was not more demonstrative to her. Because I was afraid of being thrown out [pause] I just hope that Mindy, ill as she was, understood, 'cause we were ... so careful but all the time I wanted to touch her and hug ... and I couldn't. (F47)

The other woman, Miriam is in her forties and has been out for twenty years. Of her experience she says:

> I was very confident. It was like I'm the most important person in her life and I will be here ... and in terms of affection and stuff – I mean I'd never hold back and ... I mean Sacha would always have photos of all of us there. (F44)

Not all of Miriam's experiences at the hospital were positive but she believed that her own self-confidence carried her through what was a very difficult time. We found that age tends to be associated with a higher reluctance to be out in more layers of life. This involves not only being less likely to be out within existing networks of friends, colleagues and families of origin but also that perceptions of the possibilities for living as non-heterosexuals are somewhat narrower than for many younger respondents. In this example Lilly herself identified her age as a factor that had precluded her from believing that she could be out at the hospice when her partner was dying. For Lilly, her age and associated factors such as her generation, history and the circumstances of her life with Mindy had mitigated against her accumulating any resources and/or confidence as an out lesbian in the way Miriam had.

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In talking about their future needs as older, chronically ill or terminally ill non-heterosexuals, several speak of the need for health and social care services that are appropriate to their needs and accepting of their sexuality. A few women refer to the need for an 'old dykes' home'; and Peter talks about the conversations he has had with his partner and friends:

> [We've] begun to think about 'Well, how could we organise things in such a way that we can look after ourselves?' ... we do talk about the future and how we would look after each other ... In all of it, there's something sort of 'collective' about everybody pooling their resources in some way in order to sustain us all ... we've got to. It's got to be sensible to do some kind of 'pooling' idea. (M11)

For many of the respondents, especially gay men, these issues have been brought into sharp focus by the existence of HIV and AIDS (see also Heaphy *et al.*, 1998c). As Amy puts it 'it does make you think about ... caring ... death ... all the taboo subjects' (F27). However, for many gay men, the association of gay men with HIV/AIDS has a more specific impact, affecting not only issues of life and death but the ease with which they can have access to mortgages and life insurance. Several talk about the way they are discriminated against in, and potentially excluded from, these areas. Will tells of how he weighed up the options, 'If I didn't lie, I wouldn't be able to through with the house purchase ... if I did lie I'd get the house' (M23). Others talked about their own experiences of caring for people with HIV/AIDS and the need for appropriate care, together with the contingency plans they had discussed for their own care. Here is Luke:

> we both have friends who have been very ill and friends who have died – of AIDS. And we ... we've actually discussed it with them, that we would be quite happy for them to come and stay with us and that extended to what would happen if it was one of us... We'd probably be able to have a nurse or somebody to come in during the day – but we'd be at home and we'd care for each other. (M04)

Among the other stories told about the impact of HIV/AIDS, were those about being forewarned and forearmed about the possible future negation of their relationships by their family of origin that can lead to exclusion from the death of loved ones. Sue tells the story of her friend's death:

> We should all be able to have a say in what happens – say with funeral things. I mean, Sam's funeral was *horrific*. His parents completely took it over; his boyfriend was hardly mentioned or, or spoken to, and it was a *very* Christian burial. It was hideous. Absolutely nothing to do with his life – the preacher didn't know a thing about him and just stood reading from a piece of paper. And because his parents preferred his female friends they had a bigger say in what happened than his partner did. And you just think, 'No way.. .' (F14/15)

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Many respondents, female and male talk about their experiences or fears concerning death and speak of their hope that by making wills and funeral arrangements they might pre-empt any attempt by their family of origin to negate their lives or exclude those they leave behind. Respondents also talked about being excluded from legal and economic arrangements that, whilst conferring validity and status on people's intimate relationships, also result in economic and material advantage. Pension rights were a particular concern here as were housing tenancies and property inheritance.

Many respondents who are parents also feel that their parenting relationships are marginalised. This is often made worse by the fears many have of exposing their children to other people's hostility or losing them because of heterosexist assumptions about fitness to parent. Being a parent means engaging with additional layers of life where decisions have to be made about being out or not that have implications not only for the individual respondent but for their children and family: in this respect respondents are recognised and included in their *parental* role by teachers, doctors, health visitors and so on but often feel excluded as *non-heterosexual* parents and families. Non-biological co-parents can be especially vulnerable to exclusion by all of these public officials and by their own work, family of origin and friendship networks. For example, Becky is co-parented by Mark and Greg – who are in a couple relationship – and her two lesbian mothers. Mark talks about his position as a non-biological co-parent and Greg tries to explain how the different layers of life are engaged with by them:

MARK: if I ... go swimming and Becky's – and the school have gone ... I know not to say hello because that would cause problems, and I have to respect that and I do. You know I don't want to make her life difficult for her ...

GREG: it's like the difference between being out personally and the fact that you're out as a family. I think we're out as individuals but the family isn't. (M17/18)

Some respondents talk about the way they try to think through and make what plans they can to protect the co-parenting and/or donor relationships they have created in the event of change or conflict. In the UK, any contract between donors and receivers of sperm through self-insemination has no legal recognition (e.g., Saffron, 1994; Harne and the Rights of Women, 1997). Charles, a gay man, talks about his attempts, with the lesbian couple to whom he is donating sperm, to protect themselves against any future disagreement. Similarly, in Charles's country of origin:

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We can't actually draw up a contract because it's not enforceable ... anyway we've drawn up an ... agreement which is basically a statement of what our intentions are at this point before she's conceived. And if it ever did come to court ... it would just be to make it clear to the judge what our intentions were at the time. (M25)

Finally, all of the respondents speak of the general difficulties they have in negotiating the existence and inclusion of their relationships in encounters with different organisations. Several talk about the difficulties of getting recognition of a same sex partner on car and personal insurance policies; others talk about being excluded from the benefits awarded in 'family tickets' in organisations like the National Trust or leisure centres; or of membership of clubs where joint membership only includes opposite sex couples.

At the same time many respondents have taken steps to either validate or try and safeguard their intimate relationships: creating their own family and partnership rituals (Weeks *et al*., 1999b); making wills to try and secure their wishes in issues of guardianship or property inheritance; drawing up contracts with co-parents and donors; taking out deeds of trust to protect housing; getting power of attorney; and becoming each other's next of kin. Several respondents also had success stories to tell. For example, Miriam (F44) was able to get the pension agency of her deceased partner, Sacha, to recognise Miriam's son as well as Sacha's own son on the same terms. And Paul (M21) spoke about encountering a sympathetic judge who recognised his parenting role and confirmed his right to access to his daughter. However, as much as these '*petit* triumphs' make a difference for the individual relationship and/or family, they do not undermine the need for a more coherent approach to legislative and policy change.

CONSIDERING THE OPTIONS

Plummer describes the idea of intimate citizenship as a 'loose term ...to designate a field of stories ... out of which new lives, new communities and new politics may emerge' (1995: 152). In the stories that our respondents tell about full participation and citizenship two themes emerge. These are the themes of choice and flexibility, mirroring Plummer's notion of a dynamic concept of intimate citizenship (ibid.). Most respondents struggle to articulate an approach to policy that is inclusive of diversity and a plurality of living arrangements. In order to provide a framework for discussing their stories, we have adopted Waaldijk's (1994) framework of policy options for thinking about intimate relationships: marriage, cohabitation, registration of partnerships and what he calls individualisation.

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Marriage

We have discussed elsewhere (Weeks *et al.*, 1999) how the majority of respondents did not want to enter into formal marriage-type arrangements. However neither did they want to prevent anybody who wanted to from doing so. For example Tom says:

> if heterosexuals have rights as partners then those rights ought to be open to gay men and lesbians. Whether you then avail yourself of those rights or whatever, is up to you ... I wouldn't want to get married – no way I'd get married. Unless I was in my dotage and went stupid. (M15)

All respondents gave strong arguments for equal rights for all intimate relationships. However, in the working out of how these rights might be translated into policy it is possible to see a tension that exists for many of the respondents in thinking about strategies for citizenship. Angela reflects this tension when she says:

> there are benefits to having certain status ... I think we all have the right to them, whether they're good or bad ... I actually don't want to have to go through a marriage ceremony ... so I'm a bit unclear about whether it's a good thing to have certain rights ... in principle, yes, we should all have the same, but then if we want something different, maybe everyone should have something different. (F28)

Most respondents wanted equal rights but were not convinced that this should mean only being the 'same as' or having access to the same rights as heterosexuals. The question for several was, as Will says: 'whether absolute equality ... fits in with assimilation and whether a degree of invisibility comes with that' (M23). At the same time, most respondents think people should have the choice about getting married (for other debates on this issue see e.g., Sullivan, 1997).

There are a small number of respondents who feel that they would marry if they were allowed to. Some think a way to resolve the tension is to separate marriage from legal rights and privileges so that anyone who wants to can take part in a public or private, religious or secular commitment or marriage ceremony, all of which would have equal validity. The bottom line for most respondents is to open up opportunities rather than restrict people's choices.

Recognition of cohabitation

In considering partnership rights several respondents make the point that co-habiting heterosexuals are often in the same position as same sex couples in that they too are excluded from rights and responsibilities that accrue to married couples. There is an underlying hierarchy of value and status along with social, legal and economic rights attached to couple

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relationships and family types, with marriage at the top (e.g. Van Every, 1991/2; Carabine, 1996). As Jenny says when considering partner registration:

> not everybody, for instance, would want to register as partners, you then have, ... all the questions about ... I suppose what almost amounts to the equal or unequal status – but then you do within the heterosexual world (F21)

Some respondents also believe that some sort of 'proof' of existence and/or endurance of a relationship is necessary in order to claim the benefits that are automatically conferred on marriage. For these respondents cohabitation for heterosexuals is on a par with same sex relationships. There is however a certain advantage that same sex couples have over cohabiting couples and that is in the receipt of state benefits. For the purpose of calculating entitlement to individual benefits heterosexual cohabitation is usually treated the same as marriage and both partners' earnings are taken into account (Carabine, 1996). Same sex relationships are not recognised so individual benefit is calculated individually – as Dee and Jayne have found:

> DEE: because I'm a lesbian and because I'm blind, and because my relationship is not recognised as a valid relationship in the eyes of the DSS and the government, I can get away with having my own income. Now if we were a heterosexual couple and I was married or if I wasn't married and had a male partner then that would not apply.
>
> JAYNE: Because Dee still gets exactly the same amount of benefits as she would do had .. if I wasn't living here, basically.
>
> DEE: So, and you know – I really have mixed doubts when people sort of insist on having our relationships validated and I think, "Oh, bloody hell – fuck off, no thanks!" (Laughs). I'm quite happy the way things are and why shouldn't I be financially independent. (F06/07)

There were also those respondents who feel that like marriage, formal recognition of cohabitation is somewhat inappropriate for same sex relationships, 'trying to tailor heterosexual laws and understandings towards gay relationships is bound to fail' (James, M12). In general, because cohabitation has a lower status than marriage it was not considered as a viable option in attaining the goal of 'the same right as any other partner would have ... whether you're straight or gay' (Sue, F14/15).

Partnership registration

Very few of the respondents are aware of the introduction of partnership rights in Scandinavian countries and elsewhere (see e.g., Bech, 1996; Waaldijk, 1994). As a result, most of the respondents use the hetero-

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sexual marriage model as a basis for their discussion of equal rights and assume that these can only be gained by the legalisation of same sex marriage – which they are not in favour of for themselves. Of those who have considered partnership registration, there is little support for what is seen as interference by the state or the law in their intimate relationships. Nevertheless, some feel that if this is the way to safeguard the interests of their loved ones they would do it. As Jill explains, she is not into signing contracts but 'if it means that ... Rita can have my pension – yeah' (F22). Again the tension arises between recognising the advantages of partnership registration because 'you're disempowered not having that legal status' (Annie, F40/41), and the disadvantages: 'I don't think these things should be imposed from without' (Dan, M44). There are those who feel that some sort of partnership rights should be given 'in terms of buying houses together and property, being recognised as next of kin at death and stuff like that' (Charles, M25). And several are also aware that the legitimacy afforded through some form of partnership recognition could challenge the 'stigma attached to us that wouldn't necessarily be there if it was on a par with heterosexual relationships' (Luke, M04). Some, like Martina, argue that families of origin would find it harder to ignore a registered partner:

> it feels like it would be so much easier to come out to my aunties, you know, if the law had said 'yeah, you can register lesbian and gay partnerships' and I'd just say to them 'this is my registered partner'. Whereas it feels like ... when my sister gets married nobody asks her ... and Tim what they do in bed ... whereas it feels like if I sort of try to explain to ... my aunties they'd immediately think 'oh they must sleep together'... and it becomes much more about sex rather than ... the whole caboodle with the relationship. (F26)

Other respondents who are involved in non-monogamous relationships are supportive, in principle, of partnership rights for those who want them but believe they are largely irrelevant for their own lives. As Sarah says, 'my life is just a million miles away from that' (F23), and Mollie, a lesbian says, 'I imagine they wouldn't allow us to register as a multiple set up' (F30). For these respondents, and others, rights based on partnerships are not flexible enough to accommodate their lives, even though they support them for others.

Individualisation

For several respondents, the route to equal rights is to be found in taking away the privilege of the couple. As Melanie says, equal rights 'shouldn't be on a marriage model' (F29); and Amy, 'I think people shouldn't be given advantages for being couples, it just further boosts the institution of couples really, coupledom' (F27). These advantages are not only articu-

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lated as financial but also in terms of status and validation. Some respondents are also concerned that these advantages should not fall automatically only to sexual partners but that friends and other members of families of choice might equally be chosen or nominated to benefit from formal recognition. A few respondents particularly picked out the pensions, tax and benefit system as being a target for overhaul and placing on the basis of individual financial independence and choice. In relationship to his pension, Luke says 'I've worked for it ... I should be entitled to say ... "I'd prefer such and such a person to have it"'(M04). Pensions are particularly singled out as many respondents pay the same premium as heterosexual couples but do not get the same benefits. Here is Martina explaining:

> the only way that Katrina [her partner] can benefit is if I die before I reach pensionable age I can nominate someone to receive the equivalent of one year's salary as a lump sum which is peanuts really compared to ... heterosexual couples' rights to inherit each others pensions and everything. So I sort of feel well either I should get a no claims bonus when I retire or Katrina ought to be able to get ... have a share of my pension. (F26)

CONCLUSION

Throughout their accounts of how they desire and seek equality of recognition and validation for their intimate relationships many respondents tussle with their desire to retain choice and flexibility. In imagining what could be, most respondents use heterosexual marriage as the marker for comparison and find it wanting. Malika sums up this dilemma when she says:

> Of course we want the same rights as heterosexuals – but I don't know if we do really. ... We create our own lifestyles and ... relationships that are different from heterosexual relationships but I think in terms of – not just legislation but in terms of civil rights and the right to participate in society ... we should have those rights. But I don't ... think that we should be wanting to mimic everything ... that heterosexual relationships have ... it's about having choice[s] and to ... have those validated. (F03)

The focus on partnership rights is largely the result of living in a society where participation and inclusion in most aspects of citizenship is based on being a member of a couple within a particular type of family. Many writers, most notably feminist and black writers have critiqued this notion of family and found it to be modelled on a young, white, married, heterosexual, able-bodied, family with bread-winning husband, dependent wife and children who share a residence and whose central relationship will be monogamous and last forever (see e.g., the collection edited by Taylor, 1996b). Carabine (1996) argues that a hegemonic notion of heterosexuality is used to control women's sexuality not just explicitly through legislation like The Child Support Act 1991 and the Human

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Fertilisation and Embryology Act 1990, but also implicitly through the assumptions embedded in the practice of policy. Consequently women are constructed as dependent and passive. For non-heterosexual women and men this means that their relationships are rendered at one level invisible – for example, within the tax and benefits system – but at another level, problematic – for example, in relation to children and parenting. Subsequently, as Williams (1996) has argued in relation to welfare, we must challenge not just access to citizenship but the basis of it. With the development of the concept of sexual citizenship this is happening on two levels: first, by those who are developing the concept of sexual citizenship to take account of 'the new primacy given to sexual subjectivity in the contemporary world' (Weeks, 1998); second, by research like ours that illustrates the extent to which hegemonic citizenship is seen to be based to a large extent on a married, heterosexual family; and how the social practices of citizenship can act to exclude non-heterosexual people.

A debate from within non-heterosexual communities focuses on the desirability of being included in such a heterosexualised society. There have been many dissenters within the lesbian, gay and bisexual communities about the movement for recognition of intimate relationships (e.g., Bersani, 1995). Writers have been worried that in seeking recognition, many non-heterosexuals have been assimilated into the dominant heterosexual culture, in other words that same sex families are beginning to 'look like' heterosexual ones (e.g., Bowen, 1990; Saalfield, 1993). Sandell (1993) argues that in fighting for 'family rights' non-heterosexuals should also 'make visible some of the other ways in which the notion of family can be incorporated ... in a way that does challenge existing society.' (ibid.,: 8). Gamson (1995) characterises part of this debate as that between boundary-defenders (those who argue for a social movement based on a collective identity) and boundary-strippers (those who argue for a deconstruction of identity and binary categories, such as queer theorists and activists). Some of the respondents in this study show affinity for the boundary defenders in terms of their arguments in favour of an equal rights approach to policy and legislative change; and almost all the respondents support anyone's right to choose to have access to the same legitimising institutions such as marriage. However, most respondents, in the context of responding to questions about seeking validation for their lives and families of choice, show more in common with the boundary-strippers. Their concepts of family and relationships are characterised by the two themes of flexibility and choice. In the main they talk of finding ways to develop intimate citizenship through policy and legislative change that accommodate those themes.

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We believe that the social practices that underpin our active participation as citizens is based on a family model that is no longer seen as acceptable or indeed relevant by many people, whatever their sexuality. We would also suggest that an approach based on any one model – especially any based on a sexual relationship – is also not enough. The challenge is to construct a concept of citizenship that is based on the creation of a package of social practices that facilitates inclusion, accommodates individual differences, is without a hierarchy of advantages attached to different living arrangements and allows people the flexibility to adapt it to their own family of choice. Some broad suggestions for that package that emerge from our respondents' accounts are: separating marriage and commitment ceremonies from legal and economic benefits; developing an approach to policy that is based on a dynamic model of family; removing the notion of dependency in the welfare benefit system; removing the privileging of couple relationships in the tax system and private insurance agencies; and allowing contributors to nominate any members of their family of choice as beneficiaries of pensions, 'family' tickets and so on. If non-heterosexuals are going to be full citizens in the sense we have talked about and participate and exercise their rights and responsibilities as legal, social, civic and intimate citizens, choice and flexibility must underpin any legislation and policy.

NOTE

1 All female interviews are denoted by 'F' and all male interviews with 'M'.

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