

‘It's unfair to be a second-class citizen because of love’: the legal, sexual and discursive struggles over ‘gay marriages’ in Spain¹

José Santaemilia
Universitat de València
València

Abstract

Although Spain is a modern European democracy, it has yet to come to terms with its multiple identities – whether national, ideological or sexual. Over the last few years, we have witnessed a battery of legal measures and of public and private attitudes which would seem to indicate that all gender or sexual identities have finally been accepted or, at least, respected. A look at different newspapers or other publications, as well as to the views expressed by common people, shows that we are waging a large-scale war over specific and highly ideological terms such as ‘abortion’, ‘homosexuality’, over the meaning of ‘family’, or over the scope of ‘gender violence’. In spite of the fact that the majority of Spanish society wishes to have more freedom, there is still fierce resistance against the recognition of (new) gender and sexual identities. There is an on-going private and public debate, and a bitter media campaign – orchestrated by the Church and the extreme right-wing (parties) – to oppose any legal measure which goes against their traditional, reactionary model of family and sexuality. In this paper we explore the multiple struggles surrounding ‘gay marriages’ in Spain. Gender- and sex-related concerns offer valuable insights into people’s attitudes and ideologies concerning modernity, democratization and respect for the lifestyles and identities of others.

Key words: gender legislation, sexual (in)equality, gender, sex, discursive conflict

1. New legislation, new identities

Although Spain is a modern, democratic European state, it has yet to come to terms with its multiple identities – whether national, ideological or sexual. And this conference offers a paradoxical example. While IGALA researchers are constantly refining their analyses of the processes through which individuals construct and claim their gender or sexual identities, sometimes they do not always do so with national, historical or cultural identities. The kind, hard-working IGALA5 organizers have labelled me as ‘Spanish’ on the conference programme, and although I accept it as a conveniently geographical – or even political – term, I resist this fixed identity, which quite often is synonymous with oppression, exclusion and uniformity. I come from Valencia, an old Mediterranean country which is part of today’s constitutional Spain but which, at the same time, affirms its dynamic mixture of languages, cultures and historical traditions. I feel much more at ease with a multiplicity of sociohistorical or cultural identities such as ‘Mediterranean’, ‘European’, ‘Valencian’, ‘Catalan’, ‘Iberian’, etc.

Over the last few years, we have witnessed in Spain a battery of legal measures and of public and private attitudes which would seem to indicate that all gender or sexual identities have finally been accepted or, at least, respected. Among the different laws that have been passed recently we can mention acts on gender violence (Ley orgánica 1/2004, de 28 de diciembre, de

ⁱ This paper is part of research project FFI2008-04534/FILO ('Género y (des)igualdad sexual en las sociedades española y británica contemporáneas: Documentación y análisis discursivo de textos socio-ideológicos'), financed by the Spanish Ministerio de Ciencia e Innovación.

Medidas de Protección Integral contra la Violencia de Género), on effective equality between men and women (Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva entre hombres y mujeres) and on gay marriage (Ley 13/2005 de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio).

New legal measures continue to be adopted daily in an important social effort towards gender equality. All these measures, and the reactions they provoke, constitute excellent vehicles to explore the individual and social sensitivity towards conflicting and evolving conceptualizations of gender and sex. Studying the discursive limits of key gendered or sexualised terms such as 'homosexuality' is a privileged weapon to analyze conflict, as gender(ed) conceptualizations are symbolic sites onto which more profound inequalities, frustrations and shortcomings are projected.

2. Gender as a site of conflict and ideological struggle: 'War of words' over the gay marriage law in Spain

In this paper I will critically analyze Spain's gay marriage legislation, particularly its reflection in a variety of contemporary ideological texts. These include newspaper or magazine articles and pastoral or religious publications. We should bear in mind that in these texts language is an indirect or mediated index of reality – it constitutes a representation or a construction of identities, prejudices, (hidden) agendas and stereotypes. Media discourse is powerful, as it creates expectations, imposes socially accepted images and consistently reinforces constructions of behaviour, endowing them with a commonsensical status. Fairclough (1989: 193) emphasises “the dramatic growth in the importance of the media as an institutional site for political struggle”.

For Fairclough (1995: 47), media discourse “should be regarded as the site of complex and often contradictory processes, including ideological processes”. Mass media are the contemporary arena on which the fundamental gender(ed) and sexual meanings are (re)negotiated. In this paper I will try to find linguistic traces of the debate over gay marriage legislation in media texts and religious publications. Ours is a critical discourse approach to gender and language, which sees language as constructing, or challenging, sexual identity categories and also as a fundamental vehicle for social control and for the exercise of power (see Fairclough 1995, Fairclough & Wodak 1997). In particular, when there is a controversial issue at hand (e.g. gay marriage legislation), they serve to orchestrate a ‘discourse’ vs ‘counter-discourse’ debateⁱ, which is profoundly ideological and reaches all segments of the population.

In July 2005 the Spanish Parliament passed a law that grants marriage rights to same-sex couples, including the right to adopt children and to inherit from the other partner. This makes their legal status the same as that of heterosexual couples. It was a long-awaited triumph for civil rights campaigners and for many people who have suffered discrimination and punishment. The gay marriage law decrees that it is deemed just and fair that those of a homosexual identity should have equal access to the institution of marriage, albeit outside of the religious context in which it is traditionally embedded. It constituted a surprise for many, who believed Spain was a highly conservative democracy, but who became one of the first

It's unfair to be a second class citizen because of love

countries in the world to give the same marriage rights to heterosexuals and homosexuals alike. When we ask our university students about this law, most of them state their approval of the new legislation. It is, however, a controversial issue around the world. Everyone has an opinion; some base their beliefs on religious or moral values, while others take a more liberal, humanitarian viewpoint.

One of the immediate linguistic consequences of this law is that it has prompted a few significant terminological adaptations in Spanish. In particular, the terms *marido* ["husband"] and *mujer* ["wife"] have been replaced by the gender-neutral *cónyuges* or *consortes* ["spouses"]. Also, the terms *padre* ["father"] and *madre* ["mother"] have been substituted by *progenitores* ["parents"]. These changes will bring about – undoubtedly through discursive struggle – new moral, sexual, linguistic and legal frameworks to live one's sexual identity, family project or moral universe. Obviously, the passage of a gay marriage law does not amount to encouraging a fierce, compulsory sexual activity, or a sort of promiscuity. Manuel Fraga, an ultra-conservative Spanish politician, who used to be a member of dictator Francisco Franco's Cabinet, and is now the honorary president of the right-wing Partido Popular, even declared on the Spanish state channel TVE-1 (on 17th March 2005) that this new gay marriage law opens the door for members of the same family to marry.

A cursory look at different newspapers and institutional or religious publications shows that we are currently waging a 'war of words' (Dunnant 1994) over specific and highly ideological terms. 'Abortion'ⁱⁱⁱ, 'homosexuality', 'family', 'gender violence' or 'gay marriage' are obvious examples.

2.1 An official discourse of tolerance and sexual equality

The first 'discourse' that is present in this on-going private and public debate over gay marriages is legislation. The 2005 gay marriage law justifies the new legal situation drawing on the fact that societies change and adapt to different models of 'family'ⁱⁱⁱ, and that Parliaments should not ignore reality and act consequentially. The law also adds that society has further come to accept the existence of same-sex couples who lead a normal life based on love and affection. The gay marriage legislation also states that today's society has overcome time-old prejudices regarding same-sex relationships^{iv}.

This law recognises and respects everyone's sexual option, and provides measures for everyone to develop his/her personality and sexual rights in terms of equality with the rest of society. This new official (legal) discourse is reinforced by politicians who are in favour of gay rights and defend a more tolerant attitude towards various minority groups. "Spain is now a more decent country," Prime Minister José Luis Rodríguez Zapatero asserted, "because a decent society is one that doesn't humiliate its members" (Bird 2005). It is a discourse of respect, recognition and tolerance, which is voiced by many individuals, organizations, or newspapers which try to offer a more or less balanced information on the topic. It is, most likely, the silent and anonymous discourse of a majority of the Spanish population. It is, however, a weak, 'humanitarian' – but deceptively simple – kind of discourse which is used non-confrontationally, as if trying to avoid conflict.

2.2 A multiplicity of counter-discourses

Against this discourse for social and sexual equality, we can find a multiplicity of fierce 'counter-discourses', duly amplified by the Church and the ultra-conservative media, whose

only objective seems to be to oppose any measure of recognition of the rights of minorities and of social dignity. In pastoral publications and in extreme right-wing-dominated mass media, we see a concerted effort to oppose any form of modernisation or dissidence. Resistance is, then, strong, well organised, highly militant, unrespectful, and bold to the point of racism.

According to Scripture (in *Genesis, Leviticus, Romans* or *Corinthians*), homosexuality is a sin. In particular, in *Leviticus* (18: 22) we can read: "Thou shalt not lie with mankind, as with womankind: it is abomination." Although the Roman Catholic Church tries to soften its view on homosexuality, its official doctrine still reasserts that

Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency toward an intrinsic moral evil and thus the inclination itself must be seen as an objective disorder (Williams 2005).

These words were pronounced in 1986 by Cardinal Joseph Ratzinger, showing his energetic fight against the recognition of civil rights for homosexuals, in particular their access to priesthood and marriage. Since the start of Pope Benedict XVI's reign, "stern opposition to homosexuality in and outside the Roman Catholic Church has quickly become a prime public message for the Vatican" (Williams 2005). The Pope himself insists that "same-sex unions are destroying the concept of marriage and eroding Europe's social identity" (Reuters 2005).

Those views have been amplified by other Church officials. Alfonso López Trujillo, a Colombian cardinal, apocalyptically declares that gay marriage "is a crime which represents the destruction of the world" (*LifeSiteNews.com* 2005). The Catechism of the Catholic Church decrees the unnatural character of homosexual acts:

Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity,¹⁴⁰ tradition has always declared that "homosexual acts are intrinsically disordered."¹⁴¹ They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved. (*Catechism of the Catholic Church* ¶ 2357)

This gay marriage act is deeply troubling to the Spanish Catholic Church, who sees it as "an assault on holy matrimony" (Popham 2007). But perhaps one of the most interesting – if not troubling – things about this law is that it has prompted a fierce concerted (politico-moral) counterattack by the Church and ultra-conservative groups like the Popular Party. Both reject an act which has been passed democratically. The Spanish Catholic Church, in particular, has insisted that all Spanish Catholics resist the gay marriage law, as we can read in these grand words found in a report from the Spanish Bishops' Conference:

Catholics, like all people of upright moral character, cannot be indecisive or complacent in the face of this law, but must oppose it in a clear and incisive way (Shirbon 2005).

Yet beyond the pastoral boundaries of a religious organization, the Spanish Catholic Church has shamefully participated in politics, and has organized a series of massive demonstrations in the streets of Madrid to oppose not only this gay marriage law, but also every single legislative measure which favours progressive ideas (homosexuality, new conceptions of 'family', the introduction of citizenship lessons at school, and so on), thus constituting "the

It's unfair to be a second class citizen because of love

church's biggest political mobilisation since the death of the dictator Francisco Franco" (Nash 2005). Even Christian homosexuals criticised the mobilisation "as an un-Christian act of discrimination against a minority" (Nash 2005).

This concerted action of the ultra-conservative groups and the Church has offended common-sense and constitutes a dangerous collusion between (worldly) political and (spiritual) religious interests. The ultra-conservative lobbies are fuelling an on-going public and private debate on moral matters, and whose sheer immorality has perhaps led the Popular Party to again lose the general elections held in March 2008. This debate, however, has proved highly influential for many common people who, upon hearing the word 'homosexual', evoke automatic associations with sin, vice, dirt, pathology, and so on. The right-wing media newspapers and radio stations (*El Mundo*, *ABC*, *La Razón* or *La COPE*) have amplified these prejudices to further their own political interests and oppose the legitimate aspirations of sexual minorities. And let us remember that possibly the most frequently used 'discourse' to counter homosexuality has historically been that of violence, both physical and verbal. Opposition to same-sex love has produced a great deal of bloodshed in the ancient past as well as in the present.

At a linguistic level, the word *gay* is used as a pejorative adjective by young people, and this also reflects a worrying propensity for homophobia in our societies. 'That's so gay' or 'He's such a fag!' are typical remarks made by British or American teenagers when perhaps watching a TV programme portraying gay characters. Schoolboys would also use phrases such as 'don't be so gay' if they felt that a colleague was not performing their idea of the stereotypical male role. These expressions reflect popular language that appears everywhere. When teenagers use these words, they don't mean 'homosexual' – rather, they mean 'stupid' or 'messed up', to describe something unfavourable or displeasing to them. In Spanish, one of the worst insults is *maricón*, with practically the same connotations just mentioned, and in Hungarian, for instance, the slang expression for 'gay' (*buzi*) is also used with the meaning of 'stupid' or 'idiot'. Therefore the social stigma of homosexuality is perpetuated through language, as people continue to use openly derogatory terms like 'fag', 'dike', 'gay', 'queer', or 'bender'.

2.3 The debate over the concept of (homosexual) 'marriage'

A particular area of fierce discursive struggle is the resistance against the concept of 'marriage'. This resistance is evident in the press. There is extraordinary lexical instability over the name of the institution, in an incredibly vast array of qualifications. There are numerous shades of meaning and calculated ambiguities used to refer to same-sex partnerships.

The discursive struggle is particularly prominent in the diverse naming practices which are recorded in media texts. This clearly points to the instability of the legal (sexual) field itself. A cursory look at a few newspaper articles yields an astonishing number of similar (but different) terms: 'gay marriage', 'civil partnership', 'same-sex marriage', 'same-sex wedding', 'same-sex unions', 'lesbian unions', 'male partnerships', 'homosexual marriage', 'civil unions', 'registered partnerships', 'equal marriage', 'same-gender marriage', 'reciprocal beneficiary relationships', 'life partnership', 'stable unions', 'civil pact' and so on. The very same instability can be observed in the Spanish-language media or institutional publications, among which we can cite: 'matrimonio gay', 'matrimonio 'gay'', 'matrimonio civil entre personas del mismo sexo', 'pareja de hecho', 'uniones civiles entre homosexuales', 'matrimonio entre

homosexuales', 'boda' homosexual', 'matrimonio homosexual', 'uniones homosexuales', 'unión civil de personas del mismo sexo', 'Contrato de Unión Civil entre Personas del Mismo Sexo' (in Chile), 'uniones de concubinato' (in Uruguay), 'uniones estables entre personas del mismo sexo' (proposed by the Spanish Popular Party), etc. In these lists, we can appreciate a mixture of legal, popular, journalistic, and even political terms. They reveal a variety of ideological standpoints and of attitudes towards the most acceptable linguistico-legal status to be applied to same-sex relationships. We certainly cannot deny the centrality of marriage in our social organisation, or the importance of its legal definition:

Marriage is a lynchpin of social organization: its laws and customs interface with almost every sphere of social interaction. Its foundational role in defining structures of social institution and citizenship means that definitional authority over what 'counts' as marriage, and who is allowed access to it, has always been intensely political. Systematic exclusion of any group of people from the institution of marriage has been (and continues to be) a powerful way of oppressing that group in terms both of concrete rights and responsibilities and –more crucially still– in terms of the symbolic message that the group so discriminated against is unworthy of equality, and is less than 'human' (Kitzinger & Wilkinson 2005: 132).

In fact, and in point of truth, the only places where these relationships are officially called 'marriage' are the Netherlands (since 2001), Belgium, Ontario and British Columbia (since 2003) and Spain (since 2005). If we search for the definition, 'marriage' is:

1. a. The condition of being a husband or wife; the relation between persons married to each other; matrimony.

The term is now sometimes used with reference to long-term relationships between partners of the same sex. (*O.E.D.*)

As McConnell-Ginet (2006: 228) asserts:

It is not only legislators, judges, and politicians offering opinions: many ordinary folk are also weighing in on defining marriage. Some say definitional debates are 'just semantics', therefore trivial. Others, on both sides, argue that it matters considerably whether the word *marriage* shall be construed as including or excluding same-sex unions.

Homosexuals are often – via prejudices or unconscious attitudes – considered inferior and marginal. Hypocrisy is a key element here, as in some cases those who say that they accept homosexuality in general, would not accept the idea that one of their sons or daughters were homosexual. But we believe that defending the right of homosexuals to marriage is, from a human rights perspective, relatively easy. Two or three quotes will suffice to prove the point. According to Spain's Gay and Lesbian Federation, "(e)quality is complete or it is not equality. Lesbians and gays want, like any other citizens, to be able to decide freely if they marry, and if so, with whom" (Woolls 2005). With similar simplicity, the Spanish deputy Prime Minister, M^a Teresa Fernández de la Vega, declares that "(t)his measure improves rights and harms no one, absolutely no one, while it does benefit many people" (Shirbon 2005). And the Socialist MP Carmen Montón declares: "It's unfair to be a second-class citizen because of love [...] Spain joins the vanguard of those defending full equality for gays and lesbians" (Reuters 2005).

It's unfair to be a second class citizen because of love

As with many social issues, there are numerous reasons and arguments against gay marriage but many come from ignorance and intolerance. Religion factors largely into the opinions and beliefs of many when it comes to gay marriage. The *Bible* claims that weddings are religious ceremonies, and therefore, most religious people are against gay marriage. We are to remember, however, that many weddings, over the last twenty years or so, have taken place in city halls or in equally unreligious places.

Religion has certainly been a particularly significant force in the ongoing debate over homosexuality, as the Catholic Church has traditionally held particularly strong views against homosexuality. In July 2003, the Vatican launched a global campaign against gay marriages, warning Catholic politicians that supporting gay marriage was 'gravely immoral'. In a document called *Considerations regarding proposals to give legal recognition to unions between homosexual persons*, the then cardinal Ratzinger insisted on the unnatural character of homosexuality:

No ideology can erase from the human spirit the certainty that marriage exists solely between a man and a woman, who by mutual personal gift, proper and exclusive to themselves, tend toward the communion of their persons (Ratzinger 2003).

And he also paraphrases the *Catechism of the Catholic Church* when he writes:

Marriage is holy, while homosexual acts go against the natural moral law. Homosexual acts "close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved." (Ratzinger 2003).

Although the Church fathers recommend that homosexuals "must be accepted with respect, compassion and sensitivity" (*Catechism of the Catholic Church* ¶ 2358), the attitude of the Church establishment seems to create more intolerance against homosexuals, as well as challenges for homosexuals when seeking to gain the same respect and equal rights as heterosexuals. The Spanish Catholic Church is in fact fiercely championing a stern opposition towards any change in the traditional, reactionary model of family and human relationships represented politically by the Popular Party. Without a doubt, the idea of legalizing same-sex 'marriages' is a direct attack on the Church's exclusivity to decide what counts as a 'marriage' and what does not, on who is included or excluded from the institution, on who can be invested with the symbolical values traditionally associated with marriage, and so on. We will summarize here the main arguments used by the Catholic Church to orchestrate a 'war of words' against the institution of 'homosexual marriage':

(1) First argument: Etymology. 'Matrimony' derives from Latin *matrem* (mother) + *monium* (quality of). Etymology seems to emphasise woman's right to become a mother within a legal bond, and the fact that the aim of marriage is procreation. Until several years ago, at least in Spain, the concept of 'matrimony' gave meaning to the idea of 'family'. Possibly the real argument today lies not in the fact that gay couples should or should not be allowed to marry, but rather whether or not marriage still has a place in today's society. With increasing divorce rates and increasing numbers of one-parent households, people are swaying from the idea of marriage and preferring the idea of cohabiting, something easily done by couples, regardless of their sex and of their religious affiliation.

(2) Second argument: Matrimony as procreation. The main reason for ‘matrimony’ is procreation, to produce legitimate offspring. Rebating this argument is pretty easy: what happens with older couples who are past their reproductive capacity, or with sterile spouses? And what would we call ‘one-parent’ families, so common today?

(3) Third argument: Matrimony as a holy union. This may be the real message instituted by the original Church, but today people get married and divorced as if marriage meant nothing in the first place. Marriage is not as sacred as it once was. Marriage vows are still, in English:

‘I (Bride/Groom), take you (Groom/Bride), to be my (wife/husband), to have and to hold from this day forward, for better or for worse, for richer, for poorer, in sickness and in health, to love and to cherish; from this day forward until death do us part.’

But statistics show that very few people follow these vows.

(4) Matrimony and children. Further arguments against gay marriage include the idea that children are not raised as well with single-sex parents. There are, however, many single-sex parents who raise wonderful children and, conversely, traditionally married couples who neglect their children shamefully.

(5) Fifth argument: Matrimony and ‘gayness’. If a child, so the argument goes, is raised by gay parents, he or she will grow up to be gay too. This seems untenable, as there are straight parents who raise homosexual children, and vice-versa.

(6) Sixth argument: Matrimony and moral norms. According to some Catholic Church officials, children who are raised by a same-sex couple will grow within a highly sexualized atmosphere, most likely void of moral norms. This is a banal argument: a gay couple may be as loving or as cruel as a heterosexual couple. Love or care are not dependent on sexual orientation, let alone on being married or not.

By way of summary, let us read the apocalyptic words pronounced by Bishop Ricardo Blázquez, President of the Spanish Bishops' Conference, when he said that after the legalisation of gay marriages in Spain, “the stability of marriage has been gravely injured and tremendous confusion over marriage and family have been unleashed” (Woolls 2005). And to finalize the argument, Bishop Antonio Martínez Campo, spokesman for the Bishops' Conference, declared that the gay marriage law “represents the disappearance of marriage as the union of a man and a woman ... with grave consequences for society” (Nash 2005).

3. By way of conclusion

No meaning associated with a word is immutable. A look at various texts (newspapers, pastoral instructions, public statements, etc.) shows that at the moment we are waging a ‘war of words’ (Dunnant 1994) – which is part of an on-going private and public debate – over specific and highly ideological terms such as ‘abortion’, ‘homosexuality’, ‘family’, ‘gender violence’ or, as in this case, ‘homosexual marriage’. Two obvious conclusions emerge instantly:

It's unfair to be a second class citizen because of love

(a) that, in spite of the fact that the majority of Spanish society wishes to have more freedom, there is still fierce resistance against the recognition of (new) gender and sexual identities; and

(b) that the Church and the extreme right-wing political parties are orchestrating a bitter media campaign to oppose any change to their traditional, reactionary model of family and human relationships.

Gender- and sex-related concerns offer valuable insights into people's attitudes and ideologies concerning modernity, democratization, and respect for the lifestyles and identities of others. In Rubin's words:

Contemporary conflicts over sexual values and erotic conduct have much in common with the religious disputes of earlier centuries. They acquire immense symbolic weight. Disputes over sexual behavior often become the vehicles for displacing social anxieties, and discharging their attendant emotional intensity (Rubin 1984: 267).

In this way, one may then view the same-sex marriage debate as the latest challenge posed by certain religious and politically conservative groups to oppose change even when the old order is unjustly oppressing marginalized groups, just as women and blacks were oppressed in the past. The Spanish Catholic Church and ultra-conservative groups like the Popular Party are generating a multiplicity of 'counter-discourses' to justify the preservation of certain traditional rights.

No one is harmed by homosexuality, and for that reason, there is no legitimate basis for opposing same-sex marriage. Our generation, and the ones to come, will continue to fight for what is right and perpetuate the cycle of tolerance that, despite occasional backlashes, is growing for the homosexual community. Homosexuals are likely to remain a marginalized group for a long time, though it seems that the acceptance of gay marriage and homosexuality will continue to make progressive strides towards a more tolerant society. In the texts we have referred to, lesbians and gays do not ask for 'special rights'. They merely request the same basic human rights that the rest of the population is entitled to.

The very institution, however, which seems to have been reinforced all through this discursive conflict is heteronormativity, an institution which constructs both the heterosexual and homosexual categories. Heterosexuality is considered to be a normal, logical, and unmarked institution that presumes sexual liaison with the opposite sex as the only normal and positive type of sexual behaviour. Our social construction of sexuality establishes heterosexuality as the natural condition, the place where sexuality is spoken from but not inquired into. This makes homosexuality an aberration that must be studied or perhaps tolerated, but not an authoritative place from which one can study sexuality. So-called 'deviant' sexualities have not only incurred name-calling, a form of linguistic abuse, but also physical abuse as well. Lesbians, gays, transvestites, and bisexuals have experienced threats, physical assaults, rape, torture, and even murder throughout history. There are, however, no sticking arguments to suggest that gay couples should not be given the same rights as heterosexual ones. Sex-orientated discrimination is dissipating and gay couples are gaining more recognition. Therefore, with time and political pressure, couples in all countries, despite their sex, should have the same legal standing when it comes to discussing legal rights.

This paper offers an instance of one of the discursive conflicts we are currently experiencing throughout the Spanish state. There is a clash between a (lukewarm) discourse towards modernity and respect for individual identities and lifestyles, and a multiplicity of (vociferous) discourses which emphasize monolithic attitudes and behaviours. Again gender/sexuality constitutes an excellent index of social conflicts, the site of an ongoing discursive conflict which constitutes the very (ideological) essence of our daily lives.

References

Primary sources

- Bird, M. 2005. "Church Vs. State". *Time* (Sunday, 7 August 2005)
- Boletín Oficial del Estado. 2005. "Ley 13/2005 de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio" (BOE 2 de julio de 2005)
- Husband, S. 2006. "Civil partnerships: Darling, happy anniversary". *The Independent* (10 December 2006)
- LifeSiteNews. 2005. "Top Vatican Cardinal: gay marriage is "a crime which represents the destruction of the world..." *LifeSiteNews.com* (3 May 2005)
- Nash, E. 2005. "Spain's clergy rally support to oppose gay marriage law". *The Independent* (18 June 2005)
- Popham, P. 2007. "Old Bat Ears and a Catholic Agenda". *The Independent* (23 February 2007)
- Ratzinger, J. 2003. *Considerations regarding proposals to give legal recognition to unions between homosexual persons*. Available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html
- Reuters 2005. "Spanish parliament OK's gay marriage bill". *Boston Globe* (22 April 2005)
- Shirbon, E. 2005. "Bishops order Catholics to resist law on gay marriage". *The Independent* (7 May 2005)
- Williams, D. 2005. "New Rules Affirm Pope Benedict's Stance Against Gays." *The Washington Post* (Saturday, 8 October 2005)
- Woolls, D. 2005. "Spanish gays get full legal rights". *The Independent* (3 July 2005)

Secondary sources

- Cameron, Deborah & Don Kulick. 2003. *Language and sexuality*. Cambridge: Cambridge University Press.
- Dunant, Sarah (ed) 1994. *The war of the words: The political correctness debate*. London: Virago Press.

It's unfair to be a second class citizen because of love

Eckert, Penelope & Sally McConnell-Ginet (eds) 2003. *Language and gender*. Cambridge: Cambridge University Press.

Foucault, Michel 1984. *The history of sexuality. Vol 2: The use of pleasure*. Harmondsworth: Penguin Books. Trans. Robert Hurley.

Fairclough, Norman 1989. *Language and power*. London: Longman.

Fowler, Roger 1991. *Language in the news: Discourse and ideology in the press*. London: Routledge.

Kitzinger, Celia & Sue Wilkinson 2004. The re-branding of marriage: Why we got married instead of registering a civil partnership. *Feminism and psychology* 14(1), 127-150.

Kress, Gunther 1985. *Linguistic processes in sociocultural practice*. Victoria: Deakin University Press.

Land, Victoria & Celia Kitzinger 2007. Contesting same-sex marriage in talk-in-interaction, *Feminism and psychology* 17(2), 173-183.

McConnell-Ginet, Sally 2006. Why defining is seldom 'just semantics'. In Betty J. Birner and Gregory Ward (eds), *Drawing the boundaries of meaning: Neo-Gricean studies in pragmatics in honor of Laurence R. Horn*. Amsterdam: John Benjamins, 217-240. Rpt. In Deborah Cameron & Don Kulick (eds) 2006. *The language and sexuality reader*. London: Routledge, 227-240.

O.E.D. (Oxford English Dictionary) – accessible online at <http://www.oed.com>

Rubin, Gayle S. 1984. Thinking sex: Notes for a radical theory of the politics of sexuality. In Carole S. Vance (ed), *Pleasure and danger: Exploring female sexuality*. London: Pandora Press, 267-319.

Santaemilia, José 2000. *Género como conflicto discursivo*. Valencia: Universitat de València.

Santaemilia, José *et al.* 2000. Lexical cohesion in legal language: Several U.S. supreme court abortion decisions. In D.P. Ó Baoill and M. Ruane (eds), *Integrating theory and practice in LSP and LAP: Papers from the IRAAL/ALC conference*, March 1998: Part 2. Dublin: IRAAL & University College Dublin, 13-21.

ⁱ In this paper, the concept of *discourse* is understood in the Foucauldian sense of “systematically-organised sets of statements which give expression to the meaning and values of an institution. Beyond that, they define, describe and delimit what it is possible to say and not possible to say. [...] A discourse provides a set of possible statements about a given area, topic, objects, process that is to be talked about. In that it provides description, rules, permissions and prohibitions of social and individual actions” (Kress 1985: 6-7).

ⁱⁱ See Santaemilia *et al* (2000).

ⁱⁱⁱ “La convivencia como pareja entre personas del mismo sexo basada en la afectividad ha sido objeto de reconocimiento y aceptación social creciente, y ha superado arraigados prejuicios y estigmatizaciones” (Boletín Oficial del Estado 2005: 23632).

^{iv} In analysing the situation created in the UK with the introduction of ‘civil partnerships’, Kitzinger & Wilkinson (2005: 144) state: “Anything less than ‘marriage’ for same-sex couples sends the message that the government sees us as second-class citizens. Indeed, the willingness of governments to grant civil partnerships to same-sex couples seems to precisely *because* they preserve marriage itself exclusively for heterosexuals. [...] By re-branding as ‘civil partnership’ a union that is otherwise identical to opposite-sex civil marriage, civil partnerships achieve the symbolic separation of same-sex couples from the state of ‘marriage’.”