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**Just a piece of paper? Lesbian experiences of marriage through the Civil Union Act
in South Africa**

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COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

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Abstract

This research explores the meanings of marriage for South African lesbian women who have accessed marriage as a legal right through the Civil Union Act since its inception in 2006. As a researcher coming from the United States, where same-sex marriage is not nationally available, to South Africa, where same-sex marriage is a constitutionally recognised legal right, my research began with the question, “What has changed?” Because same-sex marriage is highly contested in disparate global spaces, an understanding of how the legislation is being used by those accessing it has the potential to contribute to a body of knowledge encouraging more inclusive legal relationship recognition in spaces where same-sex marriage is not yet legally available.

The research makes use of semi-structured in depth interviews with 15 South African lesbian women who have married through the Civil Union Act. The women come from diverse “racial”, religious and socio-economic backgrounds. Calling on feminist frameworks theorising marriage as an institution which has historically restricted women’s social, political and economic autonomy, in addition to literature framing marriage as a contemporary “battle ground” for human rights, the research attempts to conceptualise the relationship of married lesbian women to their citizenship through their experiences of accessing a legal right embedded in specific cultural, social and religious meanings.

The research concludes that while a right critical to the experience of citizenship is being exercised by lesbian women in South Africa, the richer experience theorized as “belonging” has not been fully inscribed in their lived realities. For the lesbian women represented in this research, marriage involves a re-examination of their partnerships as a precondition for the “traditional” celebratory involvement of family and community. Therefore, while marriage has been understood to embody both legal and symbolic meanings, viewing marriage as a human rights issue reveals a fracture between the legal aspects of the institution and the socio-religious contexts that lend it its authority. The research attempts to identify alternative ways of viewing marriage and family constructions by privileging the experience of lesbian women who have accessed marriage from their diverse social and cultural “sites”. The research suggests that theorizing marriage from the site of the partners’ happiness or fulfilment is a powerful lens with which to destabilise the dominant discourses of respectability most commonly invoked as a point of departure for discussions around same-sex marriage.

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1. Introduction

On 30 November 2006, South Africa became the fifth country in the world to legally recognise same-sex marriages, through the establishment of the Civil Union Act (Judge et al., 2008). That legal accomplishment was the culmination of a decade of activism in relation to LGBTI rights in South Africa. The purpose of this research is to attempt to gain an understanding of what the acquisition of marriage rights has meant for those lesbians who have decided to legally marry through the Civil Union Act. As a lesbian from the United States who does not have access to any kind of civil or legal relationship recognition in my regional geography, the question with which I began was, “What has changed?”

The intensity of my interest in the legality of same-sex marriage is rooted in the ongoing battle over same-sex marriage in my own country, which is characterised by volatility and intense political divisiveness (Adams, 2003; Cox, 2005; Wolfson, 2005). Marriage rights that have been gained in individual states are constantly contested. Enormous amounts of political capital are invested in the issue of legislating same-sex relationships in the US. Not a single candidate, running for the office of President in the United States in 2008, with any chance of winning¹, was able to embrace a position fully supportive of the rights of lesbian and gay citizens of the United States to marry (*Presidential Debate*, 2007). On the African continent, where 28 countries criminalise homosexuality to varying degrees of intensity, South Africa’s passage of the Civil Union Act into law in 2006 is understood to have sparked various adverse reactions throughout the continent. The proposal of draconian anti-homosexuality legislation in Nigeria and Uganda can be linked to a broader backlash across the continent against the legalisation of same-sex marriage in South Africa (HRW, 2008; Muhumuza, 2009). The most extreme anti-homosexuality proposals in both Nigeria and Uganda have not been ratified by the respective legislatures of those countries. However, shortly after the legalisation of same-sex marriage in South Africa, both countries introduced legislation prohibiting same-sex marriage within contexts where same-sex sexuality was already extremely criminalised, a reality suggestive of the threat to heteronormativity embodied by the performance of marriage by same-sex couples (Mujuzi, 2009).

¹ US Senator Dennis Kucinich (D-OH) was a notable exception to this statement present at the debate. While the other prospective candidates were grilled about their level of commitment to LGBT issues, Kucinich was asked, “Is there any LGBT issue that you *don't* support?” However, as was expected with two political heavyweights from the Democratic Party in the running, Kucinich did not proceed to the primary phase.

Even more recently, symbolic marriages between gay men have become the impetus for the evocation of stagnant colonial-era laws against homosexuality. A spate of arrests occurring in the past year in countries such as Malawi² and Kenya, have targeted gay men involved in symbolic ceremonies of engagement or marriage (Basu, 2009; BBC, 2010). In these cases, the idea and “performance” of same-sex marriages has been the spark igniting public outrage combined with police and government hostility, then fuelled by raging religious leaders. Within South Africa, access to marriage has brought progressive legislation into direct conflict with religious institutions, in the case of Rev. Ecclesia de Lange, whose legal marriage is the source of her having been suspended from her position as a minister within the Methodist Church of Southern Africa (Mamba Online, 2010). While the clash between religious institutions and LGBTI identities is one that has been historically taken for granted, the constitutionality of de Lange’s marriage to her partner means that she now has legal recourse against the church as her employer, removing the debate from the sphere of morality and placing it squarely within the realm of the law.

Historically, LGBT people in different geographical spaces have constructed their own relationships outside of a legislatively and religiously sanctioned norm (Faderman, 1991; Gevisser, 1995). Because “the rhetorical institution of human rights in an enabling instrument such as the Constitution merely signals the first step in a social justice agenda – a promise which places an obligation on the state to respect and fulfil those human rights” (Van Zyl, 2009: 365), it is necessary to retain an acute awareness that progressive legislation does not translate directly into acceptance or even tolerance of those whose rights it exists to establish and protect. As Van Zyl (2005: 225) purports, “‘citizenship’ can be a powerful exclusionary device.” However, because the state regulates the myriad rights associated with citizenship, the state also “has the power of formal inclusion” (2005: 225). The formal rights granted through inclusive citizenship are often understood to predicate feelings of belonging in groups formerly marginalised.

² The wide circulation by both international media and international LGBTI rights organisations of news of the arrest of two “gay men” who attempted to marry in Malawi perpetuated an un-nuanced understanding of the couple’s own expression of gender identity and sexual orientation. Though Tiwonge Chimbalanga has adamantly stated that she is a woman, her feminine (transgender?) identity was erased by the dissemination of information about the “gay marriage” case in Malawi. (For a discussion of the erasure of Chimbalanga’s identity as a woman, see Natacha Kennedy’s piece in *The Guardian*, “Once again, the T in LGBT is silenced”.) Conversely, in many African countries, wherein homosexuality is criminalised, sexual orientation and gender identity are all subsumed beneath the signifier “homosexual”, the label which provoked the backlash against Chimbalanga and her partner, Steven Monjeza, in the first place.

Therefore, I originally conceptualised this project as an assessment of a legal opportunity for South African lesbian women. My initial interest in access to same-sex marriage in South Africa resulted in the creation of an Honours dissertation exploring the experiences of four lesbian couples who had married since the legislation's implementation in 2006. To my knowledge, that study was the first research project to deal explicitly with lesbian women's experiences of marriage through the Civil Union Act in South Africa. As research occupying an experimental space, the data suggested that the area was ripe with potential for further study. Considering the Honours work a pilot upon which further research could be built, questions about lesbian women's relationship to their citizenship within the space of South Africa became the primary area of investigation for the current study. Increasing the number of participants and intentionally broadening the demographic reach of the study were ways of further grounding questions emerging from the pilot study within the space of South Africa. While the research presented here builds on earlier work, there is no replication of interview data from previous research. I have drawn on my earlier presentation and discussion of findings as if from another source entirely. In that way, the earlier conclusions continue to shape the present study. However, the present research delves into an exploration of married lesbian women's experience of citizenship in relation to their marriages, which was only suggested as an area for research by the earlier study.

In Chapter 2, I discuss literature relevant to a consideration of marriage as it applies to same-sex relationships. In order to ground the study contextually, the literature also explores the particular struggle for LGBT rights within South Africa, while maintaining an awareness of global influences and currents. The literature also takes seriously the meaning of homophobia in South Africa, especially in relation to lesbian women, in order to more fully understand the context within which lesbian women are accessing marriage as a legal right. Concluding Chapter 2 in section 2.7 is a statement of my research focus, which moves the conversation from the space of literature and into the methodological framework within which I conducted my study. In Chapter 3, I present the methodological approach to my study in addition to the methods with which I gathered and analysed the data. Chapters 4 and 5 are chapters of analysis, which comprise the presentation of the findings from the research. Chapter 6, the analytic conclusion, explores the meaning of marriage for the lesbian women represented here by making use of literature theorising citizenship and belonging. The Postscript returns to the question of the possible theoretical implications of my study within a US context, as that is the location to which I am preparing to return.

2. Review of the Literature

This review of the following collection of literature attempts to initiate an examination of the manifold meanings of marriage, marriage as it translates to gay and lesbian spaces, the institution of marriage in South Africa, issues of identity involved in claiming marriage, sources of homophobia, legal and political manifestations of homophobia and discourses of rights focused mainly in South Africa. I have included some literature and examples from the United States in addition to the South African contextualisation, but this information is meant only to supplement my position as a researcher coming from one space, in which there is no national relationship recognition legislation for same-sex partners, to another, in which that legislation has been established. What follows is the conversation as I have been able to hear it.

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2.1 The Meaning of Marriage Contested

The consensus among researchers and scholars indicates that marriage not only signifies important material benefits and citizenship rights, but that it also confers the benefits of social recognition, which in turn are pivotal in determining whether a citizen belongs or is demarcated as “other”. McEwan (2005: 177), writing about “gendered citizenship” within the context of post-apartheid South Africa, asserts that in terms of full citizenship, “civil and political rights . . . must be buttressed by social rights.” With marriage comes a certain status, interpreted differently dependent upon context, but that status is both legal and social (Cox, 2005). Marriage has “long been implicated in a politics of exclusion” (Adam, 2003: 274). An inability to access the benefits conferred upon a relationship through marriage also has the psychological consequence of rendering same-sex relationships less valuable than heterosexual marriages (Cox, 2005: 2). In terms of citizenship, including the regulation of the institution of marriage, the state has “the power of formal inclusion” (Van Zyl, 2005: 225). According to Van Zyl, the way in which the state frames a citizen’s participatory eligibility “can deeply influence people’s everyday lives – that dimension of citizenship that resonates with the emotional, a feeling of belonging” (2005: 225).

The conditions engendering that feeling of belonging have long been a site of feminist contestation. Feminist opposition to marriage has emerged globally at different historical moments as a clarion call transcending other inflections of difference. Objections have arisen in response to a number of different aspects of marriage from women whose political orientations and lived experiences have been very different, but who constantly challenge the restrictions marriage places on women’s autonomy. In this way, feminist thought plays an indispensable role in problematising the “legitimacy” of marriage. Within the content of this section, several voices from prominent writers are presented, as they relate most specifically to my research focus. Emma Goldman provides an early example of a Northern voice against marriage, setting the framework within which later feminist opposition to marriage would be theorised. Early in the twentieth century, Goldman (1917: line 114) identified marriage as an economic arrangement existing in antipathy to love, which “makes a parasite of woman”. She writes, “it incapacitates her for life’s struggle, annihilates her social consciousness, paralyzes her imagination, and then imposes its gracious protection, which is in reality a snare, a travesty on human character” (1917: lines 114-116). Considering the relationship between love and marriage, Goldman posed the question, “love, the strongest and deepest element in all life . . . the defier of all laws . . . how can such a compelling force

be synonymous with that poor little State and Church-begotten weed, marriage?" (Goldman: lines 124-126)

Similarly, but with a more specific resistance to heteronormativity as it is enforced for women through marriage, North American lesbian feminist, Adrienne Rich (1982: 230), considers the theorisation of "lesbian existence" or a "lesbian continuum" to be a form of resistance to what she terms the "political institution" of "compulsory heterosexuality". Rich (1982: 230) contemplates the historical usage of marriage, as well as the "economic imperative to heterosexuality", to produce "sanctions . . . against single women and widows – both of whom have been and still are viewed as deviant." Many women throughout history have resisted what Rich (1982: 231) terms "compulsory heterosexuality", though "few women have been in an economic position to resist marriage altogether, and even though attacks against unmarried women have ranged from aspersion and mockery to deliberate gynocide." Young girls are indoctrinated in "the ideology of heterosexual romance, beamed at [them] from childhood out of fairy tales, television, films, advertising, popular songs, [and] wedding pageantry" (Rich, 1982: 237), all of which serve to normalise heterosexuality, which has its culmination in marriage.

While Goldman and Rich are useful in understanding the long history of feminist resistance to the institution of marriage, their applicability to my study is limited. Within the context of the African continent, women's opposition to marriage also has a history, though the shape it has taken has been influenced by the realities of intersecting struggles against colonialism, and may or may not wish to be named "feminist". For Ama Ata Aidoo, marriage is an institution that "has proved singularly effective as an instrument of suppression" (1984: 263). Marriage gives a man "rights" to the woman he "was bold enough to go forward and take . . . off her mother's back" and acquire in marriage. Aidoo details these "rights", which include, but are not limited to "a sexual aid; a wet-nurse and a nursemaid for [his] children; a cook-steward and general housekeeper; a listening post . . . and if [he is] that way inclined, a punch-ball" (Aidoo, 1984: 259).

Beyond the extremely oppressive experience of the institution itself is the more abstract way that marriage functions within society to regulate women's potential economic, intellectual and social autonomy. Marriage has been constructed as "what a woman was created for", but the regulation of women's autonomy represented by marriage is so insidious that historically, even when a woman's career options were not determined by her husband's will, they may have been

determined by the fact of whether a woman in fact had a husband or not (Aidoo, 1984: 259). In that respect, Aidoo writes about finding herself continually marginalised, by both men and women colleagues, as an unmarried woman in academia. Marriage has not only been an instrument of oppression in Ghana and not only the 1980s, the location and time from which Aidoo was writing "To Be a Woman", but citing the "chameleon-like capacity" of marriage to adapt to multiple environments, Aidoo describes the way in which "throughout history and among all peoples, marriage has made it possible for women to be owned like property, abused and brutalized . . . publicly scolded, overworked, underpaid, and . . . thoroughly exploited" (1984: 263).

Contemporary theorisations of the regulatory power of marriage in women's lives, originating in African contexts, are also situated within a broader discussion about the control of women's sexuality. Mumbi Machera locates a threat to hegemonic masculinities and heteronormativity within the single woman. While she describes the "suppression" of homosexuality taking place "through isolation and a conspiracy of silence", it is not only lesbians, but any unmarried women who exercise autonomy that have "social sanctions brought against" them (Machera, 2004: 163). In this case, marriage is used to restrict women's agency outside of the institution because "if women remain single and couple with no one, they are ridiculed and ostracized" (Machera, 2004: 163). The extent to which heteronormativity exists to enforce narrow boundaries in women's lives is obvious in the articulation by Machera's women students "that men . . . do not respect single women, poor or rich, literate or illiterate" (2004: 163). Therefore, marriage as a policing mechanism has spanned otherwise heavily enforced and equally constructed divides relative to class, privilege and educational level. Marriage in this case is related directly to control over and limitation of women's sexuality.

Queer theorists have not historically engaged with marriage as an issue of concern in the way that feminist theorists have. However, marriage rights have emerged as a primary area of human rights activism, especially in the United States, where gay and lesbian thinkers and writers have begun to take marriage seriously as an issue that affects gay and lesbian people. In a US context, Evan Wolfson describes marriage as an important battleground for human rights. Wolfson (2005: 137) documents some ways in which the "traditional" institution of marriage has been transformed throughout political and human rights contests over the limitations and exclusions of the institution. He lists four major struggles he considers to have transformed marriage: divorce, or perhaps wider acceptance of divorce coupled with the ability of women to instigate separation,

transformed the institution of marriage “from a union based on compulsion to what most of us think of as marriage today – a union based on mutual love, commitment, and the choice to be together and care for one another”; the end of marriage restrictions based on race; the establishment of reproductive rights; and the end of the legal subordination of women in marriage.

Though the exclusion of same-sex couples from the civil rights attached to relationships through marriage is recognized as discriminatory, even within LGBT communities there are diverging opinions regarding marriage. Barry Adam details the evolution of a “left” and “right” position over marriage rights within LGBT activist spaces in the United States. The position of those on the right is that marriage is a path to social respectability, an affirmation of same-sex relationships through their conformity to dominant heteronormative standards. The position of the left is that by granting “respectability” to those whose relationships are sanctioned, marriage would cause LGBT communities to mimic the hierarchies created by the heteronormative institution currently “othering” same-sex relationships. In Adam’s (2003: 274) words, “the newly ‘unmarried’ end up being ‘queers’ all over again”. While the opposition of the LGBT “left” hinges on the heteronormative “respectability” engendered by marriage, as opposed to the feminist resistance to the function marriage plays in regulating women’s economic, social and sexual autonomy, the challenge to marriage issued from both positions attempt to imagine the diverse forms that family can take.

One attempt by queer theorists to imagine these varied forms is presented in *Same Sex Intimacies: Families of Choice and other Life Experiments*, a text which frames itself around qualitative research conducted in the UK, and which is “concerned above all with agency, with the creativity and self activity of non-heterosexuals who are constructing ways of life valid to them in circumstances often not of their own making” (Weeks *et al*, 2001; 7). While this study was conducted in a socio-political space far removed from South Africa, global currents of knowledge production inform and influence diverse spaces, including but not limited to the colonial past and the formation of globalised (and problematised) movements for LGBT rights. Those currents do not move unilaterally. In many ways, though same-sex sexuality remained criminalised at a later historical date in South Africa than in Britain, LGBT people in South Africa experienced a much quicker transition to the full integration of their rights as constitutionally enshrined human rights. Only the passage of a decade separated decriminalisation of homosexuality from the legalisation of same-sex marriage. Though Mary Hames (2007: 54) describes the strategic mobilisation of gay and

lesbian rights activists as “a protracted negotiation process” that was less successful socially than legally, ten years is a much shorter time than passed between decriminalisation and marriage in any of the European countries where same-sex marriage is currently legal.

Integral to the project presented in *Same-Sex Intimacies* are questions around the increasingly frequent employment of the “language of the family” by LGBT people. Weeks notes a general shift in the way familial language was embraced during the initial decades following such significant moments in LGBT movements as Stonewall and the way in which familial language has been more broadly used within LGBT equality movements focused on relationship rights, specifically those focused on marriage, and by many LGBT individuals themselves. Acknowledging that there also remains a strong repugnance for institutional familial language to describe intimate relationships among many other LGBT people, Weeks notes that even among those who have created support structures outside of biological and marital connections, such as “elaborate friendships as polar opposites to kin”, have often relied on analogous family language, a reality that “underlines the poverty of our language in describing alternative forms of intimate life” (Weeks et al, 2001: 16).

In a more nuanced discussion of the divergence of “left” and “right” positions on marriage sussed out by Adam, Weeks identifies two “elements”, of which he argues “sexual politics must always involve features of both, which implicitly, or increasingly explicitly, involve a challenge to a heterosexual hegemony, and its most characteristic social form, the family” (Weeks et al, 2001: 15). A “moment of transgression” and a “moment of citizenship” comprise the two elements identified by Weeks (2001: 15), which work together to simultaneously subvert “existing norms and . . . conventional values” and at the same time “daring the existing order to recognise difference, and to redefine the grounds of full inclusion.”

One question that is not engaged in *Same Sex Intimacies* is the question of whether marriage is central to the project of family creation. *Same Sex Intimacies* not only predates the adoption of civil partnership legislation in the UK, but it is also true that even now, three full years after the legislation of same-sex marriage in South Africa, marriage, as distinguished from civil partnership legislation by the enormity of its symbolic currency, is not available as a form of legal relationship recognition for same-sex couples in the UK. Therefore, though the language of the family is employed or disavowed by many of those represented in *Same Sex Intimacies*, such linguistic negotiation occurs outside of the space of the rigidly gendered and heteronormative language

associated with marriage. The authors then invoke Goss' interpretation of the employment of the language of the family as "queering the notion of family" rather than mimicking heteronormative relationship structures:

The appropriation of the term *family* is not an assimilationist strategy of finding respectability in general society. *We are not degaying or delesbianizing ourselves by describing ourselves as family.* In fact, we are Queering the notion of family and creating families reflective of our life choices. Our expanded pluralist uses of family are politically destructive of the ethic of traditional family values. (Goss quoted in Weeks et al, 2001: 16)

A question that may hold more explosive potential is whether Goss' theorisation of "queering the notion of family" can also be applied to lived experiences of same-sex marriage in a way that could destabilise heteronormativity, or at the very least, prove transformative for the institution of marriage. The continuation of discourses of respectability surrounding the institution of marriage suggest that though marriage has expanded to be inclusive of more diverse relationships, those relationships have been granted entrance into an institution associated primarily with combined resources, economic status and respectability. The question of whether displacing the discourse of respectability by privileging a discourse focused on the happiness of the individuals who choose to marry is also explored further in the closing chapter of this dissertation.

2.2 Marriage in South Africa: The Terms of the Contract

In South Africa, there are four Acts through which a marriage may be registered. These acts are mutually exclusive, but, with the exception of the Marriage Act of 1961, were created because marriages conducted outside of South African civil law, which was steeped in the same “Eurocentric whiteness . . . embedded within all the economic, political and social institutions” (Van Zyl, 2005: 231) of the country, were not legally recognised. Therefore, the transition to democracy required legal recognition of marriages conducted through customary law, as well as through Muslim family law. While some argue for a single Marriage Act through which all marriages can be solemnised, the discussion papers covering customary marriages and Islamic marriages elucidate the motivation for legislating marriage through several Acts, rather than subsuming customary law and Muslim family law under an amended Marriage Act. Similarly, the Civil Union Act was created in 2006 in order that same-sex couples be permitted to access the same benefits of marriage under the law, which are available to opposite-sex couples. Opposite-sex couples can marry under the Civil Union Act, registering their union as either a “marriage” or a “civil partnership”; same-sex couples cannot marry under the Marriage Act of 1961. In this way, the Marriage Act of 1961 does loom, seeming, in comparison to the Civil Union Act, to be the “most legitimate” form of marriage, re-creating heteronormative hierarchies, which were blatantly written into law before the new constitution was permanently enacted in 1996.

Dealing with the issues precipitating the adoption of marriage through the Customary Marriages Act, Discussion Paper 74, entitled *The Harmonisation of the Common Law and the Indigenous Law*, begins with a summary of recommendations. These recommendations outline the atmosphere within which radical changes in marriage legislation occurred early after the adoption of South Africa’s democratic constitution. While there are thirty recommendations, the first item is indicative of the urgent need for change: “In order to remove the anomalies created by many years of discrimination, customary marriage must now be fully recognised. To do so will comply with . . . the Constitution, provisions which suggest that the same effect be given to African cultural institutions as to those of the western tradition” (1998: iv). Those advocating for the passage of legislation recognising Islamic marriages also called upon the Constitution. In the Report on Islamic Marriages, Section 15 of the Constitution was cited as a clause not only granting the right to “freedom of conscience, religion, thought, belief and opinion”, but as not preventing legislative

recognition of “marriages concluded under any tradition, or a system of religious, personal or family law” (2003: 1).

To avoid mimicking the extreme compulsory categorisations of the apartheid era, the recommendations expressly state, “the consequences of the union should be determined by the law expressly chosen by the parties” (1998: iv). The concern over potentially ensuing consequences should the Marriage Act of 1961 simply absorb customary marriages is expressed as well: “When spouses marry both by customary and Christian (or civil) rites to allow both forms of marriage equal effect would create irreconcilable conflicts and legal confusion” (1998: iv). One difficulty with mutually exclusive legal channels for marriage registration, especially in terms of the Civil Union Act, is that same-sex couples who wish to negotiate their marriages through the *lobola* system, or who might otherwise be married under the Islamic Marriages Act, are restricted to accessing the Civil Union Act only.

While it seems clear that same-sex unions were not legislated in terms of the laws governing customary marriage partly because of the outcry against same-sex unions from the Congress of Traditional Leaders of South Africa, Elsje Bonthuys argues that this legal mutual exclusivity between customary marriages and same-sex unions resulted in a missed opportunity. By privileging civil marriage, with its roots in colonial law, as the means for legislating same-sex unions, Bonthuys (2008: 172) posits that Parliament “has ignored the rich and varied possibilities for recognising same-sex families presented by customary law and opted instead for simply expanding the scope of civil marriage.” Bonthuys argues that not only does the privileging of civil marriage as the designated form for same-sex unions to take reinforce the supremacy of civil marriage, particularly in the form of the Marriage Act, but it also positions the acquisition of human rights in a relationship diametrically opposed to the preservation of culture. Alternatively stated, “Societies must choose either to protect culture or to achieve human rights by relying on law and constitutionalism” (2008: 171).

Another complication of the Civil Union Act in South Africa is that not only are religious institutions exempt from performing same-sex marriage according to their religious teaching, religious groups must register as a whole with the government in order for individual clergy within a certain denomination to perform such ceremonies validly. If individual clergy interpret their church’s teaching more liberally than the institution itself, those clergy are prohibited from

registering as marriage officers for as long as the broader denomination has not registered. Because most social change originates itself in such individuals who commit themselves to justice against the lagging policies of their governing bodies, this legislation precludes “the important and inevitable evolution of religion” (Bilchitz and Judge, 2008: 158). Additionally, government officials responsible for registering marriages have been given the option to refuse to register the marriage of same-sex couples based on “personal convictions”, which, as Van Zyl (2009: 372) states, “calls into question the state’s responsibility to uphold and promote the constitutional rights to dignity, equality and freedom of lgbtqi . . . people.” The fact that government employees may choose who they will marry or not, but only in the specific case of same-sex couples “suggest that though lgbtqi people are written into citizenship, they are excluded from belonging” (Van Zyl, 2009: 372).

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2.3 From Decriminalisation to Marriage: The Legislative Journey

Wendy Isaack, who worked with the Equality Project throughout the long journey from the Equality Clause to the Civil Union Act, describes the strategy for gaining marriage rights in South Africa and submits that it was crucial to establish constitutional protection from discrimination as well as the decriminalization of homosexual behaviour before even raising marriage as an issue in the courts or with legislators. After the decriminalisation of homosexual behaviour, the strategy was then to win rights in terms of immigration, pension and medical aid, issues Isaack (Judge et al., 2008: 44) describes as less costly to the state and “not necessarily that controversial”. Isaack (Judge et al., 2008: 44) also posits, “Over a period of ten years it built up the jurisprudence that we relied on when we litigated for same-sex marriage.”

The compelling nature of the jurisprudence amassed during that period of ten years is evidenced in Justice Albie Sachs’ Constitutional Court ruling on same-sex marriages in 2005. Sachs’ judgment in the *Minister of Home Affairs and Another vs. Fourie and Another* details the reasoning behind each previous decision. While acknowledging that “the default position of gays and lesbians is still one of exclusion and marginalisation” (Sachs, 2005: 50 at para 78), Sachs drew upon jurisprudence extending back to the inclusion of “sexual orientation” as a category constitutionally protected from discrimination (Judge et al., 2008) to illustrate that legislatively speaking in South Africa, “the world in which [lesbian women and gay men] live and in which the Constitution functions, has evolved from repudiating expressions of their desire to accepting the reality of their presence” (Sachs, 2005: 50 at para 78). The 2005 decision, which granted the legislature 12 months to remedy the exclusion from marriage faced by lesbian and gay couples, concretised a 1999 decision by Sachs wherein he discussed “the interrelationship between autonomy, identity and the right to privacy” (Isaack and Judge, 2004: 74) in these terms:

Autonomy must mean more than the right to occupy an envelope of space in which a socially detached individual can act freely from interference by the State. What is crucial is the nature of the activity and not its site. While recognising the unique worth of each person, the Constitution does not presuppose that a holder of rights is an isolated, lonely and abstract figure possessing of a disembodied and socially disconnected self. It acknowledges that people live in their bodies, their communities, their cultures, their places and their times. The expression of sexuality requires a partner, real or imagined. It is not for the State to choose or to arrange the choice of partner, but for the partners to choose themselves. (Sachs, quoted in Isaack and Judge, 2004: 74)

The 2005 Constitutional Court decision took the right of partners to “choose themselves”, articulated by Sachs in 1999, and transformed it from a relationship to privacy to the right to “celebrate their commitment to each other in a joyous public event recognised by the law” (Sachs, 2005: 45 para 72). Previously, in terms of formal relationship recognition, lesbian and gay couples “were obliged to live in a state of legal blankness in which their unions remained unmarked by the showering of presents and the commemoration of anniversaries so celebrated in our culture” (Sachs, 2005: 45 para 72). The decision was meant to bring same-sex couples into the full experience of citizenship suggested for all South Africans by the Constitution. Sachs acknowledged that some same-sex couples might not seek marriage as a means of classifying their relationships and so “might wish to avoid what they consider the routinisation and commercialisation of their most intimate and personal relationships” (Sachs, 2005: 46 para 72), but was adamant that “what is in issue is not the decision to be taken, but the choice that is available” (Sachs, 2005: 46 para 72).

When comparing the political battle over marriage rights in the US to other countries in which marriage legislation has been successfully adopted, Barry Adam notes that “marriage discourses” are framed in entirely different terms. In the US, it is the idea of marriage that is such a “burning issue.” In European countries, which have adopted legislation, there is a careful separation between “marriage” and legislation granting relationship recognition to gay and lesbian couples. In countries such as Scandinavia, the Netherlands, France, Germany and Canada “legislation has assured same-sex couples most of the rights and obligations associated with marriage without calling it ‘marriage,’ employing instead the local language equivalent to common law spouses, civil unions, *conjoints* and same-sex partnerships” (2003: 273). While some of these countries, most notably the Netherlands and Canada, have later granted full marriage rights to their citizens in same-sex relationships, this important distinction often originates in a political strategy on the part of LGBT activists who are well aware of the “paroxysms of outrage among heterosexual politicians and publics” induced by references to same-sex “marriage”, but also, Adam (2003: 273) notes, there is a sense among gays and lesbians themselves that they “would prefer not to import the deeply gendered and patriarchal strictures that marriage carries.” Adam continues, “Marriage tends to be viewed as a supplement to rather than the goal of relationship-recognition movements and as an option that must be made available if genuine legal equality is to be achieved rather than a goal in itself.”

Melanie Judge and David Bilchitz, writing in *To Have and To Hold: The Making of Same-Sex Marriage in South Africa*, consider South Africa's Civil Union Act to be unique in the context of global same-sex marriage legislation. While same-sex couples cannot access marriage under the Marriage Act, the Customary Marriage Act or the Islamic Marriage Act, both same-sex couples and opposite-sex couples can be married or form civil partnerships under the Civil Union Act. Countries which have adopted civil union legislation rather than marriage legislation have created an either/or dichotomy, allowing same-sex couples only to access rights and responsibilities contingent upon establishing a civil union and allowing opposite-sex partners only to access rights and responsibilities through marriage. While arguing that when accessing South Africa's Civil Union Act, "the choice between forming a civil partnership and a marriage has no legal consequences but provides the couples with an opportunity to decide on the personal and social meaning they wish to be attached to their relationship," Bilchitz and Judge (2008: 154) acknowledge that it is necessary to grant access to marriage to same-sex couples because "since we cannot simply create a status with the same historical resonances, the right to marry was critical for many people who wish their relationships to be associated with those meanings." However, there are many criticisms of marriage as a heteropatriarchal institution with roots in iniquities based in highly gendered roles and assumptions of respectability. Bilchitz and Judge argue that the classification of marriage as just one of a several options for relationship recognition dissipates some of the institution's normative power.

Because in the United States, same-sex marriage opponents legislated their own definition of marriage with the Defense of Marriage Act (DOMA), which defines marriage as between one man and one woman only, at a time when that country neither protected sexual orientation constitutionally nor had achieved nationwide decriminalization of homosexual behaviour, same-sex marriage advocates in the US have not been able to implement the clear and effective strategy envisioned in South Africa, but have been forced to engage defensively within the realm of the unlikely reality of marriage before general non-discrimination. Barry Adam (2003: 275) points to the irony in a more general sense, which retains its accuracy when translated into the specificity of this comparison, "it is only with a strong sense of irony that a notion like 'lag' – so often applied to societies outside the United States by measuring them against an American standard – might be applied to aspects of American society itself." Whereas respect for the human dignity of lesbians and gays is used as a "litmus test" (Reddy, 2001: 84) for human rights in postcolonial societies, presumably in terms of "development", the US would fail this test if submitted to it today.

2.4 Historicizing Homophobia

In attempting to understand the disjuncture between constitutional rights and the terrifying prevalence of homophobic violence in South Africa, Leatt and Hendricks (2005: 303) describe public opinion, measured by the Human Sciences Research Council in its 2003 Social Attitudes Survey, as being “overwhelmingly against homosexuality.” The most commonly invoked epithet against homosexuality on the African continent is that homosexuality is “un-African”. Leatt and Hendricks (2005: 311) purport that this accusation can be understood best as an expression of an “increasing sense of alienation and anger against former colonial powers and North America. The anger is directed at their cultural imperialism, continued war mongering and exploitation of oil and other non-renewable resources globally.” While “gay and lesbian culture, like Coca-Cola, Madonna and blue jeans, has become a potent North American cultural export” (Hoad, 1998: 34), in terms of globalisation “there are massive power imbalances between players in this process” (Leatt and Hendricks: 311).

Consequently, any condemnation of homosexuality as a “western decadent import” also casts it as a “white phenomenon” (Hoad, 1998: 37). Leatt and Hendricks (2005: 304) note the role that “marketing” Cape Town “as a new gay Mecca” has had in reinforcing the perception that homosexuality is a white, and particularly American, phenomenon by referring to the “increasingly Americanised gay subculture.” Reinforcing the “whiteness” and “foreignness” of homosexuality is not the only damage caused by the “increasing numbers of young blond men flocking to the Cape to play” (Leatt and Hendricks, 2005: 304). By creating “new inclusions and exclusions . . . elements of gay life that were part of the Western Cape cultural milieu, such as drag queens or transvestites, are increasingly marginalised or commercialised” (Leatt and Hendricks, 2005: 304).

Through chronicling the influence of the West on the gay and lesbian liberation movements of southern Africa as well as illuminating the contextually specific manifestations of such movements within the same space, Hoad begins to construct a new discourse on the human rights of lesbian and gay people in southern Africa. Part of challenging the accusation of the un-African-ness of homosexuality, for Hoad, involves grounding the struggle for lesbian and gay rights in a broader, “enormous, social transformation”, which occurred during the South African struggle against apartheid. One way he does this is by describing a march in Cape Town just before the first democratic elections in 1994, during which a large crowd of people followed ANC activist Albie

Sachs and the reigning drag queen of Langa (“Miss Langa”), chanting, “We don’t want a president. We just want a queen!” As Hoad (1998: 35) notes, “This street spectacle – which was as culturally indebted to the protest marches of the Apartheid era (the crowd toyi-toyed rather than walked) as it was to Euro-American gay pride parades – points to a remarkable (and perhaps only temporary) alliance between black nationalism and the lesbian and gay movement in their struggles to achieve full citizenship for their constituencies.” Others, such as the Zimbabwe-based gay and lesbian activist group, Gays and Lesbians of Zimbabwe (GALZ), have challenged the accusation that homosexuality is un-African by claiming that “homophobia rather than homosexuality is the corrupting import” (1998: 37).

Into the discourses on tradition, Hoad introduces the tradition of an historical “concern for human rights in the South African liberation struggle [which can be traced] back to the Freedom Charter adopted by the Congress of the People on June 26, 1955 at Kliptown” (1998: 41). As is evidenced in other literature, the recent and vivid struggle for human rights against the egregious surveillance and curtailment of the behaviour of groups and individuals by the apartheid state, has positioned post-apartheid South Africa to be legislatively receptive, through sensitisation to institutionalised discrimination, to advancing the rights of gay and lesbian people. For instance, during the debate of the inclusion of sexual orientation into the Equality Clause of the South African Constitution in June of 1995, “only the African Christian Democratic Party (ACDP) objected to its inclusion” (1998: 42). While this is in stark contrast to the debate surrounding the establishment of the Civil Union Act in 2006, the early objection of Christian constituents to establishing gay and lesbian rights in South Africa bears witness to the mobilization of religion to condemn human rights of gay and lesbian people. In explanation of such a response, Leatt and Hendricks (2005: 310) point to the centuries-long history of colonialism on the African continent, which “brought these European constructions of sexuality and also of morality/deviancy . . . with extreme brutality. Value-laden ideals about sexuality, social constructions of family and kinship, work, exchange, leadership and all other social notions were taken across the globe by missionaries from Europe.”

An effort to follow and record the emergence, and in some cases attempted emergence, of organisations seeking acknowledgement of LGBTI rights from post-colonial southern African states reveals that such attempts to organise meet with tremendous resistance, including accusations of being “corruptors of the state, enemies of the people, impediments to national progress, un-African and victims of a white man’s disease” (Hoad, 1998: 71). While South Africa is a notable legislative

exception in terms of LGBTI human rights, “it must be noted that the idea of homosexuality as un-African and nationally *other* in the South African national context has considerable currency” (1998: 72). Hoad attributes the historic inclusion of the Equality Clause into South Africa’s Constitution, the first constitution in the world to include such rights, to the particular and “late” moment of South Africa as a postcolonial state after the anti-apartheid struggle. Positively, “the timing of the South African constitution in the history of postcolonialism facilitated the entrenchment of lesbian and gay human rights” (2007: 87).

Similarly, Vasu Reddy (2005: 11) examines the transition of South Africa from “the antediluvian criminalisation of homosexuality of the National Party (NP), to the ‘full’ citizenship of gays and lesbians under the government of the ANC.” Reddy (2005: 11) points to the significance of the “temporal shift” as a “productive moment” during which homosexuality was able to emerge as a political identity deserving of constitutional rights, but which was also “a symptom of complex globalisation that has marked the closing decades of the twentieth century.” Calling on the work of Parker and Gagnon, Reddy (2005: 12) theorises the importance of moving past a “superficial understanding of sexuality” by acknowledging that all “sexual cultures” are not the same, but when viewed in their specific geographic contexts, should also be situated “within the broader processes of history and political economy in order to analyse the tension between an emphasis on local meanings and an understanding of global processes.” This can only be done, Reddy (2005: 12) asserts, by “seeking to interpret the specificities of local sexual cultures as they are caught up within the cross-currents of global processes of change.”

A nuanced understanding of pre-colonial sexualities and performances of gender identity indigenous to the African continent, and South Africa in particular, is part of taking the “specificities of local sexual cultures” (Reddy, 2005: 12) seriously. While I acknowledge that there are rich empirical studies (Blackwood and Wieringa, 1999; Saskia and Wieringa, 2005; Nkabinde, 2008) detailing the capacity of pre-colonial cultures and institutions to accommodate a diverse range of sexualities and expressions of gender identity, the scope of this research does not allow me to present those studies to the fullest extent that they deserve. The moments of history with which my review of the literature is most immediately concerned involve the time periods leading to the legalisation of marriage and the establishment of the Constitution, as points of contextualisation for the experiences of women who are living in the post-apartheid space shaped by those moments.

2.5 Organising Around Identity

While the strength of international movements for human rights originate in their understandings of “local sexual cultures as they are caught up within the cross-currents of global processes of change” (Reddy, 2005: 12), this research occupies a very specific space and time within 21st century South Africa. One criticism of the Civil Union Act is that in order to access marriage rights in South Africa, one must “come out”, and in doing so publicly embrace a homosexual identity. As Van Zyl (2009: 371) posits, “*Identifying* as homosexual in a climate of stigmatisation means being *visible*, and becoming visible could spell danger.” POWA’s *State Accountability of Homophobic Violence* documents how very real that danger is in South Africa, as in many other parts of the world. Therefore, as Vasu Reddy shows, even organising around an identity in response to discriminatory treatment can exacerbate homophobia to incredibly violent levels. Reddy explores the heterosexist psychological impediments that contribute to a staying societal homophobia encouraged by the state. Including statements issued by political leaders from Zambia, Namibia, Uganda, Swaziland, Kenya and Egypt, Reddy (2001: 86) highlights such encouragement of homophobia and comes to the conclusion that while “we may insist that the modality of claiming citizenship is about furthering a democratic project . . . it is the case that a human rights culture is itself lacking in these countries.”

Reddy (2001: 83) indicates five impediments in the heteronormatively-shaped citizen’s psyche which preserve the homophobic agenda of the state. The first is a “fear of difference, of change, and of variation.” The second involves the medicalisation of homosexuality as a disorder. Hence, “when ‘discomfort’ becomes hatred and an obsession it leads to irrational acts of violence and exclusion.” The third is that understanding most people’s capacity for same-sex desire, there is a fear not only of the other, but also that the self is other. It is possible that this fear wields a disproportionate power over the psyche. The fourth is that homophobic discourse is used “as a tool to control, police and harass”. The fifth is that homophobia is a “form of gender violence and consequently gender oppression.” It is often in response to the repressive atmosphere of homophobia, manifested in increasingly violent acts of homophobic brutality, caused by these factors that lesbians and gay men choose to embrace an identity and organize for recognition of human rights. Historically, such organising as a point of “positive identification” in reaction to “hostile categorisation” came from an intensely and vigilantly constructed “divide between homosexuality and heterosexuality [which]

seemed rooted in nature, sanctioned by religion and science, and upheld by penal codes” (Weeks et al, 2001; 14).

Vasu Reddy further explores the importance of language in the formation of lesbian and gay identities in South Africa. The title of his unpublished PhD dissertation, *Moffies, Stabani, and Lesbos: The Political Construction of Queer Identities in Southern Africa* bears the legacy of changing language stamped boldly on its spine. Reddy defines and contextualises the terms used in the title of his dissertation both in terms of etymology and current usages. He then contends that though these terms were originally used and continue to be used with derogatory connotations, locating “homosexuality simply as a perverse desire associated with pathology . . . signalling a return to a biomedical and non-cultural understanding of human sexuality” (2005: 29), it is possible that terms invested with negative connotations can be “reconfigured as a form of resistance to challenge and critique heteronormativity” (2005: 35). The terms “moffie”, “stabani”, and “lesbo” are all derogatory terms used to refer to lesbians and gay men by reducing gays and lesbians to a sexual act. In other words, “homosexuality is aligned along a simplistic heteropatriarchal binary, which views homosexuality as *acts* rather than as an *identity*” (2005: 29).

According to Reddy, language is one of the most important ways through which the exclusion and marginalisation of LGBT people is accomplished. It is the language “of perversion and criminalisation [that] underpins the stigmatising, heteronormative discourses of homosexuality” (2005: 36). However, in the same way that Western and international gay and lesbian rights discourses have reclaimed the term “queer” as an act of resistance against heteronormalising language projects, Reddy (2005: 40) asserts that South African gays and lesbians have begun reclaiming terms such as “moffie” and “stabani” in an effort to renegotiate a kind of identity politics. It is this evolutionary process of language that membership to a group can mobilise politically around a demand for rights. According to Reddy (2005: 42), “in the process of change . . . bigoted use of language has been transformed into a defiant use of language.”

In considering the formation of gay identities in South African spaces, Reddy points to the political and legislative role of decriminalisation in identity formation. “The queer subject is therefore constituted in the intersection between law and human rights, where the question of equal protection before the law is interpreted in relation to access to justice” (Reddy, 2005: 263). Additionally, Reddy (2005: 264) indicates that decriminalisation “similarly entails forging identities

through acts of resistance that affirm homosexuality, facilitate identity formation as political, and recuperate rights to citizenship and belonging.” Some authors map the development of homosexual identities, as opposed to homosexual behaviour, in South Africa by historically charting organisations formed in response to the needs of gays and lesbians to socialize or to instigate for their own human rights.

Historically, those engaging in same-sex behaviour did not necessarily consider themselves to be lesbian or gay. Even those in life partnerships with someone of the same sex might not have embraced an identity in the way that we understand the terms today. Part of the impetus for claiming an identity originated in the quest for rights or in response to discriminatory treatment doled out by heteronormative societies who defined those in same-sex relationships or those who engaged in homosexual behaviour as “deviant”. As Van Zyl states, “Through sharing experiences of objectification, people come to an understanding of common identity, and move to political action” (2005: 231).

In a discussion of representation, Vasu Reddy locates the formation of a homosexual identity as a “crisis of representation” in which “the homosexual seeks inclusion, acceptance, tolerance, and indeed affirmation that is less about sexual desire than it is about the recognition of an identity and full citizenship.” In South Africa, several authors have shown how this evolution took place within the diverse contingencies of the lesbian and gay communities. In their article, “Forging a Representative Gay Liberation Movement in South Africa”, human rights activists Mazibuko Jara and Sheila Lapinsky (1998; also Epprecht: 2004), who argue that the evolution of a South African gay rights movement cognisant of all of the “race, gender and class inequalities” dividing South Africans will require “the deliberate construction . . . of a new and more inclusive South African gay identity” (1998: 45), describe the “coming out” of organisations formed to support and advocate for the LGBTI community from spaces as diverse as the population of South Africa itself. The earliest organisations were formed in the 1960s and 1970s by white gay men as social clubs engaged in limited political activity. In fact, the only political consciousness exhibited by these organisations was an effort to prevent the criminalisation of homosexual behaviour from being included in the Immorality Act.

The Law Reform Movement was established for this purpose, but did not ally itself with anti-apartheid political organisations and it was not until 1988, with the founding of the Gays and

Lesbians of the Witwatersrand (GLOW), that LGBTI people began to join their voices to those opposing apartheid. After the founding of GLOW, LGBTI organisations became increasingly diverse and politically active, instigating for LGBTI equality as well as opposing Apartheid. In 1991, GLOW organised the first gay Pride parade in South Africa. Since the transition to democracy in 1994, LGBTI activist groups such as the National Coalition for Gay and Lesbian Equality (NCGLE) have been established to guarantee the inclusion of LGBTI rights in the country's new constitution. While Jara and Lapinsky, writing in 1998, assert "Affluent, white gay men are still, however, the most influential even though they are not in the majority", by 2005 Jacklyn Cock writes, "The lesbians are the radicals now. The boys are leaving the struggle . . . The people protecting the Equality Clause are a handful of under-resourced people, mainly lesbians" (Hoad et al., 2005: 206). However, with the historical visibility of LGBTI organisations "since the 1960s until democratization" represented by "predominantly male, white memberships", Van Zyl notes that it would be easy to "equate lesbian and gay organisations with whiteness, as has happened in Zimbabwe and Namibia" (2005: 233).

2.6 The Current Climate

While the above authors chronicled the formation of movements around gay and lesbian identities in South Africa in order to mobilise for rights, it is necessary for individuals to embrace such identities in very different dynamics in order to access marriage rights. Claiming access to marriage rights entails embracing lesbian and gay identities at an individual level, outside of larger movements for rights (Van Zyl, 2005). In an atmosphere of intense homophobia, it is an act of courage for couples to claim their relationships publicly through accessing marriage rights due to the imminent threat of homophobic violence.

Mary Hames (2007: 55) succinctly characterises the intensity of the tension in South Africa by speaking to the gap between the legal status of lesbian and gay people and the social spaces they inhabit in their everyday lives as South African citizens:

Because of these policy and legislative developments, South Africa came to be perceived as the most gay-friendly, tolerant, sexually liberated democratic state on the African continent. However, the violence against and killing of Black lesbians, statements of homo-prejudice and homophobia by public figures, the backlash of the religious right, and a homophobic media show that South African society is still deeply conservative, divisive, patriarchal, homo-prejudiced, and racist. (Hames, 2007: 55)

Mark Gevisser has described the meanings involved with same-sex sexuality in South Africa in the following terms: “the interplay of sexual identity with the politics of race, class, and gender; the different relationships of middle-class white people and working-class black people to a homosexual subculture; the marginality and invisibility of lesbian voices in both black and white gay subcultures” (Gevisser, 1995: 17). Gevisser indicates that the privileged space of white masculinity in apartheid South Africa erased the diversity of the LGBT presence through marginalisation of those voices not white and not men, until the historical intersection of the struggle against apartheid and the struggle for LGBT rights began to destabilise the hegemonic white masculine “ownership” of the struggle for gay rights in South Africa (Gevisser, 1995). While this radically altered the face of LGBT activism (Cock, 2005), Leatt and Hendricks (2005) show that many of the places where lesbian women and gay men socialise have remained drastically segregated due partly to persisting socio-economic inequalities.

Historically, same-sex relationships in southern Africa have been characterised by their invisibility (Gevisser, 1995). Marc Epprecht's construction of a history of "dissident sexuality" in southern Africa draws primarily from arrest and prison records, especially to inform memory of same-sex sexuality during the colonial era (Epprecht, 2004). In the twentieth century, records of lesbian and gay "history" emerged in equally unexpected places. Though the intention of the magazines *Drum* and *Golden City Post* were to publish scandalous best-selling material (which meant sensationalising the drag queen and king events they themselves sponsored), and though the portrayal of the drag queens they photographed was often hyperbolised, the magazines became "an unusual – and partly unwitting – repository of South African gay and lesbian culture and history" (Chetty, 1995: 116), capturing the unique ambiance specific to vibrant communities such as District Six or Woodstock in Cape Town during the 1950s – 1970s era.

Even when same-sex sexuality began to be formally legislated against, lesbianism tended to be a blind spot in the eyes of the law (Gevisser, 1995). Though women did not experience the formal illegality of their relationships until later than men, Gevisser (1995: 19) describes intensity of the societal regulation of women's lives: "despite being entirely ignored by the law and the media, [lesbians] experienced far greater pressure to remain closeted and had far fewer public gathering places." An enormous part of that social regulation was the expectation that women should marry men (Gevisser, 1995). When anti-homosexuality legislation was being crafted in 1968, a threat responded to by the gay community's formation of the Law Reform Movement, it was rumoured that lesbian sexuality would be included in the legislation for the first time (Gevisser, 1995). Gevisser (1995: 32) documents the panic that ensued by citing one lesbian woman's reaction, "There was a rumour that women would not be allowed to live together. I remember going absolutely cold and thinking, how are we going to live if we can't live together?"

While Gevisser, in 1995, wrote, "South African lesbian and gay communities remain, on the whole, invisible to the public eye, still subject to their characterisation of 'unapprehended felons' by the law, sinners by the church, and deviants by society in general" (1995: 64), it may be that increased visibility since democratisation has played a part in the exacerbating incidences of homophobic, and particularly "lesbophobic" (Muholi, 2004), hate crimes in South Africa. Though legal protection from discrimination has been ensconced in the Constitution, the prevalence of gender-based violence, and particularly the rape of young black lesbian women, has escalated (Moffet, 2009).

Motivating for a theorisation by black lesbian women of hate crimes against black lesbians, Zanele Muholi (2004: 117) describes the “lived realities and experiences of lesbian-identified women, such as those living in and around urban townships”, which are “still overwhelmingly dominated by a set of intersecting raced, classed and heterogendered politics that blur the lines between our apartheid past and our new constitutional democracy.” Muholi (2004: 117) posits that “as lesbians, educational discrimination and unemployment continue to shape our collective experience of poverty”, while “our blackness still excludes us from the mainstream, mainly white, gay and lesbian voice.” Locating the threat to patriarchy posed by black lesbian women in the rigid construction of what it means to be an “African woman” (Muholi, 2004: 122), Muholi (2004: 122) writes, “it is the disruption of this sameness and the challenge posed by black lesbian women to the fixity of what is an ‘African woman’ (in itself an identity imposed by a colonialist order), that makes non-heterosexual women’s gender, sexual, and erotic autonomy so disturbing. The rape of black lesbians reconsolidates and reinforces African women’s identity as heterosexuals, as mothers, and as women.”

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2.7 Research Focus

A review of the literature relevant to a study of same-sex marriage in South Africa reveals competing notions of citizenship. Inclusion of lesbian women within the parameters of constitutional protection and progressive legislative developments suggests that citizenship has been fully extended to them. However, the prevalence of violence against women in South Africa, and the specific form that violence against lesbian women takes (Muholi, 2004), questions the extent to which such citizenship has been translated into experiences of belonging. Public expressions of homophobia coupled with escalating hostility against lesbian women results in a compromised sense of belonging for women whose citizenship exists most concretely in the legal sphere. In order to understand the relationship between access to marriage through the Civil Union Act and lesbian women's experience of their own citizenship, exploring the meaning of belonging, as it reveals or absents itself, is a focal point of interest within the parameters of my research.

Marriage has been historically embedded within geographically and culturally specific social, cultural and religious meanings central to understandings of family formations and networks of kinship. Though same-sex relationships are often conducted in defiance of traditional social expectations, family and kinship formations remain dominant forms of social organisation (Weeks et al., 2001). The lesbian women represented in this research are claiming their legal right to solemnise their relationships within the space of such embedded meanings. However, the reality that same-sex marriages, customary marriages and marriages conducted through Islamic family law are mutually exclusive categories has immediately resulted in a curtailment of access to the full experience of belonging for some women before the process of negotiating the acceptance of family and community even begins. Therefore, the combination of social, cultural and religious meanings solidified by legislative authority fail to fully incorporate lesbian women into the sense of "belonging" to which citizenship in South Africa is meant to entitle them.

In an attempt to uncover the lived experiences occurring within these theoretical, legislative and practical realities, I have spoken with a diverse group of lesbian women who inhabit South African spaces and have accessed marriage as a facet of claiming the citizenship extended to them. In order to understand the way in which belonging is shaped by the agency of lesbian women negotiating their own citizenship, as well as the ways in which that belonging is curtailed or enhanced by social realities, I have interviewed 15 married lesbian women who generously shared their stories of

being married through the Civil Union Act in South Africa. In the following chapter, I lay the methodological groundwork for my approach to this study, and discuss the methods used to collect and analyse the interview data.

3. Methodology

Because “feminist work challenges us to consider our motives in our writing and our research” (Oldfield et al., 2009: 6), positionality and ethics are indivisible aspects of research for me. My personal sense of ethics is very aware of my positionality as a white American lesbian woman in South Africa. My choice of topic for research was informed directly by my positionality in relation to the production of African-based knowledge. Because I feel that for myself, as a researcher from the global North, to focus on issues that require transformation in the global South, obscures the reality that transformation is also needed in Northern spaces, I feel that my role as a North American producing research in Africa should be to focus on an issue that exposes the urgency of a demand for transformation in the North, particularly within the United States, inarguably the seat of modern imperialism, described by Leatt and Hendricks (2005: 310) as “the economic, technological and ideational locus of globalisation.” This is a point that is driven home to me every day, while riding past three Kentucky Fried Chickens and one McDonald’s to finally exit a taxi at KFC in Woodstock, where I spend my afternoons as a volunteer, tutoring young girls. The ubiquitous manifestations of American consumer-driven culture, which pass by the window during the daily taxi ride, and various other experiences in South Africa, consolidate my understanding of what it means for me to be *here*, having come from *there*.

Therefore, it is imperative to me that I not rehearse the history of colonial anthropology or mainstream development paradigms by producing research with violence or poverty or suffering at its centre. The necessity of producing African-based knowledge to transform marginalised suffering is crucial, but the weight of my positionality reminds me that my role, as a North American student who will spend less than two years in South Africa, is to resist reductive homogenisations of “Africa” as “starving masses”, which is the “imaginary [often] provided by and to Westerners” (Eisenstein, 2004: 30). The knowledge I produce during my tenure as a student at the African Gender Institute will be knowledge with which I will return to the US. I want that knowledge to stand as a challenge to stereotypically reproduced images of “Africa” in mainstream America. The meaning of taking gender seriously in research, for me, means engaging in active resistance against the “rehearsal of brutal and demeaning legacies” (Bennett, 2008: 3).

One way in which to wage such a resistance is to approach research with “transnational” positionalities at its core with Eisenstein’s theory of “seeing”. In her text, *Against Empire*, Eisenstein

writes that recognising the multiple directions in which currents of cultural influence flow and investing in the multiple sites from which resistance to imperialisms are passionately conducted is a way of resisting the formation of empire. Eisenstein uses the body as the essential point of “seeing” through differences and across spatial, national and class barriers because “the body’s needs speak beyond imperial/colonial categories” (Eisenstein, 2004: 31). My positionality within my research attempts to problematise a simplification of North/South or West/Other dichotomies that position “tolerance” and “homophobia” or “progress” and “tradition” in respective opposition to one another, by examining the experience of individuals in a postcolonial space with the most “progressive” legislation in the world in relation to LGBT people.

Due to “the identification of gay politics with cultural and political modernity” (Butler, 2009: 106), dichotomous relationships have been constructed between North/South, which fail to recognise the complex histories of colonial interference in pre-colonial understandings of gendered relationships and awareness of diverse expressions of sexuality (Bhana et al., 2007). This interference was so complete that it leads some scholars to conclude that homophobia, rather than homosexuality was imported by the colonial powers (Hoad, 1998; Reddy, 2001; Horn, 2006). While the invocation of “tradition” and “culture” have been used to justify arrests of and assaults on “homosexuals” on the African continent, such treatment is more reflective of colonial regulation of rigid norms governing gender and sexuality. So while many Western European and some North American countries can claim “progressive sexual politics” (Butler, 2009: 104), there is a silence muting the reality that those same countries, as colonial powers, often instituted penal codes harshly criminalising same-sex sexual behaviour. When European and North American nations condemn a country such as Uganda for the extremity of its attempt to further entrench the criminalisation of homosexuality in Uganda, there is an ironic negligence of the historical gendered and sexual norms of nineteenth century Europe reflected in the political processes of 21st century Uganda.

Though Eisenstein is located in the “West”, she attempts to “see” from as many locations as she can. For the purpose of this research, I have crossed national boundaries and the boundaries between hemispheres in order to “see” differently. Here, I am attempting to “see” as a person who has been educated and lived in the “West”, but has invested in a vision that resists western capitalist imperialisation, and has crossed boundaries in order to learn alternative ways of “seeing” and “being”. Like Eisenstein (2004: 39), I believe that “new routes to seeing are needed to lay bare

the power structures that cover over history.” Therefore, my focus for research is one that takes seriously the “progressive” legislation in a postcolonial space partly in order to confront the homophobia of my own country when I return to the United States, but also to privilege individual experiences of negotiating such legislation, asking questions about possibilities for transformative change in lived experiences because “feminist critiques of globalisation and post-colonial readings of modernity direct us to record and understand the everyday, and to theorise from this base” (Oldfield et al., 2009: 4).

There are many tensions inherent in an attempt to consider marriage as an equal rights issue from a perspective that takes gender seriously. It is impossible to divorce a study of marriage from the history of the institution rightly and constantly problematised by feminist scholarship. Because, as Mikki van Zyl (2009: 378) states, “Heterosexual marriage is a primary site for masculine power based on institutionalised and heteronormative masculinities and femininities”, marriage exists to reinforce and perpetuate heteronormativity. From a feminist perspective, marriage is the embodiment of patriarchal power structures, and is fraught with unequal relations of power between men and women. As a feminist researcher, I must be critical of such an institution even while looking for opportunities to renegotiate gender relations within it.

While language formulas for use in the Christian tradition of marriage rites have been somewhat gender-neutralised, the structure of the marriage ceremony in Christian churches continues to replicate the historical roots of marriage, wherein the ceremony involved one man (the father) “giving” a woman (his daughter) to another man (her husband), as in an exchange of property. I need only reference my years of experience as a church organist to confirm the significance of the “giving away” of the bride, sometimes mitigated by language terming the moment “the presentation” of the bride, by her father. Under the Customary Marriage Act, marriage has also marched into modernity with its symbolic roots in the idea that women were property to be “exchanged”. According to the Discussion Paper on Customary Marriage, entitled, *The Harmonisation of the Common Law and the Indigenous Law* (1998: ix), “Bridewealth is synonymous with marriage in African tradition.” While the suggestions in the paper maintain that payment of bridewealth and the “formal handing over of the bride should be considered optional” (1998: iv), therefore “analogous to the solemnization of marriages by religious rites” (1998: ix), it is clear that these facets of customary marriage remain as its primary “cultural attributes” (1998: ix).

However, in the twentieth and twenty-first centuries, access to marriage has evolved as a human rights issue, based in the exclusion of some groups from the right to marry. In South Africa, the law has had to evolve in terms of marriage rights not only in order to extend full citizenship rights to same-sex couples, but also to facilitate the recognition of marriages governed by customary law and Islamic law, both of which have historically taken place outside of colonial Roman Dutch law, in which apartheid policy was based (Cameron, 1995; Discussion Paper on Customary Marriages, 1998).

This integration of previously excluded communities is steeped in a political economy of change, of which taking gender seriously is a part. Critiques based in gender analysis are so deeply embedded in a necessity of change that they are often met with more resistance than any other type of social analysis. Carole Pateman (in McDowell, 1992: 401) describes the source of such resistance to arguments that “are as potentially subversive of conventionally radical theory, including Marxism, as of other theories, and those radicals who might be expected to be the allies of feminist scholars are as often as not hostile, or at best indifferent.” Pateman’s words, written in 1986, resonate strongly in the recorded protestations against the Civil Union Act in 2006, found in *To Have and To Hold: The Making of Same-Sex Marriage in South Africa* (“The Civil Union Bill is Debated in the National Assembly”: 134-145). The passage of two decades has not tempered resistance to the change required by taking gender seriously.

I have used qualitative research methods to investigate my research question. In order to understand the impact of the Civil Union Act, I have talked to lesbian women who have actually married, since its adoption as law. My research continues to occupy an experimental space because, with the exception of the pilot study conducted in 2009, there has been no documented research concerning the impact of same-sex marriage on those who choose to access it in South Africa. There is no other way to understand the impact of access to a previously foreclosed legal right than to talk with those who are accessing that right.

The continuation and expansion of the research was meant to accomplish several things. The pilot suggested that including a larger number of participants would allow me to investigate questions of citizenship and belonging to a much greater extent than was possible with the pilot study. Additionally, the deliberate inclusion of additional “racial” diversity speaks to an absence in the earlier research, which dealt only with four couples. The smaller number of participants

included in the 2009 research resulted in particular silences, especially in relation to the homogenisation of “African” or “black” “culture” as homophobic, without black lesbian voices to trouble such homogenisations. The inclusion of black lesbians did not lessen the sense of homophobia present in the responses, but black lesbian voices did expose the reality that homophobia is the purview of every “race”, in the same way that responses from Muslim, Christian and Jewish lesbian women exposed the reality that one religion is not the sole proprietor of homophobia. In fact, the participants were so incredibly diverse that the homophobia they have all encountered at some stage in their lives was the most common denominator between them.

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3.1 Methods

Between January and April of 2010, I conducted sixteen semi-structured in-depth interviews with lesbian women who have been married through the Civil Union Act, as well as one interview with a married lesbian couple. I identified my participants through a process of “snowballing”, which evolved from research on the same topic begun in 2009. The process in 2009 began with Liesl Theron, who was kind enough to introduce me to The Inner Circle, a human rights organisation focusing on the Qur’an, which also serves as a source of support to gay and lesbian Muslims. Subsequently, The Inner Circle referred me to Inclusive and Affirming Ministries or IAM, an organisation within Christian contexts with a similar function to that of the Inner Circle within the Muslim community. Those contacts were invaluable to me during the course of the pilot study, and were the point from which I initiated contacts for the current research, as well. Additionally, I made exhaustive contact with many LBGT organisations and religious marriage officers to reach individuals interviewed for this research.

It was imperative to me that I seek a demographically diverse sample. While the sample represented in my Honours research was culturally and socio-economically diverse, I felt that the lack of representation of black lesbian women was detrimental to an exploration of legal marriage for lesbian women in South Africa driven by the methodology required by feminist epistemology. Intentionally expanding the “racial” demographics of my study was not easy, and involved making extensive contacts beyond the Western Cape, obliging me to widen the geographical boundaries of my research “field” beyond Cape Town and the Western Cape. I found it incredibly difficult to identify married black lesbian participants within the Western Cape through my contacts with organisations and marriage officers, though this was a demographic group I was actively seeking in order to expand the diversity of my study. By including Gauteng in my field of research, I was able to broaden the diversity of the sample “racially”, but also culturally due to the inclusion of one traditional healer and one woman who is married to a traditional healer.

The interviews for the pilot study were conducted with couples. While I found couples to be forthcoming and willing to discuss any aspects of their marriage about which I asked, the interview also seemed to be a place for couples to recreate jointly constructed narratives of their marriage. Therefore, I felt that conducting the interviews individually might create a freer space for partners to explore their experience of marriage individually. In some cases only one partner was

comfortable with being interviewed, but in other cases I had the opportunity to interview both partners, and chose to interview them separately. In one case, because of the availability of the couple, I did conduct one interview with both partners present. However, because of the sheer amount of data gathered throughout the interview process, that interview is not represented here. Additionally, I was unable to use one of the interviews conducted with an individual, resulting in the discussion of 15 interviews throughout the chapters of analysis and conclusion (Chapters 3, 4 and 5). All of the interviews which are analysed and discussed for the purpose of this research have been conducted with individuals. However, because I did have the opportunity to interview both partners in the case of three couples, I was eager to take that opportunity, and include the data here. Because the Civil Union Act is only in its fourth year, research on its impact is a new and experimental area, meaning that it was important for me to make use of every possibility of gathering data to which I had access. I have clearly indicated within the content of the analysis when an individual is represented as compared to cases wherein both individuals represent a couple, though interviewed separately.

I procured written consent for recording the interviews after explaining the purpose of the interview to each participant. Additionally, I explained the potential uses of the interview material, which included incorporation into this research, but did not exclude use of the material for future articles. Most participants were adamant that their identities did not need to be disguised and indicated in writing their permission for me to use their names in the research. However, due to the differing locations of participants within their communities, and because of the very real potential for the political climate to change in a way that makes LGBT individuals more vulnerable in every geographical location, I decided to identify all participants by using pseudonyms. Participants were informed that they could refuse to answer any questions posed by me, and were also informed that they could terminate their participation in the project at any time.

During the course of the interviews, I attempted to discern the meaning of “belonging”, as evidenced in marriage, for the lesbian couples with whom I spoke by asking questions which invited participants to talk about the experience of the actual ceremony of marriage itself, particularly in relation to the construction of the ceremony and the involvement of family and friends in that process. These questions then provided a setting within which to situate the couple’s relationship to family and community networks and the way in which those relationships shifted (or didn’t) after the marriage.

During the course of the interviews, I purposefully refrained from using terminology associated with the heterosexual model of marriage because I wanted to know what language emerged from the participants' own discussions and experiences of marriage. In cases where the participants used terms like "engagement", I also use that term throughout the analysis, but I have otherwise avoided the heteronormative lexicon traditionally associated with marriage. Also, understanding that customary marriages and marriages solemnized through Muslim family law are part of the culture of marriage in South Africa, I felt that my usage of terminology from the singularly recognised tradition of marriage in the US could limit the richness of the responses. Due to my own limitations with language in the space of South Africa, all of the interviews were conducted in English, though it is true that English is not the first language of the majority of participants.

I began my analysis of the data with multiple close readings of the text. Due to the large number of participants and the vast amount of data collected, the analysis is a content analysis focusing on experiences emerging from the interview data, rather than concerning itself with an in-depth discourse analysis of the way words such as marriage are reproduced in discourses of marriage for lesbian women. The content analysis was then followed by a thematisation of the material. The themes that emerged were organised in two chapters of analysis, which are intended to illuminate experiences of marriage through the Civil Union Act, as represented by the individuals interviewed for this research. Because my research interest in relation to this material deals with investigating the possibility of a legal right to engender citizenship, more specifically through "belonging", the material is organised and presented in themes that speak most directly to participants' feelings about belonging within the space of South Africa. The first three themes, "In South Africa it's Different': Being Lesbian, Women and Married in South Africa"; "Terminology, Roles and Names" and "Physical, Emotional and Family Security", are presented in the chapter entitled "Experience of Marriage through the Civil Union Act: Locating Research in Space, Language and Experience". The remaining themes, "Marriage: Who's it for?" and "Marriage: Privileging Legal or Symbolic Meanings", are presented in the chapter "Ceremony and 'Admin': What Marriage through the Civil Union Act 'Looks Like'".

The enormity of material that was gathered during the process of conducting interviews demanded that I exercise great fidelity to the emergent themes, utilising the material that spoke most directly to the thematic framework. Therefore, every participant is not represented in every section, leaving a great amount of the data unexplored and lending itself to further questioning in

future research. The widely diverse sample represented by this research revealed a nearly equal diversity in responses. While the relatively small sample represented in the pilot study revealed many trends and similarities, the diversity of the responses currently under discussion eschewed thematic uniformity. The process of articulating the experiences through a framework dictated by themes demanded that the themes be capable of accommodating great variation in order to foreground the gathered experiences in a way that did not mute their strident colours into dulled tones. The following analysis is the result of that process.

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4. Experiences of Marriage through the Civil Union Act: Locating the Research in Space, Language and Experience

The findings presented in the following two chapters deal with qualitative research collected between January and April 2010. Voices included here represent 15 interviews conducted with individuals. In three cases, couples are represented through the individual experience of both partners, interviewed separately. For a brief introduction to each participant, please see the Appendix. All participants are identified by pseudonyms. Demographically represented are 3 Zulu women; 1 Tswana woman; 5 “coloured” women; 2 English speaking white women; and 4 Afrikaans speaking white women. The women range in age from mid-twenties to mid-fifties and are representative of diverse socioeconomic classes.

The following two chapters serve to present the findings uncovered by this research project. The first chapter, “Experience of Marriage through the Civil Union Act: Locating Research in Space, Language and Experience” has been divided into three sections. The first two sections, “In South Africa, it’s Different’: Being Women, Lesbian and Married in South Africa” and “Terminology, Roles and Names”, serve to contextualise the research within both the space of South Africa as well as within lesbian performances of relationships within South Africa. The third section, “Emotional, Physical and Family Security” is meant to begin moving the presentation of experiences from the space of experiencing identities as lesbian women in South Africa and the enactment of same-sex relationships between women in that space toward a discussion of the formation of families and extensions of networks of kinship inherent in engagements with marriage, which are then presented in the second chapter of analysis, “Ceremony and ‘Admin’: What Marriage through the Civil Union Act ‘Looks Like’” under two sections, “Marriage: Who’s it for?” and “Marriage: Privileging Legal or Symbolic Meanings”.

Because there are different dynamics between the sets of data involving interviews with one individual partner and interviews with both partners conducted separately, the interviews with individuals will be presented first in each section, followed by discussion of interviews where both partners were interviewed separately. After the first section, dealing with individual identities in South Africa, responses from partners will be presented together, as if from a temporally antiphonal duet.

4.1 “In South Africa it’s Different”: Being Women, Lesbian and Married in South Africa

Many participants had something to say about being South African, especially as they experienced being women who are lesbian and married, but also in an attempt to explain South African contexts to someone unfamiliar with the explicit specificity and overarching meanings of what it is to be South African. In this section, voices will be presented as they emanate from individuals rather than emerging as partners experiencing a process, almost without exception. In that way, the individual narratives of South African identity can be heard as they best converse with one another. Conversations during which participants attempted to locate themselves within the larger canvass of the country, often in order to facilitate my understanding of South Africa, reveal a space rigidly divided along a preponderance of racialised and classed boundaries.

Some participants attributed the maintenance of those boundaries to South Africa’s recent apartheid past. Recollections of what life was like when “being gay” was criminalised were invoked most explicitly by white women in their 40s and 50s. Ronel describes the way in which the illegality of “being gay” meant that opportunities to socialise with other gay and lesbian people resulted in the creation of codes of behaviour and the circulation of coded warnings to thwart the constant surveillance and intermittent intrusion of agents of the law within both public and private social spaces for lesbian and gay people.

...lots of dancing and stuff going on, but I remember a couple of raids on the club by the police. That they would come and raid the place . . . it was still sort of illegal to be gay, so there would just be a call saying “Betty Bangles” in the club . . . They called the police Betty Bangles – the gay guys, and people would swap around . . . The girls would grab boys and the boys would grab girls just to make it appear like normal, you know, that kind of stuff went on and even with home parties, I remember once a party at a friend’s house, and her bank manager lived next door and I don’t know why he decided at some odd hour to join the party or to come see what’s going on, the next minute’s also just this call go through the house that “straight man from next door in the house” and also this swapping happens, you know? Everybody swaps partners so it looks more “normal”. [Ronel]

Social spaces were not the only spaces considered by Ronel. While Ruth (below) implicates the Dutch Reformed Church in “condoning” the former South African government’s apartheid policy, Ronel likens the church’s contemporary treatment of “gay people” to the South African government’s legacy of apartheid. Considering both unconscionable, she foresees a future in which

the Dutch Reformed Church will have to “ask forgiveness of gay people for what [it has] put them through.”

I believe that the same way the South African government had to get to a place where they asked for forgiveness about the apartheid years and what they believed was so totally right, the Dutch Reformed Church is gonna get to the point where they actually have to ask forgiveness of gay people for what they've put them through all those years because I still think gay people don't really feel welcome – you still feel that you're out. [Ronel]

From her particular perspective as a person who has engaged theologically with the Dutch Reformed Church throughout her life, Ruth spoke about the racialised divisions in terms of a “segregation” enforced not by “law”, but by “localities”:

I think, still with apartheid being so – I mean, it was my church, denomination that condoned it and with the legacy of that, we're still working through the sense of we're sorry for it, but in some ways, it's one thing to say and be done with it. It's another thing to do - we're still living in separate suburbs, we're still having our own – it's part of what apartheid has created that it is only our children's children that are more having contact, we don't necessarily have a lot of contact – I happen to have, because of [my organisation], but if I was just a normal minister in a congregation, in some ways, it's still, not segregated by law anymore, but just by localities, which gives limited exposure. [Ruth]

This kind of segregation “by localities” leads to some participants feeling that a move between areas entailing a shift in demographics can be challenging. Carmen spoke about the ease with which she adjusted to having moved from an area populated largely by “coloured” people to an area predominantly populated by “African” people. For Carmen, the move was easy because “from my teenage years, I would go into the . . . rural areas like Gugulethu and Khayelitsha, go visit my friends and stuff, so to me it was nothing new.” However, Carmen spoke about the difficulty her partner Amy felt in moving to a new area, which required subverting rigid historical divisions.

The first people that I really got involved with I grew close to them was the African people that live next door over there. The African people in this street was the first, yes, very few coloured staying in this street, but the African people is the first people I interacted with. She – for her it was very hard to mingle with the people and it was very hard to come stay here in Delft because she couldn't take . . . the black people. Too much black people for her. So she had to adjust to it. She cried a lot . . . she was like depressed because she can't take it. But afterwards, she started to love the people and to get used to the people, get used to the black people and she started to get happy staying here. [Carmen]

Carmen's memory of moving with Amy to their new home illustrates the fluidity of seemingly rigid divisions. Her description of Amy's "love" of the "people" and of Amy's happiness about staying in a place that initially made her "cry a lot" exposes the constructed-ness of difference, but also the intensity with which it persists in individual understandings of the space of the country. Emily's discussion of "race" in relation to the child that she and Karla are adopting speaks to not only the fluidity of racialised and classed boundaries in South Africa, but also to the fluidity of the very existence of "race" as a category for identification.

I'm coloured. Karla's also coloured. And [our daughter] is coloured. But she's – apparently, I mean, look, I don't know – the social workers are so confused there at that place – apparently she's a first generation mixed child. So she's – like we are, like my parents are both brown and their parents were both brown – like, you know – it's a whole race called coloured people in South Africa, but apparently she – her mother was Xhosa, and – but I don't know, you know, if the child is abandoned, how do they know all of that stuff? [Emily]

For some women, the intensity of racialisation in South Africa means that specialisation in certain professional fields can cause isolation from others belonging to the same "racial" category. Mpho explains how isolated her partner, Siphokazi, was when she did her training in a field in which she was the first "black woman in South Africa" to specialise. Siphokazi's specialisation in a field dominated by white people foreclosed dating relationships with other black lesbians.

I would ask her, why did you go out, why for a white woman . . . But now I understand and she was telling the truth. Then, I thought she was just bluffing. She – Siphokazi came to Pretoria . . . in 1996 . . . it's about . . . 14 years ago. Obviously to specialise and do her [specialisation] and then . . . she got a job here, so and when she did her [specialisation], she has been the only black . . . woman in South Africa [in her area of specialisation]. Yeah, she's that intelligent. So . . . she was exposed to white people . . . She didn't know anyone here. She came to university to study and to work in a hospital and then she was exposed to, to, to white people. I mean, the people she worked with, you know, everyone was surrounding her were white and she eventually had to have a white woman. I mean all her friends were white. Yeah, no, they were white. Yeah, I mean, well, she still has them. So when she told me that story, Mpho listen here, I didn't know any of the black lesbians – I didn't, I didn't – Mpho, I just – I did not. [Mpho]

After Mpho expressed incredulity at Siphokazi's having been in a relationship with a white woman, Siphokazi explained the isolation she felt not only in terms of "exposure" to white people, but in relation to a "straight" black friend's attempt to find Siphokazi a date without understanding the way relationships in the "black lesbian and gay community" work, which resulted in Siphokazi being "bored" and eventually becoming involved in a relationship with a white woman.

There's a girl she met – they used to go to high school together . . . and she tried to hook her up with someone and that person – you see, she was straight. [The friend] was straight, and she doesn't – ok, hey, there's so much things I want to – the lesbian and gay, um, community – black lesbian and gay community – it's very rare to find a butch and a butch. It has to be a femme and a butch . . . Well, with white it works, but not with black people, you know? . . . so, I don't know, but Siphokazi, also she says, she's not attracted to butch women, she's really not. She doesn't find them sexy, so when they tried to hook her up with someone, they tried to hook her up with someone who was butch and she was bored . . . they didn't know – remember, I'm telling you. I told you that they don't know. They absolutely – shame, they are clueless. They're very ignorant, I must say. So, but it's good. They mustn't know our things. [Mpho]

Though Mpho herself has been in a relationship with a white person, she explained that the person with whom she was involved was from Germany and “knew nothing”. Mpho attaches the particular dismay she felt in relation to Siphokazi's decision to date a white woman specifically to the fact of that person being simultaneously white and South African. After qualifying her admission that Siphokazi had been newly separated from a previous partner at the time they met with the exclamation, “it was a white woman”, Mpho seemed reluctant to further discuss the subject, offering that she did not “want to offend” me. When I asked her if dating white women was “not a good idea”, she responded:

Not South Africans. I have been with a white woman when I was at varsity, of course. She was from Germany, so not with South Africans because, especially her. She was with an Afrikaaner. They're still very racist, I'm sorry. So, I mean, she even knows – the reason she was with me, Mpho, it's probably because of what I could provide for her and because of the Dr. before my name . . . I don't know. This is my opinion . . . I mean, even in South Africa, a white woman would never go for a poor black person, never. [Mpho]

In relation to her own experience, Mpho discussed the “genuine” nature of the white woman she dated at varsity, hinting at the enormity of the complexity of South Africa when she says that “she was not from South Africa and she knew nothing”, suggesting that “knowing” about South Africa is not something that can be done by a person whose relationship to the space has been initiated from outside of the country.

...when I was with the person – the white person at school, we were both students and it was nice because she was, I mean, she was not from South Africa and she knew nothing and she wanted – she was an exchange student, she was only there for a year . . . So, but, you know she was genuine. She was really genuine. You know, she was really, really genuine. And I even told her, I said, “listen here, it's my first time. It is really my first time.” I never thought that I would actually be intimate with a white person because remember, I grew up in an era whereby, you know, so yeah, but she was really genuine. [Mpho]

Mpho attributes the assumption that she “never thought that [she] would be intimate with a white person” to the “era” in which she “grew up”, but does not further name or explore the meaning of that “era” in the space of South Africa, suggesting that the intensity of the segregation of that “era” can be understood even by someone who “knows nothing” about being South African. The most intensely experienced divisions in South Africa are rooted in the country’s history of racialised segregation. Classed differences, though incredibly powerful, were often glossed by participants, some of whom made comments such as, “They kill lesbians in the townships.” However, Mpho spoke at great length about different “classes” of lesbians in Gauteng.

...with the lesbian circle in Joburg, I'm talking about Gauteng now, we have classes. Me, I avoid to go to straight . . . I don't go to their clubs . . . I don't go to parties, I mean if I go to – if maybe a friend invites me, I'll get there, have something to eat and have one drink and go. I don't – like get to a point where I sit with them and I get drunk and – that's when I'm scared that that's when they will start saying things when they are drunk. I really avoid that situation . . . And also, as I say, it's different – um, um classes. We're kinda regarded as probably the upper – I'm talking about the black lesbian community now – maybe upper class. You have like your lower class. We don't really associate with those. Not that we . . . not that we're discriminating them, but those are the ones who stay in the township mostly and most of them they don't have jobs. I mean, yes, we . . . see each other in occasions like the Pride march or there's – if there are workshops about health issues or sex issues – I mean, they get everyone. Or if Zanele Muholi's exhibiting and she would organise transport for them and bring them in . . . town . . . to see the exhibition and whatnot and whatnot. So, that's where you get to see them. You see them then and then, after that that's it. So the people which I really – we associate with, are the people who are obviously more educated, who are – who have, like homes and they have like good jobs . . . so maybe that's why I don't get to be called by names by – because those who are kinda in the lower class, they get to – to associate – to be friends with like straight people and you know what – they sleep with them. They sleep with them. You hear stories. They fall pregnant and whatnot and whatnot. So they are being called by names and they rape them. And so I've never really been in that situation because I don't go there. You know, I could never – I don't, that's just not in my league, you know what I mean. So, I mean, if we go to a club . . . it's an exclusive club where there will just be lesbians, or just gay and lesbians and we pay the entrance fee and the, the liquor there it's expensive. We can afford that, you know what I mean? [Mpho]

In Mpho’s assessment of class difference within the “black lesbian community” in Gauteng, immediate connections can be made between a lack of resources and access to a range of things not limited to mobility and “more education”. Socialising in spaces occupied only by other gay and lesbian people is a luxury for which one must pay “entrance fees” to “exclusive clubs” where one must then buy “expensive” drinks, something which those who are in the “lower classes” and might be “without jobs” can’t afford. While Mpho locates herself as someone who is not “called by names” because of her membership in an “upper class”, she does not consider poverty a cause for the

prevalence of hate crimes experienced by the “lower classes”. Rather, she places the onus of hate crimes directly within a broader heteronormative framework from which her “upper class” status can afford her insulation. To Mpho, it is not poverty that is responsible for physical and psychological violence against gay and lesbian people; it is rather a proximity to “straight people” that is directly responsible for homophobic violence. Becoming friends with “straight people”, sleeping with “straight people” and most of all drinking with “straight people” are incredibly risky activities for gay and lesbian people in Mpho’s interpretation. However, “avoidance” of such relationships requires access to resources which are unavailable to the majority of South Africans.

For Nisa, who is a very serious cricket player and who travels internationally with the South African women’s cricket team, being South African means that she can marry her partner. It also means that her status as a woman athlete, rather than her identification as lesbian, becomes an issue of contention.

It’s nice to travel. It’s just sad that I must travel without my wife. That’s the only sad thing. Cause it’s expensive – travel, for us – especially with the currencies in the places that we go. The currency is more than it is here . . . a flight . . . alone is ridiculously expensive . . . And then still you have to have spending money, accommodation and you want to enjoy yourself as well, so it’s quite pricy . . . It’s not like the men. The men are professional. We are amateur, so, unfortunately if you do want to take your spouse, they have to pay. [Nisa]

The women’s cricket team only enjoys amateur status, whereas the men, who are professionals, can travel with their “spouses”. While Nisa spoke about her desire to travel with her partner, it is not their relationship as a lesbian couple that warrants their stigmatisation, but the reality that women’s sports in South Africa do not enjoy the same benefits that men’s sports do. Not only does membership on the amateur national team mean that Nisa can’t travel with her spouse “like the men”, it also means that she is not paid and must make other sacrifices in terms of employment in order to fulfil her love for cricket.

Some women did experience institutional discrimination on the basis of their sexual orientation. One of the things that emerged about South Africa was the disjuncture between formal government policy and privately held attitudes visible in the way in which homophobia is funnelled through agencies responsible for performing marriages as well as agencies responsible for adoption services. Within the same department, it is possible to encounter diverging attitudes, which can make the process of navigating a seemingly uniform procedure turn treacherous depending on the

stage a couple has reached in navigating the process and the amount of resources a couple has invested before meeting resistance. The first time Emily and Karla encountered such a divergence was when the couple went to make the appointment for the legal marriage at Home Affairs. Though the couple eventually had one of the most uniquely welcoming and celebratory marriage experiences at Home Affairs of any of the participants included in this research, their initial request for an appointment with the marriage officer was met with a modicum of resistance, and it was at Home Affairs that they were made aware that marriage officers cannot be “forced to do a gay marriage if they don’t want to.”

*We had to book the date before. So we went in and . . . I expected it to be a lot more difficult in terms of the bureaucracy that you’d need to go through to arrange it, but the Home Affairs that we went to was surprisingly – it wasn’t busy. There weren’t a lot of queues. We didn’t have to wait for hours, but the disappointment came when we actually got to speak to somebody and they were like, well, oh, is it one of **those** marriages? The woman who does it, she isn’t here today. She’s on leave . . . when I spoke to one of the guys that were there – actually, they said no, she’s not here, you’ll have to come back on a day that she is here to make an appointment with her . . . And I think we went back there to do Emily’s . . . passport or something and one of the guys we had spoken to he – I don’t know if he remembered us or how we got chatting, but he was not a marriage officer . . . he was somebody that worked in another department and he explained to us that actually – Home Affairs officials – marriage officials or whatever, they actually have a choice . . . because of the nature of their job they can’t be forced to do a gay marriage if they don’t want to, so that was a bit odd, but – so the woman that eventually – that did our ceremony . . . when we eventually did speak to her, she was very excited. She was very friendly and very open. She was like, you know, she doesn’t understand why these other people, you know, her colleagues, why they would refuse to do a marriage . . . she doesn’t understand what their issues are, but she’s very happy to do it. [Karla]*

Through their experience with Home Affairs, Karla and Emily discovered that not only is their marriage through the Civil Union Act different from marriages through the Marriage Act, it is also possible to encounter a range of attitudes toward their relationship. While the Constitution gives them the legal authority to solemnise their relationship, the Constitution also allows those who are meant to provide services to gay and lesbian couples to refuse provision of that particular service. Further, though Emily and Karla have cemented their relationship as validly as any other married couple in South Africa, there are those who refer to their marriage disparagingly, as “one of *those* marriages”. At the total opposite end of the spectrum of reactions, the marriage officer who performed their marriage exhibited an uncanny enthusiasm at performing marriages through the Civil Union Act, also suggesting that such marriages are in some way different from marriages performed through the Marriage Act.

Their marriage was not the only occasion on which Emily and Karla have engaged with government departments with their relationship at the centre of the negotiations. When Emily and Karla took the initial steps in adopting a child, they encountered the Department of Child Welfare as being “very gay friendly”, though Karla noted that the printed forms had not been amended to be reflective of the full spectrum of family formation in South Africa. However, upon completion of their orientation session, they met with a social worker whose attitude towards their relationship left Emily feeling “very angry”.

...we went to go and see, you know, child welfare . . . and we spoke to them, and we went for our initial interview and . . . I came away from that interview feeling . . . I was very, very angry . . . cause I really felt like all – like, we spoke a little bit about my family, a little bit about Karla’s family, then for the rest of the two hours was like lesbian couple, lesbian couple adopting, lesbian couple adopting, lesbian – like, and we had to answer for a lot of that. The woman actually – she actually used these very words – she said, “Because gay people are known to be promiscuous, how do you know you’re going to stay together?” I was like – I mean, are there hidden cameras in this room, or what the hell’s going on here? You know? I was like – I came away feeling very, very angry about it.. [Emily]

Karla describes the couple’s need to reassess their options for adoption after the initial interview with the social worker revealed a “blatantly homophobic” attitude held by a person critical to the adoption process.

...we went to Johannesburg Child Welfare and we did all the preliminary stuff and we went for our first interview, the attitude of the social worker that was assigned to us . . . It didn’t go too well because she seemed a bit homophobic. In the – we had to go for an orientation first and in the orientation, they came across as very gay friendly and – in the way that they spoke, although their forms were not gay friendly, but yeah, as I say, we – after that interview, we didn’t go back. Firstly because she said that we needed to be together three years before they could even consider us. And also, I mean, her attitude was so blatantly homophobic that we took a step back and though ok, what are our options here? [Karla]

The encounter at Child Welfare resulted in Emily and Karla seeking an alternative method of adopting a child. Emily’s experience working with an NGO in the child welfare sector considerably broadened the couple’s knowledge of the process, facilitating the development of an alternative strategy, but as evidence of the limitations with which same-sex couples are faced, Emily described the process, which, though altered, will in all likelihood be finalised through another encounter with the “blatantly homophobic” social worker with whom it began, due to Emily’s understanding that there are only “two adoption social workers . . . for the whole of Johannesburg.”

...what happened then was we sort of just didn't go back. We were supposed to do medical tests and things, and didn't. And then I approached . . . the director of my organisation where I was working and I told her exactly what had happened. I mean, she's also a social worker so she – she was really shocked, actually, at what the other lady said. And . . . it didn't hurt that she was also gay. So of course she felt a little bit wounded. Anyway, so they essentially took us through the process then – sort of the safe house placement . . . basically we are dealing with [Child Welfare] right now, but it's a different department. It's the foster care department and they've got different departments, and so eventually we will be handed over to the adoption department when [our child] is ready and when we're ready for the adoption process. [Emily]

Emily and Karla's experience of navigating institutional homophobia within South Africa reveals that homophobia is not monolithic, but textured in unexpected ways. While the constitutional right to marry and form a family in South Africa as a same-sex couple makes it "easier just to fax your marriage certificate through than having to explain stuff", they do find themselves in positions where they have to explain things and in places where they must navigate unconstitutional attitudes embodied by officials of the state.

Some women spoke about the fear that they feel as South Africans in a country where the dissonance between constitutional protection and institutional homophobia experienced by Emily and Karla is amplified by physical violence outside of institutional settings. Grace, who married her partner Nel, as part of their process of emigrating to another country, explains the visceral fear that she has of "growing old" in what she calls a "brutal country". While Grace begins explaining her fear in relation to a "surge of homophobia in South Africa", her anxiety expands to encompass a more general sense that "the crime rate in South Africa is growing terrifically".

...the more I work with women in South Africa, the more worried I become for the future of lesbian women. At present, there's a known amount of women – which is 31 African lesbians already killed in homophobic hate crimes and that number is growing by the month. And I am just looking at Mugabe in Zimbabwe and other African countries and see an incredibly painful thing happen and that is – instead of being more inclusive and more open-minded towards different people, there's a surge of homophobia in South Africa and I'm very open and out . . . so it's almost like I'm running away at my old age from the possibility that one day I might meet a very brutal fate here, and the crime rate in South Africa is growing terrifically . . . There's fear that I'll become an old woman in a brutal country. And it's not about politics because politically speaking, I've been on the edge all my life . . . but it's just a reality that things are becoming hectic here . . . and it's absolutely frightening to see the medical – the standard of medical care in these hospitals and to visit old people and old men who are dying and who really don't have a pillow on their bed and who sometimes don't have a bed and lie on the floor with a drip in their arm and because I'm not rich, that is the level of medical care that I'm looking at as I become older and it's deteriorating. Medical care in South Africa is

deteriorating terribly and there's just that fear that when I'm an old woman, I'll die in a dirty place with that type of medical care. [Grace]

Crime is not the only thing that scares Grace about “growing old” in South Africa. She characterises the “standard of medical care” to which she would have access in South Africa as being “absolutely frightening”, and purports that it is “deteriorating” as she ages. She locates herself socioeconomically by equating the fact that she is “not rich” with the level of medical care she can expect to receive in South Africa as she grows older, referencing her awareness of the state of hospitals where patients “sometimes don’t have a bed and lie on the floor with a drip in their arm”.

Discussion around the fear of escalating homophobia continentally and in South Africa, specifically, was not left unanswered by voices cognisant of the intense oppression of LGBT people during the apartheid era, “when being gay was illegal here in South Africa.” Fiona characterises the broad shift that “legalisation” of a formerly “generally despised” and marginalised population has predicated by linking it to overarching shifts in demographic interactions in the country. Though her comments are qualified by the presence of peripheral “bigots”, central to her narrative of South Africa is the vibrant hybridity of a postcolonial space.

I mean, in the new South Africa, I mean, we see things that we've never ever ever appreciated . . . we see black men with white women, which in the apartheid years was – they would be arrested. If I walked down hand in hand down the road with Ronel, I would be arrested. So, nothing really blows one's hair back anymore. You know? You see two gay women with a black child, you think, ok. You see a black man with a white woman, you see a white man with a black woman, you see coloured children . . . You don't actually notice it anymore. It's become – I'm sure you still get a lot of bigots. But they're wise enough to shut up. [Fiona]

For Fiona, the physical and conceptual boundaries constructed and policed by apartheid are renegotiated on a daily basis in the “new South Africa”. Fiona places particular emphasis on things that would have been previously illegal, but are now what she terms “non-subjects”. Her relationship with Ronel is not the only “non-subject” in the “new South Africa”. In Fiona’s representation of the “new South Africa”, all formerly illegal or stigmatised relationships are “non-subjects”, including “race” and class.

My granddaughter is turning 12 on Monday and the little boy is turning 9 in June. So I can imagine they go to school and speak about their grans –s –s, but then they also go to school and little [grandson's] best friend is a little boy called Siphso, whose mother is a maid, but that's a non-subject as well. You know what I mean? Whereas when I went to school, we didn't have

any black children in our classes. And if we did, they would have been the children of diplomats not the children of a charwoman down the road. So this is the wonderful thing about the younger generation that I can make out, is that there's not actually any judgments anymore. No one's going, "Two grans!" Or if they are, I've certainly never been told about it. [Fiona]

While Fiona places particular importance on the presence of “non-subjects”, Zanele identifies the creation of new subjects about which it is possible to speak in post-apartheid South Africa. She relays a story in which “an ordinary African culture man” defies stereotypical characterisation by recognising her as a lesbian and expressing his admiration and solidarity with her. However, even her discussion of the “positive” and “supportive” reactions she has gotten is laced with tension created by peripheral “others who are still planning to do something” destructive.

On Wednesday, when I was coming – knocking off from work, coming back home I saw this guy – he was looking at me . . . He walked and turned back. I ended up like saying, “Is there something wrong my brother?” He said, “No, you know I was watching this programme last night and you kinda look like that person . . . Did you see the TV last night?” Said, “No, I didn’t see it.” Said, “There was someone, you know, but you know I love that child!” I was like, “Really?” He said, “No man, it’s you! I can see the ring, it’s you!” So, it was just like that . . . People are supportive like that. There’s some – they’re more positive – you’ll never know, probably there are others who are still planning to do something, you understand? You’ll never know. But the ones that I’ve been getting – people are more supportive, I don’t wanna lie . . . Especially when that guy, you know when that guy he said, I thought he was gonna like say something by the way he looks. But he was like, “Come on, you’re my brother man. Give me your hand. I love the way you talk. You know the spirit – you are confident with – it’s who you are! In South Africa, we have to support each other.” And I look at him – a black man, the way he – for me, the way he looks, he looks like those ordinary, African culture men. For him to say that just, like ok, it means somewhere, somehow people are changing in other ways, so I may say, yes it’s giving a good, positive impact right now, but there are some others, which, I don’t know, probably they are still planning. You understand? [Zanele]

The shift from a history of police raids to a “present” of unseen “bigots” and “others who are still planning to do something” indicates that homophobia in South Africa has become less visible at the same time that it has possibly become more insidious. During the period of criminalisation, homophobic backlash, in the form of social disapproval and legal censure, was the expected norm. Fiona, who stated that “if I am recognised as a gay person in the eyes of the law, I don’t give a damn what you think or say, but if I’m illegal, I am trespassing the law”, wanted to be honest about her sexual orientation when she divorced her husband at a time when “being gay” was still criminalised in South Africa. Her lawyer’s advice to her at that time illustrates the way in which the “criminal” status of “being gay” dictated self-censorship.

I said to the lawyer that I went to – I want to divorce my husband because I feel we're not compatible, not because he's done anything wrong – because I feel we're not compatible and I've actually fallen in love with a woman. And the lawyer said to me, "Fiona, it would be better for you to go into court and say that you are a prostitute on the docks, than to stand up in court and say that you are gay." He said, "don't." He said, "if you say that, your kids – you'll lose your kids instantly." [Fiona]

The shift from the directly confrontational homophobia of police raids and "illegality" to the pernicious "planning" of "some others" results in tension for some participants, who know that homophobia is there, but who only experience the violence of homophobic attacks peripherally. For Wendy, the issue of homophobia is immediate and "sensitive". While she spoke casually about marriage and suggested that it was not a topic that was "too sensitive" for her, the reality of potentially violent homophobic encounters has caused her to be vigilantly strategic in her interactions, especially her interactions with "straight guys".

...in their minds, a woman will always be a woman and a man will always be a man. And a man has to be the head of the house. No woman has to act like a man, which means they are saying us – we lesbians are scared of sleeping with them, so to that thing, to that particular subject, I always – I always, always ask myself, what if I come across this particular situation? What would I do? What if somebody, or maybe three guys propose to me and then they know that I'm a lesbian? What would I do? I haven't found the answer to that, but there's this thing that goes back in my mind – you know what? Find a gun. And I know a gun is not a solution. It's not. It's not. It's not. And I know I can't fight three guys. I can't. It's not even possible. I can't. Yeah, one I can fight. Two – three, no, it's impossible. No, it's impossible. It's impossible . . . So I ask myself whenever I go out with them to have fun – I always ask myself one question. They are not – they won't be – the straight guys, they won't be interested in the gay guys. They know what's going on with them. But they're gonna be interested in the lesbians. They wanna see what's going on behind our pants. So, I always make myself, you know what? I must be aware where I am. I don't . . . lose my awareness. No, I don't because I know things are happening in the dark out there. Daylight, no, you are safe. But in the dark, the devil will come out. Somebody that you know, that knows, you know what? I know this person is a lesbian, but hell will break loose. So I make sure, I must be aware of my surroundings. Where I am, who's who. Wherever I drink, I must be aware. You know what? I can't lose my sight. So, if I – what I'm saying right now, we always go to the straight clubs. Yes, that's where my awareness goes. In a gay club, I'm free. I'm free. But straight clubs, no – I don't trust anybody. I don't. I know that if ever you know that Wendy is a lesbian, but it's dark and you are drinking, things are happening in your mind. You understand? So I must be aware – where I am, who's who, what's going on. Then, when I come in this yard, when I go to my place, that's where like I'm gonna be relaxed and I know that they are safe, then that's whereby – like I could say – what I'm trying to say is I try to protect whoever's around me. Ask them – they're gonna tell you, if ever I'm wrong. Am I? Am I? No. That's what's inside me. Whoever is beside me, has to be safe. That's my motto in life. So if ever you get hurt I blame myself. [Wendy]

Wendy, like Mpho (above) gives sole ownership of the culpability for hate crimes to “straight” people. Both Wendy and Mpho find that a lesbian woman’s risk of being attacked is directly proportional to her proximity to “straight” men. Whereas Mpho finds that membership in the “upper class” isolates her from interaction with “straight” men, Wendy is constantly negotiating the threat posed by “straight guys” in the “surroundings” outside of her home. Like Mpho, Wendy feels “free” when she is in a gay club. However, Wendy often frequents “straight clubs” with her friends. “Straight clubs” are an environment where she doesn’t “trust anybody”. Because clubs are a place where the consumption of alcohol can cause “things to happen in your mind”, relationships to “straight” people in such environments are dangerous for lesbians, and Wendy identifies alcohol as a factor that causes abstract notions of danger to concretize into tangible threats.

Devising strategies for dealing with homophobic violence is so frustrating that Wendy is forced to admit that while she “knows a gun is not a solution”, the idea of a gun suggests itself to her because it seems the only possible way to thwart a potential threat, not only to her, but to her friends as well. Wendy is heavily invested in the well-being of her friends, emphasising repeatedly that “whoever is beside me has to be safe.” The tension in her attempt to strategise against confrontations of violence provoked by lesbian visibility comes from her intense desire to “protect whoever’s around [her]” and her tendency toward non-violent resistance. Wendy has theorised this question of violence from every angle she can imagine, but has not been able to formulate an answer to match the problem, which may be part of the “sensitivity” of the issue for her. She has identified what it is that provokes attack, and who the subject of such an attack is likely to be when she says, “they won’t be interested in the gay guys . . . but they’re gonna be interested in the lesbians.” When asking the question of herself, “what would [she] do” if she experienced an attack, she struggles against her awareness that she can fight off one potential assailant, but the potential of an assault waged by three assailants reinforces both the “impossibility” of fighting them off alone and the implausibility of a gun as a solution.

Being South African involves negotiating citizenship and belonging in an extremely complex space. Interpreting the complexity of that space is integral to an exploration of citizenship and belonging for lesbian women in South Africa, partly because citizenship has been an area of historically intense contestation for the majority of the country’s population. Part of the complexity is rooted in the particular history of a country having recently emerged from a legacy of legislatively regulated segregation of space along racialised boundaries. Participants’ own accounts

of being South African engage with the reality that policy transformations are not easily reflected in the imaginary of the country's population. The maintenance of segregation "by localities" and largely static class relations after the transition to democracy pose serious questions to the meaning of a unified experience of South African citizenship.

One element that transcends such otherwise deeply entrenched divisions of the space is the reality of the homophobia that must be navigated by lesbian women across the different spaces of their lives. Homophobia has been written out of South African law, ending an era of police harassment of lesbian and gay people. However, pockets of institutional discrimination animated by the claiming of newly available legal rights, such as marriage or adoption, continue to be navigated by lesbian couples. While homophobia may have become "officially" less visible, participants' responses also indicated that the threat of violence has become more insidious. While none of the women with whom I spoke had experienced physical violence aimed at them as lesbians, the threat of violence hovered on the discursive periphery of conversations about the social status of lesbian and gay people in South Africa. When violence is centrally located within individual discussions of homophobia, the impossibility of its prediction or resolution is terrifying.

These realities indicate that the notion of citizenship for lesbian women in South Africa is fraught with complexity even before considering the way citizenship or belonging is engendered through the claiming of marriage as a legal right. Divisions persist in individual and collective understandings of the space of South Africa, but individual experiences speak to the "constructedness", as well as the fluidity, of the categories upon which such divisions are premised. An awareness of the ways in which the complexity of the space influences experiences of citizenship and belonging for those lesbian women who access marriage as a legal right serves to ground the discussion of the relationship between marriage and belonging for married lesbian women in the Analytic Conclusion. The performances of lesbian relationships embedded within the space of South Africa in the following section emerged directly from the rich material about South Africa emanating from diverse women located differently within that space.

4.2 Terminology, Roles and Names

Terminology as a theme, especially in relation to roles within relationships and the changing of surnames specific to marriage, emerged directly from the contextualisation of the material within the space of South Africa. The complexity of the space generated lenses through which participants described performances of lesbian relationships, ascribing those performances to broader South African categories, such as “race” or class. One example of this is the frequency with which “butch” and “femme” performances of gender identity were described as something specific to the “black lesbian community” by black lesbians themselves. Performances of “butch” and “femme” roles were not limited to the black lesbians, but may have been viewed and articulated in that way because of the intensity of “race” as a category of identity within South Africa.

While a general paucity of terminology in the English language, outside of the heteronormative lexicon, contributed to participants utilising language that would be virtually indistinguishable from the language employed by heterosexual couples, the ways in which individuals negotiated this usage of language and the ways in which they reacted to certain words were full of contextual variability. At times, understandings of roles influenced whether surnames were changed and whose surname changed. At other times, various reasons were given for changing surnames, such as the idea that members of a family should share a surname. At still other times, various reasons were given for not changing surnames, including opposition to the idea of changing surnames in marriage more generally or the sheer amount of inconvenience involved in the process of changing each official document subject to revision. The presence of roles within marriage was a theme that emerged organically from the process of the interview, rather than a predetermined area of thematic interest. However, the variation in the way in which women described roles within their relationships in addition to the marked presence of roles as a subject emerging from the data required its incorporation as an area of thematic presentation.

One example of the way in which roles and names intersect is Shods’ description of the expectation that she would change her surname:

...there was an expectation that I change because she is the one who is butch. You know, and I’m femme. [Shods]

Shods briefly discussed what it means within the context of household activity for Ayanda to be “butch” and for her to be “femme”:

...you can see the roles are quite distinct, you know. Like I cook – I do a whole lot of cooking, but she enjoys washing, so she washes, but in terms of the cooking, making sure breakfast is ready, taking care of the household, making sure the bills are paid, it's me. And then she does the yard and when there's heavy things or there's electricity problems, I just get stuck and call her, but in terms of the washing, she loves washing, so, yeah. I iron and she washes, but with the cooking, there's no negotiation. I have to make sure that everybody has eaten, the food is enough in the house. [Shods]

While there might not be “negotiation” about “cooking”, other household duties are shared, and while the expectation was that Shods would change her surname due to the way in which roles in her relationship with Ayanda are understood, Shods also demonstrates the way in which such seemingly fixed roles are negotiated and lived in practice.

I decided I am not going to change my surname because I'm a writer. [Shods]

Shods described the way in which an altered surname could affect kinship ties with her daughter by expressing a concern that her relationship with her daughter may no longer be as easily recognisable without the shared surname that allows her not to “lose” her child.

I asked her please, can I stay with my surname because the other thing I wanted – I didn't want to lose my child, you know, if she's another surname and I'm another surname then we can easily lose each other, you know, so I thought for the sake of my child, also, I'm not going to change my surname. But she was ok with that, she was fine with that. [Shods]

When asked how she and her partner refer to one another after getting married, Shods indicated that her intentional use of the word partner to refer to her relationship with Ayanda allows her to speak effusively about the relationship and about her marriage at work, while at the same time protecting her from potential negativity in a company she referred to as being “very Christian”, and consequently, a place where she does not feel comfortable to be open about her relationship with another woman.

At work, they know I'm married, but they don't know whether to a man or to a woman. I told them – I'm married now. Cause they see the ring, you know? And I tell them – I am married. I talk about my partner all the time, but they don't know the gender. [Shods]

For Mpho, household roles are also very distinct in her relationship with Siphokazi.

Siphokazi is not . . . what do they call it – domesticated? She's not, you know, she doesn't really like cooking. She doesn't really like cleaning – she doesn't. She's not like that at all. I think we complement each other because me, I'm like – I would cook, and you know, I would do the laundry. She does the laundry sometimes, but not always, not like me. And I would make sure that I'm like running the house. I would make sure that this, you know, the maid has to be paid and we ran out of milk and you know, things like that. She's not like that. Really, she's not like that. But, I think we complement each other in a way that I really hate driving. She drives me everywhere I want to go. I don't even have to – I just say I want to go – she's like, ok fine. Or I would say, book tickets, I want us to go somewhere . . . She does it – which is really, really nice, you know? She likes gardening. She would do the garden, I wouldn't do that. Yeah, no I wouldn't do that. She doesn't mind doing that, you know? So, yeah, I think – I mean, we complement each other. She's got her own department. I've got my own department. You know? She would never wash dishes. She hates it. I do it . . . Cause I cook, you know? But she, she doesn't, she doesn't like that. But it works out, ok, you know? That's why – they actually lie because you know, in a relationship you will have roles . . . In the lesbian relationship – there are roles. [Mpho]

While insisting that “you will have roles in the lesbian relationship”, Mpho also illustrates that those roles are not rigid and that power dynamics within relationships can shift with various factors such as “resources” and “education”. While Mpho says that her “position” in her relationship with Siphokazi is that she is “the queen” in the house, she remembers that in past relationships she was “dominating”, though her past relationships were also with “butch” women. Dynamics of power are central to Mpho’s discussion of roles within relationships.

I was even thinking maybe, I'm trying to think of like my past relationships and my past relationships the people I went out with, we were the same age, yes they were butch, ok femmes, others, but butch most, and then . . . I was so dominating, maybe it's because I'm very vocal – I talk too much and I was like . . . in a butch and femme relationship and I still would be so dominant. Maybe it's because I had more resources than them and I was more fortunate – I had more things than them, you know how is it like . . . not that I had money, but you know, they say money is power, so maybe that's why even though a person was butch but I would appear as, but in this relationship it's actually the other way round. Um, yes, I talk, I'm vocal and whatnot and whatnot. As I said, she's very smart – she knows where to put me. You know? She knows exactly where to – to, to, to, to correct me, to, to, to bend me if I, you know, if I go on and on, she knows very clear how to handle me. I don't know how she does that. I was actually thinking maybe it's the age difference. You know, that's what I thought, as well. Maybe it's the age difference. She's more experienced than me. She's more wiser than me. But, um, well more educated than me. I don't know – but, um, I know my position in this house. I really do. Believe me, I do. Yeah, I do. I know my position. Yeah, but yeah, so yeah, I guess so, I mean we talk about it in the house. [Mpho]

Mpho is adamant about the presence of roles within lesbian relationships, but she resists a simple equation where she and Siphokazi are inserted into a heteronormative formula. Though *lobola* is integral to the negotiation and celebration of marriage within a South African context, Mpho asserted that she and Siphokazi were “not doing that because [they’re] both women” and the “custom” is that “a man pays for a woman”. While Mpho expressed financial concerns about *lobola*, noting that Siphokazi could afford to pay “R50,000”, while Mpho could not, her primary concerns emerge out of the reality that both she and Siphokazi are women in addition to a resistance to the application of an unequal heteronormative standard to their relationship.

I told her, no, no, no, no we’re not doing that and remember, we’re not a straight couple. You know what I mean? We’re not a straight couple, and in South Africa, they don’t call – they call it a civil union, they don’t call it a marriage. Because I think the government thinks the marriage – it’s sacred. It’s sacred. It’s between a man and a woman. They don’t call our – our – our marriage a marriage – they don’t address it as a marriage, but they say it’s a civil union. So why should we follow whatever they do? Why should we pay lobola and also, I don’t know – I have a problem with wearing white dress and hair, with a tuxedo, ag, no, no, no uh-uh. So it’s ok that we have a braai and that’s what we wanted – to have a braai for our friends – eat and drink and that’s how we celebrated. [Mpho]

Though *lobola* negotiations came up as a subject of discussion amongst Mpho’s family members and between Mpho and Siphokazi, Mpho reminded herself and Siphokazi that the “piece of paper” protecting their relationship, was legislated through a law called “civil union”, which, to Mpho, denies their relationship the symbolic power of marriage. If the social meanings of marriage are withheld from Mpho’s relationship, she no longer feels bound to follow “what they do”. Mpho’s narrative illustrates that butch and femme roles within lesbian relationships are not easily correlated to man and woman roles, and cannot be understood by the application of a simplistic heteronormative framework, even if a dearth of language to discuss the nuances of the butch/femme relationship leads to Mpho to cast herself as the woman, leaving Siphokazi teasing back, “what am I?”

I always tell her, yes, I’m very feminine. I remind her – I say, you must, you must think Siphokazi, that I’m a woman. You know, I would say that. No, don’t do that, you must think that I’m a woman, and she will laugh. And she’ll say, what am I? [Mpho]

Other participants expressed strong reactions to referents used within the context of marriage. While spouses are listed as “Partner A” and “Partner B” rather than being designated by terms associated with heteronormatively fixed roles such as “husband” and “wife”, even such sanitised

language is not free of associations with gendered identities when positioned in relation to marriage. When Carmen was asked how she and her partner refer to one another after legally solemnising their marriage at Home Affairs, she responded that they both use the gender neutral term partner to refer to one another after the marriage, but continued to describe the way in which she became Partner B and Amy became Partner A.

I would say my partner, she would say her partner. And, uh, she still call me Carmen and I still call her Amy. We did – there's nothing, really nothing changed. Because if you get married, then on the form is Partner A and Partner B. So, obviously they're gonna ask you, who's Partner B? Because she's like so much like macho and stuff like that, she's Partner A. And I'm a very feminine person – I've got a lot of femininity, so I prefer to be me, myself, I – you see?
[Carmen]

In the context of marriage, even letters become hierarchised, so that “macho” is associated with Partner A and “feminine” is associated with Partner B. This example illustrates how deeply embedded gendered roles and associations are within individuals' lives, as well as within understandings of an institution such as marriage, even when its narrow heteronormative bounds have been expanded to be inclusive of same-sex couples.

There's no – that's my husband and that's my wife and whatever – you see? Because some people do get . . . confused – um, I'm the man and you call me mister and you do as I say. It's nothing like that. We've got a mutual understanding and, yes, we treat each other with respect – mutual respect and whatsoever and that's it. There's no she's a he and he's a she. There's nothing like that, you see? Sometimes she would say this is my wife, but I'll say, if I meet people – they ask me if I'm married, I would say, yes I'm married to a woman. Um, and if they ask me, who plays the male role, who plays the dominant role, then I would say there's no – nothing like dominancy like I'm the male and that is how it's gonna be – no. We are just two grown-up women who developed feelings for each other, who fell in love, who built a life together, we respect each other – there's no, oh my husband is at home – uh, whatever, you see? [Carmen]

Other participants spoke about the ways in which they managed expectations associated with marriage, such as the assumption that one partner's name would change. For Fiona, a woman who had been previously married and who also has children, the issue of the name change was more complex than even the “schlep” involved in changing endless documents through an equally daunting number of institutions. While Fiona also identifies inconvenience as a motivation to maintain her own name, her narrative is laced with the shifting of nominal identity historically specific to women's experience of marriage and what it means to be a “wife”.

And then we thought maybe we'd have it hyphenated and then I thought no, no this is getting too complicated because when my children were at school, I – cause when you're divorced you can use your married name and your maiden name legally . . . in the heterosexual world. So when I divorced my husband, I kept his surname . . . for the children who were at school because they were also [using his surname]. But all my banking accounts were . . . my maiden name. Then I thought, I'm now gonna bring [Ronel's surname] into. So I'm gonna have a [surname] here and a [surname] there and now a [surname], or maybe a [hyphenated surname] or a [different surname] and I said to her, you know what? You keep your name. I'll keep mine. Because it's a schlep to change your bank accounts and your bonds. I mean we've got a bond together in [our names] . . . it's just not really worth it, you know. [Fiona]

It is Fiona's history of having been a "wife" to a "husband" and a mother to children that she locates as the source of the roles in her relationship with Ronel. Making a distinction between the "traditional role-play" expected in heterosexual marriage and the roles that she and Ronel maintain within the context of their relationship, Fiona juxtaposes roles enforced by heteronormative expectations and roles constructed around the reality that she and her partner are "two different people" who would "rather do" some things than others. She finds that when "roles" are not enforced by heteronormative expectations, she performs them "very, very happily".

I mean, I've been making supper for 31 years, and 10 years prior to that when I was married, so that's my role and I do it very, very happily . . . we do have a role, but it's not a male/female role, it's because I enjoy being in the kitchen and cooking and she would rather do anything else rather than cook. In that sense, and yet we have friends, not married friends, but gay friends, where they both love cooking or they both love gardening, so it's not necessarily a role-play per se, whereas in your heterosexual thing, you've got age-old traditional role plays, which are changing as well, you know, the women are going out to work. [Fiona]

For Ronel, also, the idea of heteronormative "role playing" carries distasteful connotations. Though people close to them refer to Fiona as her wife, Ronel distances her relationship with Fiona from the heteronormative assumptions of marriage by resisting the term "wife" and continuing to use the term "partner" to refer to Fiona.

My sister talks about Fiona as my wife . . . We went up Easter weekend to her and she wrote this e-mail to the travel agent that had to organise our transport from the airport and said my sister and her wife is coming up and will you please get somebody to fetch them . . . And you know, so she just refers to Morag as my sister's wife and . . . in jest we'll say, my wife, but I don't really refer to Morag as my wife. I'll talk about my partner . . . I don't want to really say wife because I think wife still for me conjures up this whole straight wife role, you know, the one that carries the slippers and gotta do the housework. [Ronel]

While Ronel finds terminology a way to distance her relationship from heteronormative assumptions, Emily and Karla both spoke incredibly enthusiastically about being able to refer to one another as “wife”. For them, the terminology did not seem to be burdened with the kind of heteronormative and oppressive weight felt by Ronel and Fiona and was also free of the “confusion” spoken of by Carmen. Emily discusses the way in which using the term “wife” signifies normalised recognition of her relationship with Karla:

For me, it's important that – I don't know, that people recognise us as – I mean, really as life partners and we always used the words life partner before it was legal to get married – and even that I can say this is my wife, and I can mean it, you know. That I'm not just saying my wife because a lot of people do that and actually it annoys me – talking about 'my wife'.
[Emily]

And:

Cause she's my wife – like, if it was my girlfriend or like my fling, then I completely understand, deny all you want or whatever – you know, but she's my wife and it's – it needs to be recognised as such. Yeah, people need to take us seriously. [Emily]

For Emily, the legitimacy of the marriage commands recognition through the invocation of terminology universally meant to conjure respectability. Karla also finds that wife conveys a particular meaning in relation to respectability, but her irritation with people who use the term wife “as a term of endearment” in a relationship that is not marriage is located in the experience that the term wife signifies. Use of the term “wife” means that one has “been through” something specific that lends “legality” to her relationship.

I can say I think it makes people take your relationship more seriously, as compared to, this is my life partner . . . and what irks me also is where people use the term, my wife . . . and they're not actually married. You know, they've not been through it. It's not – what the relationship that they might be in is not – it's not legal. They didn't do it legally. But I'm talking about people that are just in a relationship that have no plan to marry or that are not engaged or whatever, but they just use – as a term of endearment, my wife, or my whatever . . . One of my pet hates is people that do that. [Karla]

Painful collective memory can also be encapsulated within the name that one “carries”. When Emily discovered that her surname was a slave surname, she wanted to change her name. Part of what marriage meant for Emily was being able to change her surname.

...it was quite easy for me to let go of my surname, actually . . . When we spoke about it the first time I was like, I'm changing my surname – yay! And my surname now is much better . . . It used to be [surname], which is actually a slave name. It's not something nice to carry around with you. It means that . . . now, "sin" means belongs to that person, so [surname]sin was [surname's] slaves . . . so it is a slave name and when I realised it was because I mean, it's not something that I knew, and I – I wanted to change my name to just my first name and my second name, which wasn't really going to work – I would have been like Madonna, or something, I don't know. [Emily]

While “carrying” a name that signifies a painful history of identity linked with the history of South Africa as a country is part of what it means to occupy the space of South Africa, marriage was a way for Emily to transform a painful relationship to her name by taking the name of her “wife”.

Participants' discussion of roles, names and terminology within the context of their relationships revealed the presence of roles negotiated within the confines of a limited lexicon of terminology, especially in relation to ideas about the “gendered” status of roles. The reality of roles within relationships was established, but both the terms on which such relationships are conducted and the terms with which they are described are highly contested, meaning that the presence of roles within relationships do not translate into rigid performance of those roles. Discussions of names also revealed the complexity of navigating kinship networks by foregrounding decisions women must make when marrying their partners, while at the same time wanting to maintain recognised familial relationships with their children.

Similarly, different factors result in diverse reactions to the usage of heteronormative language conventionally employed to discuss marriage. “Wife” is an example of a contentious term for lesbian women in relation to marriage. Prior experience with heterosexual marriage can result in distaste for the particular connotation conjured by “wife”, but at the same time, using the term “wife” can become a source of pride, as it symbolises having “gone through” the process of being married. The use of gender neutral language, such as the designation partner, allows some women to access a qualified sense of belonging in a homophobic world, by facilitating enthusiastic discussion about married life without putting women at risk for verbal or physical abuse, which could accompany a woman's invocation of the term “wife” to refer to her partner.

4.3 Emotional, Physical and Family Security

Throughout the research, different forms of security emerged as primary concerns contributing to individuals' discussions of their decisions to marry and shaping the ways in which their experiences of marriage are lived. However, security revealed itself as an issue affecting experiences of belonging on multiple levels. At a level responsive to marriage as a legal right, participants expressed a concern with protecting their partnerships from external intrusion. Additionally, security manifested itself in relation to the formation of new families. Many individuals expressed a desire to begin, or communicated that they had already begun, the process of adopting or conceiving children, a process they indicated was more directly accessible with the possession of a marriage certificate. However, feelings about emotional security within the relationship were also central to participants' experience of marriage. Concluding the presentation of findings in relation to "Emotional, Physical and Family Security" will be a discussion of one participant's sense of physical security in relation to marital status.

For Jan, a very basic desire to begin a family informed her decision to marry. She communicates a strong desire to have children, and details a plan that she and Alice have already put in place, which involves each of them having one child within the next five years. While Jan mentions that marriage makes things "simpler" in terms of "insurance and the medical aid", she is also clear that marriage is a way to facilitate her desire to form a family, and that, as a family, "everyone should have the same surname." The sequence of marriage first and children later normalises her relationship with Alice within a context where Jan and Alice are "the only couple that's not having kids."

The main reason is – I wanna have kids – pretty soon. Cause I'm 31, and I think I'm getting on in age, and . . . Alice's brother is having his second one now, and all our straight friends are having kids. And we're the only couple that's not having kids and I've always wanted to have kids, so I thought, you know, I don't wanna have kids and then get married, and I don't . . . want the kids – they're gonna be confused as it is – because I don't think South Africa is that gay friendly at all, so they're gonna already be in that difficult situation, so I don't want to make it more difficult to say we're just living together, we're not legally married. If I make a commitment, I wanna make it permanent. It's also better for the insurance and the medical aid – it just makes things simpler. [Jan]

Central to Jan's concern about the normalisation of the relationship, and therefore a key reason to marry, is an idea about what the children's experience of their family life will be. Being born to a lesbian couple in South Africa, which "is not that gay friendly at all", means that the children will be

“already in that difficult situation”. As a couple, Jan and Alice are unique not only because they are two women, but because, among the people they know, they are also “the only couple that’s not having kids” yet. Jan expressed that marriage is a way in which to mitigate the “confusion” the children would experience if Jan and Alice were “just living together.”

In an illustration of the paucity of ways in which it is possible to form a family outside of the institution of marriage, Mpho locates the source of the marriage negotiation between two individuals who did not “believe in marriage” in Mpho’s desire to have a child. The word marriage does not appear in this excerpted passage, which was the starting point of Mpho’s narrative explaining her decision to marry Siphokazi, despite the fact that they both entered the relationship “not believ[ing] in marriage”. It is the lack of permanence associated with a relationship not bound by marriage that prompts Mpho to ask questions such as: “when you want to adopt my child, what does it mean?” The possibility of “complications” leading to separation seem to be conceptually more likely in a situation without safeguards against a “break up”.

Last year, we tried an artificial insemination – I wanted to fall pregnant. We talked . . . about it and I told her listen here, I want a child . . . I really want a child. And then she’s like, “will you allow me to adopt your child?” Like, ok, now you’re getting serious, what is this? If you want to adopt the child and then, what’s going to happen? You adopt the child and then we break up and then? Then you traumatise the child. I don’t want that. I don’t want complications. I will go there as a single parent . . . she said, “no, get the child . . . when you have the child, can I adopt the child?” Like, no, I want, you know I want to do it as a single parent and what is this now? When you want to adopt my child, what does it mean? I don’t want to frustrate my child because you know, people break up. One minute you’re there, one minute you’re not there – what do I say to the child? [Mpho]

Though Mpho recognised Siphokazi’s desire to adopt her child as an indication that the relationship had grown more “serious”, there was still a feeling of impermanence around the joint guardianship of a child outside of the realm of marriage. Mpho’s discussion of the possibility of having a child while the couple are involved in a relationship but not married, positions the permanent tie of a familial relationship between herself and the child, while casting Siphokazi as a supporting actor with the capacity to “one minute [be] not there” and who has the potential to “frustrate” and “traumatise” Mpho’s child. It seems that there are two possible answers to Mpho’s question, “If you want to adopt the child, and then what’s going to happen?” The alternative to the permanence of marriage is presented here as separation, so that it seems impossible to imagine the family unit existing permanently and intact without the intervention of marriage or the devastation

of a “break up”. Outside of marriage, Mpho positions single parenting as a mechanism of protection for her and her child, until Siphokazi suggests marriage as a way of providing permanency and familial legitimacy for the child Mpho desires.

Last year January I moved in with her. So, and then, what happened is, and then my mom said, “no, Mpho, you can’t just stay there. You know mos, you must buy your own home.” Also, that’s what I thought as well. I can’t just stay and, and I was telling her listen here . . . I can’t just stay here in your house. I also have to have my own things. I also – I mean, I’ll stay here for twenty years and then, what happens if you die? And then they come and they kick me out? You know what I mean? So I don’t want that. I also have to accumulate my things and then she’s like, “no, then let’s get married.” I was like what? I was surprised. Like, you sure? You know what you’re saying? Like, yes, let’s get married. And then, she’s like, “no, I’ll even write a will Mpho, the house is yours, the what-what is yours,” you know? No, then let’s get married. I was like no, sure . . . It was that simple. [Mpho]

Part of Mpho’s understanding of what it means to form a family with Siphokazi involves each protecting the other from the potentially intrusive behaviour of their families of origin. Mpho positions their respective families, as represented by their relationships to their mothers, as “external factors” who have already “had their marriages” where “no one disturbed them”, but the taboo status of Mpho’s and Siphokazi’s marriage means that they must intentionally guard against being “disturbed” by “external factors”.

We said . . . we are getting into this and we should protect each other . . . we are starting our family. Me and her. Your mother, my mother, they are an external factor. So we both agreed. Yes, we love them, they’re our mothers, but we know that they are an external factor . . . because they had their marriages. Ok? No one disturbed them in their marriages, so now we are building our own home now. So, I’m not going to be influenced by my mother, you’re not going to be influenced by your mother. They are the external factor. [Mpho]

The only way to secure what they build and “accumulate” together is to obtain the “piece of paper” that privileges their relationship above kinship entitlements to the couple’s material possessions.

...the marriage, it just happened so fast. It was like spontaneous . . . We were practically married. All we needed was the piece of paper, I think more than anything for in case if . . . something were to happen to me or happens to her, more than anything, it was that. Because you also have to remember, we know our families and we know that they’re homophobic, so I am protecting her from my family. She also has to protect me from her family . . . I mean you spend like twenty thirty years with someone and then like all of a sudden, boom, everything is gone. Where are you going to start at the age of 59? You know what I mean? What are you

going to do at the age of 59. So, I think the paper for us, in the house . . . it's about that. She has to protect me in her family. I have to protect her with my family. You know what I mean? But, before that we were practically married. I mean, we were doing everything together already . . . So, yeah, so I think it's about that . . . anyway in South Africa they still don't call it a marriage, they say it's a Civil Unions Act, you know? It's not a marriage . . . So far, nothing has really changed. I mean, as I say, we've been staying together before, so, it was just a piece of paper which is in my wardrobe. [Mpho]

Mpho is clear that what South Africa offers to her is not “marriage”. The legislation of relationship recognition under the terminology of “civil unions” immediately neutralises any symbolic or religious connotation for Mpho. However, in her assertion that “nothing has really changed” for them, it is the couple’s performance of their relationship or the way in which they live their commitment to one another that signifies marriage, while the “piece of paper” provides the legal security that can “protect” the life they build together.

Though many of the women with whom I spoke identified a compromised sense of physical security as a challenge that lesbian women living in a heteronormative world often confront, concerns about physical security were often peripheral to a married couple’s sense of their relationship and their relationship to their families and communities. Wendy spoke with the most direct relationship to her sense of physical security in relation to her identity as a lesbian and the ways in which marriage might help her, or anyone else, negotiate security in a perilous situation. Though Wendy indicated that marriage was not such a sensitive topic for her to speak about, when a question about her gender identity brought the issue of hate crimes to the centre of the conversation, she indicated discomfort and her manner became intense and urgent.

...if ever I'm being recognised as a man – I'm gonna have a problem . . . if you are a lesbian, especially straight guys. If ever you are a lesbian, and then they're gonna start coming to you, you know what – proposing to you. “You know what, hey, you know what, hey” – don't tell yourself that you are a man – you are a woman. That's why – most of lesbians are getting raped. When they go out there, they tell themselves that they are men. You know – you touched a sensitive topic for me. This marriage life, for me, is not too sensitive. It's a minor. Yeah, it's a minor. So, if ever you are a lesbian – if ever you are gay, let me put it like that – the gay community – you are at risk, yes, of being raped. Whatever abuses are out there – you're gonna get it. Because why? You are gay. If ever, let me put it – let me speak about lesbians. If ever you are a lesbian going out there telling yourself that I'm a man, I feel sorry for you – I feel shame for you. I know you are a man, but when you come across a straight guy, proposing to you, that guy knowing that you are a lesbian, there's a motive behind that proposal. Why I'm saying – he wants to know that what's behind your pants? Between your pants? What's there? So me, cause I've never come across that. I've never – I've never come across that. When I'm – when somebody like a guy come across you. “You know what? I love you.” I said, “you know what? I'm

married." Um, marriage to me was a safe guard. If I put it honestly, like, I wanna run away from this rape issue and stuff . . . If somebody propose to you and you tell them you are married, they back off. They do back off. They do. Or, if ever you're not, put on a ring and tell them, especially lesbians, tell them you know what? I'm married. And then they're gonna ask you this question, "why are you wearing like a guy?" You understand? The question that I always tell myself, you know what? If ever I come across this – to make myself to be in a safe place, cause I always go in the dark, ne, alone. I won't fight. I won't. Sometimes I do, I do. But there are times when you know what? I can't fight this guy. I can't fight this guy. There are guys who are – so I'll see myself, you know what? I can't fight this guy and there are too many. The only answer that I'm gonna give them is that you know what? I'm married. And I won't tell them – I won't tell them I'm a lesbian except that they know me. If they know me, hell will break loose. [Wendy]

In Wendy's theorisation of violence against lesbians, marriage becomes a "safe guard". While she claims that she wants to "run away from this rape issue", Wendy confronts the issue candidly and directly, bravely forming the words to speak to what she says is a "sensitive" issue. While she speaks with empathy in relation to lesbians who shape their identity by performing masculinity, saying, "I know you are a man", she expresses pity and "shame" that "straight guys" will not recognise lesbian performances of masculinity in the way that she does. The threat of a woman "wearing like a guy" is so explosive to "straight guys" that only the invocation of the epitome of heteronormativity signified by marriage can diffuse the danger of being caught in such a highly fraught encounter. In Wendy's rendering, marriage and heterosexuality are so indelibly forged that if a lesbian tells a "straight guy" she is married, he will unequivocally "back off."

The ability to "build a life" together as a couple was central to some participants' conceptualisation of marriage through the Civil Union Act. In terms of emotional and family security, the ability to "protect" relationships from antagonistic intrusions by extended families was articulated as a primary concern. In some cases, marriage is a way to negotiate new boundaries, which position families of origin as "external factors", allowing partners to privilege their own relationship in ways that would not be possible without access to legislative support. The ability to form a family contributes to an increased sense of belonging, especially when many heterosexual couples within a lesbian couples' circle of friends are also having children. Similarly, the ability to protect a couple's relationship and the material benefits they accrue during the course of their partnership, contribute to a sense of belonging. However, the reality which predicates the need for protection questions the very meaning of security and the extent to which legislation can facilitate belonging.

An exposition of the threat of physical violence against lesbian women skews any substantive discussion of emotional and family security. If the basic physical security of lesbian women is under threat of immediate violence, more sophisticated forms of security are compromised at the same time that those forms of security are extremely necessary. If the emotional and family security of lesbian women can be secured through legislation, but their physical security cannot be guaranteed, any possibility of experiencing belonging is curtailed and the meaning of security at the different levels of its manifestation is called into question.

University of Cape Town

5. Ceremony and “Admin”: What Marriage through the Civil Union Act “Looks Like”

A variety of factors contributed to couples’ decisions to marry, the construction of the actual ceremonies and who was involved in celebrating the marriage with the couple. The second chapter of findings explores the dynamics involved in the act of marrying itself, by presenting marriage ceremonies through two analytic lenses: “Marriage: Who’s it for?” and “Marriage: Privileging Legal or Symbolic Meanings”. In the first section, marriage ceremonies are presented in the form of a discussion centred on negotiations with family and friends or the privileging of the couple’s relationship by positioning extended families as “external factors”. The second section presents marriage ceremonies in a discussion centred on couples’ discursive prioritisation of the legal or symbolic authority of their marriages.

University of Cape Town

5.1 Marriage: Who's it for?

Perceptions about “who” the ceremony was “for” often manifested themselves in the construction of ceremonies. As is true for the data more broadly, responses in relation to the construction and enactment of ceremonies can only be characterised by their vast diversity. Some participants were married by a marriage officer who simultaneously presided over a public ceremony for families and friends, but many participants had two separate ceremonies, one of which was legally binding and one of which was celebrated in the presence of family, friends or faith communities. Some participants found that the meaning of the ceremony was a symbolic act primarily for the consumption of a public audience of family and friends; some participants found that the participation of family members and friends in the process of the ceremony was a way to engage family members in what some termed a “journey” in which the couple and their families were equally, if differently, invested; some participants located the meaning of the ceremony centrally within the space of their own relationship, seeing the need to extend participation beyond the two witnesses required by law as superfluous to their experience of marriage.

Shods, who described herself and her partner, Ayanda as “pioneers in marriage”, were married at the Metropolitan Community Church (MCC) in the presence of two friends who were their witnesses. Marriage is clearly something that Shods does not feel needs public recognition in order to be viable or powerful to her own context with her partner. Shods described the marriage ceremony, which took place because she and Ayanda felt that they were both “ready” to be married. For Shods, being ready for marriage meant reaching “a stage in my life where I felt I needed somebody to share things with – somebody to share my pleasures, somebody to grow with.”

...it was just a very private affair. We got married in church, signed all the papers in church. We did all the admin outside the church and then we got into the church and we prayed and then took our vows there, but it was such an emotional moment, you know, and I was so happy to have her at last. [Shods]

Shods locates both families, including her daughter and Ayanda's daughter as “a whole lot of external factors” to the process of marriage. Shods did not marry without an attempt to engage her family in the process. However, the effort she made to ensure that her family came to “know Ayanda better” in preparation for the coming marriage, and in order to involve them in the process of the

couple's marriage, resulted in a traumatic experience not only for Shods, but also for Ayanda and for both daughters. Shods remembers that it "really messed up [their] Christmas."

So, when my partner and I – we usually have family dinners on Christmas from my family's side, so my partner and I went there together with the kids. Yo – my mom was so angry, and my brother . . . He was so angry – he said, he's going to leave if me and my partner come to that family thing. We had to go. We had to take our kids and go . . . we didn't have a good Christmas – it was a very bad Christmas for us. [Shods]

Though Shods describes Ayanda's family as supportive and indicates that there are several members of her own family who are "fine" with the relationship, the intensity of negativity that erupted during the episode at the family Christmas dinner positioned the couple's families as "external factors", who are in fact antagonistic to their relationship. It is their antagonism which escalates the urgency with which marriage becomes necessary to "cover" the relationship "should anything happen."

...with this kind of relationship that we are in, families don't recognise it, you know? So everything that she owns, her family thinks – everything that we own, both of us, her family thinks, that girl, Shods, she's taking our child's things, you know? Same thing with my family. Everything I own with her, they will think oh, Shods' house, Shods' car, you know? So, should anything happen to me, definitely they are going to come and say, please bring me those things, get out of Shod's house and things like that . . . So, we didn't want to make a mistake, we wanted to make sure that we are covered should anything happen. You know, have a will in place, so that if anything happens to any one of us. [Shods]

Though marriage is something that Shods prioritises as a personal desire, she also feels pressure around the representative nature of her marriage through the Civil Union Act. Her marriage to Ayanda was not highly symbolic in its construction, but becomes symbolic as it is lived. In addition to the "anxiety feelings that anybody who's getting married has", Shods was also preoccupied with her intention not to "create a bad precedent that lesbians get married and then they divorce."

When you get married there, that moment is very, like, special. It's not like any other ordinary marriage. I don't know how other people feel in an ordinary marriage, but you feel that, especially when you say the vows, you feel that this is a unique kind of set-up which people have fought for and have gained somehow and they have earned, you know, in a very hard way and you feel you are privileged, sort of, you know, to be, to have had the opportunity to do it . . . So it's quite emotional. More than the fact that you have the other anxiety feelings that anybody who's getting married has. But you also feel it's quite a unique opportunity to be able to like get married – because it's not all the countries that accept marriages. So you feel very

privileged at the same time, but you can come out and say I'm getting married and come out to your family and say, I'm getting married and the Constitution allows me to. [Shods]

Shods also described the way in which the “constitutional” authority behind her marriage gives more legitimacy to her union. Comparing her relationship to the relationship of an unmarried colleague who “was talking about the way she and her boyfriend make love”, Shods amplifies the authority of her marriage by expanding its legal weight to encompass a vested moral authority with an unambiguous source: “I deserve to make love the way I want . . . because I’m married, and I’m doing it within the boundaries of laws – God’s law.” In this way, her relationship has been legitimised so unequivocally that it is morally superior to the unmarried heteronormative practitioner of sex outside of the “boundaries” of marriage.

Jan, who described herself as “never want[ing] to get married until I met [Alice]”, planned the entire ceremony herself. She married her partner, Alice, on a “cruising restaurant ship”, because Alice “wanted to get married on a boat”, but also indicated that “a wedding is not for us, it’s for everyone.” Central to her design of the ceremony were concerns around the “traditional” performance of marriage, a concern she and Alice “discussed . . . at length.”

...we didn't want to do it traditional, which I think they liked that as well. Because there's no – the one stands in the front and the other one walks in and pulling off the garter or whatever you call it and throwing the flowers. There was none of that because it would have been too weird for all the straight people there. So, we were very careful about how we did things and what traditions there were and what there weren't, like we didn't do a dance floor opening – me and her. We didn't do that 'cause I didn't know how my parents and her parents would react. We danced later on 'cause Alice forced me to, and they were fine, but we didn't do it. [Jan]

Comfort and preferences of family members were the conceptual scaffolding around which Jan’s and Alice’s ceremony was built. When “traditional” rites of marriage, such as “something old, something new”, created participatory opportunities for family members through the course of the marriage process, those rituals were retained. Jan remembered wearing “some of my mom’s jewellery and she wore some of her mom’s”, which was something Jan considered “nice” for their mothers because in addition to “signing the register” as witnesses, it gave them a way in which to participate in the marriage process, about which Jan said, “you could see they loved it . . . they were very happy that they could sign it”. The litmus test for acceptance or rejection of “tradition” in the ceremony seemed to hinge on the relative level of challenge posed to heteronormativity by the

enactment of such “tradition” by two women. The more intimate the “tradition” – “pulling off the garter” or a “dance floor opening” – the more concerned the couple became that it would be “too weird for all the straight people there.”

I think you have to think about things like that because I wouldn't want people to feel uncomfortable. 'Cause I wouldn't know how people would feel seeing me and Alice dance – just the two of us. If it's a lot of people dancing together, I think they're fine, but just the two of us . . . I mean, we just thought about it and when we came to a situation where we thought maybe/maybe not, it's ok – out. [Jan]

Ultimately, Jan expressed feeling that both she and Alice had “hit the jackpot with [their] families”, who were supportive and involved, considering that same-sex sexuality “in the Afrikaans community, it's not even taboo – it's forbidden, you will burn in hell.” Jan's own mother moved from a space in which being a lesbian or even knowing lesbians was “taboo” to becoming an “expert on everything lesbian.” However, rather than allowing Jan to feel that she was free to design the ceremony as she wished, that feeling of good fortune caused her to be highly sensitive to the ceremony's content. Underlying the conscious selection of which “traditions” to retain and which “traditions” to disregard was a simple rubric: “they're already so awesome accepting it, we didn't wanna push the boundary.” Defining what that boundary was involved another process entirely.

Zanele described marriage as a “dream” of hers that she had had from a young age, even before she met Amahle to whom she was married during a ceremony at Home Affairs and subsequently during a much more public ceremony at the church they attend regularly as a couple. Because she expressed that her desire to marry predated the establishment of the Civil Union Act in South Africa, I asked her how she would have approached marriage had she wished to marry before 2006. Zanele responded that because she is a *sangoma*, she would have married through a “traditional ceremony”, the result of which would have made her partner “the ancestor's wife . . . someone the ancestors choose for you.” Zanele explained that for lesbian *sangomas*, marriage through a “traditional ceremony” is both publicly recognised because “that person has to assist you in each and everything” and very “secret” because the lesbian relationship is subverted through the understanding that the “ancestral wife . . . becomes the wife of the ancestor, not yours.” Though her mother did not live to see Zanele's marriage to Amahle, Zanele indicates that her mother played an integral role in her desire to marry by foregrounding conversation about marriage both before and after Zanele was “out” as a lesbian to her mother.

...when I was growing up, I grew up in a family of mom and dad and both of them were married. My mom – she would like say, do you wanna get married? And before I came out to her as a lesbian, I would say – to who? Then . . . she would stop the subject . . . And I would sometimes think about it – like ok. I wish to have someone. And when I was out as a lesbian with my mom, we would have this discussion . . . I couldn't cook or do anything. Do my own laundry, I couldn't do that. My mom – she was the one who was doing it. So, she would say, "you know what? I feel pity for the woman that you are gonna marry." That's what my mom would say – "I feel pity for the woman that you are gonna marry because you can't even do your own washing. You can't even cook – it means hunger is gonna kill you if you don't have a woman that you are married to – if you are single, the girl that you are dating – she's gonna come for that night and she goes and you don't even cook." And she said, "hunger is gonna kill you, my child. You had better prepare yourself." So, I could say that's one thing again that pushes me to get married! [Zanele]

Zanele speaks about her marriage as the fulfilment of a very strong personal desire, locating the fulfilment of her "dream" as a primary motivation behind asking Amahle to marry. However, Zanele also sees her mother as having informed that desire to marry by constantly prioritising marriage as a topic of conversation. Significantly, Zanele's mother did not see the option of marriage as foreclosed after Zanele "was out as a lesbian" to her mother. Zanele's interpretation of her mother's interest in Zanele's marriage was that she would need someone who could help her, particularly with the chores conventionally associated with being a wife: "I believe . . . it's my mom who just pushed me to just get married because I need someone who's gonna help me out."

As someone who enjoys a great deal of publicity herself, the construction of Zanele's marriage ceremony to Amahle was one involving "surprise". Zanele, who refers to herself as a "lucky child", because of the support she has received both from her family and her church community, did not feel the need to go through the same process of careful selection that Jan employed when planning her ceremony. Though both women invoked a sense of fortune at the acceptance of their relationship by people of importance in their lives, Zanele was liberated rather than circumspect, and the "surprised" congregation were positioned as a community who could share equally in the experience of her marriage to Amahle, rather than as observers to a ceremony seeking not to offend. The couple was married after the completion of the typical Sunday service with the entire congregation as witness. The legal marriage took place at Home Affairs, but the symbolic marriage was an occasion of great joy for their entire church community.

We wanted it to be a surprise to the congregation. Yes, then the whole congregation was there, so when we were there, we started the morning service and the preacher said the service is going to be a little bit longer because we've got something special we had to do. And

everybody's like – then they started the morning service, then ok, the morning service is done. Ok, let's start the work we are going to do. Then the preacher called us to come in front . . . And we were standing there. Then they put two chairs in front, covered by white cloth. "What's happening?!" the congregation asked. Then the preacher said . . . "they are getting married here." And you could hear women ululating. It was like – it was nice. And Amahle's sister cried. She cried. When she saw the rings, she cried. Amahle's friend cried, too. So, Amahle cried when she saw her sister crying, she saw her friends crying. They all cried, and I looked at them. Now, why are you crying? Last time you tried to run away, now you are crying. So . . . she said, "tears of happiness, tears of joy." [Zanele]

Though the couple have celebrated their marriage twice, Zanele foresees a "white wedding" in their future. The primary reason for the plan to celebrate with a "white wedding" is that Zanele's friends were not in attendance at either of the previous ceremonies and they "are busy telling [her], *we were not there.*"

For some participants, family acceptance of their relationships and family involvement in the marriage ceremony emerged as crucial axes around which ceremonies were planned. Ruth, for whom marriage featured prominently as a future desire even during a time that she wrestled with celibacy as part of her religious training through the Dutch Reformed Church, was explicit in her desire to involve her family in the marriage process. She and her partner Annelize planned the date of their wedding ceremony at a chapel in the winelands, a place Ruth had visited even before she had met Annelize and remembered thinking, "if ever I get married I want to get married out of this chapel", around the progress of the "journey not only as a couple, but [the] journey as a couple with our families."

It was not overnight. It's not like we have liberal families. We have ordinary South African, conservative Afrikaner families. Yet how to journey and how to stay open and go through the phases of silence carrying that sacrifice that . . . hurt, how it impacts the relationship, the isolation at times, but working through it . . . We also didn't want to only have it be us and then by that time our siblings [were] fine with it, but Annelize wanted her family to be there. I wanted my family. And it took my parents up until August . . . we married the [middle] of September. It took my parents as late as August. [Ruth]

When discussing the date on which they got married, Ruth indicated that had marriage been legal in 2000, the first year that she and Annelize were together, the couple would have married then. It was the process of familial negotiation that determined the date of their marriage nearly ten months after same-sex marriage became available as a legal right in South Africa.

...when it happened, it was such a privilege and we really worked. That's why we didn't marry 1 December 2006 because it took all that planning and all that journeying with the families as well. It took time to let them know. We are serious. This is - we have committed to each other anyway, but now we also want to do it publicly. Otherwise, we would have done it, say, obviously in December 2006 - I mean there were these couples that did it on the very, after 30 November, they did it on the 1 December. We were not in that sense. It took us all that months. That's why it only happened [mid-] September, to give us the time. Not only for the wedding and for the venue and for getting clothes and all that. It was for the family to get all the conversations in and invitations. [Ruth]

Though Ruth and Annelize themselves had a strong desire to marry, the level of significance Ruth assigned to her family's presence and participation was also communicated as a way in which to normalise a relationship that is "still something strange" for her family.

*...so when everything came together and all of the family attended with colleagues and board members and all that, and my parents could also experience, it's not just gay people at a **gay** wedding, it is **people** celebrating and . . . witnessing of a couple saying, publicly before God and witnesses, we are journeying together until death do us part and may God help us with that. [Ruth]*

The extension of involvement in the ceremony beyond the "gay people" getting married was meant to transform what would otherwise be "gay people coming to gay marriages and having a gay thing" into a marriage ceremony "like any other". Conceptually normalising same-sex marriage in this way allowed Ruth to be fully inclusive of "tradition" in a way in which Jan (above) could not give herself permission to do.

...in my tradition, Afrikaner tradition, it is, you have the sermon, you have the rings, you have the kneeling and the blessing of hands. You have, also the singing and the hymns and whatever and then afterwards, you have, or beforehand or after the sermon, you have the photos with the family and with the couple and then you have the reception, and you eat a lot and drink a lot. [Ruth]

The incorporation of both family and "tradition" in the wedding ceremony in conjunction with the protracted period of engagement with their families before the marriage resulted in Ruth attributing a feeling of accomplishment to the jointly "created" ceremony of her marriage to Annelize:

...we did this together, we worked with our families together, we created this day for it. [Ruth]

However, the full weight of the negotiations with the families can best be understood by the juxtaposition of Ruth's "journey" with her parents through the process of her marriage with the "spontaneous" ways in which her parents support her siblings who, by laying claim to their heterosexual privilege, access marriage through the Marriage Act. Though Ruth describes having created a normalised celebration "like any other" rather than a stigmatised "gay thing", the lack of "spontaneity" with which her parents support her relationship in comparison to her siblings' heterosexual marriages reveals how deeply ensconced the conflation of heterosexuality and marriage is.

I mean my brother and his wife, and my younger sister and her husband, they've got different ways that the family supports them spontaneously. Whereas, it doesn't come that easy, it is more unfamiliar and also it is loaded because . . . Christian education in our country is much more heterosexist and it's not inclusive, it's not at ease with diversity. [Ruth]

For Mpho, who said she "never thought" she'd "actually get married", marriage was something that had to be grappled with itself, especially in relation to what it means to be lesbian in South Africa, before even considering marriage to her partner, Siphokazi. Subsequently, the relationship "progressed" to a point where legal marriage became a way of protecting their relationship from "external" interference, but Mpho describes a conversation that she had with Siphokazi in the early stages of their relationship, during which they discovered that the fact that they "didn't believe in marriage" was a mutual conviction.

...how do I tell my mom that I want to marry another woman? She would really faint. The fact that now she understands, she's trying to understand that I'm dating women – that's just good enough for me, you know what I mean, after what we've been through, so I can't do this. I also had my own issues – my family, the church people, I also thought of the church people and I thought of my family and I thought, ag, no – also, you know, I wasn't out at work. I didn't – no, no – you don't just be out at work, you just don't. [Mpho]

Mpho also charts the history of the oppositional relationship between her sexual orientation and any possibility that she would marry within a framework of heteronormative familial and societal expectations, which she attaches to the reality of being a woman in South Africa.

...in South Africa things are different. If you're gay, it's like it's taboo. So, and, I grew up – my mom . . . is a pastor. Yes, so you can imagine. And I'm the only child. I'm the only child! And you know how is it like. They want you to fall pregnant and have a husband, and have four kids, picket fences. They want you to, to – you know? So I never thought that I would actually get

*married. I knew that I want to be with women. I've always been with women. But I just thought ag, I'll just stay at home and just date and one day have my own place and just continue dating, so yeah, because you know . . . there are so many issues around it, hey? Because you actually get, even get discriminated **in your family**. That's how hectic it is. [Mpho]*

The number of “issues” around being lesbian deterred Mpho from considering marriage before she and Siphokazi discussed marriage as a way to consolidate their future within a context where being “gay” is “taboo”. After reaching the decision to marry, Mpho describes the construction of the ceremony as very “simple”. Mpho and Siphokazi knew “exactly what [they] wanted.” Their own partnership was central to them in constructing their marriage celebration, resulting in the exclusion of those who were antagonistic or indifferent to their relationship. They “signed” in the presence of the marriage officer and witnesses and then celebrated their marriage with friends at Mpho’s mother’s house while her mother was not at home.

We talked about it – I think it was in October, we got married in December. That's how things – I remember, it was in October when we talked about it and yeah, we got married in December. We invited people to come to the braai, and we knew exactly what we wanted. We didn't want to have a big white wedding . . . we knew exactly what we wanted. We want to go and sign and have a nice party with our friends. That's it. No one – from both families, no one was invited. It was just us and friends. Our mothers were not there. Even though we used my mother's house, but she was not there – she just gave us the house. [Mpho]

Though Mpho’s mother has a good relationship with Siphokazi, whom she calls her “second daughter”, and sees Siphokazi as a person who will “take care of” Mpho, her inability to acknowledge and affirm the couple’s partnership and her embarrassment at their marriage are factors that contribute to Mpho’s feeling that “gay people . . . are the only people who are really genuinely happy for me.” Mpho sees marriage as celebratory in nature, something that should not require negotiation with those who will not be “genuinely happy” about the marriage. At the same time, the presence of spectators is tangible when Mpho asserts, “we have to do this together, and obviously we have to be strong and obviously because we are kinda watched, I mean our families are looking if this is going to work out, we have to make it work . . . We have to make it – we owe it to ourselves anyway because we both want it.”

I wanted to celebrate it with gay - gay people only. I felt they are the only people who are really genuinely happy for me . . . It hurt my mom. I'm not going to lie to you. When I went to tell her that I'm . . . I couldn't even say the word. I couldn't even say I'm getting married. I said to her – I am . . . we are thinking of signing . . . and make things official. I couldn't say the word

marriage. That's how hectic it is. And then, how do you invite people who still can't even say my daughter is gay. My daughter is lesbian? How do you invite them? Not that – we love our parents. Believe me, we love our parents, but you just – I felt, the people whom I'm going to invite, will understand and will be genuinely happy for me, you know what I mean? I knew that our parents will cry because they will ask themselves, but why do they have to do this? . . . and how do you invite someone, I knew that she would be so embarrassed about it – she didn't tell even a single person – her friends don't know that I'm married, her church people don't know that I'm married . . . she even said, how am I going to tell my sister this? I said, no, you don't have to – I will go and tell them. I'll go and tell my aunts. And you don't have to. [Mpho]

The intensity of the “taboo” status of Mpho’s relationship with Siphokazi creates impossibilities of speech in both directions. Mpho’s mother’s inability to say “my daughter is lesbian” not only illegitimizes her familial claim upon a ceremony in which Jan and Ruth (above) centralise family participation, it also renders Mpho unable to apply the term “marriage” to the process through which she and Siphokazi “make things official”. The “hectic” state of things is not limited to the “taboo” of the relationship, but extends itself to encompass marriage, which itself becomes “taboo” when performed by Mpho and Siphokazi. Her understanding of the taboo status of her relationship with Siphokazi leads Mpho to feel empathy for her mother across mutual linguistic failures when she invokes an ironic recognition of the joy her marriage would generate if performed within a heteronormative framework: “poor her because she can’t brag and say my daughter is married. She’s married and she’s happy and more than anything, she’s married to a doctor.”

After being “engaged” for over a year, Nisa and Tala were married at the office of the marriage officer in the presence of two witnesses. While Nisa mentions financial constraints as a factor in determining the small size of the ceremony, she is also very explicit in her specification that she and her partner are the protagonists in their wedding and that other people, no matter how intimately involved in their lives, are peripheral to an experience that is “something special between the two of us”. The couple’s eagerness to marry eclipses any formulaic prescriptions for marriage ceremonies, prioritising their own desires above any other factors and facilitating their refusal to let “money in [their] pockets” or external expectations about what a ceremony should be dictate the way in which they consecrate what is “special” for them in the solemnisation of their partnership.

We went to [the marriage officer's] office in [Cape Town] because she asked us if we wanted the whole ceremony thing and so I told her we were not financially by the means to have a big ceremony or whatever. And we didn't wanna wait, also. So, I told her – so we came to an agreement that it's something between the two of us – why must we wait to have money in our pockets to give a big thing for something that is special between the two of us? And then we both agreed – cause she didn't wanna wait and I didn't wanna wait, so we just got married.

And we went to [the marriage officer] and [she] did all the paperwork and, read like the vows and so we signed and our witnesses signed and then it was finished . . . The paperwork took most of the time than the actual marriage, but we just wanted to do it and be legally together.
[Nisa]

Like Jan and Ruth, Nisa's discussion of marriage and the meanings that accompany it involve language mired in "tradition". However, for Nisa, marriage itself is where the "traditional" is located and eschewing "traditional" performances of marriage is integral to the way in which she expresses herself. Rather than considering the marriage ceremony something to be negotiated by family participation or the designs of friends, she foregrounds her relationship with Tala as both her motivation for marriage and her way of defying "tradition". When she called her mother to tell her that she and Tala were getting married, she describes her mother's "shocked" response and her rejection of her mother's idea of what marriage should "look like":

I phoned her and then she said, well, she's shocked and she wanted to do the whole bridesmaids thing and all that traditional jazz. So, I said, I'm not that way inclined. I'm not a very traditional person. I just wanna do things . . . that's gonna make me and my partner happy – not things that's gonna hurt other people, but I just wanna do things that I can get on with my life and be happy, so waiting for this and for that one and dresses and all – I'm not even somebody that wear dresses. I didn't feel like all that jazz, so we just did it and got it over and done with. [Nisa]

Though for Nisa and Tala, marriage was something that gained its meaning through its application to their relationship rather than through the enactment of an elaborate or public ceremony, Tala described coming home after the marriage ceremony to find both mothers preparing a meal in order to celebrate the couple's marriage.

...when we came back and we walk in, her mother was here. And the table was decorated with food and champagne and – you know, it's like totally shocking, man, it was just nice. Like, just a family thing, and they were all here and my mother cooked and everything. For me, that was the best ever than having a fancy do with all the family and friends and you know, tomorrow everybody will start complaining about the food wasn't even nice, you know, these things like that. So it's something we would remember all the time. That is what is important for us.
[Tala]

Though Nisa's mother had "said it's something she will never accept because according to the Bible and whatever – male and female are supposed to get married", both Nisa's and Tala's mothers' spontaneous and surprising support of their marriage by preparing a celebratory meal for the

couple to return to illustrates their investment in their daughters' lives and highlights Nisa's mother's commitment to her promise to "accept the fact that [Nisa is] happy cause if [Nisa is] happy, she's happy."

5.2 Marriage: Privileging Legal or Symbolic Meanings

In individuals' descriptions of the ceremonies during which they were married to their partners, legal and spiritual meanings were sometimes positioned in fierce competition with one another. In some cases, individuals distanced themselves from association with a particular meaning, describing legally motivated marriage ceremonies as "cold" or describing the ceremonious performance and symbolic meaning of marriage as being associated with an institution that is "not very cool". However, legal and symbolic meanings of marriage coexist, not without tension, in couples' decisions to marry legally, having become part of the institution of marriage whether through ceremony or not. Because none of the participants arranged commitment ceremonies before same-sex marriage was legislated in South Africa, the legality of marriage facilitated the possibility of a symbolic marriage to be imagined in each of the marriages presented below. Marriage has historically been understood as an institution embodying both legal and symbolic meanings, involving rituals primarily located within a spiritual context. However, the inclusion of same-sex relationships within the institutional parameters of marriage, as experienced by the participants represented here, illustrates that viewing marriage as an issue of human rights reveals an enormous fracture between the legal aspects of the institution, and the socio-religious contexts that lend it its moral authority.

Wendy was legally married to her partner, Nomsa, at a Home Affairs office in Soweto. Present at Home Affairs were Wendy's mother, Nomsa's mother and Nomsa's brother, to whom Wendy refers as "my brother-in-law". Because Nomsa is a *sangoma*, part of the couple's spiritual responsibility to Nomsa's ancestors required the fulfilment of a ceremony to make the ancestors aware that "the family has extended" and to remind the ancestors of their duty as well:

Wherever Wendy goes and her mother, you must watch over them. [Wendy]

While Wendy spoke only briefly of the legal marriage at Home Affairs and in fact stated that though she and Nomsa had been together for eighteen years at the time of their marriage, she did not recall hearing the news that same-sex marriage had been legalised in South Africa, her description of the spiritual ceremony, which took place in a designated area in the yard outside of the couple's home, is full of detail and nuance, and the intensity of its delivery conveys that her

emotional investment in the spiritual ceremony far outweighs any emotional connection to the legal ceremony at Home Affairs.

...when we pour the snuff, we have to – we knelt down everybody. The family and my family – my partner's family and my family. We have to kneel down here – and then my mother-in-law and my mother and my partner and me, we have to be in front, so everybody will follow at the back. Yes, and then they have to talk to them and tell them, this is who and who and who – what we are doing here is this and this and this. We are telling you that we are – the family has extended. Yes, this is – we are telling you that the family has extended, then you have to accept them. Yes. [Wendy]

And:

And then there's going to be brothers-in-law, yes . . . and the family – the whole family will be in front and then people who are maybe just being there just to support will be at the back, and then the ancestors are gonna be told by the front family – by the front row and the names that are gonna be mentioned . . . that's what the ancestors are gonna accept. Yes. Um, we are . . . we are telling you that Wendy, Nomsa, and my mother's name and [her] mother – we are telling you that the family has extended. Wherever Wendy goes and her mother, you must watch over them. [Wendy]

Yet, the couple did legally marry as well. For Wendy, the legal marriage was the culmination of an extended process of negotiating the acceptance of her mother, while it was the spiritual ceremony that solidified the emotional security of her relationship with her partner:

...but to Nomsa, I'm very much important – you know why? Because her ancestors accepted me. So whoever comes second, it's nothing. They mean nothing to them. What is important to them, it's me. That's where my strength comes in . . . That's where my strength is. [Wendy]

While Wendy says that her mother initially “didn't wanna get involved in the wedding”, Wendy's explanation of the permanence of her relationship with her partner was so persuasive that her mother signed as her witness at Home Affairs. Wendy told her mother, “I love this woman. There's no one else who's gonna sit in your place, in your house.” When she discusses the emotional significance of her mother formally witnessing her legal marriage, a fact which caused her “to cry like a little baby”, Wendy transforms what she perceived to be her mother's thwarted expectations into the extension of kinship through her legal union to Nomsa.

It was nice – very much nice. I watched my mother – you know what? I know she's expecting a lot from me. I know she's expecting a lot from me. To have a man – a husband and children, but unfortunately, I can't do that. I love women with all my heart. I love women. [Wendy]

Rachel, who married her partner, Jennifer, at a ceremony in the winelands outside of Cape Town, specified that the couple “wanted nothing traditional” incorporated into their ceremony. This was a decision made both in deference to religious convictions held by Jennifer’s mother and because Rachel describes both herself and Jennifer as not “being very . . . religious or anything”. In fact, because it is possible to designate unions under the Civil Union Act as either marriages or civil partnerships, the couple chose to designate their union a civil partnership because Jennifer’s mother was “fine if we called it a civil [partnership], but not ok if we called it a marriage”. Though they legally designated the union a civil partnership, Rachel maintained that “it’s not really something that mattered to us, really, you know, what to call it. You know, it’s marriage.” The “very meaningful” ceremony’s significance was not in its relation to the enactment of spiritual rituals, but in relation to its public nature.

Well, it was . . . the public show of love and commitment. You know, it was being able to, to stand up in front of everyone and show that . . . this is the one that I want to spend the rest of my life with and . . . that’s actually what . . . [the marriage officer] said in the beginning of the ceremony: “you’ve got this philosophical question, like if a tree fell in the middle of the forest and no one was actually around to see it, did it actually fall?” So, you know, I could’ve gone to . . . we could have gone, sat in [the marriage officer’s] house, signed the papers and bugged off, didn’t actually have to have a whole ceremony, no one else actually had to be there, you know, you’ve gotta have two witnesses, and that’s it . . . could’ve been anyone. You know, my mom and Jennifer’s mom were our witnesses, but it could’ve been anyone. I mean, it could’ve been [the marriage officer’s] domestic worker and the gardener, you know, I mean as long as they have copies of their IDs. But . . . it’s nothing special about that. I mean, in that case, why do it? I mean, that’s, oh well, in that case, we’re doing it because, you know, so that Jennifer can get on my medical aid. So that . . . when I get a pension, Jennifer can get part of it. That’s great, you know. That’s kind of cold. You know? It is. [Rachel]

Grace legally married her partner, Nel, in what she described as “just a quiet thing and a very South African situation because the two witnesses were the very, very bored and sleepy husband of the rabbi and the domestic worker of her neighbour”. Though Grace indicated that she and her partner would not have married otherwise because they are not “for marriage”, they are in the process of emigrating to another country, and realised that they wanted to avail themselves of “the benefits that come and the security that comes with being regarded as a legally married couple”. Legal marriage was not only a way in which to protect their partnership against the intrusion of external parties in case of “all these sort of tragic and unimaginable things where one person has to make a decision”, but was also a way in which to facilitate the emigration process itself: “the very fact that we were accepted depended on the fact that we were a couple because Nel was the main applicant.” Grace explains their decision to marry after having initiated the emigration process.

Taking advantage of a professional opportunity to visit their new country, they realised the vulnerability to which their partnership might be subject without legal definition.

...we thought if anything happens on the plane, then we're not each other's spouses, so we quickly phoned [the marriage officer] and said can you see us within three days because we're flying on Friday? Can you marry us? Yeah, ok fine, bless you, happy, happy, got married, went out to have a lovely meal at Hout Bay and didn't exchange rings or anything, but there was a decision that this is for – this is our forever thing, so it's not just something that helps that side. I am now her legal spouse and I will not cheat on her and I know that she will not cheat on me. [Grace]

Grace's description of the marriage as the couple's "forever thing" speaks to an emotional element involved in the marriage, but it is an element that she considers indistinguishable from the partnership itself. The decision that the relationship is their "forever thing" is not a decision taken concurrently with the decision to marry, but was a decision made much earlier in the long history of the couple's relationship. The decision to marry underscored a lived commitment and resulted in "that kind of realisation – wow, she's my spouse", but did not result in Grace "feeling we're in a different space now or it means more to us now that we have this paper than what it meant before."

For Grace, specific symbolic and social meanings enshrined in the historically heteronormative institution of marriage manifest themselves in the way in which the "traditional" marriage ceremony is performed with its "bells and wedding cakes and things". She describes her opposition to marriage as "feminist" and chronicles an evolution of the way in which her perspective about marriage has changed over time. The improvised and rushed nature of Grace's and Nel's ceremony allows them to access a legal right at the same time that it resists a "traditionally" scripted performance of ceremonial marriage.

...when I was in matric or 22 or 24 years old, I thought – you know, I looked at patterns in wedding magazines and thought that's the kind of dress I would like and that's the kind of flowers I would want to carry, but as I grew older, I have a tongue-in-cheek idea about weddings, so much spiel. It's just a big lot of icing on an outsize cake, so – and fortunately Nel feels the same . . . she says she would be embarrassed to walk up the aisle with me on her arm holding a flower, some kind of pastor deciding God has appointed him to put his hands on – I think, Oh no! So rather the rabbi and the domestic with the sea view and go and have steaks at Hout Bay. [Grace]

For some participants, rather than articulating separate meanings of legal authority and moral authority, civil law became conflated with moral authority or "God's law". Carmen and Amy were

married at Home Affairs during a ceremony at which Carmen's "second eldest son signed [her] off and [Amy's] second eldest son signed her off." Afterwards they had a small "reception" and the following weekend they had a large celebration with friends and family. Carmen is one of the few participants for whom marriage was a topic of discussion before its legalisation in South Africa. After being together for four years, Carmen and Amy began thinking about solemnising their relationship with a commitment ceremony at the Metropolitan Community Church (MCC) before marriage through the Civil Union Act was a legal option for them. Carmen describes the pressure she felt the relationship was under due to a feeling that living together without being married was synonymous with "living together in sin."

We had friends that wanted to sleep over here and stuff like that and to us – like I said, we live quite close to the Lord. Not like I'm gonna keep myself holy, you see, but if couples wanted to sleep over, we wouldn't permit it. You can maybe sleep over for a weekend, but like you come here – we've got a lot of friends who come here, then they want to stay a week or whatever – we wouldn't permit it. Because to us that was like we aren't married. We're living together, even though we're two women – we're living together and we were still feeling guilty over our children and then we would say we're still not, uh, how can I say? We're not – this isn't how we want our children to see us . . . As living together. In sin. It's like – for us it was like even if a man and a woman is living together – that's sin. For us it was the same. [Carmen]

While Carmen and Amy were planning to approach the MCC to "ask the priest there to . . . marry [them]" because marriage "wasn't legal . . . yet . . . the stories started to surface that they [were] busy negotiating this thing", so they abandoned their plan to approach the MCC and decided to wait until marriage was legally available. However, after same-sex marriage was legalised in South Africa, Amy asked Carmen to marry her three times. It was not until the third time Amy asked her that Carmen considered Amy "ready" to make the commitment of marriage.

She did ask me twice before we got married. The first time I pulled a face, so she didn't bother. So we went to a friend of ours . . . it was one of their birthday bashes. And, she went down on one knee. I'm still seeing her going on one knee . . . and she asked me would you marry me? I said, yes, I got excited. So afterwards we decided, no, it's too early. [Carmen]

And:

So, when she asked the third time, I said to myself, no, now you're ready. Now you are really ready to make that commitment even though we've been living together, we've been building up everything together, now you are ready to accept this life. [Carmen]

There was a transition between Carmen actively seeking to plan a commitment ceremony at the church and her hesitation when Amy asks her to legally marry, which indicates a shift in what marriage means. The “spiritual” marriage at a church without its legal consequences would provide the couple with the confidence that they were not “living in sin”, but is considered part of the life they’ve “been living” and “building up . . . together” whereas the legal marriage was something that Carmen determined as happening “too early” if Amy was not “ready to accept this life.” Carmen and Amy are further planning to “renew [their] vows” at the MCC in observance of their second anniversary of marriage. Carmen explains the power that the idea of such a ceremony holds for her.

*I want it to be like, um – you see, to me, at the office was just – it’s just like something you rush off and do quick quick quick quick. And, ok this won’t be the real thing because the real thing is gone – we’ve done it. But in my mind I would imagine myself – while standing there, I would imagine in my mind this is the real thing. Now, it’s happening. You see, because, um, there is a blessing gonna come. There is. I don’t care what the people say – the straight people say or whatever they do – I know! If he gives us that blessing from the Bible, yeah, this is now like the real thing. Now my life is really gonna be more **excitable** and my life is really gonna be more **meaningful**. Because this is what I wanted, and so it happened. [Carmen]*

Even after legally marrying, the symbolic act of marriage in a church, accompanied by the requisite “blessing from the Bible” retains greater authenticity in Carmen’s mind. She recognises the legal marriage as “the real thing”, which has been witnessed by the couple’s family and community, thereby rectifying the feelings of “guilt” over the children “seeing [them] as living in sin”, but legal marriage does not have the same power in Carmen’s narrative as the spiritual authority of the symbolic marriage before a priest. The “blessing from the Bible” not only has the power to dispel whatever “the straight people [may] say”, but to make Carmen’s own life “more excitable and . . . more meaningful” because she privileges its meaning over the “real thing” at “the office” and because it is really “what [she] wanted.”

For Emily and Karla, marriage was the initial step to forming their own family, a process they have begun since the marriage by adopting a young child. They were married at a ceremony on the beach in Durban, followed by a legal ceremony at a Home Affairs office in Gauteng. Karla describes both the symbolic meaning and the legal limitations of the ceremony with friends and some family in attendance in Durban.

... we got married . . . and it was the most beautiful weekend ever . . . There was no nerves around it – there was no – it wasn’t formal or false or pompous or – it was just down to earth,

you know, exactly – it suited exactly my personality and Emily’s personality. We’re both, you know, what I can remember, my favourite part about it – it was the whole weekend. I can just remember thinking – being at this wedding and thinking – this is the best wedding I’ve ever been to and then remembering – oh! It’s my wedding! [Karla]

And:

...the ceremony on the beach was not a legal ceremony. We didn’t have a person that could legally marry us do the ceremony, so we actually we had Emily’s best friend . . . do a blessing and another friend of ours that was, I don’t know, she also did kind of a blessing, so it was in no way a legal – a legally binding ceremony. We didn’t have, you know, I don’t think we met all the requirements, besides not having the person that would legally be able to marry us. So yeah, so we did the Home Affairs, but I think about a week later when we got back to Joburg. [Karla]

Emily explicitly privileges the meaning of the ceremony on the beach:

... the first of November was not our official ceremony – we had a blessing on the beach and then the official sort of document what-what was after that . . . But I mean, I don’t even remember what date that Home Affairs thing was on, cause it’s not – I mean . . . that’s just a piece of paper to submit to the medical aid and things like that – but, you know, the actual wedding was the one on the beach. [Emily]

Emily characterises the ceremony at Home Affairs as “just a piece of paper”, whereas the “actual wedding was the one on the beach”. However, when asked if she thought they might have had the ceremony on the beach if marriage was not a legal option for same-sex couples in South Africa, Emily’s uncertainty indicates that the legality of marriage facilitated the performance of the “actual wedding . . . on the beach”.

Wow. I don’t know. I don’t know. I don’t know if we would have gone to Durban and done it on the beach and all that. Maybe we would have had a – I don’t know. I don’t think we actually would have, hey? I don’t know. [Emily]

Karla’s description of the couple’s experience at Home Affairs is a rather unique one among the experiences presented in this research. Though the legal marriage was brief and emblematic of the procedural aspect of Home Affairs in its performance of the solemnisation of marriage, the atmosphere at the Home Affairs visited by Emily and Karla distinguished itself from the others, due to the enthusiasm of the marriage officer. Initially, when she attempted to make the appointment to

be legally married, Karla was frustrated to find that the only marriage officer who performs “those marriages” was on leave that day, but when she and Emily persisted in making their appointment, they had an experience that is exceptional among the responses from participants involved in this research. Karla explained the reception they received from the marriage officer as “quite sweet” and gave an elaborate description of the couple’s experience at Home Affairs that day:

... from the time she started to the time it ended, ten minutes. So we had the appointment and [the marriage officer] was all excited and she said, oh, you’ve gotta see my wedding room. There’s a table that she sits behind and there’s four seats on the other side of it, but on the one side of the wall, there’s a mural. It’s a beach scene with palm trees and some boats . . . she was very proud of it. She was like, we made it so nice! . . . we actually don’t have those pictures, but that mural is something to behold . . . the wedding room. It’s gorgeous . . . the day we got there we had to have ID pictures taken, all the official stuff. She asked us to sit, and we sat. She asked us to introduce our witnesses and then we did. And then, it was just a brief, um, do you Emily, take Karla to be your wife, you know, it was – but very short. Do you have the rings? And then I do, I do, and then we exchange the rings. And . . . then that was the end of that. We kissed. We didn’t even have a cup of tea I don’t think and then we went – she went to work and I went to work. And that was it. [Karla]

In the narrative of Fiona’s and Ronel’s marriage, legal and symbolic meanings compete with one another. The couple’s ceremony was extremely symbolic, with Ronel describing their approach in this way: “we wanted to make it very significant and very special – it had to have meaning. It wasn’t just gonna be a traditional wedding thing.” Though Fiona and Ronel were married in a symbolic ceremony before “signing the legal papers separately” on a different day, their separate narratives of getting married focus equally exclusively on the ceremony with only cursory mention of the legal process. Every aspect of the ceremony, from the numerical import of the date to the choice of the person presiding over the ceremony to the way in which the guests were arranged, was imbued with spiritually symbolic significance. Because of their deliberate avoidance of the “traditional wedding thing”, part of the ceremony also involved explication of the rituals involved. Ronel describes the ceremony in great detail:

...we just also believed . . . because of Fiona’s work, you have the 7 chakras . . . the energy centres, so she was very much into her stones and I believe very much in what she believes in, so you have the seven . . . chakra colours and of course you have the rainbow colours as well – that’s the gay flag. And, seven being the complete number of infinity . . . Seven times seven times seven is supposed to be the ultimate eternity. So . . . we wanted the date the 7th of the 7th of the 7th cause it was so significant . . . so we planned for that day and . . . we wanted [the celebrant] to do our ceremony because we’d actually met her . . . the year after we met . . . so we’d pretty much known her throughout the whole relationship, you know? She was very much part of that beginning stages. So, we wanted her to conduct the ceremony for us. We’d spoken

to her, but she didn't have the license – wasn't licensed yet. And we decided to go ahead and have the spiritual ceremony . . . on that day and that we would do the paperwork at the Home Affairs office later. So . . . what we did, we had a – it's a thing that comes from, I think – somewhere in South America – it's a circle of friends, seven figures standing in a circle holding each other, and it's called a circle of friends. So we have this big circle of friends with a big candle in the middle. And it was seven people, seven little figurines standing and then we had the seven stones of the chakras . . . on a table in a circle. And, [the celebrant] lit for us candles for all the people that couldn't be there, like Fiona's parents that had passed on already, [Fiona's daughter] had passed on, my parents had decided not to be there on their own, so candles were lit for them to bring them into the whole ceremony with us, and we gave everybody seven little stones, semi-precious stones with the seven colours and we put in a little scroll with the meaning . . . then we lit this candle in the circle of friends together and it was explained to the people that seven is the complete number and that we very much see the circle of friends as our family and friends surrounding us, so together we lit this candle in the middle to say that our union is safe in our circle of friends and family, you know? This complete circle, and then, we knelt down in the – we had made a circle from rose quartz and we knelt down and we did our vows together in this circle and we asked friends and family – the close ones to come and make a circle around that and they all had little candles... [Ronel]

While the couple was very invested in the symbolic and spiritual construction of their ceremony, both Fiona and Ronel were explicit in their insistence that their marriage would not have taken place if marriage were not legally available to them in South Africa. Fiona spoke about feeling that a marriage ceremony performed outside of the legitimacy of the law was a “sham” because it meant that she and Ronel would be “just pretending”. Ronel spoke about her conviction that not only should same-sex couples have access to legal relationship recognition, but that recognition should come in a form legally and semantically indistinguishable from what “straight people” can legally access.

I can sit with Ronel at a restaurant and commit my life, love and soul to her. I don't need to have a ceremony to do it unless it's going to be an actual legal ceremony, you know. If it's a legal ceremony and I'm creating something that is in the law, it's different. [Fiona]

And:

So, Fiona and I spoke about it over the years and then of course, the law came in and it was a special law. It was not the marriage law that had changed, it was this special act that came in and not all your ministers or your officials that have a license to marry straight people can marry gay people. It's a special license that you have for that. So, in the beginning, I said no. My sister actually asked me – she loves Fiona to bits. Sometimes I think they're closer. She just calls her my sister as well. They're very, very close. And she also asked us, if the law now changes or this comes in, will you marry . . . and I then said, I don't think so because it's a special – it's not the marriage law that's changed, but once the law came in, and it actually allows you to say, do you want to have a spousal – a union, or do you want to have a marriage – what do you want it to be called? [Ronel]

For Fiona, who had been married before she met Ronel, marriage was not “the be all and the end all of everything”, and located her “cynical” attitude toward marriage not within heterosexist assumptions that permeate and define the institution, but in relation to the relative legitimacy of such unions. Though she describes Ronel as being “very, very keen” to marry before the legalisation of same-sex marriage, Fiona herself was very resistant to the idea of marriage until it garnered legal legitimacy in South Africa through the Civil Union Act. Her experience of heterosexual marriage, which she describes as “the real thing with the signing of the registrar and the priest and everything” because of its legality, did not “pan out” well. Therefore, she felt that a marriage lacking the legal legitimacy would be an even greater charade.

I felt resistant because it wasn't – strictly speaking – legal, and I thought, we're gonna be play-acting. I've already done the real thing with the signing of the registrar and the priest and everything and look how that panned out. Now we're gonna go through a little play acting and then when it was legal, I thought, yes, I can do this. I wanna do this now. Now . . . this is real – you know, it's not – it's not a wannabe wedding. [Fiona]

And:

Ronel frequently spoke about getting married. I was a little bit . . . jaded inasmuch as I had been married and I thought it's not, you know, the be all and the end all of everything, but she was very, very keen. Then when gay marriages became legal I just thought well, you know, I mean I was married before but it was completely different – I was married to a man in a normal heterosexual society and now I want to prove my commitment to Ronel, and therefore, if she's happy about wanting to be married, then yeah, for sure – I'm delighted! [Fiona]

Fiona described a distinctive shift in the way she thought of marriage before the implementation of the Civil Union Act and the way she considered it after legalisation. When marriage became legally accessible, Fiona saw marriage as a way to “prove her commitment” to Ronel. The more the possibility of a ceremony began to resemble heterosexual marriage, or marriage through the Marriage Act, the less Fiona associated marriage to Ronel with the heterosexual model of marriage. When marriage became a legally sanctioned possibility for the two of them, it became a “commitment to Ronel”, which is only tangentially related to marriage “to a man in a normal heterosexual society”. Though they had been together for twelve years before marrying, Ronel expressed the feeling that since she and Fiona married, they experience “more acceptance from the straight community.”

The processes of marriage in this chapter were presented through two lenses. The first lens, “Marriage: Who’s it for?”, was a consideration of the negotiation of the marriage ceremonies themselves. Ideas about whether marriage ceremonies were designed for family participation and involved extended negotiations with family members, or were designed with an emphasis on the couple’s own desires for the ceremony illustrate the ways in which couples negotiated their own sense of belonging, whether in an environment conducive or antagonistic to their belonging. The second lens, “Marriage: Privileging Legal or Symbolic Meanings”, was a consideration of the importance invested in legal or symbolic meanings of marriage by the participants themselves.

Through both of these lenses, individuals’ responses communicated the meanings of marriage that emerged for them through the actual process of marrying. These meanings were inflected by diverse realities, including prior experience with marriage, familial expectations, spiritual influences and the facilitation of individual desires for belonging, which illustrate the impossibility of a uniform experience consolidated by the Civil Union Act. While there was a somewhat shared sense of the experience of inhabiting an experimental space as married lesbian women, the depth of experiential variation resisted simple categorisation with the term same-sex marriage. Equally, though marriage embodies both symbolic and legal meanings, the privileging of legal or symbolic meanings within narratives of marriage exposes the limitation of legal rights to reproduce symbolic meanings. The reality of having thought through legal and symbolic meanings separately has serious implications for the possibility of the acquisition of citizenship translating equally powerfully into belonging.

Analytic Conclusion

The institution of marriage in South Africa has sustained substantial change since the country's democratisation in 1994. With the incorporation of customary marriages and Muslim family law into the South African family law regime, the "Eurocentric whiteness" that had been "embedded within all the economic, political and social institutions" (Van Zyl, 2005: 231), and of which the Marriage Act of 1961 had been emblematic, began to be destabilised in the realm of family law. The enactment of the Civil Union Act in 2006 was a further destabilisation of the Roman Dutch law in which South African civil law is historically rooted, and which prohibited any non-procreative sexual expression (Cameron, 1995: 89). It has been acknowledged that organisational and individual support from lesbian activists was instrumental in instigating for the inclusion of same-sex couples within the realm of family law legislation in South Africa, and that "[i]n this way, lesbians have contributed notably to a rethinking of marriage and the family as well as to the claiming of their rights" (Hames, 2008: 258). One of the central questions of this research is whether the availability of legal relationship recognition for same-sex couples in South Africa confers a richer experience of citizenship on lesbian women who choose to marry through the Civil Union Act.

While the "transition to democracy and the Equality Clause heralded a major shifting of several boundaries around sexuality, many of which have been solidified through legislation during the last ten years" (Van Zyl, 2005: 230), the process through which such legislative inclusions were garnered illustrates that citizenship is not accorded through the "benevolence of the state" (Hames, 2007: 53). Instead, "the incorporation of sexual orientation in the Constitution as a human rights concern was the result of a protracted negotiation process" (Hames, 2007: 54). Because the process of marriage for many of the couples who participated in this study involved family and community negotiations to which their relationships as lesbian couples were central, the "notion of 'crafting' citizenship" (Oldfield et al., 2009: 1) resonates very strongly with the interview data. The constitutional authority through which the marriages represented by this research were conducted exists in the legal sphere of the country, but the "actual articulation of [that authority] still depends on positionality, agency, and the manner in which those rights are interpreted, negotiated and *implemented or practised* within the institutions of governance" (Van Zyl, 2005: 235).

Therefore, Yuval-Davis' theorisation of "belonging" is a much more versatile analytic tool in terms of conceptualising citizenship when representing the lived experience of lesbian women who have married through the Civil Union Act, a process which involves minimal (though crucial) interaction with state mechanisms, but which bears enormously on the daily interactions between the women and their families, friends and communities. In her discussion of sexual rights in relation to citizenship, Van Zyl (2005: 225) quotes Yuval-Davis when she describes "belonging" as a "thicker concept than . . . citizenship' because it transcends 'membership, rights and duties'" and encompasses "the emotions that such memberships evoke". Equally, "the lived negotiation of citizenship and the ways it is made meaningful . . . are neither static nor decreed through laws" (Oldfield et al., 2009: 1).

Because of the agency involved in the process of translating citizenship into belonging, it is incredibly useful and powerful to visualize belonging not only through the formal inclusion of state mechanisms and legal reform, but also as something that is "crafted" through "the quotidian activities that constitute everyday life" (Oldfield et al., 2009: 1). At least one participant had considered marriage a condition for her belonging both before same-sex marriage was a legal option in South Africa and before she had identified a partner for marriage. Tala expressed excitement over the legalisation of same-sex marriage in South Africa as well as a sense of relief that lesbian women and gay men who want to marry subsequently "know how to go about it" because "it's the same way" that heterosexual couples have always done.

...we were all excited that it's legalised here in South Africa. And you feel good about it because before that, even when we decided, ok, you had marriage in your mind, you always thought of how were you gonna go about it, so that was out of your mind really. Because now you know how to go about it. It's the same way. [Tala]

Tala's attempt to determine the terms of her belonging in relation to marriage involved questioning "how to go about" getting married before same-sex marriage was a legal option in South Africa. For Tala, this meant visiting a number of local churches with a gay friend and asking about church policies around performing same-sex marriages. The process was not a very successful one. Tala indicated that she and the friend encountered "a lot of negativity", most frequently rooted in rigid biblical interpretations of the creation story focusing on the heterosexuality of Adam and Eve. However, regardless of official religious responses, Tala was not satisfied to let her experience of belonging be constricted by what was "decreed by law" (Oldfield et

al., 2009: 1), even at a time when same-sex marriage was not a legal option for lesbian women. Finding out “how to go about it” was part of Tala’s process of “crafting” belonging when citizenship through marriage was foreclosed to her.

The inclusion of same-sex relationships within the realm of family law in South Africa was meant to extend formerly withheld dimensions of citizenship to a legislatively marginalised group of people through a process of “normalising” their relationships to the extent that some see the Civil Union Act as an attempt to replicate the “respectability” of “middle-class heterosexual couples in their behaviour, views and the division of labour within their relationships” (Bonthuys, 2008: 175). However, one point that continuously emerges from the research data is that the prospect of marriage involved re-interrogation of the relationships themselves, actually exacerbating the distinction between marriage through the Marriage Act and marriage through the Civil Union Act. For some participants, this interrogation involved the inability of family members to reconcile lesbian relationships with the act of marriage. Karla found that her father, who had never expressed any resistance to her relationships with women, had difficulty accepting the invitation to Karla’s marriage to Emily.

[H]e didn’t react positively towards it because he’s quite religious and he’s from the belief that marriage should be between a man and a woman, so he – it took a while for him to – in fact he said he wasn’t gonna come to the wedding because it’s his belief and, you know, he couldn’t get past that, but after a while, you know, he started coming around and he agreed that he would come and he did come and he had a nice time. [Karla]

While Karla wasn’t sure if her “dad didn’t expect [her] to get married” though he had met previous girlfriends, she asserts that her father’s understanding of marriage was not applicable to her relationship with Emily.

I think the word marriage for him was the – was where the issue came, because to him marriage means something else. [Karla]

Ronel and Nisa also dealt with family members who were resistant, not to their respective relationships, but to the idea of lesbian bodies entering the institution of marriage. Ronel’s parents and Nisa’s mother held conceptions about marriage, which are deeply rooted in heteronormative assumptions shored up by religious authority.

[T]he wedding to them is a straight thing. It's a man-woman thing, and they just couldn't see two women doing it, and being part of it, you know, so they never came. [Ronel]

And:

...the argument went about, "now where in the Bible does it say that two . . . people of the same sex should get married?" And then Tala said, "nowhere does it say that in the Bible that man and man or female and female can't get married." [Nisa]

Though Rachel and her partner Jennifer faced a similar struggle over the reaction of Jennifer's mother to the news of their marriage, they negotiated the process differently. In response to Jennifer's mother's resistance, Rachel and Jennifer decided to register their union as a civil partnership rather than as a marriage.

...under the Civil Union Act, you can get married either – and call it a marriage or call it a civil union, and Jennifer's mom was fine if we called it a civil union, but not ok if we called it a marriage, you know, so we couldn't refer to it as a marriage and all the rest in the beginning, we had to refer to it as a civil union . . . but now, we just refer to it as a marriage and she's fine – she's fine with it, but initially it felt – we sort of had to refer to it for the first, I don't know – when we told her about it first and first month or two. [Rachel]

Rachel asserted that regardless of the decision to register their union as a civil partnership, "it's a marriage", and the "semantic" distinction between the civil partnership and marriage was part of a negotiation process that enabled Jennifer's mother to attend the marriage ceremony. The designation of civil partnership was "not really something that mattered" to the couple, but was something that was "initially" extremely important to Jennifer's mother.

...initially it was a big deal. Because when Jennifer first broached the subject with her, she just said, you know, she does not support it. She will not come and will not give us her blessing, and you know, like flat out and it took her a while. You know, she did eventually come round. [Rachel]

This "different" positioning of marriage through the Civil Union Act is not only experienced in re-interrogations of lesbian relationships, but also in the weight of its significance to the women engaged in marriage, some of whom had never considered marriage before. Whereas heterosexual marriage was a discursively oppressive expectation experienced to differing degrees of intensity earlier in the lives of some of the participants, marriage through the Civil Union Act became a discursive "opportunity", partly due to its status as a "privilege".

It's not like any other ordinary marriage. I don't know how other people feel in an ordinary marriage, but you feel that, especially when you say the vows, you feel that this is a unique kind of set-up which people have fought for and have gained somehow and they have earned, you know, in a very hard way and you feel you are privileged . . . to have had the opportunity to do it, you know? So it's quite emotional. More than the fact that you have the other anxiety feelings that anybody who's getting married has. But you also feel it's quite a unique opportunity to be able to like get married – because it's not all the countries that accept marriages. So you feel very privileged at the same time, but you can come out and say I'm getting married and come out to your family and say, I'm getting married and the Constitution allows me to. [Shods]

Similarly, opinions about divorce often create windows through which it is possible to view the intensity of the investment of some participants in the legality of their marriages. While heterosexual people get divorced “every day”, the possibility of lesbian couples divorcing holds the potential to re-stigmatise same-sex sexuality by confirming stereotypes about the “known promiscuity” of lesbians.

...if you're not sure that you're gonna spend the rest of your life, or your whole life with that person, then don't go for it . . . that is like making a mockery of our lifestyle. Our own people, making a mockery. So don't go any further getting married and then after a year or two, getting divorced and making another mockery of it. [Carmen]

And:

...you get a lot of people who's talking against us. Now, don't give them something else – something more to talk about. [Carmen]

Carmen suggests that members of the lesbian community who behave like “two minute noodles” are unwittingly complicit with people who are already “talking against” the lesbian “lifestyle”, by giving them “something more to talk about”. In this way, respectability wards off residual homophobic responses that would otherwise be reignited by further “mockery” of lesbian relationships. Simultaneously, the rigidity of such an interpretation of sexuality reanimates a dichotomous model legitimising “fixed identities” in terms of sexual orientation and effectively erasing the existence of more fluid sexualities. The protective respectability proposed by Carmen is itself complicated by earlier research at the same time that it reconfirms such research in relation to marriage through the Civil Union Act in South Africa. While marriage carries with it a heteronormative “potential to lend ‘respect’ to a relationship, ‘respectability’ is one of the sources from which homophobia is understood to originate” (Scott, 2009: 63).

As is suggested by the resistance to their marriages encountered by Tala, Karla, Nisa and Rachel, religion and respectability work together to amass irrational opposition to same-sex sexuality. At the same time, within some narratives of marriage, respectability and religion converge to create hierarchical relationships between the married and unmarried. Weeks et al. see the mobilisation of the “language of the family” by lesbian and gay people as a method of “reversing the discourse” by the “sexually marginal . . . struggling to assert the validity of their own way of life” (Weeks et al., 2001: 17). While Andrew Sullivan (quoted in Weeks et al., 2001: 17), working within a context where marriage was not a legal right for same-sex couples, conjectures that “if the future of marriage is a critical ground of contestation in the wider world, it is hardly surprising that lesbians and gays should focus their demands on it”, a preoccupation with respectability reveals that after the contestation of claiming marriage as territory for the formation of same-sex partnerships, there is a fierce investment on the part of some participants to consolidate the respectability of relationships and the authority of religion and law within the confines of marriage.

If “reversing the discourse” signals mobilisation around marginalised identities in a context where marriage is not available as a legal right, perhaps “co-opting the discourse” of respectability can be used to similarly gauge the level of hostility towards sexual minorities, even where LGBT people are constitutionally protected from discrimination. Contemporaneous constitutional protection of the rights of LGBT people in South Africa and frightening levels of violence against lesbian women (Muholi) illustrate that “cultures are perfectly able to accept the idea that some people are different without fundamentally shifting their values or power structures” (Weeks et al., 2001: 19). Weeks et al. (2001) map the discursive progression of movements for gay and lesbian rights in the North, which began by embracing affective relationship structures outside of and in opposition to the biological family, even while using analogous family terminology to describe such relationships. As described by Leatt and Hendricks (2003: 315), “[t]he gay relationship takes the place of other familial interactions instead of running parallel to them.” However, the past three decades have seen a shift wherein “critics of the family have talked not of replacing the family, but instead have increasingly argued for recognising ‘alternative families’” (Weeks et al., 2001: 17), which is where Weeks et al. locate the emergence of “reversing the discourse” around respectability.

I prefer to employ the term “co-opting the discourse” of respectability because the idea of a discursive reversal implies that there is some authenticity in the source from which the discourse

was originally articulated. However, the normalisation of the respectability of marriage obscures the extremely political process of simulating a heterosexual model that itself must be “imposed, managed, organized, propagandized and maintained by force” (Rich, 1980: 238). A preoccupation with respectability has not only occurred in the North. Mark Gevisser (1995: 58) chronicles the desire of early South African gay rights organisations, comprised primarily of white men, to present the public image of the gay man as “an integrated and respectable member of society.” Shifts in the media portrayal of Pride events occurred between the first Pride March in 1990, when the media projected “images of drag and excess” (Gevisser, 1995: 77), and a 1992 Agenda documentary, when “images of couples holding hands or embracing” were proffered by filmmakers who went “out of [their] way to find normal-looking [gay] couples” (Gevisser, 1995: 77).

Because “domesticated ‘straight-acting’ gay couples” present a “safe image, easier to digest precisely because it is less threatening to the patriarchal and conservative gender-role values upon which . . . society is built” (Gevisser, 1995: 78), the idea of respectability in relation to marriage has caused a divergence of opinion in LGBT “communities”. Some see the desire of same-sex couples to be admitted to the institution of marriage as a path to social respectability as having the potential to create new hierarchies based not on the sex of the partners, but on the marital status of the couple. In other words, “the newly ‘unmarried’ end up being ‘queers’ all over again” (Adam, 2003: 274). Others see the admission of same-sex couples into the institution of marriage as having the potential to transform the historical meanings of marriage as an institution. Writing about the domestic partnership legislation under discussion before same-sex marriage was legalised in South Africa, van Zyl (2005: 241) suggests that such inclusions “profoundly affect values underpinning the ideologies of the patriarchal nuclear family: they make the economic dynamics of interdependence in affective relationships visible, lift out the assumptions of sex and sexuality, and put in place tools for attaining equity in intimate relationships.”

For Shods, co-opting the discourse of respectability means that the authority of “God’s law” and the authority of the “Constitution” become conflated within the parameters of her marriage. Shods announced at work, “I’m married now”, but because she describes the company where she works as being “very Christian”, she does not feel comfortable being “out” as a lesbian woman at work. While her colleagues know she is married, “they don’t know the gender” of her partner. Shods frames respectability in terms of the “legitimacy” bestowed upon marriage.

It gives some legitimacy to the union, you know? I was telling the other girl the other day, at work, to say – and she was – she was talking about the way she and her boyfriend make love, and I said to her, you know what? You shouldn't do illegal things. Some of us are legalised to do these things . . . And I felt, you know, I deserve it – as a person who's married, I deserve to make love the way I want, you know. And it's something – some gift that I've been given - especially gift that I have because I'm married, and I'm doing it within the boundaries of law – God's law. [Shods]

In the same way that Shods is secure in the “legitimacy” of her union because it was created within the “boundaries of . . . God's law”, her fear of disclosing “the gender” of her partner is rooted in the knowledge that normative Christian interpretations of “God's law” exclude her relationship from the “legitimacy” of marital relationships. Carmen also discussed the legality of her marriage in relation to a sense of religious moral authority. Though they had been together for nine years by the time they were legally married, Carmen conveys a sense of self-consciousness over the fact that the couple had been “living together” without being married for so long.

We had friends that wanted to sleep over here and stuff like that and to us – like I said, we live quite close to the Lord. Not like I'm gonna keep myself holy, you see, but if couples wanted to sleep over, we wouldn't permit it. You can maybe sleep over for a weekend, but like you come here – we've got a lot of friends who come here, then they want to stay a week or whatever – we wouldn't permit it. Because to us that was like we aren't married. We're living together, even though we're two women – we're living together and we were still feeling guilty over our children and then we would say we're still not, uh, how can I say? We're not – this isn't how we want our children to see us . . . as living together in sin. It's like – for us it was like even if a man and a woman is living together – that's sin. For us it was the same. And so, uh, when they finalized the stuff, we were quite happy. We were quite happy. [Carmen]

There is a way in which legal marriage confers respectability on Carmen's and Amy's relationship in the eyes of both friends and their children by absolving the “sin” of living together. While Carmen describes herself as a person who is not necessarily going to neglect her own desires to the extreme that she would “keep [herself] holy” in order to remain in compliance with what Shods referred to as “God's law”, her formerly marginalised position as a person who did not have access to marriage and its “particular religious, spiritual and social meanings” (Bilchitz and Judge, 2008: 154) resulted in her feeling alienated in relation to her friends and “guilty over [her] children”.

At the same time, Shods speaks to the current of homophobia that is frothing beneath the discourse of respectability. For her, marriage is not only about being admitted to a “respectable” institution. In an environment that is antagonistic to her partnership, marriage is a necessity in

order to protect not only the partnership, but also the future of their children “should anything happen”.

...with this kind of relationship that we are in, families don't recognise it, you know? So everything that she owns, her family thinks – everything that we own, both of us, her family thinks, “that girl, Shods, she's taking our child's things,” you know? Same thing with my family. Everything I own with her, they will think, “oh, Shod's house, Shod's car,” you know? So, should anything happen to me, definitely they are going to come and say, “please bring me those things”, “get out of Shod's house” and things like that . . . So we didn't want to make a mistake, we wanted to make sure that we are covered should anything happen. [Shods]

The pressure of competing meanings of respectability and necessity resulted in Shods experiencing anxiety over creating a “bad precedent that lesbians get married and then they divorce”. While marriage for Shods was a “privilege” that people have “fought for” and “earned”, the pressure of being “role models” was a source of anxiety, which originated in the reality that legal marriage is a very new option for lesbian women's relationships. Conversely, Adrienne Rich (1980: 237) details the permeation of young girls' lives by propaganda preparing them for heterosexual marriage, beginning with “the ideology of the heterosexual romance, beamed at her from childhood out of fairy tales, television, films, advertising, popular songs, [and] wedding pageantry” and culminating in heterosexual marriage. What Shods terms “this kind of marriage” can be a target for enormous coercion from “external factors” such as disapproving family members, and it is at the centre of such a storm that a couple must “manoeuvre through life in this kind of marriage” without the benefit of “role models to maybe try . . . and find out how it's like.”

I thought – you know, when you get married in a gay relationship, and at the stage where you are sort of like a pioneer, you know? You don't want to create a bad precedent that lesbians get married and then they divorce. You are worried about that. At the same time, you have very few role models to maybe try and go to them and find out how it's like – you know? [Shods]

And:

We are sort of role models to other people who look upon us, whether the marriage will work out or it will last, or how are we going to manoeuvre through life in this kind of marriage. [Shods]

The relevance of Shods' suggestion that she and Ayanda are pioneers in marriage is reflected in Carmen's discussion of her experience as a fourteen year old who “had a thing going on with another girl”, but whose parents were “very strict”, which caused her to “push that thing aside”.

I've been married, yes, but when I was fourteen, I had a thing going on with another girl. And at that stage, I had nobody to talk to, nobody to help me or whatever . . . And it just – I just pushed it aside. [Carmen]

Carmen suggests that her heterosexual marriage interrupted the discovery she made at fourteen, and that things may have turned out differently if she had had somebody “to talk to” or somebody “to help” her. While Shods feels an awareness of her “role” as someone who is “manoeuvring through life in this kind of marriage”, Carmen exposes an urgent gap in the need for support of young lesbian women for whom heterosexual marriage is constructed as a gendered expectation. Several women spoke to the form that such an expectation had taken in their own lives. Mpho speaks to the fact that before she married Siphokazi, she never expected to get married. Though she had always known that she wanted “to be with women”, marriage was not available to her as an option through which she might celebrate future relationships because “there are so many issues around it”.

I'm the only child! And you know how is it like. They want you to fall pregnant and have a husband, and have four kids, picket fences. They want you to, to – you know? So I never thought that I would actually get married. I knew that I want to be with women. I've always been with women. [Mpho]

After setting the stage for the context within which such expectations are regulated by saying “in South Africa things are different – if you're gay, it's like it's taboo”, Mpho paints a picture of what marriage means within the context of her family. Because marriage involves a “husband” and “falling pregnant” and because Mpho “always” knew that she wanted “to be with women”, she ruled out the possibility of marriage before the legalisation of same-sex marriages in South Africa. Fiona also discusses the effects of the heteronormative expectations enshrining the institution of marriage. She attributes the high rate of divorce in the “heterosexual scene” to premature marriages due to heteronormative expectations, while considering the fact that marriage has “never been the option” for gay and lesbian people a reason for those gay and lesbian couples who decide to marry to make sure that their decision is “really, really, really thought out because we certainly don't want . . . to have the same divorce rate as . . . in the heterosexual scene”.

...with heterosexual marriages, you oft times get married way too soon. You meet someone, you fall in love and it is expected of you: the next step is getting married, whereas in gay relationships, up until now, that's never been the option, so to actually go ahead and tie the

knot and do the whole marriage thing, it's something that should be really, really, really thought out because we certainly don't want in the gay scene to have the same divorce rate as it is in the heterosexual scene. [Fiona]

Such heteronormative expectations around marriage resulted in experiences of previous heterosexual marriage for at least two participants in this study. Earlier research (Scott, 2009) has revealed complex relationships between some women and the idea of marriage as an institution directly related to their experience or knowledge of marriage through the Marriage Act before marriage to their current partners through the Civil Union Act. Not only did some women express a sense of intense “fear” in relation to the institution of marriage, which was “inseparable from their direct experience with heterosexual marriage” (Scott, 2009: 67), for some, prior experience with heterosexual marriage also challenged the heteronormative premise positioning “marriage as the romantic culmination of a range of experiences measured by [a couple’s] level of ‘closeness’” (Scott, 2009: 40). Amplifying the incisive power of feminist criticisms of marriage, some women articulated their experience of heterosexual marriage as something “limiting [their] economic, intellectual and social autonomy” (Scott, 2009: 69). Women interviewed for the research currently under discussion did not express a sense of “fear” in relation to marriage, but maintained a very clear sense that “there is some way in which marriage to another woman is not the same as marriage to a man” (Scott, 2009: 69). For Carmen, marriage has been both a vehicle for and a site of the expression of her own agency. Before Carmen married for the first time, she was increasingly uncomfortable with the presence of her stepfather in her mother’s home.

...he wouldn't let me go anywhere. He would stand in the room at night, when I sleep, when I wake up he was standing there. And so I thought, I don't trust this man – here in the back of my mind, I don't trust this man, so this is what I'm gonna do. So, um, I went out again – I didn't go home and then I find a friend who I had dated only for say a few months and then we went our own separate ways – and so I decided this is what I'm gonna do – so I got pregnant, with my first child. [Carmen]

For Carmen, heterosexual marriage was an available and acceptable platform through which she could exercise her own agency. Though Carmen was involved in a relationship with another girl when she was fourteen years old, “the kinds of identity formation . . . based on sexual orientation” that would also have facilitated her “individual autonomy . . . require certain economic and social conditions” (Leatt and Hendricks, 2003: 315). Having a child and getting married had the power to “get [her] out of the house” in a way that economic independence could not, due to the socially embedded assumption that “marriage is what a woman is created for” (Aidoo, 1984: 259). When

she was twenty-one, Carmen invoked the authority of heterosexual marriage to navigate her independence, in a way she had not managed to do in relationship to her own desires as a fourteen year old who was involved with another girl. When she was fourteen, the “very strict” nature of her parents necessitated a denial of her early self-discovery and resulted in Carmen feeling that she had to “push that thing away.”

And then, actually I also, um, got married just to get out of the house because yes, I've got two boys from my marriage, but in the morning like, when my husband go to work, it was like there's no satisfaction, sexually whatever – whatever way. So I'm not getting any satisfaction.
[Carmen]

Heterosexual marriage was an acceptable way for Carmen to exercise her agency in negotiating her relative independence from an increasingly uncomfortable situation in close proximity to her stepfather. However, heterosexual marriage did not satisfy her needs “sexually” or otherwise, and became a site from which she once again mobilised her agency and began a search for satisfaction, which she found in the re-awakening of a desire that she had “put aside” as a girl. For Carmen, marriage to Amy was an affirmation of the same-sex desire that earlier survival had determined she must “push away”.

Fiona described her experience of heterosexual marriage as “neither good nor bad”, but as being “very empty in many ways”. By the time she married her current partner, Ronel, they had been together for twelve years. Though Ronel was very keen to marry, Fiona describes herself as “resistant” to the idea of marriage before it became a legal option in South Africa. Fiona discusses the source of her resistance, which was the fact that marriage was not yet legal at the time her partner began discussing it. Without the authority of a legally sanctioned union, Fiona felt that they would be “play acting”.

Ronel frequently spoke about getting married. I was a little bit . . . jaded inasmuch as I had been married and I thought it's not, you know, the be all and the end all of everything, but she was very, very keen. Then when gay marriages became legal I just thought well, you know, I mean I was married before but it was completely different – I was married to a man in a normal heterosexual society and now I want to prove my commitment to Ronel, and therefore, if she's happy about wanting to be married, then yeah, for sure – I'm delighted! [Fiona]

Contributing to Fiona’s impression that marriage was not “the be all and the end all of everything”, was her experience of having “already done the real thing . . . and look how that panned

out". While marriage to Ronel meant an opportunity to "prove [her] commitment", transforming Fiona's "resistance" into "delight", her unsuccessful earlier experience with marriage invalidated "the real thing with the signing of the registrar and the priest". As for several other women who participated in this study, marriage gained its significance through its application to Fiona's relationship with Ronel, rather than the relationship gaining its legitimacy through marriage.

While the Civil Union Act exists as a legitimating force, Bonthuys (2008: 173) argues that locating legal relationship recognition for same-sex couples within the sphere of civil law "reaffirms the paramount status of civil marriage and strengthens its position as the template and ideal towards which all other relationships should aspire." The reality that same-sex marriage in South Africa is legislated under the linguistic auspices of "civil union" resulted in some participants feeling that even some forms of civil marriage are more "legitimate" than others. At one level, this means that some participants experienced discrimination on the grounds of "culture", which is designated as a constitutional category protected from discrimination through the Equality Clause (Gouws, 2005). Because *lobola* is a cultural predicator of marriage for a majority of ethnic groups in South Africa, those who wish to invoke the full resonance of marriage without contracting their marriages through *lobola* may experience curtailed negotiating power. The broader implications of exclusive access to marriage through the Civil Union Act for same-sex couples contribute to the shaping of dangerous political landscapes articulated by Bonthuys (2008: 173) when she notes that "in electing civil marriage as the only form in which same-sex relationships can be celebrated, the Civil Union Act implies that civil law is capable of changing to accommodate the demands of modern society and the dictates of our progressive Constitution, but that the law associated with racial and religious 'others' cannot do the same."

At another level, in accordance with Hames' (2008: 262) suggestion that lesbian women might be able to "use marriage to confirm their own social structures", this disjuncture created opportunities for some participants to exercise their agency in opposition to "heterosexual assumption". When Mpho's aunt brought up the subject of *lobola* in relation to Mpho's marriage, Mpho responded by locating *lobola* within the realm of heteronormativity and drawing attention to the "civil union" language associated with the only relationship legislation through which her marriage to Siphokazi is possible.

[W]e're not doing that and remember, we're not a straight couple . . . and in South Africa . . . they call it a civil union, they don't call it a marriage. Because I think the government thinks

the marriage – it's sacred. It's sacred. It's between a man and a woman. They don't call . . . our marriage a marriage – they don't address it as a marriage, but they say it's a civil union. So why should we follow whatever they do? Why should we pay lobola and also, I don't know – I have a problem with wearing white dress and hair, with a tuxedo, ag, no, no, no uh-uh. [Mpho]

Though marriage through the Marriage Act and marriage through the Civil Union Act are legally indistinguishable, the less than “sacred” value invested in the idea of “a civil union” freed Mpho from “following whatever they do”. Additionally, *lobola* is legislated through the Customary Marriages Act, to which same-sex couples are also denied access. Competing discourses around “culture” and “gender” are at work in Mpho’s rejection of the *lobola* ritual. While Mpho asserts that her relationship with Siphokazi is one in which Mpho is femme and Siphokazi is butch, her interpretation of *lobola* also resists an attempt to insert butch and femme into the man plus wife equation of conventional heterosexual marriage.

Then I said, no, we're not doing that because we're both women, and I mean, if she pays, I'll also have to pay because . . . that's the custom. A man pays for a woman. So, if she pays, I'm going to have to pay, and unfortunately, I probably won't afford to – the lobolas are expensive. She could afford to pay my mother 50 grand – R50,000, but I can't – I can't afford that . . . And then I said – just to make things . . . simple, we're not paying. No one is paying whoever lobola. [Mpho]

Other factors that influenced Mpho’s decision not to perform the heterosexual ritual of *lobola* included her mother’s embarrassment over her wedding. Because Mpho’s mother “didn’t want to explain anything to anyone”, the necessary involvement of the uncles also severely limited the possibility of negotiating *lobola*.

Because now, also, the lobola negotiations, they involve uncles and whatnot and remember, she – yes, so she was scared, obviously, to tell the uncles, you know, she didn't want – you could tell that I was really putting her in the corner, you know? I was really – she didn't want to explain anything to anyone. [Mpho]

While Mpho’s interpretation of *lobola* seems rigid in its application to marriage and in the required participation of uncles, Wendy privileges other familial ties and motivates the establishment of an “understanding” outside of the masculinised exchange involving uncles in the *lobola* process. Wendy locates the source of familial negotiating power in her mother and the mother of her partner.

My mother didn't wanna get involved . . . she didn't wanna get involved in the wedding. Then when I explained to her, you know what? I love this woman. There's no one else who's gonna sit in your place, in your house. This is the only woman that is gonna sit. Then she came over here, then they sit with Mamazela. Mamazela is outside – my mother-in-law. Yes, she's outside and then they sat and then they talked, said, "ok, fine." [Wendy]

Discussion of *lobola* did not emerge from Wendy's narrative of marriage to her partner, Nomsa. However, she describes a process of familial involvement which loosely resembles the understanding reached through *lobola*. No financial exchange took place between the two mothers, but in a meeting meant to cement the relationship between their families, they reached an understanding about the marriage of their daughters. This understanding was even more crucial, given Nomsa's position as a "traditional healer", which required the performance of a particular ceremony and in which the relationship between Wendy's family, represented by Wendy and her mother, and Nomsa's family, represented by Nomsa and her mother, was foregrounded.

...my partner is a traditional healer, as you saw . . . we have to make another ceremony to accept my mother, to tell the ancestors that this is my mother. Even though they know her, but we have to make a ceremony for them to know her perfectly. [Wendy]

The participation of the two women and their mothers in this prescribed ceremony privileges familial relationships between women, which has profound potential to disturb the patriarchal underpinnings of institutions such as *lobola* and marriage. Though access to *lobola* through the Customary Marriages Act was foreclosed to Wendy, she reconfigured assumptions around the privileging of masculine agency in marriage in order to lift out the relationships with women that give the most meaning to her life. In this way, Wendy also was able to "use marriage to confirm [her] own social structures" (Hames, 2008: 262) by animating her agency in the crafting of her citizenship, and more crucially, her belonging.

Zethu Matebeni's work (2008) confirms Bonthuys' (2008) assertion that a failure to engage same-sex relationship recognition within the jurisdiction of customary marriage legislation was a sorely missed opportunity. Women with whom Matebeni spoke raised questions similar to those posed by Mpho about the role of *lobola* within lesbian relationships, including who would be expected to pay when both individuals are women. When Matebeni (2008: 254) cites the complexities involved in negotiating *lobola* within the context of a lesbian relationship, she notes that "such traditions are firmly predicated on the idea of marriage as exclusive to a male-female

partnership, with strictly designated roles for each.” Lesbian women who have married through the Civil Union Act indicate that they are handling what Matebeni (2008: 254) refers to as “the frustrations that traditional marriage can bring” in ways that foreground their own agency in the process of negotiating the terms of their belonging.

Lobola was not the only renegotiated marital custom engaged with by lesbian women who participated in this research. For Jan, marriage to her partner meant assessing each and every “tradition” involved in the marriage ceremony and deciding which “traditional” elements to omit. The rubric by which Jan and Alice determined whether or not to incorporate the rituals performed in a traditional marriage ceremony was that their families and friends were “already so awesome accepting it, [they] didn’t wanna push the boundary”.

...we didn’t want to do it traditional, which I think they liked that as well. Because there’s no – the one stands in the front and the other one walks in and pulling off the garter . . . and throwing the flowers. There was none of that because it would have been too weird for all the straight people there. So, we were very careful about how we did things and what traditions there were and what there weren’t, like we didn’t do a dance floor opening – me and her. We didn’t do that cause I didn’t know how my parents and her parents would react. [Jan]

Nisa eschewed “tradition” entirely in her enactment of marriage to her partner, Tala. Nisa recalls that after Tala asked her to marry, the couple were “engaged” for a period of about one year before they approached a marriage officer about conducting their marriage ceremony. After sending the appropriate documents to the marriage officer, their method of choosing a date was spontaneous. Nisa recounts that because they “felt the time was right”, she called the marriage officer on a Tuesday and asked to be married on Thursday of the same week. When she told her mother what was happening, her mother expressed dismay at the couple’s approach, but outside of the exchange of rings and Tala’s decision to change her surname, Nisa’s resistance of the “traditional” was non-negotiable. Nisa recalls the exchange between herself and her mother after she told her mother of her plans to marry Tala.

...she wanted to do the whole bridesmaids thing and all that traditional jazz. So, I said, I’m not that way inclined. I’m not a very traditional person. I just wanna do things and get it done with and I wanna do things that’s gonna make me and my partner happy – not that things that’s gonna hurt other people, but I just wanna do things that I can get on with my life and be happy, so waiting for this and for that one and dresses and all – I’m not even somebody that wear dresses. I didn’t feel like all that jazz. [Nisa]

Nisa locates her rejection of the “traditional” directly in the space of the happiness of herself and her partner. She is clear that her desire is not to “hurt other people”, but is equally clear that her partnership is not a thing that can be dictated by heteronormative assumptions defining marriage. Bringing same-sex relationships into the sphere of marriage, which has, until the last decade been the exclusive domain of heteronormativity, has opened up new legal possibilities of family formation for lesbian and gay couples who choose to access marriage through the Civil Union Act. However, such legislative inclusion has not yet dismantled the primacy of heteronormative assumption preserved in and articulated through the institution of marriage. Nisa’s privileging of her partnership over “tradition”, which is then positioned as superfluous to her understanding of marriage, could be a fertile place from which to begin actively and intentionally disrupting the heteronormativity of the institution of marriage. In the same way that a discourse focusing on sexual pleasure radicalises more conservative efforts to create policy interventions for women based on negative rights and protection against violence (Horn, 2006), replacing the discourse of “respectability” afforded by marriage with a discourse focusing on the “happiness” of the partners involved could radicalise contemporary understandings of legal and social family formation.

Similarly, Tala’s memory of both mothers preparing a celebratory meal with which to greet Nisa and Tala after their marriage illustrates the potential for contextually idiosyncratic celebrations to develop. The lack of hegemonically scripted roles for family members to be locked into opened a space for the spontaneous celebration described by Tala as “the best ever”.

...when we came back and we walk in, her mother was here. And the table was decorated with food and champagne and – you know, it’s like totally shocking man, it was just nice. Like, just a family thing, and they were all here and my mother cooked and everything. For me, that was the best ever than having a fancy do with all the family and friends and you know, tomorrow everybody will start complaining about the food wasn’t even nice, you know, these things like that. So it’s something we would remember all the time. That is what is important for us.
[Tala]

While the hegemonic script calls for a “fancy do”, Tala indicated that such anticipated and ritualised celebrations has created equally ritualised and less than enthusiastic responses from those to whom the “fancy do” is meant to cater. Though Nisa continues to struggle with acceptance from her family, her own privileging of her partnership with Tala by focusing on their happiness also created a compelling space within which her mother could focus on the happiness of her child without interrogating the meaning of the heteronormative institution of marriage espousing

lesbian relationships. For Nisa and Tala, an unconventional marriage celebration meant benefitting from their citizenship and negotiating their belonging on their own terms, crafting citizenship without invoking the normalising discourse of respectability.

McEwan (2005: 177) writes that “the meanings of citizenship . . . are by no means clear or uncontested.” However, in South Africa, where citizenship “has always been a politically charged and contested notion”, contemporary constructions of citizenship mark it as “a unifying symbol within the broader political project of nation building” (McEwan, 2005: 177). Discourses that emerge from a study of married lesbian women in South Africa question the extent to which lesbian women are admitted to the project of nation building, which according to McEwan would be indicative of their level of citizenship. McEwan (2005: 179) envisions (heterosexual?) women as “proactive stakeholders with a part to play in the future development of the nation-state”, but her list of protected “minority” categories reads as follows: “sex, gender, race, ethnicity, culture, class and so on.” While lesbian women are constitutionally protected from discrimination, all diversity encompassed in expressions of sexual orientation or gender variance risk becoming “and so on” in the imaginary of the state.

The threat that coupled lesbian bodies (and lives) present to heteronormativity is given particular urgency in specific public manifestations of homophobia in South Africa. The power of lesbian intimacy to disrupt heteronormativity is evident in Minister of Arts and Culture, Lulu Xingwana’s response to Zanele Muholi’s photographic representation of lesbian couples during moments of intimacy. Though Xingwana was meant to speak at the opening of an exhibition promoting the work of “young black women artists at Constitution Hill” (Smith, 2010) in Johannesburg, during which Muholi was not the only featured exhibitor, Xingwana left the exhibition after viewing Muholi’s work. Shunning all of the women artists and characterising Muholi’s work as “immoral, offensive and going against nation-building” (Smith, 2010), Xingwana abandoned her position as a speaker at the event. According to Xingwana, the Department of Arts and Culture’s “mandate is to promote social cohesion and nation-building” and her experience of Muholi’s work was that it was “the opposite of that” (Smith, 2010). Xingwana’s familiarity with the Constitution made her wary of criticism casting her response as homophobic, but she felt no need to temper her revulsion at the sight of two women in moments of bodily intimacy.

Such seemingly unconstitutional responses to lesbian identities emitted from public government officials are reinforced by the clause allowing marriage officers in the Department of Home Affairs to refuse marriage to same-sex couples on the grounds of “personal convictions” (Van Zyl, 2009: 372). The existence of such a clause, privileging the religious or personal convictions of government officials over the constitutionally endorsed personal integrity of same-sex couples, “calls into question the state’s responsibility to uphold and promote the constitutional rights to dignity, equality and freedom of lgbtqi . . . people” (Van Zyl, 2009: 372). Such policies, which “suggest that though lgbtqi people are written into citizenship, they are excluded from belonging”, leaves the government vulnerable to the question posed by Tala when faced with negativity about same-sex marriage from the institutions which are meant to be providers of service delivery to same-sex couples seeking marriage: “If it’s legal here, and you’re a marriage officer, why do you only want to marry a man and a woman?”

If citizenship is integral to nation building but the open portrayal of lesbian intimacy is dangerous to the heteronormative public imaginary, then the experience of citizenship for lesbian women, in their diverse relationships to ethnicity, class and religion, is subject to intense contestation. Resisting the assumption that citizenship is “universal”, an assumption other theorists have challenged to expose the masculinist and heterosexist construction of the citizen (Gouws, 2005), Oldfield et al. (2009: 1) assert, “in practice, the everyday context in which ordinary women and men live out their lives, its meanings and values are differentiated in their politics, reflecting the social, spatial, gendered and racial nature of inequality”.

Amanda Swarr’s and Richa Nagar’s collaboration foregrounds the experiences of women involved in same-sex relationships in “socioeconomically peripheralized” areas of the world in an attempt to “analyze the politics of sexuality and intimacy in their lives without diminishing the centrality of neocolonial history and geographies and their everyday struggles over access to material resources” (Swarr and Nagar, 2003: 492). Swarr and Nagar’s focus on the articulation of subaltern identities speaks to different “silences and erasures” in the disciplines of lesbian studies and development studies by resisting homogenisations of lesbianism which “abstract desire from its economic and political realities” (Swarr and Nagar, 2003: 495). Their attempt to forge a connection between the two disciplines means situating their research in a space in which “heterosexist oppression [is] fully parallel to race and class oppression” and “where political violence and struggles for resources as basic as clean water, food, and literacy directly inform

women's options, strategies and means for articulating their sexualities" (Swarr and Nagar, 2003: 495). For Swarr, that space is Soweto.

Swarr uses Sowetan "butch" masculinities as an entry point for understanding gendered dynamics in lesbian relationships, as well as dynamics between lesbians and the Soweto communities in which they live. While Swarr (2003: 505) discusses the ways in which "Sowetan lesbians take up masculinity strategically to assert their agency, claim masculine privileges, and declare their desires for relationships with women", Wendy identifies masculine performances of gender as a point of vulnerability for lesbians in Soweto. Wendy positions herself in a masculine relationship to other women by employing phrases such as, "every skirt that passes has to pass my way", to describe her life before marriage. Similarly, when asked about the possibility of the couple having children, the dissonance between Wendy's masculine performance of gender through wearing "a man trouser" and the possibility of her becoming a mother is too severe for her to resolve. First, Wendy relates her perception of how the community would respond to her "wearing a trouser" and "becoming a mother", and then she articulates the mutually exclusive possibilities for men and women's reproductive capacity in her own mind.

...number one, she's wearing a trouser. A man trouser. Number two, she's becoming a mother – what's that? What's that? It doesn't go. [Wendy]

And:

A man can't be a woman. A real man can't have a baby. No. In my mind. And I know I'm a woman and everything, but people out there, they see me as a man. [Wendy]

At the same time that Wendy's masculinity would be compromised by motherhood, she finds herself threatened as a female-bodied person who is seen "as a man", "cause if ever I'm being recognised as a man – I'm gonna have a problem." Enraged reactions to lesbian sexuality do not only manifest themselves in response to visible images of lesbian intimacy. Wendy discusses at length the way in which lesbian performances of masculinity can provoke attacks from "straight guys" who "want to know what is going on between [lesbians'] pants." In the only extensive and non-homogenised theorisation of hate crimes in the interviews conducted for this research, Wendy asserted that "this marriage life . . . is not too sensitive. It's a minor" compared to the issue of hate crimes which manifested itself ominously between us when a question about gender identity brought Wendy's theorisation of violence against lesbians to the centre of the conversation.

If ever you are a lesbian, and then they're gonna start coming to you . . . proposing to you . . . don't tell yourself that you are a man – you are a woman. That's why most of lesbians are getting raped. When they go out there, they tell themselves that they are men . . . If ever you are a lesbian, going out there telling yourself that I'm a man, I feel sorry for you – I feel shame for you. I know you are a man, but when you come across a straight guy, proposing to you, that guy knowing that you are a lesbian, there's a motive behind that proposal . . . he wants to know that what's behind your pants? Between your pants? What's there? So me, cause I've never come across that. I've never – I've never come across that. When . . . somebody like a guy come across you, "You know what? I love you." I said, "You know what? I'm married." Marriage to me was a safeguard, if I put it honestly. Like, I wanna run away from this rape issue and stuff. If somebody propose to you and you tell them you are married, they back off. They do back off. They do . . . And then they're gonna ask you this question, "Why are you wearing like a guy?" . . . The only answer that I'm gonna give them is that you know what? I'm married. And I won't tell them – I won't tell them I'm a lesbian except that they know me. If they know me, all hell will break loose. [Wendy]

While there are ways in which Wendy shapes her identity with a type of masculine performance of gender that resonates, even if not fully, with Swarr's characterisation of butch visibility, Wendy is hypersensitive to the fact that a performance of gender not predicated by her biological sex can put her at risk for "lesbophobic" attacks. Wendy's own worldview allows for a greater possibility of gendered dynamics than exist in the hegemonic worldview of "straight guys" whose rigid interpretations of sex and gender cannot tolerate women "wearing like a guy". However, in Wendy's theorisation, that rigidity is the source of the equally powerful rhetorical possibility to diffuse violence by invoking the fundamental regulatory institution of heteronormative authority: marriage. The tension evident in Wendy's own performance of gender and her theorisation of violence against lesbian women reifies Swarr's (2003: 506) characterisation of the "terms of identification" inherent in butch masculinities as "a source of great debate and conversation among lesbians."

While physical security should be a minimum requirement for citizenship, feminist thinkers such as Sideris (2001) have illuminated the way in which seemingly exceptional acts of gender-based violence occurring in the context of conflict are extensions of the amount of gender-based violence societies tolerate during periods of formal "peace". Calling into question the universal meaning of citizenship by politicising the meaning of violence against women in contexts of formal peace (and simultaneously questioning the meaning of peace), Sideris (2001) also points to the gendered nature of citizenship through women's experience of compromised physical security. Similarly, and specific to South Africa, Du Toit (2005) identifies an urgent need to politicise rape, and accomplishes this through positioning rape in an analogous relationship to torture. Du Toit (2005)

argues against the “accepted, almost banal” status of gender-based violence, which is plagued by “institutional ‘normalization’ of rape” in South Africa.

Muholi (2004: 117) distills the overwhelming statistics of gender-based violence against women in South Africa to examine and theorise the specificities of the “issue of hate crimes against lesbians living in townships.” For Muholi (2004: 117), “thinking through lesbian rape” entails recognising that “the lived realities and experiences of lesbian-identified women . . . are still overwhelmingly dominated by a set of intersecting raced, classed, and heterogendered politics.” She applies the term “lesbophobia” to the violent reactions against “the challenge posed by black lesbian women to the fixity of what is an ‘African woman’ . . . that makes non-heterosexual women’s gender, sexual, and erotic autonomy so disturbing” (Muholi, 2004: 122).

Wendy is a lesbian woman who has been granted citizenship rights through her constitutional and legal ability to marry her partner, but who cannot be guaranteed physical security in her own country. Wendy’s marital status is hypothetically protective because in her thorough imagining of scenarios which could threaten her life, she sees the power to dissipate “lesbophobic” violence ensconced in her ability to say, “I’m married”, though she admits that it is easy enough to claim to be married, “if ever you aren’t”. However, the amount of time and emotional energy Wendy has invested in attempting to answer the question of “what will happen” if she encounters the situation of hypothetical rape that preoccupies her “seriously erodes *all* her considerable rights under the new constitution” (Du Toit, 2005: 260).

Focusing on lesbian identities in “socioeconomically peripheralized” (Swarr and Nagar, 2003: 492) areas of the world holds enormous potential to destabilise the image of homosexuality as a “decadent western import”, the rhetorical location from which hostility against the “unAfrican”, “white phenomenon” is launched. Van Zyl writes about the urgency of such destabilisation when she asserts that “the struggles around identity are more likely to fall on the shoulders of those ‘lesbians’ and ‘gay’ men who seek an Africanized identity, and who are (still) marginalized by class, gender and race. What the clause has provided is a public ‘space’ where alternative interpretations of identities, interests and needs may be formulated” (Van Zyl, 2005: 236). Though the inclusion of lesbian and gay identities in South African law has opened a space for the formation of identities, the legislation of marriage has also created impossibilities of speech for some who seek to access

the Civil Union Act because of “the enormous invisible power which heteronormativity holds as the dominant ideological formation” (Steyn and Van Zyl, 2009: 9).

Bilchitz and Judge (2008) suggest that the legislation of same-sex marriage in South Africa is globally unique in the particular form it has taken. The active preservation of both cultural diversity and sexual diversity within the realm of family law positions South Africa as a fulcrum in a global debate created by states who cast themselves as “secular” and “modern” in opposition to states wherein “culture” and “tradition” are valued, a debate “which suggest[s] that certain ideas concerning the progress of ‘freedom’ facilitate a political division between progressive sexual politics and the struggles against racism and religious discrimination” (Butler, 2009: 104). Judith Butler illustrates the ways in which some European countries, particularly the Netherlands and France, promote their own allegedly “secular” ideals, which not only obscures racist immigration practices, but, in the case of France also obscures state collusion with Roman Catholic conceptions of family or kinship so that “heterosexual marriage maintains its monopoly on reproduction” (Butler, 2009: 113). France is allowed to promote itself as a secular country with progressive sexual politics, through the establishment of PACS (*pacte civil de solidarité*), a contractual partnership in which “any two people, regardless of gender, may enter” (Butler, 2009: 111), but those partnerships are “excluded [from] rights to adoption or artificial insemination” (Weeks et al., 2001: 40). Consequently, “dominant French opinion draws upon rights of contract that have been extended through new sexual politics at the same time as it limits those very rights of contract when they threaten to disrupt patrilineal kinship” (Butler, 2009: 111).

In France, “contracts can be extended to any pair of consenting adults . . . but those partnerships have to be rigorously separated from kinship” (Butler, 2009: 114). In South Africa, the Civil Union Act has “helped to sustain, strengthen and revitalise kinship systems . . . within the context of . . . a ‘community’ that has gained access to family law legislation only incrementally in South Africa and not at all in most of the world” (Scott, 2009: 72). Bilchitz and Judge (2008: 154) suggest that the inclusion of civil partnerships within the auspices of marriage legislation “provides couples with an opportunity to decide on the personal and social meaning they wish to attach to their relationship”, dissipating some of the normative power of the institution of marriage. While the inclusion of civil partnerships in the schematic structure of the Civil Union Act may wield more symbolic than real potential to diffuse the heteronormative assumptions surrounding marriage, there may be a transformative way forward couched in the constellation of marriage acts governing legislative

relationship recognition in South Africa. The most problematic aspects of the Civil Union Act could hypothetically be easily amended by rendering the redundant Marriage Act of 1961 defunct and by allowing same-sex couples the same access that opposite-sex couples have to the remaining acts through which marriage is legislated. This would mean that both same-sex and opposite-sex couples could access marriage rights through the three remaining acts, in a rare opportunity to “keep difference alive” in “consideration of fluid and multiple identities” (Gouws, 2005: 5). “Multiple identities” could be accommodated “by allowing couples to designate through which act their union would be solemnised” and by reflecting the cultural diversity which was meant to be “fully recognised” by the institutionalisation of customary marriages and Islamic family law.

Mutually exclusive marriage acts generated on the basis of sexual orientation as a category “constructed as distinct and separate from other axes of difference” (Manicom, 2001: 10) cannot accommodate the diversity of South Africa’s population. Writing about the institutionalisation of “gender” as a category within international development and government policy discourses, Manicom (2001: 12) asserts that “policy and administrative discourses require explicit and bounded categories” which cannot “entertain nuance or instability” and “might bear little resemblance to the categories of identity that emerge from lives and meaning systems”. The institutionalisation of such rigid division between identity categories makes it difficult “to ‘keep difference alive’ and to challenge the inevitable exclusions and misrepresentations that are effected by the designations” (Manicom, 2001: 12). As Bilchitz and Judge (2008) suggest, legislating all unions (including customary and Islamic marriages) under the “class” of civil unions, leaving the designation marriage or civil partnership to the discretion of the couple, holds enormous potential to destabilise the heteropatriarchal institution of marriage, while at the same time keeping the difference referred to by Manicom “alive”.

The unique structuring of legal relationship recognition in South Africa presents opportunities for imagining myriad formations of family, motivated by the desire to accommodate both cultural and sexual diversity. Unfortunately, the preservation of those diversities within the current family law framework remains mutually exclusive. This realisation impedes the experience of full citizenship for many lesbian women, who nevertheless continue to craft their own belonging through marriage to which negotiations with family and friends are often central. Amidst the discourses of respectability that circulate against a backdrop of intense homophobia, new meanings of marriage have begun to emerge. These meanings, which generate new discourses wherein the

happiness of the individuals involved is privileged in favour of historical meanings of marriage, which have existed to curtail women's social and economic autonomy, are the place from which to continue destabilising the heteropatriarchal foundations of marriage.

Gaps between constitutional protection and the "thicker" experience of citizenship encapsulated within "belonging" (van Zyl, 2005), reveal the urgency of the necessity of legislation protecting the family formations of lesbian women at the same time that those gaps reveal the weakness of constitutional protections in daily life. The married lesbian women represented in this research come from diverse spaces within South Africa and illustrate an equally diverse spectrum of negotiating the process of marriage with its attendant rituals, symbols and meanings. Sometimes conventional rituals and meanings are maintained in order to create a patina of respectability over the relationships. At other times, the rituals and meanings associated with marriage are reinvented and transformed and marriage becomes inscribed with the meaning of the couple's lived experience. Individual agency is the location from which an analysis of this material attempts to articulate itself.

Postscript

When I began this research, I had moved from the space of the United States, where virtually no national relationship recognition for same-sex couples (and negligible other rights) exists, to the space of South Africa, where LGBT people have been fully included in the process of democratisation, as it exists in the legal realm. As I prepare to return to the US, I consider the ways in which the different contexts of South Africa and the US speak to one another, and what theoretical implications this study could hold for continuing thought and activism around same-sex marriage in the US. Within the United States, same-sex marriage legislation exists in a state of total disorganisation. It is available to couples in five states³ and the District of Columbia (Washington, D.C.). In those states, the benefits and protections attached to marriage are limited, as they are not recognised nationally by the federal government. Equally, marriage in one state is not recognised in most others, though a small number of states where same-sex marriage is not a legal right have passed legislation allowing the recognition of same-sex marriages from other states⁴. Various cities and states also regulate differing degrees of relationship recognition for same-sex couples, but these rights are not available in a majority of states, many of which have in fact amended their state constitutions to define marriage as being between one man and one woman only.

Conservative politicians in the United States have made homophobic comments not far removed from the remarks made, most notably, by the leaders of Zimbabwe, Namibia, and Uganda. When African leaders make such remarks, they are chastised by the United States government, which has failed to admit and remedy its own homophobic policies. Most of the homophobic rhetoric employed by conservative US politicians is framed around notions of heteronormative respectability dressed in the terminology “family values”. American politician, Mike Huckabee⁵, governor of the states of Arkansas, responded to news of the legalisation of same-sex marriage in Iowa in 2009 by releasing a statement claiming that lawmakers in Iowa “struck at the heart of the family in Iowa and in the rest of the country” (Tolbert Report, 2009). Huckabee’s conclusion that

³ Connecticut, Iowa, Massachusetts, New Hampshire and Vermont.

⁴ Maryland and New York.

⁵ For the purposes of this Postscript, I am considering Mike Huckabee’s comments to be emblematic of a certain conservative rhetoric circulating against the legalisation of same-sex marriage in the United States. I do this for two reasons. The first is the attention he has received from the media in 2009-2010 for a wide range of very strange comments in relation to same-sex marriage. The second is that he is currently the governor of Arkansas, but also managed to conduct a somewhat successful campaign for the office of the president of the United States in 2008 on the Republican ticket, though he was ultimately defeated by John McCain as that party’s candidate. Therefore, he cannot be considered anywhere near the “fringe” of American politics, but is very much a part of the country’s mainstream political landscape.

“our true strength as a nation comes from our families” and that “we must . . . preserve the importance of the family as a unit” could be read in several different ways, excepting his own qualification of what “family” means. Clarifying any ambiguity about his definition of “family”, a term he invokes with the exasperating authority of heteronormative assumption, Huckabee’s statement continues, “marriage must be defined as between one man and one woman” (Tolbert Report, 2009).

Rhetoric such as Huckabee’s forms the core around which opposition to same-sex marriage is organised in the United States. Organisations bearing the adjective “family” in their names are increasingly suspect because “family” is a term that has been hijacked by rigid conservative ideology based most frequently in Christian religious fundamentalism. Though far from practical reality, the idea that there is only one kind of family is widely circulated in America, resulting in responses from LGBT rights organisations to rhetoric such as Huckabee’s fitting into a framework that reinforces marriage as the definitive element of family creation. Rather than advocating for the de-stigmatisation of family formations which are lived outside of marriage, including single parenting and various types of co-parenting, the rhetoric of organisations such as the Human Rights Campaign, arguably the largest, most influential and mainstream LGBT rights organisation in the United States, attempts to expand Huckabee’s definition of family only narrowly enough to admit same-sex couples by proffering the salve of normative sameness. On their website, the Human Rights Campaign claims that “the right to marry . . . would enable the millions of same-sex parents raising children today to give their child what every child deserves – the safest, most secure environment possible” (HRC, 2010). The implication is that marriage becomes the discursively ideal way through which to form a family, leaving the families of the “millions of gay and lesbian parents” who cannot access marriage, as well as those who would choose not to, in a kind of discursively illegitimate arrangement.

The research I have conducted in South Africa with married lesbian women suggests that the legal protections afforded through marriage are important and necessary rights, even if those rights do not translate into belonging. However, in South Africa, all of the rights consolidated in marriage were also available for same-sex couples outside of marriage before the establishment of the Civil Union Act as law in 2006. As there are no national provisions to protect same-sex couples from the intrusion of individual bigotry or institutional discrimination in the United States, except for a non-committal suggestion on the part of the Administration that the Department of Health restructure

its policies on “family” visitation at hospitals and the extension of a limited number of benefits for federal employees, it is easy to understand the seemingly inordinate focus on marriage on the part of the Human Rights Campaign and organisations like it. However, a statement claiming that marriage provides the “safest, most secure environment possible” feeds into the same kind of assumptions that govern Huckabee’s assertion.

If one removed the language “between one woman and one man” repeated three times throughout the course of Huckabee’s three paragraph statement, the remains of the statement would be indistinguishable from the language included on the Human Rights Campaign’s “Questions about Marriage” page. Huckabee says that “marriage does matter” and the HRC describes marriage as “the greatest way our society has” to “honor a relationship”. Huckabee says that families are the “strength” of the “nation” and the HRC posits that marriage “offers children a vital safety net and guarantees protections that unmarried parents cannot provide”. These two statements, issued from seemingly diverse spaces, work in conjunction to consolidate the legitimacy of the family within the authority of marriage. They also belie the intensity of the political investment in defining marriage.

While the HRC suggests that the children of unmarried parents “not provided for” in some way, the research has shown that there are other ways to look at, not only marriage, but at family, as well. Kinship is forged through relationships that are not always biological. Family is something that can be constructed in multiple ways. While the “law has a limited ability to . . . change deeply held cultural values” (Gouws, 2005: 9), this research has shown me that a law can be a tool of empowerment in crafting belonging and is even more urgent when “deeply held cultural values”, antagonistic to the relationship such a law protects, seem least likely to budge. Part of what will inform my relationship to and activism around this political issue when I return to the United States will be the understanding that marriage, as a legal right, is very useful in the formation of families, though infinitely more so when accompanied by the attendant right of couples to jointly adopt (as in South Africa), but that continuing to organise for the legalisation of same-sex marriage within the same rhetorical framework as opponents of same-sex marriage reproduces the same exclusionary hierarchies which denied lesbian and gay couples access to the institution in the first place. Same-sex couples should be able to access marriage as a legal right because legal marriage is one way through which family formation takes place. However, to claim access to marriage because it is “the greatest way our society has” to “honor a relationship” is to erase the very real and lived

experiences of celebrating relationships of those on whose behalf organisations are meant to be advocating.

The capacity of feminist research and scholarship to “un-think” (Gouws, 2005) normative institutions is crucial. By documenting experiences of married lesbian women in South Africa, I hope to add to a body of work that takes seriously the experiences of those whose lives might be invisibilised by normalising discourses. I want to focus on these experiences as a way of contributing to a shift in thinking about marriage, a way of privileging individuals rather than institutions by focusing on individual agency through the process of negotiating citizenship and belonging through marriage. Un-thinking marriage means advocating for access to legislation protecting same-sex relationships in a homophobic world, while continuing to challenge the hegemony of marriage.

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Appendix

Ruth (40) had been married to her partner, Annelize, for almost two years at the time I interviewed her. Before being married, they had been together as a couple for seven years. The couple was married at a winelands chapel with the full participation of both of their families. While Ruth indicates that both she and Annelize would have married in 2000, had legal marriage been an option, the families needed a few months to acclimate themselves to the idea and fully embrace the process. Ruth expressed a strong sense that the “journey” she and Annelize embarked upon with their families was integral to the experience of marriage for them.

Jan (31) had been married for almost one year to her partner, Alice, at the time I interviewed her. Jan works in the private sector and describes herself as “senior” in her company, despite her young age. Though Jan has an uncle who has distanced himself from her as a consequence of her coming out as a lesbian and getting married to a woman, she describes both her family and Alice’s as having been very supportive throughout the process and having fully participated in the ceremony, at which both of their mothers signed as witnesses.

Carmen (40) had been married to her partner, Amy, a little less than two years at the time I interviewed her. Before being married, they were together for seven years. Carmen, who works at a factory, and her partner, Amy, both entered the relationship with several children of their own from previous marriages. Now, they are both “grannies” to their children’s grandchildren, all of whom visit the couple frequently. Carmen described the process of their marriage, which occurred at a Home Affairs office in the Western Cape, as a very quiet and spontaneous wedding. Their second eldest sons were their respective witnesses, and a few friends joined them for a party at their house after the legal ceremony. Carmen is looking forward to the possibility of renewing their vows in a spiritual ceremony marking the second anniversary of their wedding.

Grace (56) had been married to her partner, Nel, only two months at the time I interviewed her. The two had been together as a couple since 1973. Their decision to marry was negotiated in direct relationship to their plan to emigrate to another country. Grace attributes her distaste for the institution of marriage to her political orientation as feminist but also recognised the need to legally protect her partnership with Nel. She describes their wedding, which was presided over by a rabbi, and where the rabbi’s husband and the rabbi’s neighbour’s domestic worker were witnesses, as a “very South African situation”.

Rachel (29) had been married to her partner Jennifer for about 6 months at the time I interviewed her. The two had been together as a couple for 2 ½ years before getting married. They were married in a ceremony on the grounds of a winelands resort at which most of their family was in attendance. Rachel, who is finishing law school, describes herself as “culturally Jewish” and the couple’s insistence that the marriage ceremony not involve “tradition” was based partly on their experience of being “not very religious” and partly on consideration of some of the family members in attendance. To assuage difficulties that Jennifer’s mother had about the couple’s marriage, they designated their union a “civil partnership” rather than a marriage, a distinction Rachel indicated was purely “semantic”.

Mpho (33) had been married to her partner, Siphokazi, for about three months at the time I interviewed her. Before getting married, they had been together as a couple for two and a half years. Marriage was something that Mpho had never envisioned for herself, but as the couple’s relationship progressed, Mpho’s desire to have a child prompted the couple to navigate a process of

legally protecting the life they were building together in preparation for forming a family. The two “went to sign” at a church in the presence of a marriage officer and two friends. The official marriage was followed by a celebration at Mpho’s mother’s house attended by only gay and lesbian people.

Zanele (35) had been married to her partner, Amahle for almost one year at the time I interviewed her. Before getting married, the couple had been together for one year. The couple was first married at a Home Affairs office. Later in the same week, they were married in their church during a highly celebratory ceremony, which was a surprise to the congregation, facilitated by the minister of their church. Zanele and Amahle are in the process of adopting a baby girl who is currently in their care.

Shods (43) had been married to her partner, Ayanda for three months at the time I interviewed her, and together as a couple for two years. Though their professional engagements require them to live in different provinces at the current time, Ayanda is seeking a position in Gauteng so that they can live together as a married couple. Shods described their wedding at a MCC in Gauteng as a “private affair” and the couple are looking forward to a more public wedding ceremony in the company of their friends close to one year after the date of their marriage.

Wendy (35) had been married to her partner, Nomsa, for about seven months at the time I interviewed her. As a couple, they had been together for eighteen years. In addition to a legal ceremony at Home Affairs where both of their mothers signed as witnesses, the couple were required by Nomsa’s ancestors to perform a ceremony that would introduce Wendy and her family to the ancestors as people deserving ancestral protection through their marital relationship to Nomsa, who as a *sangoma*, is in regular contact with her ancestral spirits.

Emily (30) and Karla (32) had been married for nearly one and a half years at the time I interviewed them. Before marrying, they had only been together for a period of nine months, which Emily noted as a point of contention for some of the people in their lives. They had a wedding ceremony on the beach in Kwa Zulu Natal in addition to a ceremony at Home Affairs in Gauteng to legally solemnise their union.

Fiona (50) and Ronel (40) had been married for about 3 years at the time I interviewed them. Before marrying, they had been together as a couple for twelve years. Both spoke about the legalisation of marriage as integral to the process that they navigated in deciding to marry. Fiona and Ronel were married during a highly ritualistic spiritual ceremony, but because the minister they most wanted to officiate at their ceremony was not a marriage officer for the Civil Union Act, their legal marriage took place at a later date.

Nisa (26) and Tala (27) had been married for about six months at the time I interviewed them. Before marrying, they had been together for about three years, after meeting through their mutual love of cricket. Nisa and Tala described a period of engagement that lasted for about one year after Tala asked Nisa to marry her. When they finally married, it was during a ceremony conducted in the presence of the presiding marriage officer and two witnesses.