

**This is an abridged version of the address given by Melanie Judge, on 13 May 2008, at the Cape Town Launch of *To Have & To Hold: The Making of Same-sex Marriage in South Africa*.**

This book is a joint project of my organization, OUT LGBT Well-being and GALA, with the support of the Atlantic Philanthropies. The aim here is to document the historic process that culminated in the passing of Civil Union Act in November 2006. For those of you who don't know, that's the Act that allows same-sex couples to marry - just in case we feel we haven't suffered enough already.

So it's the telling of a story of the making of same-sex marriage, but it's not a singular story. Rather we have attempted to weave together a range of perspectives and reflections on the topic, in diverse forms. And we have placed these voices alongside key texts that follow the legislative journey, the parliamentary process, and the law itself. So the book combines the elements of documentation, analytic essays and direct commentary and discussion by academics, activists, LGBTI individuals, as well as couples who have tied the knot.

In addition to telling a story, we seek to reflect on that very story. The achievement of ssm was the culmination of a long road of law reform and advocacy, against the backdrop of the constitution, and it creates an opportunity for us to engage with the multiple issues that the very notion of same-sex marriage evokes.

In this sense, the debate as to whether same-sex couples should be granted the right to marry was always far broader than just a matter of marriage. It goes to the heart of social attitudes and representations of gender, sexuality, democracy and diversity. And these are some of the broader themes the book engages with. Our contributors force us to examine the tensions between law and justice; between the desires for "sameness" and the expression of "difference".

These are some of the conversations we need to continue if we are to make meaning of where we find ourselves, collectively, and where we are heading.

For example, at the peak of the same-sex marriage deliberations in parliament the claim that "Homosexuality is unAfrican" rang out loud. This highlighted fundamental questions about identity - who gets to determine and inscribe African identities and what are the power dynamics that shape this process. Of course sexual identities are also hotly - so to speak - contested. And as some of the essayists suggest, cultural discourses on homosexuality aren't quite as clear cut as they sometimes seem. SSM and homosexuality is in this sense, a site upon which key identity contestations plays themselves out.

Pierre has reflected on the legislative and judicial process so I won't go into any details there. But I do want to say that there are interesting debates around how same-sex marriage was dealt with in the law. And contributors critique this legal outcome from various viewpoints.

It was quite a challenge for us as editors, as irreligious as we are, to deal with the abundance of religious discourse on the topic. And so you will find voices from across

the spiritual spectrum, discussing the often uncomfortable intersection of traditional religious moralities and LGBTI sexualities and rights. In the debates, religion was often pitted against secularism - conveniently polarizing us into meaningless camps of *for* and *against* same-sex marriage.

Lobbying efforts were most often confronted with immovable prejudice expressed in the name of religion. But there were also those bold voices that grappled with the challenge of uniting religious doctrine, sexuality and marriage. So it's not all scriptural doom and gloom in the book.

Our contributors remind us, in varying ways that all human struggles are fraught with contradictions. So too is this one.

To borrow a quote from Kader Asmal "*Human rights are never static; they are always dynamic. They are never completely won, just as they are never completely lost*".

Against the backdrop of continuing homophobia and prejudice-motivated crimes, the achievement of formal equality for lesbian and gay people highlights the contradictions in our broader struggle for gender justice.

Recent murders of black lesbian women are a brutal reminder of this. As is the hate speech and the demonizing of LGBTI people in the media, in our communities and amongst our leaders. These realities point to the fractures between constitutional aspirations and lived experience. So the journey of getting to where we are as lesbian and gay people requires both celebration and circumspection.

The couples interviewed in this book invite us into their lives and share their navigations of intimacy through marriage, and their place in a world that is still largely hostile to sexuality and genders that challenge the heteronormative order.

One of the more nuanced banners to come out of the international campaign in support of same-sex marriage is one that reads: *Marriage - we just want the right, you can keep the rest*. And this begs the question: now that we've got it, do we want it? And if some of us do want it, as patriarchal and oppressive as it is. Or, will we chose to do marriage differently?

Importantly, now we have the choice of "I do" of "I don't"

*To Have and To Hold* is designed to provoke, engage, and have a life of its own, quite apart from the many people who conceived it. We hope that you buy it, read it and - as is the want of every parent - we hope it makes a difference.

***To Have & To Hold: The Making of Same-sex Marriage in South Africa*** is edited by Melanie Judge, Anthony Manion and Shaun de Waal, and published by Fanele. It is available at bookstore or can be ordered via e-mail at [sales@jacana.co.za](mailto:sales@jacana.co.za) or website at [www.jacana.co.za](http://www.jacana.co.za).