

# UK gay marriage bill: An undemocratic fraud

**Paul Bond****20 February 2013**

The passage through the House of Commons of British Prime Minister David Cameron's Marriage (Same-Sex Couples) Bill is being depicted as a democratic triumph. It is no such thing.

Under the façade of a step towards equality for gay couples, the bill enshrines religious discrimination against homosexuals and reinforces the authority of the state church, the Church of England, over individual ministers.

In making a show of championing gay rights, Cameron hoped to "de-toxify" the Conservative Party. His embrace of identity politics was an attempt to focus media attention on a small percentage of the population, while his government conducts a wholesale assault on the living conditions and social and democratic rights of the vast majority of the people.

The cynicism of Cameron's maneuver is widely recognized. A YouGov poll ahead of the vote found majority support for the move towards legalizing same-sex unions, but over half of the respondents said the economy would be more important in determining how they vote at the next election.

At the very time the gay marriage vote was taking place, a revised draft of the Justice and Security Bill was passing through committee stage. Under this bill, matters of state security will be heard at secret "closed material procedure" hearings, attended only by vetted "special advocates."

Those involved in cases against official bodies will be unable to know details of the evidence used against them and will be represented by a security-cleared special advocate, rather than their own lawyers. Amendments providing for judicial oversight that were proposed in response to concerns from civil liberties groups were summarily dispensed with.

This assault on democratic rights is the real agenda of the ruling class, so it was not surprising that only a minority within Cameron's own party was prepared to

support his fig leaf of support for gay rights: 126 Tories voted for the bill, 136 against.

The bill was presented as a step towards equality under the law for gay couples. It allows same-sex couples to marry legally for the first time. Until now, civil partnership has been the only available form of legal partnership for same-sex couples. The bill will allow couples to convert an existing civil partnership into civil marriage.

There is widespread hostility to discrimination against people on the basis of their sexual orientation. A recent survey by the gay rights group Stonewall found overwhelming support for protection against discrimination at work (92 percent) and in the provision of goods and services, and for the criminalization of hate-mongering on the grounds of sexual orientation (91 percent).

There is, too, widespread recognition that discrimination still exists within the law. The 2004 Civil Partnership Act legalized a particular form of union for gay couples for the first time, but Stonewall's survey found majority support for equalizing the legal statuses available to straight and gay couples.

However, there is an insurmountable contradiction between the democratic pretences of some sections of the British ruling class and the framework of British bourgeois rule, with its integrated Church of England. The difficulty for the Tories has been in appearing to eradicate legal differences while preserving them through the state church.

The new archbishop of Canterbury, Justin Welby, reaffirmed the Church of England's opposition to gay marriage barely minutes after officially taking over as its leader. The Church of England is represented in the House of Lords, where another former archbishop of Canterbury promised that the bill will be subject to "searching and uncomfortable questions" when it is read there.

The Church of England's Canon Law is included in the statutes of England and Wales. One canon states that marriage is the union of "one man and one woman". The government pledged to maintain this article. Efforts in this direction meant the inclusion in the bill of four profoundly undemocratic exemption clauses that strengthen the religious establishment:

\* No religious organization or individual minister will be compelled to marry same-sex couples or allow this to happen in their building.

\* It will be unlawful for religious organisations or their ministers to marry same-sex couples unless the organisations' governing bodies expressly opt into provisions to do so.

\* The 2010 Equality Act will be amended to ensure that no discrimination claim can be brought against an organization or individual ministers for refusing to marry a same-sex couple.

\* The legislation will explicitly make it illegal for the Church of England and the Church in Wales to marry same-sex couples.

As is clear, far from sanctioning gay marriage, this bill legitimizes religious hostility to it.

The Church of England and other religious institutions will not have to recognize same-sex marriages. Further, in accord with the institutional demands of its bishops, the Church of England will be able to instruct its own ministers not to perform religious marriages of gay couples, regardless the sensibilities of individual ministers. Actions taken by the Church of England to bar religious marriages of same-sex couples will be protected against legal challenges.

The Church of England was not alone in opposing the bill. The Catholic Bishops' Conference of England and Wales opposed it on the grounds of "upholding the uniqueness of marriage as a civil institution for the common good of society." The Muslim Council of Great Britain came out against the proposal. The head of the Network of Sikh organisations said gay marriage would "dilute" the scriptural definition of marriage. The United Synagogue also opposes gay marriage, leaving only the Liberal and Reform Synagogues and the Quakers supporting it.

In proposing his bill, Cameron was also attempting to use gay marriage as a means of reviving an institution he considers vital for the maintenance of social

stability. Marriage, generally, is in decline.

The 2010 Census was the first since the establishment of the Census in 1801 to record married couples as a minority of the population. Between 2001 and 2010, the number of people in England and Wales who are married fell from just over half the population to 45 percent. More than 11 million people are single, while more than 5 million unmarried people live with partners, an increase of one million over the figure for 2001.

Before the vote, Cameron declared, "I am a strong believer in marriage. It helps people commit to each other and I think it is right that gay people should be able to get married too. This is, yes, about equality. But it is also about making our society stronger."



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