

## The Legalization of Gay Marriage in France: A Phenomenon Consistent with French Culture and Values

The French parliament recently approved a bill legalizing gay marriage in the country, a policy favored by a significant majority of French citizens. Public acceptance of the legislation was anything but unanimous, however, with hundreds-of-thousands of French citizens taking to the streets to voice their opposition to aspects of the bill. With the protests representing some of the largest public demonstrations seen in France in years, the question arises as to whether gay marriage is consistent or inconsistent with French culture and values. Interestingly, if one traces the evolutionary direction of French law concerning LGBT rights, it becomes evident that gay marriage is consistent with French culture and values, especially in terms of tolerance, open-mindedness, and respect for personal rights to privacy.

As far back as the late 18th century, French history shows a growing cultural acceptance of the rights of homosexuals. In 1791, the French Parliament abrogated French anti-sodomy laws and thus made same-sex behavior legal (Merrick 80). Meanwhile in French society, a loosening of attitudes towards homosexuality was taking place. A community of homosexual men emerged that was representative of all social classes in France. The men were

known to cruise streets and parks and meet nightly in particular taverns; and they were rarely harassed by magistrates or law enforcement officers or officials (Merrick 80). French culture for this period was also characterized by growing respect and influence according to the ideas of humanist philosophers. As such, it is worth noting that many philosophical thinkers of the day were also liberally inclined to accept the rights of homosexuals. Highly vocal philosophers such as Condorcet Montesquieu and Anacharsis Cloots even argued that French society had no right at all to punish sodomy, provided "that it occurred in private and between consenting adults" (Merrick 80). Thus, by the end of the 18th century, acknowledgement of the right to privacy influenced French cultural values and the shift towards acceptance of homosexuality.

A more conservative moral climate characterized Europe and French society in the early 1800s. Yet, even during this period of French history virtually no legislative action was taken to penalize homosexual activities like sodomy or so-called "crimes against nature" (Merrick 84). This reflects a growing humanistic undercurrent in French society and culture of the early 19th century that illustrates the value French citizens placed on tolerance and respect for the rights of others to choose for themselves what to do in the privacy of their own lives and homes. In this respect, further evidence is discovered

concerning French tolerance toward homosexuality in age of consent legislation of 1832 and 1963. Respectively, the first consent laws criminalized sexual relations with boys and girls under eleven; the laws set forth three decades later, in 1863, raised the age of consent to thirteen (Merrick 84). In both cases, no regard was given for sexual orientation, thereby revealing that the French, in general, did not insist on discriminating against homosexuals. French tolerance and respect for the rights of others resulted in continued indiscriminate attitudes and treatment of homosexuals.

In 1942, the Vichy government raised the age of consent for homosexual relations to twenty-one and re-established homosexuality as a "crime against nature" (Merrick 84-85). While some may argue that this act reflected a rebirth of intolerance of homosexuality, it must be kept in mind that France was occupied by the Nazis in 1942. During this time, the German intruders treated many of the French people with brutal disrespect, violence, and total disregard for human rights. As French lawmakers and citizens witnessed the gross atrocities committed by their Nazi occupiers and captors, victimization sensitivity and fears almost certainly swept over France. It requires little more than a rudimentary understanding of social psychology to conclude that, as a symbolic response to difficult and troubling times, the Vichy government advanced laws to

protect its citizens, including raising the age of consent for homosexual relations to twenty-one (Gunther). The Vichy ruling to raise the age of consent for homosexuals, in other words, can be interpreted as a reflection of French reactionary impulses against the Nazi antithesis of humanistic open-mindedness, tolerance, and a free society.

Over the past three decades, significant legal advancements have been made with respect to rights for the LGBT community. The trends demonstrate how French cultural values for tolerance and open-mindedness are engendering respect and acceptance for homosexuality. In 1982, for instance, the French government equalized the age of consent for homosexual and heterosexuals at fifteen (Hughes and Reader 260). In 1999, the civil solidarity contract (PACS) was passed. For the first time in French history, homosexual (non-married) couples were allowed to enter into a civil solidarity contract and receive the same legal rights and protections as married heterosexual couples - joint tax return filing and other legal rights and options (Cody). Legislation supporting gay marriage was introduced in early 2013 and approved in the National Assembly in April, 2013. Thereby, French cultural values for tolerance, open-mindedness, and respect for personal rights to privacy ultimately prevailed in making gay marriage lawful in France.

In presenting a final piece of evidence to show that gay marriage is consistent with French culture and values, it is widely recognized worldwide that Muslims are almost uniformly against homosexuality and gay marriage. In a recent study, 500 British Muslims were surveyed about their attitudes towards homosexuality. None of the British Muslims interviewed believed that homosexual acts were morally acceptable; by comparison 35 percent of French Muslims found homosexual acts to be acceptable (Butt). The point, more specifically, is that the cultural values and acceptance of homosexuality are so prevalent in France that even traditionally conservative Muslims are influenced by them. This says almost everything with respect to the claim that French culture and values are consistent with the idea of gay marriage.

Despite all the evidence to show that gay marriage is consistent with French culture and values, the question yet remains as to why the vocal protests took place with so many French citizens apparently standing in opposition to gay marriage. For starters, it must be understood that the French have a long history of rebelling, protesting, and revolting against many things including economic adversities, perceived social injustices, and the like. Secondly, even amidst the many historical instances where the French advanced laws equalizing treatment of homosexuals and heterosexuals, they insisted on

maintaining protections for children in the form of age of consent standards. It should come as no surprise, therefore, that the recent protests were not so much about opposition to gay marriage but rather the idea of gay people being allowed to adopt children. In fact, while a significant majority of French citizens favor gay marriage, only 53 percent approve of same-sex couples adopting children (Pathe). Therefore, when one recognizes the real reason for the recent protests, the argument yet stands that the idea of gay marriage is consistent with French culture and values for tolerance and open-mindedness.

In the final comment, by tracing the evolutionary direction of French law concerning LGBT rights, a case can be made that gay marriage is consistent with French culture and values, especially in terms of tolerance, open-mindedness, and respect for personal rights to privacy. By the end of the 18th century, acknowledgement of the right to privacy influenced French cultural values and the shift towards acceptance of homosexuality. Just decades later, age of consent legislation, 1832 and 1963, did not discriminate against homosexuals. It, therefore, demonstrated French tolerance and respect for the privacy rights of others. Further, the Vichy ruling in 1942 to raise the age of consent for homosexuals to twenty-one can be interpreted, not as a regressive move, but rather as a reflection of French reactionary impulses against the Nazi

antithesis of humanistic open-mindedness, tolerance, and a free society. As yet another piece of evidence, the cultural values and acceptance of homosexuality are so prevalent in France that even traditionally conservative Muslims are influenced by them. And further, when one recognizes the real reason for the recent protests, i.e., to protect children, the argument still stands. Gay marriage is consistent with French culture and values for tolerance, open-mindedness, and respect for personal rights to privacy.

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