

A short history of same-sex marriage in New Zealand

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Sexualities

2020, Vol. 23(8) 1417–1433

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DOI: 10.1177/1363460720902713

journals.sagepub.com/home/sex



Abstract

Is same-sex marriage a recent outcome of concerted political action, or does it have a much longer history? This article critically examines the historical tensions and complexities around same-sex marriage by focusing on the New Zealand context. It argues that same-sex marriage is not simply a matter of legal provisions, but also reflects shared customs and incipient forms of politics that took hold before the era of marriage equality and have since been further transformed. By offering an overview of the New Zealand situation between the mid-19th century and the present day, this article examines the cultural and political complexities of same-sex marriage in order to tease out the intricate intersections between historical continuities and social change.

Keywords

History, LGBTQ, New Zealand, queer politics, same-sex marriage

Introduction: ‘Marriage’ in the past and present

Marriage between women or between men is far from new; same-sex marriage is a very recent outcome of political fights for lesbian and gay rights. These two propositions seem somewhat contradictory, even though both are true in their own way. But how can two such understandings about marriage exist alongside one another? This article unpicks some of the historical tensions around same-sex marriage by focusing on the New Zealand context. Europeans arrived in these islands in the southern Pacific Ocean during the early 19th century, subjecting the indigenous Māori to colonisation and applying versions of British law that criminalised sex between men, ignored sex between women and formalised marriage as a state institution. Many sexual and intimate relationships took place between women

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and between men over the next century and a half, some of them short lived and others of long standing. Laws governing same-sex desire slowly changed: sex between men was made legal in 1986, anti-discrimination provisions were enacted in 1993, civil unions were introduced in 2005 and 'marriage equality' became legally recognised in 2013. But what do developments between the middle of the 19th century and the second decade of the 21st century tell us about the broader complexities of 'marriage', its meaning, politics and affective aspects? How can same-sex marriage be both old and new?

In attempting to answer these questions, I examine a range of sources. Diaries, letters and legal records provide clues for the decades before the Second World War. These 'documents of life', to borrow a phrase from sociologist Ken Plummer (2010), tell us something about the way people arranged their intimate affairs and accounted for their actions. Such materials transmit meanings that shape and are shaped by the social relationships in which they are embedded. Understandings of relationships and marriage, in all their breadth and complexity, function as historically specific social practices (Lemke, 1995: 2). Having for some time ignored marriage-like relationships between men and between women, news media commentators in New Zealand became interested in the public manifestations of same-sex love by the middle of the 20th century. By the end of that century, websites, especially blogs, had begun to provide tools for political advocacy and forums in which people could express their views about private and public issues. Analogue and online textual materials, and the debates engendered by them, reflect the changing meanings of marriage and marriage-like relationships.

The early sections of this article explore intimate relationships between women and between men in the decades before the advent of formal homosexual politics, teasing out the key elements – affect, divisions of labour and legal frameworks – that continue to have an impact during the 21st century. The article's later sections analyse a range of discourses about civil unions and the move to 'marriage equality'. Raymond Williams' conceptual framework guides this discussion. Williams' useful account of cultural and ideological change, elaborated in *Marxism and Literature*, pays close attention to the interplay of residual, dominant and emergent forms of thinking and doing. Residual forms draw upon older, established patterns of thought, and they overlap at any given time with dominant and emerging 'meanings and values [...] practices and relationships' (Williams, 1977: 123). In this view, beliefs and cultures do not change in sudden or clear-cut ways. For Williams, social change is the result of the ordinariness of human experience as well as political and intellectual agency (Matthews, 2001: 181–182; Williams, 1977: 130). Embryonic, informal structures of feeling are eventually 'formalized, classified, and in many cases built into institutions' (Williams, 1977: 132). Williams' writing leads me to explore how the history of same-sex relationships is simultaneously personal and political, and I suggest that the small-scale building of same-sex relationships and households has contributed to wider social transformations.

Pre-colonial and colonial attachments

New Zealand became a colony of England in 1840, but the country had been settled by Māori much earlier: they journeyed from the Pacific at an as-yet-undetermined time between 200 and 1300 AD (Belich, 1996). The most well-known intimate relationship from the pre-contact period was the marriage that took place during the early years of the 17th century between Hinemoa and her husband Tūtānekai (Te Awēkotuku, 2001). Tūtānekai also had a close and loving relationship with another man, Tiki, which predated his marriage to Hinemoa:

Ka aroha a Tutānekai ki a Tiki, ka mea atu ki a Whakaue,
 ‘Ka mate ahau i te aroha ki toku hoa, ki a Tiki’.
 Tūtānekai loved Tiki, and said to Whakaue [his adoptive father],
 ‘I am stricken with love for my friend, for Tiki’. (Cited in Grey, 1971: 113)

Tūtānekai referred to Tiki as ‘taku hoa [my friend] takatāpui’ (Grey, 1971: 113). The 1892 edition of *Dictionary of the New Zealand Language*, compiled by the missionary William Williams, defined takatāpui, a term that has since been reclaimed within Māori queer communities, as ‘an intimate companion of the same sex’ (Williams, 1892: 172). Some of the recent scholars who draw upon the relationship between Tūtānekai and Tiki have suggested there were degrees of sexual fluidity in the pre-colonial Māori world as well as a spirit of inclusion, and that affective connections could be intricate in their character (Kerekere, 2017: Ch. 3; Warbrick, 2019). The triad of Hinemoa, Tūtānekai and Tiki is one such example, as Paerau Warbrick points out:

Different kinds of relationships were not mutually exclusive. Tūtānekai still felt deep love for Tiki when he forged his relationship with Hinemoa. Tiki even lived with Tūtānekai and Hinemoa for a time, and Tūtānekai arranged for Tiki to marry his sister Tupaharanui. These arrangements emphasise the importance of kinship in Māori society. (Warbrick, 2019: 30)

Interlinked same-sex and opposite-sex relationships, along with the wellbeing of takatāpui who had thus far been accepted as an integral part of whānau (family) groups, were negatively affected by the spread of Christianity from the early 19th century onwards (Kerekere, 2017; Warbrick, 2019). Christian missionaries began to displace traditional values, principles and religious beliefs. In some remote rural areas, however, where the influence of Christianity remained limited, same-sex couples continued to live with the support of their own communities well into the 20th century (Wall, 2007: 50; Warbrick, 2019: 31).

During the 19th century, there was opportunistic sex between Pākehā men (that is, those of European heritage) on farms, goldfields and in the towns, as well as relationships characterised by ties of varying strengths (Brickell, 2008). Some men lived together and were described by observers as ‘devoted’ to one another; a few were buried together after death (Eldred-Grigg, 2008: 282–284).

Economic differences had an impact on same-sex relationships, and these were inflected by ethnicity. Among Māori, networks of whānau support and collective involvement in rural subsistence economies underpinned the lives of takatāpui, but the 19th-century Pākehā economy was based on large sheep runs, farms operated by more-or-less nuclear families and, increasingly, urban production (Belich, 1996: Ch. 14). This had implications for Pākehā women who, like their counterparts in Europe, did not always find it easy to secure independent means of support during the 19th century. It was difficult for women to form relationships without access to men's incomes (Laurie, 2003). Independently wealthy Pākehā women had greater opportunities than others, along with those who ran their own businesses or were schoolteachers or nurses (Bishop, 2019).

British and North American patterns also gesture towards the possibilities here. Sharon Marcus suggests that some English 19th-century female couples lived together as man and wife and were regarded that way by others in the wider community (Marcus, 2009: 196, 200). Some saw themselves as 'spouses' and referred to their own and others' 'female marriages'. Marriage between men and women was both economic and affective in its character; opposite-sex Victorian marriage among Pākehā couples in New Zealand was 'a complex state, wedding as it did the concept of romantic love to the traditional obligations of husband and wife' (Fry, 2001: 151). The same could be said of some same-sex relationships, and one New Zealand example reveals a little of these considerations. School principal Florence Lance and another woman, a teacher who went by the name of Joseph Trequhair, married in Australia in 1891. Trequhair appeared in front of a Presbyterian minister dressed as a man, and the women signed the register.

In 1896, Florence and the woman she called 'Josie' moved to New Zealand and lived together for another four years. Josie mostly dressed in public in male attire, and this allowed her to earn higher wages than she could as a woman. Occasionally she travelled around the country and sent home passionate letters to Florence – 'goodbye with all the love of my heart, Yours till death and beyond' – that contain various terms of endearment: 'baby', 'pet' and 'Girlie'. Josie signed some of her missives 'your forever boy' (Lance vs Trequhair, 1901). The relationship soured after Josie committed bigamy with another woman named Jean. An infuriated Florence filed for divorce on the grounds that Josie was a woman, a fact that had never seriously been in dispute. Josie insisted that Florence knew 'everything there was to know about me before we married', before adding: 'I am . . . a woman absolutely but with the inclinations and passions of a man' (Lance vs Trequhair, 1901; see also Brickell, 2020).

If, as Raymond Williams suggests, we can see an embryo of social change in everyday affective lives, then did the relationship between Josie Trequhair and Florence Lance constitute a political act of sorts? These women may have wanted to lay a claim on legal and social status when they married before a minister. Perhaps these women's living together also constituted a defiant form of domesticity. It is tempting to regard this relationship as an early example of what, in the North American context, Elise Chenier has termed 'love politics':

the small-scale, intimate transformation of previously marginalised relationships into 'a theory of justice' (Chenier, 2018: 295). The wider social context began to enable such a move. New Zealand's women gained the right to vote in 1893, and Florence participated in another feminist project: she taught physical culture in a girls' secondary school, a type of institution that came into being following concerted lobbying by New Zealand's first wave feminist activists (Morris Matthews, 2008: 60). The first hints of a public awareness of same-sex relationships also emerged during the 1890s. New Zealand's newspapers printed wire stories from overseas telling their readers of women who loved one another, and in 1891 a young man defended same-sex passion when he told a doctor: 'you will admit that a man may love a woman – then why not one of the other sex? The Bible says "love one another" does it not?' (cited in Brickell, 2008: 69). Some of those who desired others of their own sex found ways to articulate their feelings to themselves and others. As Williams points out, the affective aspects of consciousness and relationships are important elements in processes of social change.

Another New Zealand case sparked public interest in women marrying one another during the early years of the 20th century. Amy Bock married Agnes Ottaway near the small town of Balclutha in April 1909. Ottaway had no idea that Bock, who took the name Percival Redwood, was actually a woman, and neither did members of the wider community (Coleman, 2010). Bock posed as a wealthy sheep farmer, but she had no income to speak of; she sometimes styled herself a man in order to conduct her swindles, and she had racked up a long list of convictions for fraud. Her sex was detected soon after the elaborate wedding ceremony. Few contemporary commentators believed that Bock had any romantic interest in Ottaway, and they presumed the wedding was a hoax that got out of hand. Fascinated observers celebrated Bock as 'irrepressible', an 'adventuress' and even a 'scoundrel' (Coleman, 2010: Ch. 8). There is no evidence about Bock's sexual interests, but she did claim male privileges for herself and her appeal has endured. Some recent commentators have adopted Bock as a proto-lesbian icon, reincorporating and reformulating past lives in light of a modern politics of sexuality (Clark, 2019; Laurie, 2003: 34, 171).

Early 20th-century relationships between women shared characteristics with opposite-sex unions, especially where divisions of labour were concerned (Cleves, 2014: xi). 'I shall think of you tomorrow when you are lighting the fire and I shall wish (with such a hopeless wish) that I was by your side once more and there to do all those disagreeables for you', Josie Trequhair told Florence Lance when the two were living apart for a time. In another letter, Josie, who had started work as a furniture carver, hinted that she could become the household's primary income earner. 'I am not boasting when I say that they all tell me I shall make £6 a week easily', she told Florence; 'Girlie darling you need not take a situation now' (Lance vs Trequhair, 1901). There are other examples too. Community worker and poet Ursula Bethell shared a house in Christchurch with her partner Effie Pollen during the early decades of the 20th century. Acquaintances reported that Effie was 'the practical one, caring for the home and the cooking and pretending to think nothing

of philosophy or flower gardening', and she was the driver of the couple's car, while Ursula 'made a good show of despising cookery books and rows of vegetables' (Somerset et al., 1948: 278).

If we regard same-sex couples' lives together as a matter of nascent love politics that draws together divisions of labour and affective bonds, then the prospect of death provided an opportunity for the remaining partner to assert the significance of the relationship. After Effie died in 1934, Ursula wrote: 'from her I have had love, tenderness, and understanding for thirty years' (cited in Charman, 1998: 95). Bethell marked each anniversary of her partner's death with a new poetic tribute. 'You left me, darling, desolate' is one example (cited in Charman, 1998: 97, 103). Other partners were buried together, including entertainers Freda Stark and Thelma Trott who were separated in 1935 by Thelma's death only to be reunited in the same grave after Freda passed away 64 years later. Members of the pair's extended family jointly paid for Thelma's headstone, which bore the words 'Till We Meet Again' (Campbell, 2019). This strongly suggests that the wider family knew the significance of the women's relationship. Even though the state ruled out official marriages for same-sex couples and rendered sex between men illegal, partners had ready access to one type of gender-neutral legal document: the will. Chemist Robert Gant and draper Charlie Haigh met in about 1908, and for 25 years they shared a house in Wellington (Brickell, 2012a). Robert left the bulk of his estate to Charlie in his will, and he gave instructions about the disposal of his body: 'I desire my remains to be cremated and the ashes to be deposited as Charles Haigh directs' (Gant, 1936). There was nothing to stop Robert Gant naming his lover in his will, a final assertion of togetherness. Death provided a permissible uniting between same-sex partners, just as it does now; this continuity would survive profound social and legal changes over the decades that followed.

Semi-public engagements

The law's parameters did not wholly determine the lives of same-sex couples. Some rituals took place whether or not relationships were recorded in a marriage register like Florence Lance and Josie Trequhair's. New Zealanders had begun to hold informal wedding ceremonies by the 1940s, a decade when homosexual communities became larger and more complex, and the newspapers started to take an interest (Brickell, 2008: Ch. 3). The *New Zealand Observer*, for example, told of a wedding of two men in Auckland in 1947 attended by 'the cream of the Queen City's queer crop', and the paper provided details of a "'pre-wedding" party' on board a ship in the harbour:

Celebrations began when a group of men – young and old – arrived at the ship's side. They were loaded down with grog, including four bottles of whisky. On to the upper deck floated the strains of song. There were deep basses and the shriller tones of some of the men singing soprano. The 'queers' were squabbling. They were calling each other by girls' names. 'Stop it Felicity!' came a protesting treble to the ears of the

delighted seamen. The crowd on deck was enjoying itself hugely. Snatches of song and the clink of glasses punctuated the dialogue. One young gentleman was playing a chasing game with a long-haired youth in an alleyway. Two others had repaired to another part of the crew's quarters. (*New Zealand Observer*, 1947: 9)

The *New Zealand Pictorial* published similar articles during the 1950s: 'At times they [homosexuals] stage mock weddings and have been known to fool ministers of religion into actually performing marriage services in churches' (*New Zealand Pictorial*, 1955: 36). Derrick Hancock played the part of the officiating minister at the wedding of his friend Joe in Christchurch during the late 1940s. Joe wore an elaborate white dress, with his chest hair peeking incongruously out the top, and his partner had on a black suit. Derrick got as far as 'we are gathered here today' when one of the many assembled guests snorted and everyone in the room burst into laughter (Hancock, 2006). Derrick's retelling of the event shows his delight in transgressing social norms: the juxtaposition of the traditional dress and chest hair revealed both the artifice of wedding costume and the dissembling of gender performances that drag usually signified (Smaal, 2015: 84). As the subsequent laughter illustrates, these tensions were not lost on the audience members, who saw the appeal of reinventing wedding traditions for themselves.

If the earlier, privately conducted relationships are best understood as incipiently political, then these new, semi-public marriage ceremonies pushed this impulse even further. They asserted the dignity of same-sex relationships by celebrating men's strong attachment to one another and couples' embeddedness within networks of friends. These groups were tightly bonded, and their ties remained strong decades later: Joe and his partner were still together in the early 2000s and their surviving friends, including Derrick, stayed in touch (Hancock, 2006). When the newspapers revealed some of these occasions, albeit in shocked tones, their accounts began to turn private celebrations into public matters. Some men celebrated this breakthrough into public discourse: copies of the *Observer* circulated through New Zealand's queer networks and men delighted in discussing the weddings among their friends (Brickell, 2012b). Whether or not there was a desire for state-sanctioned unions, this small-scale love politics, with its basis in informal occasions, provided the basis of the public debates that emerged over the following decades. As Williams has suggested, informal formations slowly turned into institutionalised structures.

Campaigns for social change and the rise of legal unions

A formal homosexual politics made its appearance at the beginning of the 1960s. The first attempts to decriminalise sex between men began in 1962 when the Dorian Society, a Wellington social club, set up a legal subcommittee. The Dorian Society emerged out of New Zealand's growing queer social networks, including those that Derrick and Joe belonged to. In 1967, its subcommittee was renamed the Homosexual Law Reform Society. The society's manifesto had nothing to say

about same-sex marriage; instead the aim was to marshal the opinion of respectable and influential heterosexual commentators and attempt to persuade the government to legalise sex between men (Guy, 2002: 68). The society mounted an argument for the inclusion of homosexual men within the legal framework, and its goals were achieved in 1986 when New Zealand's Parliament legalised sexual contact between males over the age of 16 (Pritchard, 2005). The Gay Liberation movement, which emerged in 1972, took a very different approach to the Homosexual Law Reform Society. It included women as well as men, and its goals were not merely legislative. Whether they were based in New Zealand or internationally, gay liberationists questioned the role of the state, the prevalence of heterosexual norms and the assumed desirability of monogamy (Brickell, 2008: Ch. 5; Duberman, 2018: Ch. 1). 'Coming out' was the key strategy: women and men who declared their sexuality would challenge social marginalisation as well as ensuring personal freedom (*New Zealand Gay News*, 1975). The tensions between inclusion and social transformation would play out in subsequent debates.

During the 1990s, a small number of New Zealand feminists and queer theorists picked up some of the discourses of Gay Liberation. Writing in the feminist magazine *Broadsheet* in 1996, Jenny Rankine suggested that human rights-based arguments about marriage tended to be individualistic and those who used them rarely sought out more systemic social changes that might benefit marginalised communities. She also wrote that marriage compromises women's economic and social freedom, reinforces 'compulsory coupledness' and blunts the potential for child-raising practices that involve more than two adults (Rankine, 1996). By controlling the norms of respectability and the ways relationships are judged in society more generally, Rankine argued, claims for legal marriage preclude broader societal changes supported by both Gay Liberation and radical feminism. In 2004, Rosemary du Plessis made similar arguments from a queer theoretical standpoint. She wrote that the 'right' to marry is a constituent part of the institutional power of heterosexuality, and that queer praxis aims to destabilise social institutions rather than reinforce them (Du Plessis, 2004: 107). Few New Zealanders adopted or expanded upon this kind of analysis, however. If the right to marry is indeed one of the cornerstones of heterosexual privilege, as Rankine and du Plessis suggested, then it is not difficult to see why many lesbians and gay men would embrace the inclusion of same-sex couples as an important political goal. To this end, three lesbian couples sought marriage licences during the mid-1990s. The couples unsuccessfully appealed to the High Court when the licences were denied, and two of the women, Margy Pearl and Lindsay Quilter, took a case to the Court of Appeal in 1997 (Seuffert, 2006; Whiu, 2004). The appellate court found that Parliament would have to amend the Marriage Act if official same-sex weddings were to take place. The informal celebrations of earlier decades remained the only option for the time being.

Formal political change was not far away, however. In 1999, a change in government ushered in a more liberal group of Members of Parliament (MPs), and in 2004 politicians debated and passed the *Civil Union Bill* (Henrickson, 2010). Civil unions are available to same-sex and opposite-sex couples, and they are registered

and terminated in a similar way (Seuffert, 2006: 286). Soon after the enactment of the legislation in 2005, the then widely read (but now discontinued) news website *gaynz.com* began to collect the stories of same-sex couples who entered into civil unions. The 44 women and men who submitted their civil union stories to *gaynz.com* told of their own views and experiences. Many drew from long traditions. Martin, Mark and other 21st-century partners told of romantic proposals on bended knee and a special day built out of common symbols: a large cake with a wedding topper of two men or two women, champagne, rings, flowers, lavish dresses and expensive suits. There were stag and hen parties, wedding nights and honeymoons. In a further example of the residual cultural forms that Williams writes about, some couples recited traditional wedding vows. Legal scholar Nan Seuffert has suggested that many New Zealanders regarded civil unions as a kind of 'partial inclusion' (Seuffert, 2006: 305), a booby prize of sorts, but few of those who contributed their stories to *gaynz.com* saw it that way. Most felt that civil unions afforded similar legal status and protections to those granted by marriage, and they regarded the day of their civil union as their wedding day. They were not the only ones: many of the 20 couples surveyed for an academic study felt the same way (Baker and Elizabeth, 2012: 637).

New iterations of love politics took shape. Some couples, including Steve and Stephen, saw their ceremony as a time for emotion and connection, not political debate, but they also hinted at the socially transformative potential of the civil union. 'The rural staunch Kiwi heterosexual blokes, we could see them there wiping away tears. It was obvious to them that this wasn't a gay politically correct thing, this was from the heart' (Gaynz, 2017). The sharing of emotions encouraged some heterosexual participants to reflect upon their beliefs and values. Other couples were more deliberative in their political stance, including those who embraced civil unions as a non-patriarchal alternative to marriage and told their guests of their stance (Seuffert, 2006: 287–288; see also the discussion in Laurie, 2004). Doreen and Lindsay concluded that 'with a civil union, you're starting with a blank slate':

We're a couple of old lesbian feminists who see marriage as something that involves giving people away and possession and all that sort of thing. When we sent out the invitations, we said 'this is not a wedding – it's a civil union'. We were very clear about that. Wedding's got a lot of baggage. And we wanted to be entirely free of any of that sort of baggage. (Gaynz, 2017)

In a not dissimilar vein, Martin and Mark embraced the secular gloss of the civil union. They felt that 'marriage has connotations of religion' and is 'an establishment that, as gay men, we enjoy the freedom of not having to live within', while Claire and Carol were 'quite happy with the idea that this is a civil union' and would probably choose civil union over marriage in any case. Others picked up an older idea – that of self-assertion – and mixed it with the discourse of 'coming out' as they forged their own forms of love politics. Mark and Martin said: 'We love each and other and we wanted to share that publicly ... It's a really liberating thing

and you can have a great deal of fun' (Gaynz, 2017). As Claire and Carol suggested, their civil union could be seen as 'an affirmation of a same-sex relationship' (Gaynz, 2017).

Residual, dominant and emergent themes gave way to one another. Many New Zealanders drew from newer forms of queer culture as well as the older symbols of marriage. Some couples recited their vows in a bar, cafe or other queer venue; many wore rainbow cummerbunds, blew up rainbow-themed balloons or walked arm-in-arm under a canopy of rainbow flags; some wore leather chaps; a few had drag queens perform at their reception. Elizabeth Kerekere and her Samoan partner decided against exchanging rings; instead they unveiled their kirituhi – Māori-style tattoos – and wove them into their relationship narrative while reciting vows they wrote themselves: 'Surrounded here by our family and friends/this tattooed ring/symbolises my commitment to you/Written in blood/rising above pain and challenge/through this life and into the next' (Kerekere, 2007: 43).

Other couples with a Māori partner, or who had Māori friends or relatives, incorporated elements of tikanga (Māori customs and etiquette). Here is Lesley and Tee's description of their experience:

The ceremony was held as the sun set. As we walked down the pathway (aisle) we were greeted (to our immense surprise as it was unexpected) by our wonderful Aunty Mabel welcoming us with a karanga [summons] because Moturiki is her whenua [ancestral land]. The moment was special and intense. We had our closest friend Niwa marry us alongside our official celebrant, and then to our bewilderment, Niwa's father Wharehuia blessed the occasion with the most beautiful karakia [prayer]. (Gaynz, 2017)

While Kerekere and others embraced biculturalism in their ceremonies, the parliamentary and wider political dimensions of civil unions could be both complex and confronting. Paul Reynolds was disappointed his chosen political party did not support the civil union legislation when it passed through Parliament. He concluded that the Māori Party, established in 2004 to support indigenous rights, adhered to 'a very fundamentalist version of whānau' at the time (Reynolds, 2007: 120):

This Bill was a conscientising moment for me. I couldn't help but think, 'Hey, I am Māori. I'm supporting the Māori Party. I'm a Māori researcher . . . I am also gay. I am takatāpui tāne'. Prior to this moment I had not given a lot of thought to my identity as takatāpui tāne. I knew I was Māori. I knew I was gay. But I didn't really connect the two. (Reynolds, 2007: 121)

Watching the debates in Parliament caused Paul to bring his Māori and gay identities into dialogue with one another. For Paul, and no doubt other takatāpui as well, the debate over the *Civil Union Bill* spoke to an intersectional politics in which sexual subjectivities are forged through the 'mutual inflection of ethnicity, cultural

heritage and sexuality' (Gorman-Murray et al., 2010: 107). In New Zealand, as Johnston points out, matters of race and sexuality often brush up against one another (Johnston, 2018: 560). Such inflections were not static, however, and the tone of intersectional politics shifted when Parliament later debated the bill that would allow for same-sex marriage.

From civil unions to marriage equality

The *Marriage (Definition of Marriage) Amendment Bill* of 2013 passed by a wider margin than the *Civil Union Bill*. The new legislation was introduced to Parliament by Labour MP Louisa Wall, and 88% of her Labour Party caucus colleagues supported it. So too did every Green Party MP. A moderation of views within the National Party caucus since the legalising of civil unions, led by the arrival of increasingly socially liberal MPs in the 2008 and 2011 elections, was largely responsible for the increased Parliamentary majority. This time the Māori Party's parliamentarians also voted in favour. One of them, Te Ururoa Flavell, read out Tūtānekai's lines about his love for Tiki: 'I am stricken with love for my friend'. Flavell told Parliament about the acceptance of takatāpui in previous generations and the respect they garnered within their whānau. 'So I urge all of us to think deeply about the universal values of aroha, of commitment, of whakawhanaungatanga, of trust, of faith, and of hope', Flavell said. He wanted parents 'to know that their son can marry the man of his dreams and they can be all out and proud on their special day' (Flavell, 2013). This was a powerful echo of the past, a knitting together of a 17th-century relationship and a 21st-century legal innovation. It spoke of the significance of both ancestry and whānau in the Māori world, as well as the shifting approach taken by the Māori Party.

Opinion polls put public support in favour of the marriage bill at 63% (Manhire, 2013). Among the bill's opponents, several conservative groups joined together to develop the website protectmarriage.org, and they argued that the purpose of marriage was raising children. They insisted that young people raised by same-sex couples would not be socialised within approved gender norms and would be disadvantaged as a result (Protect Marriage, 2013). Such views are unsurprising, but the arguments put forward by those who actively supported the new law are perhaps more interesting. A rights-based discussion represented the dominant discourse, as it had done during the passing of the civil union legislation. Pro-marriage activist Levi Joule wrote for the website Legalise Love:

I don't believe that we can currently tell our young LBGT and questioning youth that New Zealand is an accepting and truly tolerant nation when its LBGT citizens still face discrimination in the eyes of the law when it comes to marriage and adoption.

'The civil union legislation in 2004 was a step in the right direction, but "almost equal" for LBGT citizens isn't equal at all' (Legalise Love, 2013). Other lesbians and gay men told of the equal rights that marriage would bestow, and they

expressed their desire to be ‘on the right side of history’. Some expressed this as a right to follow the same romantic trajectories as heterosexual New Zealanders. In this view, everyone should be able to realise their dreams ‘of finding the perfect partner, getting married and living happily ever after’; to ‘have babies, go on nice family holidays’ (Legalise Love, 2013).

While legaliselove.org mostly advanced rights-based claims, the website MarriageEquality.co.nz put forward several arguments that drew on a residual set of ideas from earlier decades. Under the headline ‘Why Marriage Matters’, it suggested that marriage ‘creates a unique bond between partners and their families [and] provides health and well-being benefits’ (Marriage Equality, 2013). In this view, which echoed the functionalist family sociology of the 1950s, access to legal marriage would strengthen psychological and other health outcomes for children. Another page on the website offered a conservative twist on a liberal argument: ‘In countries which allow same-sex couples to marry, marriage still exists, no opposite-sex marriages have been harmed, and the rates of younger heterosexual people marrying have actually increased’. At one public debate, members of a pro-marriage group suggested: ‘GLBTI people respect marriage. That’s why we want to be part of it’ (Gaynz, 2017). The motivation for advancing such conservative arguments is unclear. Such discourses may have served a strategic function, seeking to reassure those who believed in marriage as a social institution, or they might have reflected a genuinely held set of beliefs. Either way, those who put together the MarriageEquality.co.nz website adopted a different approach from that of LegaliseLove.org.nz, and this stood in marked contrast to the Gay Liberationists who suggested during the 1970s that exclusive coupledness was the least revolutionary option among a range of possible living arrangements, and differed greatly from radical feminist and queer theoretical approaches.

The trajectory of politics over time was far from unidirectional. Functionalist and assimilatory propositions were in some respects less socially disruptive than the self-assertions of Amy Bock or the shipboard wedding parties of the 1940s and 1950s. Not all arguments in favour of marriage equality were quite so conservative in their tone, however, and some commentators pointed out that same-sex marriage could be porous in its meaning. Sociologist Michael Stevens suggested in a 2015 blog post that marriage is no longer ‘a patriarchal institution, designed to subjugate women and keep men in power’ but has become ‘a public celebration of love and commitment’, and that queer participants had the opportunity to re-write the script to some degree:

I find it interesting how so many of my married mates are still happily playing the field, in classic gay male style. We are proof that it is possible to deeply and truly love one man, yet still have fun with lots of others. It’s clear that for many gay men emotional fidelity is what matters. (Stevens, 2015)

Stevens suggested that marriages – or gay men’s, at least – are sufficiently flexible to accommodate the liberal ideal of commitment as well as the kinds of challenges to

norms of assimilation and monogamy sought by an earlier generation of activists. Whether or not patriarchal practices are dislodged through such challenges or whether they are largely left intact is, however, a matter of continuing debate.

Conclusion: Shifts and recalibrations

The history of same-sex marriage is a multi-stranded one, in New Zealand as well as elsewhere. The pre-liberation period saw various constellations of attachments, meanings and symbols, some of which were understood by couples and their friends and families as constituting marriage-like relationships. Couples divided up domestic tasks, prepared for the survivor to assume control of the other's affairs after death and occasionally wed by concealing one party's actual gender. Some elements of these relationships are familiar to those living in New Zealand during the 21st century. By the 1940s, the unofficial marriage ceremony was relatively common, a fact picked up by the media, and this semi-public form of love politics marked the beginning of a public discussion, hesitant and fractured at first, about same-sex unions.

Among the emergent ideas, to use Williams' terminology, two overtly political perspectives came into focus during the 1970s and have jostled for attention in the years since. Although neither stance told of marriage as such, their central pre-occupations – maintaining rights while challenging social norms and structures in order to create new possibilities – have been woven together in subsequent political debates. Recent pushes for civil unions and 'marriage equality', along with couples' accounts of their own relationship ceremonies, bring together quests for security, commitment, social inclusion and equality while subtly (and sometimes not so subtly) appealing to notions of normality and respectability. These narratives work with and against social ideals of coupledness while challenging the assumption that heterosexuality has a taken-for-granted right to public space. This shift was somewhat visible during the 1940s, but the more formal politics and public rhetoric of subsequent decades profoundly re-framed it.

To what extent do same-sex weddings transform the broader, heterosexually dominated institution of marriage? Jennings suggests that historical insights on the flexibility of marriage as a practice hint that the institution might be productively reworked to become more fluid and inclusive (Jennings, 2019: 165). Other writers, in contrast, regard marriage – whether same-sex or otherwise – as a fundamentally conservative institution, and they suggest that weddings constitute 'powerful markers of a couple's "normality", morality, productivity and "appropriate" gendered subjectivities' (Johnston, 2006: 192). Geographical contexts have an impact here. Recent New Zealand debates over same-sex marriage have taken a different turn from those in the USA, for instance, where many activists and scholars regard same-sex marriage campaigns as assimilationist (see, for instance, Duberman, 2018; Gallo, 2019). Some, including Nair (2014), note that married American couples have privileged access to health services, but this is less of a consideration in New Zealand and other countries with universal public healthcare.

There have been relatively few critiques of marriage in New Zealand's left politics over the last several decades, and this may be a reflection of the long-standing idea of New Zealand as a 'social laboratory': a crucible of social welfare and human rights initiatives (Nolan, 2007). Many New Zealanders seem to believe that same-sex marriage was the logical next step after decriminalisation and civil unions, and they seem disinclined to see it as an opportunity to explore the radical potentials of private life. The colonial and postcolonial context is also meaningful. The importance of ancestry and extended family among Māori, for instance, has shaped aspects of the more recent debate and provided ways to think about same-sex families. In mid-2019, for instance, Tamati Coffey, a Labour MP, welcomed a baby into the family he created with his civil union partner, and Coffey consulted whānau before bestowing upon the boy a name of great historical significance: Tūtānekai. The past and the present continue to come together.

The tensions between the ordinariness of experience and the complexities of intimate politics run through the history of same-sex marriage in New Zealand, even as residual, dominant and emergent elements are articulated in a range of ways. When all is said and done, however, marriage is going out of favour among New Zealanders in general. A rising proportion of people are cohabiting, and the general marriage rate dropped from 45 people per 1000 in 1971 to 15 per 1000 in 2001, and even further to 11 per 1000 in 2017 (Baker and Elizabeth, 2012: 634; Statistics New Zealand, 2017). Civil unions became practically obsolete barely a decade after their introduction: in 2017, four years after the government legalised same-sex marriage, only 21 civil unions were performed in a country of nearly five million people (Statistics New Zealand, 2017). There is no doubt that the terrain of intimate same-sex relationships and politics will continue changing and new symbols and practices of love politics will emerge, even as the residues of older ones continue to make their presence felt.

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