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Transformational dimension of contemporary Welsh society – homosexual marriages

Introduction

Despite the passage of time, family is still one of the most prominent topics not only in the works of sociologists but also those of political scientists and psychologists. This is without doubt the consequence of its functions and the changes affecting it in the twentieth and twenty-first century. Barbara Szacka, when speaking about the functions of the family, distinguishes those that arise directly from its fundamental nature as a primary group, and those resulting from its reproductive biological and socio-cultural potential. The latter includes: regulating sexual behaviour, biological reproduction, providing material means of making a living, socialisation of successive generations, protection and emotional support as well as positioning in the social space and determining social identity (Szacka, 2003).

In a different approach the following functions have been thus categorized: 1. biological functions which consist of procreative function and sexual function; 2. economic functions, that is, material-economic function and function of care and safety; 3. socio-defining functions including stratifying function as well as legalising and control functions; 4. socio-psychological functions which consist of socialisation, cultural, religious, recreational, sociable as well as emotional and expressive functions (Majorczyk, 2010). These functions, however, cannot be regarded as unchangeable, alike the criteria based on which the assessment is made whether or not one is dealing with a family. The sole variety of functions and forms of family life is the proof of how variable the social reality can be. Krystyna Slany sees the reasons of the transformation taking place within

modern families in such phenomena as: the changing position of women in the structure of the social world, the individualisation of a sense of success and life satisfaction, the progress in the field of contraception and reproductive technologies, as well as in the loss of uniqueness of teleological marriage, crisis in parental mission along with what is called voluntary childlessness. (Slany, 2006) A direct result of these is the emergence of alternative forms of family life such as for instance: cohabitation, marriage without children as a deliberate choice, single parenthood, surrogate parenting, partnerships or reconstructed familial communities, as well as homosexual couples (Firlit-Fesnak, 2008). One should, however, keep Giddens' words in mind:

According to many people [...] family life is dangerously loosened. These people oppose the current situation, which they consider to be the collapse of the family, with more traditional and more stable forms of family life. But was an old family so consistent and harmonious, as a lot of people say, or is it just an idealised fiction? [...] Pink mist shrouding 'traditional family' dissolves when you look at the past to see how it really was [...] Now look at the situation of the families in the fifties of the twentieth century, so in the next era in which the 'ideal family' was supposed to exist. At that time, a large number of women ran home, while men were responsible for 'supporting the family'. However, many women did not want to be confined to the role of housewives, feeling trapped and unhappy (Giddens, 2012, transl. G.L.).

For fairly obvious reasons homosexual couples evoke a lot of excitement amongst other alternative family formations. The Welsh society discussed in this article is no exception. The appearance of this type of relationships is a consequence of changes that continue to take place within human sexuality. One of the most controversial in this regard is the concept of sexuality proposed by Wilhelm Reich, which in modified form could provide an explanation to the changes occurring in our surroundings today. Reich assumes that each of us has intrinsic sexual needs. Some of them are realised by us, accommodated, while the others for various reasons are not. This is because of health limitations, difficulties in finding a partner or fear of his/her reaction, as well as existing social norms and existing legal solutions being their aftermath. The latter, according to Reich, constitute one of the major barriers for us in achieving full happiness and freedom. The tension generated in this way is a source of dissatisfaction, frustration, and anger. In Reich's opinion it only confirms their importance as well as significance. In this light the state and its institutions appear as a kind of executioner, oppressor, as the cause of our entire evil and misery. The solution would be to release the people's sexual needs from the shackles of the state. The abolition of existing norms and the creation of new ones, that would take place spontaneously as a result of social interactions and generate community sexual awareness. In this way, Reich's concept is similar to that

of the creation of the state suggested by Thomas Hobbes, in which individuals living in the state of nature set up the institution of the state – the mythical Leviathan, which was to provide them with security and a sense of calm. As in the case of Reich, in Hobbes' concept the main condition was to produce a certain community awareness, without which the formation of any norms, including sexual ones, would not be possible (Giddens, 2007). Accordingly, the radical potential of Reich's claim lies not only in the postulate to release human drives and desires, but in its underlying faith in a particular kind of self-reflexivity capable of improving the human species, whose existence can, however, be denied by further conflicts and tragic events which almost all of us experience today to a varying extent. Reich was only right pointing out that the limited opportunities to realise these sexual needs and desires are the source of numerous tensions. He does not see, however, that the return of homosexual behaviours and relationships to the public discourse¹ has forced many countries to react, even though these reactions were not always positive. As a result, against the wishes of some of its opponents, the state does not turn out a ruthless oppressor, insensitive to our desires, including sexual ones, and the state institutions do not resemble a prison or mental hospital with their monopolistic power to decide what the truth is or not as Foucault wanted it (Scruton, 1988).

One of such places is without doubt Wales, but why places not countries? The Welsh nation is in fact one of the examples of the so called nations without statehood, as it is part of the United Kingdom. And although Wales has its own democratically elected National Assembly (its name is not accidental), and government, still some decisions, especially the crucial ones, are made in London, including those regarding homosexual couples. More freedom has been left in this area to Scotland or Northern Ireland. Devolution, the process that led to the creation of the institutions mentioned above, has not eventually covered all areas of social life, but only some of them. One of the most important principles adopted by the National Assembly in its activities is not only the principle of transparency hardly found in the functioning of the Westminster parliament, but also the principle of inclusiveness, which implies the involvement of the widest possible groups of citizens in the work of the Assembly and the fact that the law introduced by the Assembly takes into account the situation of all citizens, especially those who for some reason and to some extent feel ignored or discriminated. The recognition of their situation as well as the acknowledgement of their status and rights is therefore one of the main manifestations of inclusiveness of political institutions or its absence. Paradoxically, despite the fact that decision on the legalisation of homosexual marriages has been taken in London,

¹ We are talking about its return, because already in ancient Greece, homosexuality was treated as normal and fully acceptable.

not Cardiff, its character had a positive impact on the level of inclusiveness of the National Assembly too.

The purpose of this article is to present the latest achievements in enhancing the social inclusion of homosexuals in the Welsh society. The focus is therefore put on both the presentation of selected legal solutions as well as selected statistical data in order to obtain the fullest picture of the problem. When it comes to the data presented, one should keep in mind that most research is carried out jointly for England and Wales without distinction.

Legal regulations of marriages between persons of the same sex

The key document in terms of legalisation of the marriages between people of the same sex in England and Wales is undoubtedly The Marriage (Same Sex Couples) Act 2013 passed on 17 July 2013². This act not only allows homosexual couples to conclude civil marriages, but also guarantees religious organisations the possibility of organising marriage ceremonies for the same-sex couples and their recognition. It protects also those organisations that do not want to acknowledge this type of marriages. The law also allows persons who have entered into a partnership under the Civil Partnership Act 2004 to turn it into a marriage. In the case of persons of the same sex who concluded marriage outside England and Wales, and who could until now enjoy only the status of partners, the principle of automatic recognition of the nature of marriage has been introduced. In addition, residents of England and Wales can change legal sex in a way not causing annulment of their existing marriage.

The decision to guarantee religious organisations the previously mentioned protection is undoubtedly the consequence of, amongst other factors, the article 9 of the European Convention on Human Rights, which says:

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

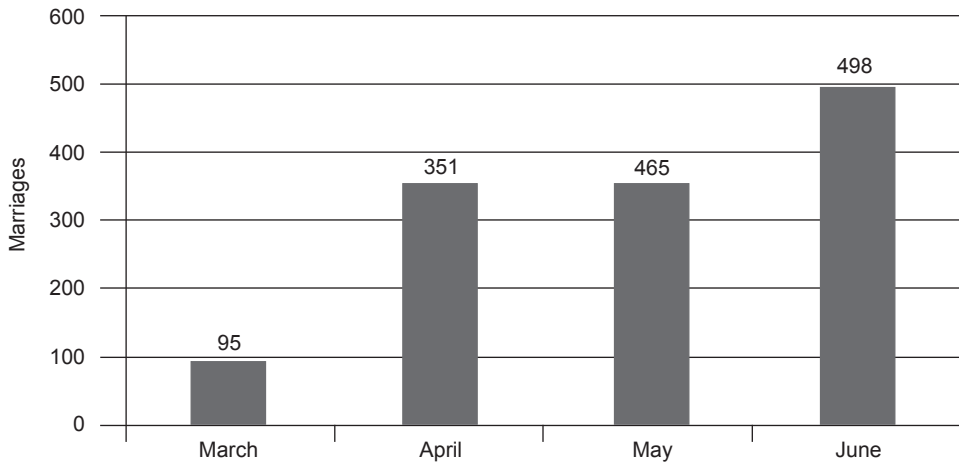
² The earlier acts relating to the issue of legalisation of homosexuality include: Sexual Offences Act 1967 (decriminalization of homosexual behavior of men over 21 years in private places), the Local Government Act 1988 (Section 28 stating that a local authority "shall not intentionally promote homosexuality" or "promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship"), Local Government Act 2003 (Section 28 repealed in England and Wales) (Relate policy position – same – sex marriage, 2014).

Religious ceremony can, nevertheless, take place only under certain conditions: firstly, it requires consent of a religious organisation within which the marriage is to be concluded; secondly, the individual minister is willing to conduct the marriage; thirdly, if the marriage is to be concluded in the place of worship, an adequate religion must recognise such a type of marriage. No religious organisations can be forced to recognise homosexual marriages either. The adoption of The Marriage (Same Sex Couples) Act 2013 also meant the need to introduce changes in the Equality Act 2010, to guarantee the independence of the above mentioned type of organisations, as well as protect their activity from being legally recognised as discriminatory. Thus the marriages of the same sex persons are not allowed by the Church of England and the Church of Wales. It is worth noting that due to their specific history and legal position of eventual legalisation of the marriages between persons of the same sex in order to be officially recognized and codified would first require an appropriate amendment modifying the existing canon law to be presented at the Synod, as well as amendments to the so-called Book of Common Prayer and primary legislation with mandatory consent of the parliament as second step in its legislation.

Despite the introduction of the new law the so far used terminology has not been changed. Still there is distinction between husband and wife, where the concept of husband refers to a man, while the concept of wife to his partner – a woman. There has not been a significant change in the functioning of schools and teaching profession as well. The teachers are not obliged to promote and proclaim views which are contrary to their beliefs. Only in denominational schools teachers are required to teach according to the principles of a given religion. In turn parents can decide that their child will not participate in activities that they perceive as inappropriate. However, they can do so only in the case of activities not included in the national curriculum program of study for science (Marriage (Same Sex Couples) Act: A factsheet, 2014).

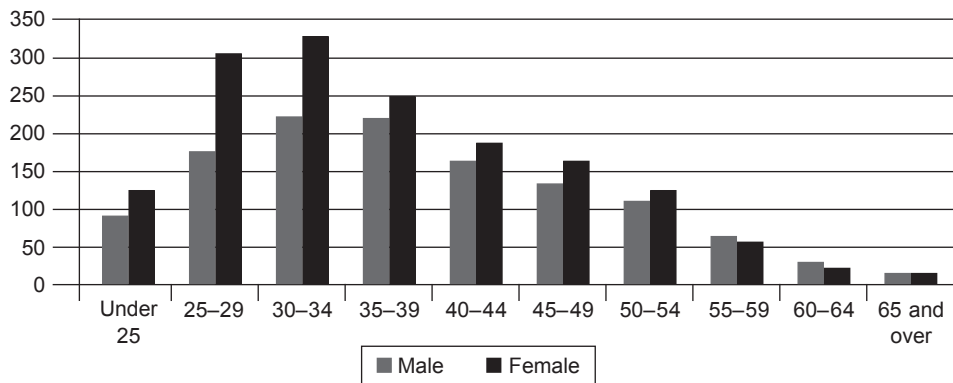
Same-sex marriages – statistical perspective

The first ONS's report on marriages of same sex couples which has covered a period of four months from 29th March, so from the moment the first marriages were formed on the basis of *the Marriages (Same Sex Couples) Act 2013*, and 30th June 2014, lists 1400 marriages. Most of them were female marriages (exactly 796), the remainder being male (exactly 613). The number of the same-sex marriages increased from month to month. During the last three days of March 95 marriages were formed. In April the number rose to 351, finally reaching 498 in June (Figure 1).

Figure 1. Number of marriages of same sex couples by month, 29 March to 30 June 2014

Source: Office for National Statistics, <http://www.ons.gov.uk/ons/rel/vsob1/marriages-in-england-and-wales-provisional-/for-same-sex-couples-q1-and-q2-2014/sty-same-sex-marriages.html>, 08.11.2015.

In comparison to the number of civil partnerships formed on the basis of *the Civil Partnership Act* 2004 in the first three days, the number of same-sex marriages was considerably lower. 1227 civil partnerships have been formed which is over 12 times more than in the case of same-sex marriages. The main reason for that is that the Civil Partnership Act was the first law that made same-sex relationships in the UK legally recognized.

Figure 2. Number of people marrying, by sex and age (marriages of same sex couples), 29 March to 30 June 2014

Source: Office for National Statistics, <http://www.ons.gov.uk/ons/rel/vsob1/marriages-in-england-and-wales-provisional-/for-same-sex-couples-q1-and-q2-2014/sty-same-sex-marriages.html>, 08.11.2015.

A more detailed analysis shows that the average age at marriage for women was 37,0 years old and 38,6 for men. Moreover, in the age group under 55 years more women than men decided to get married. In the age group over 65 years

the number of men and women that formed the same-sex marriages was almost the same. The greatest differences can be observed within the youngest groups, especially in the age group between 25 to 29 and 30 to 34.

As far as the marital status before marriage is concerned the majority of men and women whose decision was to get married had never been married or in a civil partnership before, but generally there were more women than men who had been after divorce or dissolution (9% of men, 20% of women).

Now it's been over a year since the first marriages of same-sex couples were formed so it is a good time for a first summary. The total number of same-sex marriages formed to this date is 15,098 of which over 51% have been conversions from civil partnerships. Accordingly, it should not come as a surprise that *the Marriages (Same Sex Couples) Act 2013* has affected the number of civil partnerships negatively by about 70%. Most of such marriages are formed by female couples – about 55%. The average age for women getting married is 37, while for men it is 40. (<http://www.bbc.com/news/uk-34580793>, 2015)

Public opinion on the marriages of the same sex couples

The key question is also one concerning the social acceptance of the homosexual marriages over the past several years. Two perspectives seem to be particularly significant. The first one is the perspective from the years preceding the adoption of the most important law in this regard which is *the Marriages (Same Sex Couples) Act 2013*, the second one, in turn, reflects the level of social approval for this type of marriages after its adoption.

Such juxtaposition makes it possible to assess the level of support of people in England and Wales for the new law and its consequences. In most of the studies related to this topic a dependent variable, as one can easily guess, is the level of support for marriage between persons of the same sex, while the independent variable – religion. The decision to choose religious belief as the independent variable is not accidental. It is one of the most important factors which differentiates members of a society when it comes to such issues as legalisation of euthanasia, abortion or marriage between people of the same sex. Obviously this is not the sole and decisive factor. Equally important determinants seem to be age, education and origin, amongst other. As shown in the majority of research, these factors are very often correlated. Accordingly, non-believers or not practicing ones are mostly young, well-educated people from urban milieus. “Most often,” however, does not mean “always.”

Comparing the level of disapproval for the marriages between persons of the same sex in the years 1983 – 2010, one can come to the following conclusions: firstly, in this period of time a significant drop in the percentage of the number

of people for whom homosexual unions are always or almost always a bad phenomenon can be observed. The largest decrease in the social disapproval for same sex marriages was observed amongst respondents who declared “no religion” – from 58% to 20.5%. Second were people who declared to be “Catholic,” here the decrease was from 74.8% to 41.2%. As far as people who indicated “other Christian” as their creed are concerned, there was a decrease of 32.7% from 79.7% to 47%. Similar change was visible in the case of respondents who ticked “Anglican” – the decrease of 32.3%, from 69.7% to 37.4%. Slightly different results were obtained, however, when the question was modified a bit. When the question was whether homosexuality can be “justified” or not, then, in the period 1981–2008, the highest increase in the percentage of people for whom homosexuality could be justified was among “other Christians,” “Anglicans” and “Catholics” – the increase from 2.1 to 2.2 in the scale from 1 to 10, where 1 means “homosexuality can never be justified”, while 10 “homosexuality can always be justified.” The biggest changes in the level of support for the same-sex couples could be observed in the years 1997–2007. In 2006 and 2007 more detailed research on homosexual relationships were carried out. The results were presented in Tables 1 and 2 below. The greatest support for same sex relationships could be noticed among those respondents who among possible responses decided to choose the answer “no religion,” while the lowest among “Anglicans.” Noteworthy is the fact that the largest percentage of respondents who did not comment either positively or negatively on the homosexual relationships were among “Catholics.” The least approving group were “Anglicans,” while the most were those who declared being of “no religion.”

Table 1. Attitudes towards Same Sex Equality Issues (BSA 2006)

Attitudes	Anglican	Catholic	Other Christian	Other religion	No religion
Civil Partnerships					
Agree/strongly agree	46.5	60.2	52.4	44.4	69.7
Neither	13.0	19.3	13.1	17.5	12.7
Disagree/Strongly Disagree	40.6	20.5	34.6	38.1	17.6
Lesbian couple capable of being good parents					
Agree/strongly agree	29.9	36.7	28.4	28.1	46.8
Neither	24.7	19.2	19.0	22.7	21.5
Disagree/Strongly Disagree	45.4	44.2	52.6	49.2	31.7
Gay male couple capable of being good parents					
Agree/strongly agree	23.6	33.9	21.8	25.2	42.8
Neither	25.5	19.4	19.2	22.0	20.9
Disagree/Strongly Disagree	50.9	46.7	59.1	52.8	36.4

Source: <http://www.brin.ac.uk/figures/attitudes-towards-gay-rights/>, 2015

The respondents were also asked whether female couples are able to be good parents or not. Here, opinions were more varied. Almost half of the “no religion” group believe that the female couples will be good parents, while almost 1/3 disagree with this statement. In all other groups there were more people who feel that women will not be good parents, than those who present different opinion. The largest percentage of people who left the question without a clear answer was recorded among persons who indicated “Anglicanism” as their creed. The same trends can be observed in the case of answers to the questions relating to male couples’ parenting capacity. Detailed analysis of the results, however, leads to the conclusion that the respondents are more critical towards the male than female couples when it comes to parental competences. Paradoxically, in an increasingly liberalised world it is hard to negate the importance and role of history and tradition, consistently strongly represented by the image of woman as mother and protectress (Table 1).

It is worth noting that at the same time the majority of all religious groups are opposed to allowing the female couples to adopt, including respondents of “no religion.” Most individuals against were among the followers of the Church of England. What is interesting, in all these groups a proposal to give the right to adopt a baby only to the male couples was more popular than in the case of the female couples, although this support varied from 28.1% for “other religion” to 52% for “no religion.” The last question was whether gay and lesbian couples should have the right to marry. In comparison to the other questions, it can be noticed that much larger percentage of the respondents were unable to give an unambiguous answer. In an extreme case it was even 30% of the respondents (the followers of the Church of England). Those who were the most supportive of the right of the homosexuals to marry were Christians (58.7%) as well as the respondents who declared “no religion” (60.8%). Most opponents were among the surveyed who chose “other religion” – 55% (Table 2).

It seems that this type of diversity of Britons’ opinions on same-sex relationships stems from varying approaches of different religious groups to sexual minorities. According to the research conducted in 2010, Catholics and people representing “no religion” have the most favorable feelings towards female and male couples on a scale from 0 (feel very unfavourable) to 10 (feel very favorable) respectively 7.57 and 7.47. The least favorable are those persons who marked “other religion” (5.75) and “Other Christian” (6.19). (<http://www.brin.ac.uk/figures/attitudes-towards-gay-rights/>, 2015).

After a few months since the first same sex marriages were concluded the first study has been carried out in this field. Brits were asked about their support to this kind of marriage. According to the study conducted by the Social Research NatCan, 60% of Britons support the same-sex marriages, the increase by about 13% in comparison to 2007. The largest increase was recorded among those who opted for the answer “strongly agree” – from 17 to 31%. In the period from 2013

Table 2. Attitudes towards Same Sex Equality Issues (BSA 2007)

	Anglican	Catholic	Other Christian	Other religion	No religion
Female homosexual couples should be allowed to adopt a baby					
Yes	26.3	34.8	31.0	25.0	45.2
No	72.1	64.1	67.5	66.1	52.6
Other	1.6	1.1	1.5	8.9	2.2
Male homosexual couples should be allowed to adopt a baby					
Yes	32.3	40.9	38.0	28.1	52.0
No	65.6	58.1	60.0	64.9	45.2
Other	2.1	1.1	2.0	7.0	2.9
Gay and lesbian couples should have the right to marry					
Yes	32.9	58.7	40.4	35.0	60.8
No	30.0	18.7	17.6	10.0	19.5
Other	37.1	22.7	42.0	55.0	19.8

Source: <http://www.brin.ac.uk/figures/attitudes-towards-gay-rights/>, 2015

to 2014 the support for this type of marriages increased by 5%. Not all groups, however, supported the same-sex marriages to the same extent. These are for example the conservatives (49%), members of the Church of England (47%), as well as those without professional qualifications (46%). The biggest support was noticed among supporters of the Labour Party (65%), Liberal Democrats (77%), people who declared “no religion” (77%) and better educated persons (73%). (<http://www.natcen.ac.uk/news-media/press-releases/2015/may/british-social-attitudes-support-for-same-sex-marriage-continues-to-rise/>, 2015)

Conclusions

The legalisation enabling marriages between people of the same sex in England and Wales was without doubt a further step towards recognition of their status as equal members of the society and granting them right to have own family life as well. After more than a year since the first homosexual marriages have been formed not only the increase in the number of such marriages can be observed, but also the increase in the percentage of respondents who declare their positive attitude to the relationships of the same sex people. One of the key determinants in an individual assessment of the validity of such type of marriage is undoubtedly religion.

The respondents who belong to the category “no religion” are a group that is with the greatest enthusiasm in favour of the legalisation of the homosexual marriages and the most approving of the parenting capacities of the same sex couples, as well as towards the proposal to offer them a possibility to adopt children, which should not be surprising. In other cases, the situation was more diverse, but in the case of Catholics negative attitude towards almost all issues related to the functioning of the same sex marriages was less pervasive than in the case of other religious groups. However, despite the evident progress in terms of both social and political inclusiveness, there is still a lot to be done.

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