

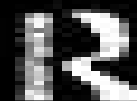


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# **From Civil Partnership to Same-Sex Marriage**

*Interdisciplinary reflections*

**Edited by  
Nicola Barker and Daniel Monk**



# From Civil Partnership To Same Sex Marriage Interdisciplinary Reflections

**Melanie Judge, Anthony Manion, Shaun  
De Waal**



## **From Civil Partnership To Same Sex Marriage Interdisciplinary Reflections:**

**From Civil Partnerships to Same-Sex Marriage** Nicola Barker, Daniel Monk, 2015-04-17 The Civil Partnership Act 2004 and the Marriage Same Sex Couples Act 2013 are important legal social and historical landmarks rich in symbolic material and cultural meanings While fiercely opposed by many within mainstream narratives they are often represented as a victory in a legal reform process that commenced with the decriminalisation of homosexuality Yet at the same time for others they represent a problematic and ambivalent political engagement with the institution of marriage Consequently understood or labelled as revolutionary progressive and conservative these legal reforms provide a space for thinking about issues that arguably affect everyone regardless of sexual orientation or relationship status This edited collection brings together scholars and commentators from a range of backgrounds generations and disciplines to reflect on the first ten years of civil partnerships and the introduction of same sex marriage Rather than rehearsing the arguments for and against relationship recognition the essays ask original questions draw on a variety of methods and collectively provide a detailed and reflective snap shot of a critical moment a history of the present as well as providing a foundation for innovative ways of thinking about and engaging with the possibilities and experiences arising from the new reality of relationship recognition for gays and lesbians

**From Sodomy Laws to Same-Sex Marriage** Sean Brady, Mark Seymour, 2019-07-25 Inspired by recent adoptions of same sex marriage From Sodomy Laws to Same Sex Marriage provides international perspectives on the legal and social history of same sex relationships from the early 19th century to the present Its emphasis is on areas where the impetus for change has been most noticeable Europe the Americas and Australasia From Sodom and Gomorrah to Britain s sodomy laws and continental Europe s abhorrence of sexual acts against nature the history of same sex love traditionally ranged from fire and brimstone maledictions to secrecy and scandal Until recently legal positions across the western world reflected the legacies of the British and French empires as well as Christianity particularly Catholicism In recent years however there has been a revolution in attitudes towards same sex relationships This poses hitherto unanswered questions what historical complexities lie behind the revolutionary shift from punitive attitudes to legal endorsement of same sex relationships Given the cultural variety of historical attitudes to same sex relationships why has their legal acceptance been so international The essays in this volume provide answers to these questions offering the first international overview of the topic While other studies have attempted to explain the change in legal and social treatment of same sex relationships in a national context or within a shorter time frame this is the first volume to examine the topic from the French Revolution to the present day bringing together a diverse array of perspectives over a range of countries It is an important volume for students and scholars of queer history the history of sexuality law and sociology

**Research Handbook on Family Justice Systems** Mavis Maclean, Rachel Treloar, 2023-05-09 Bringing together current research from a diverse range of jurisdictions on family law the Research Handbook on Family Justice Systems addresses the aims and boundaries of family justice systems

Delineating the common purpose of family law to achieve fairness for groups of people who live or have lived together this Research Handbook is concerned with the rules referred to as family law but also with the institutions comprising the operating system

**British Conservatism and the Legal Regulation of Intimate Relationships** Andrew Gilbert, 2018-08-23 What does conservatism as a body of political thought say about the legal regulation of intimate relationships and to what extent has this thought influenced the Conservative Party's approach to family law With this question as its focus this book explores the relationship between family law conservatism and the Conservative Party since the 1980s Taking a politico and socio legal perspective the discussion draws on an expansive reading of Hansard as well as recently released archival material The study first sets out the political tradition of conservatism relying largely on the work of Edmund Burke before going on to analyse the discourse around the development of four crucial statutes in the field namely the Matrimonial and Family Proceedings Act 1984 the Family Law Act 1996 the Civil Partnership Act 2004 and the Marriage Same Sex Couples Act 2013 This work offers the first extended synthesis of family law conservative political thought and Conservative Party politics and as such provides significant new insight into how family law is made Runner up of the 2020 PSA Conservatism Studies Book Prize

**What is The Family of Law?** Alan Brown, 2019-02-07 This book argues that the legal understanding of family in the UK continues to be underpinned by the idealised image of the nuclear family premised upon the traditional gendered roles of father as breadwinner and mother as homemaker This examination of the law's model of the family has been prompted by the substantial reforms that have taken place in family law in recent decades and the significant evolution in social attitudes and familial practices that has occurred in parallel Throughout the book the influence of the nuclear family is noted in several different contexts various specific legal definitions of family the legal regulation of adult conjugal relationships the attribution of legal parenthood and the construction of the role of the parent within the law Ultimately this book argues that while these reforms have resulted in additional categories of relationship coming to be situated within the nuclear family model there has not as yet been any fundamental alteration of the underpinning concept of the nuclear family itself This book concludes by considering the possibilities offered beyond the nuclear family exploring the reconceptualising of the legal understanding of family around alternative and potentially radical models of family

Current Law Index, 2007      **Index to Legal Periodicals & Books**, 2005      **Sociological Abstracts** Leo P. Chall, 2002 CSA Sociological Abstracts abstracts and indexes the international literature in sociology and related disciplines in the social and behavioral sciences The database provides abstracts of journal articles and citations to book reviews drawn from over 1 800 serials publications and also provides abstracts of books book chapters dissertations and conference papers

Perspectives on History, 2008      Moral Argument, Religion, and Same-Sex Marriage Gordon A. Babst, Emily R. Gill, Jason A. Pierceson, 2009-09-03 The diverse expert contributors to this volume from the fields of politics and law use moral argumentation with respect to same sex marriage gay rights in general and California's Prop 8 The

arguments are advanced in terms of the nation's foundational political and legal principles extending ethical argumentation to important contemporary public policy areas such as marriage the separation of church and state and the rearing of children Several chapters also contest the perceived if not actual establishment in the law and public policy of heterosexist and religious bias that continues to work against full and meaningful inclusion of sexual minorities This bias is ironically and improperly couched in the language of American political and religious values and it misunderstands the nation's core principles or willfully miscasts them as inapplicable to many Americans and their families Nonetheless this bias is pervasive in the nation's political discourse working to deny an important right and the recognition of equality to many citizens The main contribution of *Moral Argument Religion and Same Sex Marriage* is in its direct engagement with the political and legal arguments of the gay community's critics on their own moral and ethical terms Along the way important concepts in public discourse such as governmental neutrality the right to marry and religious freedom are presented and cast in the light of liberal democratic theory

**International Journal of Health Services**, 1998 Same Sex Relationships Stephen Michael Cretney, 2006 Based on the 2005 Oxford Clarendon Lectures in Law this book deals with the remarkable change in society's attitude to homosexuality over the last half century Until 1967 homosexual acts were punished by the criminal law and as recently as 1988 Parliament forbade teachers from suggesting that homosexuality was an acceptable family relationship In 2005 Parliament passed the Civil Partnership Act which creates a framework in which same sex couples can have their relationship legally recognised in much the same way as marriage This book looks at the essentials of the civil partnerships contract and asks whether it is really creating an institution of gay marriage If not the next question to ask is whether civil partnership can satisfy the demands for equality increasingly being made by the gay community In the United States the courts have taken an active and progressive stance holding that to deny marriage to same sex couples and leave them with mere partnership is to create a separate but equal situation historically associated with the racial discrimination now universally recognised as unconstitutional and morally unjustifiable However the political climate has risen to a fever pitch with the current administration's push for constitutional amendment to ban outright gay marriage In the UK the courts have been less activist but the potential creation of a Supreme Court raises important questions about the boundaries between the roles of judiciary the legislature and government and whether the judiciary should play a more constitutionally active role than has thus far been traditional

Same Sex Marriage and Civil Partnerships Mark Harper, S. Chelvan, Martin Downs, Katharine Landells, Gerald Wilson (Barrister), 2014 This New Law Guide examines the legal changes introduced by the Civil Partnership Act 2004 and the Marriage Same Sex Couples Act 2013 and the rights and responsibilities that are afforded to those who register under the scheme as well as examining the law as it relates to cohabitants so that the legislation can be seen in context The CPA 2004 makes provision for Scotland and Northern Ireland but this work confines its analysis to the implications for the law of England and Wales of the CPA 2004 and the MSSCA 2013 It includes an analysis of some of the

parliamentary debates many of which will be relevant in future arguments about the meaning of the statute in accordance with the rule in *Pepper Inspector of Taxes v Hart* In addition there is consideration of some wider material for the purpose of evaluating compatibility of the legislation with Convention rights including the value judgments inherent in the test of proportionality as suggested in *Wilson v First County Trust Ltd* Appendices contain the full text of the MSSCA 2013 and relevant extracts from the CPA 2004 SAME SEX MARRIAGE CIVIL PARTNERSHIPS THE NEW LAW provides an authoritative commentary highlighting areas of potential difficulty and offering practical guidance and will be essential reading for all family lawyers housing lawyers and also chancery practitioners dealing with inheritance claims **Marriage**

**Equality** William N. Eskridge, Christopher R. Riano, 2020-08-18 The definitive history of the marriage equality debate in the United States praised by Library Journal as beautifully and accessibly written An essential work As a legal scholar who first argued in the early 1990s for a right to gay marriage William N Eskridge Jr has been on the front lines of the debate over same sex marriage for decades In this book Eskridge and his coauthor Christopher R Riano offer a panoramic and definitive history of America s marriage equality debate The authors explore the deeply religious rabidly political frequently administrative and pervasively constitutional features of the debate and consider all angles of its dramatic history While giving a full account of the legal and political issues the authors never lose sight of the personal stories of the people involved or of the central place the right to marry holds in a person s ability to enjoy the dignity of full citizenship This is not a triumphalist or one sided book but a thoughtful history of how the nation wrestled with an important question of moral and legal equality **Same Sex Marriages** B. Heaphy, C. Smart, A. Einarsdottir, 2013-03-05 Based on extensive couple and individual interviews with young same sex couples who have legally formalized their relationships this book argues that same sex marriages as they are lived need to be understood in terms of interlinked developments in lesbian and gay life heterosexual relationships and in personal life **Same Sex Couples - Comparative Insights on Marriage and**

**Cohabitation** Macarena Sáez, 2015-05-06 This book shows six different realities of same sex families They range from full recognition of same sex marriage to full invisibility of gay and lesbian individuals and their families The broad spectrum of experiences presented in this book share some commonalities in all of them legal scholars and civil society are moving legal boundaries or thinking of spaces within rigid legal systems for same sex families to function In all of them there have been legal claims to recognize the existence of same sex families The difference between them lies in the response of courts Regardless of the type of legal system when courts have viewed claims of same sex couples and their families as problems of individual rights they have responded with a constitutional narrative protecting same sex couples and their families When courts respond to these claims with rigid concepts of what a family is and what marriage is as if legal concepts were unmodifiable same sex couples have remained outside the protection of the law Until forty years ago marriage was the only union considered legitimate to form a family Today more than 30 countries have granted rights to same sex couples including

several that have opened up marriage to couples of the same sex Every day there is a new bill being discussed or a new claim being brought to courts seeking formal recognition of same sex couples Not all countries are open to changing their legal structures to accommodate same sex couples but even those with no visible changes are witnessing new voices in their communities challenging the status quo and envisioning more flexible legal systems

*Same-Sex Relationships, Law and Social Change* Frances Hamilton, Guido Noto La Diega, 2020-01-15 This edited collection provides a forum for rigorous analysis of the necessity for both legal and social change with regard to regulation of same sex relationships and rainbow families the status of civil partnership as a concept and the lived reality of equality for LGBTQ persons Twenty eight jurisdictions worldwide have now legalised same sex marriage and many others some level of civil partnership In contrast other jurisdictions refuse to recognise or even criminalise same sex relationships At a Council of Europe level there is no requirement for contracting states to legalise same sex marriage Whilst the Court of Justice of the European Union now requires contracting states to recognise same sex marriages for the purpose of free movement and residency rights unlike the US Supreme Court it does not require EU Member States to legalise same sex marriage Law and Sociology scholars from five key jurisdictions England and Wales Italy Australia Canada and the Republic of Ireland examine the role of the Council of Europe European Union and further international regimes A balanced approach between the competing views of critically analytical rights based theorists and queer and feminist theorists interrogates the current international consensus in this fast moving area The incrementalist theory whilst offering a methodology for future advances continues to be critiqued All contributions from differing perspectives expose that even for those jurisdictions who have legalised same sex marriage still further and continuous work needs to be done The book will be of interest to students and scholars in the field of human rights family and marriage law and gender studies

**To Have and to Hold** Melanie Judge, Anthony Manion, Shaun De Waal, 2008 Written by an impressive selection of academics attorneys researchers and activists these essays explore the national debate in South Africa on the topic and consequences of their Civil Union Act Contributions critically examine the legislative and advocacy process of marriage the institution of marriage itself and the meanings attached to it for lesbian gay bisexual transgender and intersex people The combination of historical documents personal reflections and academic and activist analyses of same sex marriage makes this collection invaluable for understanding this historic journey and its legal social cultural and religious ramifications

**Equality, Dignity, and Same-Sex Marriage** Man Yee Karen Lee, 2010 Om udviklingen i homoseksuelles rettigheder p det gteskabsretlige omr de i internationalt perspektiv

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