

Legal Recognition Of Same Sex Partnerships

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Same-Sex Families and Legal Recognition in Europe - Marie Digoix 2020-02-28

This open access book focuses on family diversity from a legal, demographical and sociological perspective. It investigates what is at stake in the life of homosexuals in the field of family formation, parenting and parenthood, what it brings to everyday life, the support of the law, and what its absence implies. The book shows the paths leading to the adoption of laws while demographic analyses concentrate on the link between registration of same-sex marriages and same-sex parenting with a detailed focus on Spain. The sociological chapters in this book, based upon qualitative surveys in France, Iceland and Italy, underline how the importance of the legal structure influenced the daily life of homosexual families. As such this book is an interesting read to lawyers, demographers, sociologists, behavioural scientists, and all those working in the field.

[Global Perspectives on Same-Sex Marriage](#) - Bronwyn Winter 2017-11-08

This book provides a comparative, neo-institutionalist approach to the different factors impacting state adoption of—or refusal to adopt—same-sex marriage laws. The now twenty-one countries where lesbians and gay men can legally marry include recent or longstanding democracies, republics and parliamentary monarchies, and unitary and federal states. They all reflect different positions with respect to religion and the cultural foundations of the nation. Countries opposed to such legalization, and those having taken measures in recent years to legally reinforce the heterosexual fundamentals of marriage, present a similar diversity. This diversity, in a globalized context where the idea of same-sex marriage has become integral to claims for LGBTI equality and indeed LGBTI human rights, gives rise to the following question: which factors contribute to institutionalizing same-sex marriage? The

analytical framework used for exploring these factors in this book is neo-institutionalism. Through three neo-institutionalist lenses—historical, sociological and discursive—contributors investigate two aspects of the processes of adoption or opposition of equal recognition of same-sex partnerships. Firstly, they reveal how claims by LGBTIQ movements are being framed politically and brought to parliamentary politics. Secondly, they explore the ways in which same-sex marriage becomes institutionalized (or resisted) through legal and societal norms and practices. Although it adopts neo-institutionalism as its main theoretical framework, the book incorporates a broad range of perspectives, including scholarship on social movements, LGBTI rights, heterosexuality and social norms, and gender and politics.

Legal Recognition of Same-sex Relationships in Europe - Katharina Boele-Woelki 2012

Rev. ed. of : Legal recognition of same-sex couples in Europe / edited by Katharina Boele-Woelki, Angelika Fuchs. c2003.

The Legal Recognition of Same-Sex Relationships - Brian Tobin 2023-02-23

This book analyses the key issues affecting same-sex families in Ireland and beyond today: marriage; formalised and non-formalised same-sex relationships outside of marriage; parental rights for same-sex couples with donor-conceived or surrogate-born children; and the protections afforded to same-sex families under European human rights law. It critically examines the Irish and Australian citizen-led approaches to achieving marriage equality, which made Ireland and Australia the first and second countries in the world, respectively, to extend the institution of marriage to same-sex couples on foot of a popular vote. It analyses the pragmatic and symbolic effects of civil partnership, which was the premier means of formalising same-sex unions in Ireland. Ireland's

hurried 'divorce' from civil partnership in the aftermath of marriage equality is examined in light of evidence from the U.K. indicating that this mode of relationship recognition remains popular with both same-sex and opposite-sex couples in that jurisdiction. The book goes on to consider the legal position of same-sex couples who are parenting children born via assisted reproductive techniques (ARTs) like donor-assisted human reproduction (DAHR) and surrogacy. Finally, it looks at the impact (or lack thereof) of the European Convention on Human Rights (ECHR) as regards the protection of same-sex relationships, marriage and parental rights for same-sex couples. It does this to determine what is required of Ireland and other states party to the ECHR to comply with European human rights obligations when it comes to legally recognising couples, and parents, of the same sex.

Equality for Same-Sex Couples - Yuval Merin
2010-02-15

During the past three decades, nations all over the world have been debating whether to allow same-sex couples to marry, or at least grant these couples various rights associated with marriage. In *Equality for Same-Sex Couples*, Yuval Merin presents the first comparative study of the legal regulation of same-sex partnerships worldwide, as well as a unique survey of the status of same-sex couples in Europe. Merin begins by providing a historical overview of the transformation of marriage from antiquity to the present. He then identifies and critically compares four principal models for the legal regulation and recognition of same-sex partnerships: civil marriage, registered partnership, domestic partnership, and cohabitation. Merin concludes that all of the models except civil marriage discriminate against gays and lesbians just as the "separate but equal" doctrine discriminated against African Americans; thus, so-called alternatives to marriage, even if they provide the same rights and benefits as marriage, are inherently unequal and therefore unconstitutional.

Same Sex Legal Kit For Dummies - Carrie Stone
2012-11-28

Grasp the latest legal information for gay and lesbian couples Same-sex relationships are treated differently under each state's laws, and

nearly a quarter of the U.S. population lives in a state with some form of legal recognition for same-sex couples. *Same Sex Legal Kit For Dummies* is a practical, plain-English guide to the legal information and guidance lesbian and gay couples need—from making practical decisions about living together and obtaining domestic partner benefits, to making medical decisions, taking care of each other's finances when one partner is incapacitated, leaving property to each other, having and raising children, and much more. Discusses power of attorney, health directives, and real estate and personal property ownership Covers considerations for bank accounts, investments, and estate planning The book's accompanying CD-ROM includes dozens of helpful tools, forms, and letters Brings you up to speed on the latest in civil unions, workplace rights, rental agreements and leases, and much more The information contained in *Same Sex Legal Kit For Dummies* is invaluable for anyone in a same-sex relationship who needs to grasp the laws and regulations that apply to their unique situation CD-ROM/DVD and other supplementary materials are not included as part of the e-book file, but are available for download after purchase.

From Civil Partnership to Same-Sex Marriage - Nicola Barker
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. *Same-sex Marriage in Latin America* - Jason Pierceson 2013

This volume sheds light on regional, national, and individual-level factors that have led to major developments for same-sex relationship equality in Latin America and explores institutional, political, and social barriers for same-sex couples in the region. It analyzes cross-national patterns of same-sex relationship policies in Latin America and examines country-cases of recent policies for same sex-couples in the region.

Good Practice Guide on Values Based Campaigning for Legal Recognition of Same-Sex Partnerships - G. Healy 2017

The aim of this guide is to provide campaign organisers with good practices and hands-on examples of value based campaigning for legal recognition of same-sex partnerships. The guide is based on the successful experiences gained in developing and implementing the Marriage Equality and Yes Equality Campaign in Ireland. The good practice guide is directed at policy makers, political leaders, human rights defenders and LGBTI activists who wish to collaboratively develop and implement campaigns to promote the legal recognition of same-sex partnerships.

Moral Argument, Religion, and Same-Sex Marriage - Gordon A. Babst 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 heterosexual 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.

Committed Relationships and the Law - Oran Doyle 2007

The questioning of traditional family forms is not a new phenomenon. However, it has recently developed a new dimension in the gay rights movement's claim for legal recognition of committed relationships other than traditional marriage. This collection of essays explores the moral, practical and legal issues that arise from proposals to recognise such committed relationships. The history of the Irish gay rights movement and its contribution to the current issue of partnership recognition are traced. The roles played by marriage in the procreation and raising of children and as the supreme expression of inter-personal commitment are also explored from different perspectives in separate essays. Egalitarian arguments in favour of partnership recognition are advanced by Oran Doyle and Robert Wintemute, while William Binchy makes the case, on the basis of personal autonomy, for life-long marriage. John Mee explores in detail the current proposals for reform. Eoin Carolan and Eimear Brown assess the likely impact of the Constitution and the European Convention on Human Rights respectively. Ursula Kilkelly examines the issues that arise where children are born into - or become part of - the committed relationships of

their parents. This timely collection of essays will stimulate those interested in this issue and provide practical guidance on the legal scope for - and limits on - possible change.

Legal Recognition of Same-sex Partnerships - Mads Tønnesson Andenæs 2001

Same-Sex Couples before National, Supranational and International Jurisdictions - Daniele Gallo 2013-12-02

The present volume focuses on the jurisprudence of national, supranational and international jurisdictions (and quasi-jurisdictions) as regards the legal status of same-sex couples. Its aim is to explore the content, rationale, functioning and potential of the different jurisdictions' reasonings and their contribution to the strengthening of LGBTI rights (and duties). As a consequence, the book tries to convey the complexities and controversies that derive from the judicial recognition of same-sex couples across the world, taking always into account the relationship of the judiciary with the executive and the legislature and the related problems of legitimacy and democracy. The volume deals with this issue and considers it as a crucial test for modern democracies and contemporary societies.

Not the Marrying Kind - Nicola Barker 2008

This thesis is a critical analysis of the legal recognition of same-sex relationships, particularly through marriage. Through a close examination of marriage as a legal institution and the separate forms of relationship recognition that have been modelled on it (such as civil partnership in the UK) I demonstrate both the continuing significance of the marriage model and the continuing relevance of a second wave feminist analysis to the issue of same-sex marriage. The institution of marriage is assumed to have a clear and universal meaning, or essence. I argue that this assumption is mistaken and a close reading of UK law in relation to marriage reveals that the statement articulated by Lord Penzance in *Hyde v. Hyde and Woodmansee* [1866] does not provide an accurate definition of marriage. Rather, while the marriage model can be identified by reference to legal structure, legal consequences and ideology, the essence of marriage is not

fixed or universal. In light of my critique of the marriage model and analysis of the ways in which both same-sex marriage and new, separate forms of relationship recognition for same-sex couples fit within this marriage model, I modify feminist critiques of marriage to both take account of queer contributions to this debate and more directly engage with the issue of same-sex marriage. I argue that although the feminist analyses of marriage are in themselves important and pertinent to the issue of same-sex marriage, particularly concerns about the privatisation of care and dependency, a queer lens can complement and inform these analyses. Queer provides not only additional critiques of marriage but also a more direct response to some of the arguments for same-sex marriage, particularly those that are based on the (perceived) need for positive state recognition of same-sex relationships.

Same-Sex Marriage - Kathleen Hull 2006-02-16

Kathleen Hull provides an exploration of the cultural practices around same-sex marriage, as well as the legal battle for recognition. She shows how couples use marriage-related cultural practices, such as public commitment rituals, to assert the reality of their commitments despite lack of legal recognition.

Same-Sex Marriage in the Americas - Jason Pierceson 2010-04-13

This book explores policy innovation for same-sex couples throughout the Americas and includes same-sex marriage legislation, civil unions, and other new developments for same-sex couples throughout the Americas at both national and sub-national levels. This scholarship is innovative because though much has been written regarding developments in North America, there is very little work dealing with recent developments in the rest of the Americas.

Same-Sex Relationships, Law and Social Change - Frances Hamilton 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.

Legal Recognition of Same-sex Couples in Europe - Katharina Boele-Woelki 2003

The legal recognition of same-sex couples in Europe has undergone dramatic changes over the last few years. Following the Scandinavian model, many European countries have adopted statutes on registered partnerships or are currently debating draft legislation. The differences are bigger than one would expect at first sight. This book provides detailed information about the current state of affairs. The latest adopted statutes and draft legislation are included.

Legal Recognition of Same-Sex Partnerships - Robert Wintemute 2001-10-13

In this book an international team of scholars examines both theoretical issues and the wide variety of legal developments in various countries.

Awakening - Nathaniel Frank 2017-04-24

Some of the most divisive contests shaping the quest for marriage equality occurred not on the culture-war front lines but within the ranks of LGBTQ advocates. Nathaniel Frank tells the dramatic story of how an idea that once seemed unfathomable—and for many gays and lesbians undesirable—became a legal and moral right in just half a century.

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