

# Perceptions of Same Sex Marriage in Irish Society in 2011

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## **ABSTRACT**

This project sought to collate an understanding of people from a particular sample at this point in time in Irish society on same sex marriage. The data was gathered using semi structured in depth interviews. The report sought to understand how peoples backgrounds, lifestyle and experiences feed into their perceptions of same sex marriage and marriage in general. This report finds that the value placed on marriage in Irish society, personally and legislatively, is a major stumbling block in moving the debate on same sex marriage forward. While it is perceived that we are more open as a society, it is apparent there are areas we need to change. The results show that although most think same sex marriage should be legalized, a realignment of the debate needs to look at the excessive value given to marriage over all other domestic arrangements. The clearly defined family structure in Irish society needs to be changed to embrace the many different domestic relationships represented in Irish society. The report found children of same sex couples should be provided with the appropriate environment and supports to develop, both at home and in the education system. Irish society needs to be representative of its diverse cultures, sexualities and domestic arrangements and should be aiming for an open and embracing population and legislative structure.

## INTRODUCTION

The body of literature around homosexuality and same sex marriage in Ireland is quite limited particularly for a subject so contentious and ever changing. As Tovey and Share (2003) comment, '*Sexuality is a topic that has been virtually ignored within Irish sociology*' (p. 259). The history of homosexuality has been documented in a number of books to be discussed in this literature review combined with a review of some of the journal articles about the impact of same sex marriage in Canada and Spain for insight into the social impact of same sex marriage. As this review reveals homosexuality in Ireland has been a continual struggle against church based hypocrisy and constraining legislation. The close relationship of the church and state providing obstacle after obstacle to progress, while this relationship has weakened and the attitudes have changed, the struggle to have a fully legal gay marriage and all the rights this entails is still on-going. This project will seek to collate an understanding of people from a particular sample at this point in time in Irish society on same sex marriage.

### **A Brief History of Homosexuality in Ireland**

The history of homosexuality has been dominated by the view that homosexuals and transgendered individuals are abnormal, and inferior, posing a threat to the stability of social order, family norms and political structures (Terry 1999, cited in Colcannon 2007: p. 326). This is certainly correct of the situation faced by homosexuals in the Irish State. As Inglis (1998: p. 160) outlines the underlying message from the Catholic Church is that homosexuals are diseased, sexual deviants who cannot be '*normal*'. This message would be reinforced due to the close relationship between the church and state in Ireland. Hug (1999: p. 3) comments that

the Irish state from its very beginning leaned heavily on the Catholic Church. In the 1937 Constitution, the Church was given the special position as, *'the guardian of the faith professed by the great majority of the citizens'* (Bacik 2004: p. 31). The close relationship between the Church and State was cemented with this insertion; the Church would be the self-appointed moral guardian in Irish society. Such was the case, from 1922 onwards, sexuality could not be openly debated and to be homosexual in Ireland was to be forcibly invisible (Bacik 2004: p. 133). Tovey and Share (2003: p.260) remark sex was seen as a powerful force that needed to be curtailed. The Catholic Church is opposed to homosexuality in all forms and for a country to have such a close relationship between church and state meant to be homosexual was considered a moral and legislative crime. A large portion of the population was raised as Catholics so this belief was continually reinforced as this unique position of the Catholic Church was seen to create a *habitus*; a *'lasting, general and adaptable way of thinking and acting in conformity with a systematic view of the world'* (Tovey and Share 2003: p. 388). It was seen to be a self-enforcing and engrained way of thinking or acting, people instinctively would know how to be a good Catholic. The dominance of the Church in Irish society, particularly in education, had the consequence of preventing open and honest discussion about sexuality (Inglis 1998: p. 160). Current research into homophobic bullying in secondary schools, found it is a problem and somewhat expected by staff. In an Equality Authority report on homophobic bullying in second-level schools it was commented by a school principal that schools are, *"a microcosm of society and schools have all the problems society has and of course we have a problem with homophobic bullying."*(O'Higgins Norman 2010: p. 21). No such research exists for the education system before the year 2000 but it is apparent that schools have been

representative of society as a whole and homophobia would have been an issue throughout the education system before this time.

The truth about sex has been politically constituted, it has been the power of the Catholic church with the doctors, teachers, politicians and civil servants as its allies that helped create and maintain a traditionalist ideal (Inglis 1998: p. 97). The legislation and policies were enacted to disregard and ostracize gay men and lesbians, to keep them out of public life (Ibid: p. 97). In Ireland sex between two men was first criminalized in through 'An Act for the Punishment of the Vice of Buggery 1634 as part of colonial rule making (Considine and Dukelow 2009: p. 441). Homosexuality would continue to be a criminal offence before the birth of the Irish state, the Offences Act 1861 in the Chapter Unnatural offences included sexual offences including men upon men, at this point sex between two women was not even a consideration. Section 61 and 62 in this Chapter dealt with offences of buggery and indecent assault (Bacik 2004: p. 134). The Criminal Amendment Act 1885 expanded the range of illegal male homosexual activity from buggery to all sexual acts between men, bannered as 'gross indecency' (Considine and Dukelow 2009: p. 441). These laws were passed by the British Parliament and inherited by the Irish State; they were kept on as nothing countermanded them in the 1937 Irish Constitution. The Irish Constitution was clearly influenced by the Catholic doctrine and religious belief (Bacik 2004: p. 31). The law remained unchanged and then silence fell on the issue until the 1970's (Hug 199: p. 207).

The silence on this issue did not mean the law was not enforced, between 1940 and 1978; the annual reports of prisons of the Department of Justice show on average six men per year were jailed for indecency with males and an average of seven for gross indecency. The notion that the laws were not applied was clearly false (Hug

1999: p. 207). The 1970's would see a rise in activism for gay rights predicated by a growing international campaign, which developed from the Stonewall riots in New York in 1969. The Stonewall Inn was a transvestite bar in New York, which faced regular raids by police. On June 28 1969, people resisted the harassment and took their protests to the streets (Considine and Dukelow 2009: p. 441). This became a pivotal moment for gay rights on an international scale as it galvanized the movement and inspired many to take the struggle into the public realm. In 1972 a referendum removed the reference to the special position of the Catholic Church in Article 44 (Bacik 2004: p. 31). While it should have been an important step for gay rights, the constitution was still underpinned by a strong religious influence.

The Irish Gay Rights Movement (IGRM) was founded in 1974 adding to the change taking place within the field of Irish sexuality. The women's movement preceded the gay rights movement as they challenged the connection between reproduction and sex. This challenge would form the basis of much of the gay rights movements claim for legitimacy. The belief was that contraception would decrease the policing of premarital sex including gay sex (Ryan 2006: p. 86–88). The IGRM was part founded by David Norris, who would become a central figure and the public face of the gay rights struggle in Ireland. He was a highly educated and well-dressed lecturer from Trinity College. A central element of the gay rights movement in the 1970's and 1980's was to decriminalize homosexuality. David Norris took a case to the high court in an attempt to challenge the criminalization of homosexuality but in 1980 they ruled against him. In the ruling Judge McWilliams found the laws relating to this criminalization were not unconstitutional. In his judgment, he established that as Christian Churches teach that the primary use of sexual organs is reproduction, human sexuality should be confined to marriage. All sexuality outside marriage and

between people of the same sex was wrong. So the law was necessary to protect social order and public morality (Hug 1999: p. 212).

The early part of the 1980's following this judgment was a troubling time in Ireland for the gay rights movement. The murder of Charles Self at his home in 1982 and the subsequent targeting of homosexuals by the Gardaí as part of their investigation, often turning up at their homes or workplaces, created much consternation amongst the gay community. This led to the formation of the Gay Defence Committee, to protect against attacks from the institutions of society including the Gardaí (Hug 1999: p. 213). The murder of Declan Flynn in Fairview Park in 1983 was even more shocking. He was kicked to death by a group of youths in a deliberate attack. They were subsequently released following the case with suspended sentences (Fottrell 2007). Meanwhile, David Norris took his case to the Supreme Court and again was ruled against and it upheld the law as constitutional. The Chief Justice said that to encourage homosexual activity was not in accordance with the respect due to marriage that the constitution protected (Hug 1999: p. 214).

David Norris continued his fight for law reform by taking the case to the European Court of Human Rights (ECHR) in 1988 and he was successful. This decision revitalized the beleaguered gay rights movement in Ireland and prompted the formation of the Gay and Lesbian equality Network (GLEN). They would demand equality in criminal law and anti-discrimination legislation (Considine and Dukelow 2009: pp. 442-443). The ECHR was not yet recognized in Irish law so years passed with extensive lobbying by GLEN until the law was changed (Bacik 2004: p. 137). Homosexuality was eventually decriminalized in the Criminal Law (Sexual Offences) Act 1993, it included a full repeal of all existing legislation outlawing homosexuality and equalizing sexual rights with heterosexuals such as age of consent and privacy

codes (Considine and Dukelow 2009: p. 443). It must be commended that the leveling of age of consent with that of heterosexuals was actually very progressive and ahead of many of our EU counterparts including Great Britain.

As this history of homosexuality in Ireland shows, it has been a continual struggle for acceptance, rights and recognition. The victories of common sense though have not completely eliminated discrimination, Bacik (2004) remarks, '*These progressions though haven't eliminated economic discrimination against gay women and men*' (p. 139).

### **The Civil Partnership Bill**

A Report on Partnership Rights for Same Sex Couples (Mee and Royane 2000) by the Equality Authority gave a concise breakdown on the denial of rights to same sex couples. The report concentrated on the formal legal rules affecting their partnership rights and displayed the serious implications of the lack of recognition for same sex couples. Following this, The Equality Authority produced another document called 'Implementing Equality for Lesbians, Gays and Bisexuals' in 2002, within this document a chapter outlined the dearth of partnership rights for same sex couples in Ireland. They commented, '*In Ireland, marital status impacts significantly on the extent of rights in relation to pensions, residency, property, adoption, taxation and welfare entitlements*' (Equality Authority 2000: p. 20). Further to this they highlighted the relative invisibility of same sex relationships in Irish society and that this made them extremely vulnerable in relation to the above issues.

In the mid 2000's the struggle for equality moved into gaining rights in the social institutions including the validation of same sex marriage (Considine and Dukelow 2009: p. 444). This form of sexual citizenship would challenge the very

fabric of the firmly entrenched heterosexual constructions of society. In the Irish constitution the reference to the protected status of family is clearly based on the heterosexual, monogamous procreative and indissoluble union (Hug 1999: p. 3). For Londras (2006: p. 4) this definition is not only inconsistent with contemporary international legal standards but also, '*...the current definition of the Irish family is grossly at odds with social realities*'. This feeds directly into social policy, presenting this vision of family as normal and any others as abnormal. Homosexual and transgendered people have been tucked away outside family and home life with social policy creating and supporting this exclusion, by propagating 'normality' with these family centred, heterosexual policies (Carabine 1996 cited in Colcannon 2007: p. 327).

Western societies have been in debate over competing definitions of the family and it is widely accepted that there are many variations of the nuclear family as defined by heteronormative discourse. There is much less acceptance of the notion of families based on same sex partnerships particularly concerning inheritance rights (Tovey and Share 2003: p. 243). The Department of Social and Family Affairs included an amendment in the Social Welfare (Miscellaneous) Provisions of Services Act 2004 which limited the definition of spouse and couple to only refer to married couples and co-habiting partners of opposite sex. This allowed for discrimination against same sex couples by the Department on number of schemes (Crowley 2006: p. 192). A challenge to the constitutional protection of the heterosexual defined marriage was unsuccessful in 2006, in the decision it was noted, '*...an amendment to extend the definition of the family would cause deep and long lasting division in our society and would not necessarily be passed by the majority*' (GLEN 2009: p. 6). In that year the High Court case taken by a lesbian couple relating to the recognition of their

Canadian marriage was also unsuccessful and is expected to go before the Supreme Court this year (Irish Times 2010).

The Options paper presented by the Group on Domestic Partnership outlined the implications around the lack of recognition of same sex partnerships, *'Lack of legal recognition also has very practical and direct consequences for LGB families because they are excluded from the benefits and legally enforceable obligations that are available through civil marriage'* (p. 15). The simple fact is in modern Western Societies the vast bulk of marriage laws deal with the disposition of children and property (Berger 2002: p. 186). The Options paper highlighted the issue facing same sex couples regarding adoption of children; they are excluded from the protections afforded heterosexual couples and they cannot apply for legal guardianship. This has direct consequences on inheritance rights and in the case of the something happening to the legal guardian; a child that has been raised by two loving parents may be taken away due to this overt discriminatory practice (Working Group on Domestic Partnerships 2006: p. 15).

The passing of the Civil Partnership Bill into law in July 2010 seemed to be another step towards normalizing homosexuality in Irish society. The Bill though was not passed without opposition and it must be noted the bill has been before the Daíl a number of times before it was passed. The Catholic Church's initial response was, A Statement of the Irish Bishops' Conference on the Civil Partnership Bill called Why Marriage Matters. Amongst the Churches concerns about the Civil Partnership Bill were the beliefs that, *'Same-sex unions do not reflect the natural complementarity of man and woman through which the generation of new life becomes possible'* (Irish Catholic Bishops 2010: p. 3). They reasoned that this was creating a situation in

which same sex marriage would seem only a small step in future legislation and encouraged supporters to not leave these issues unchallenged (ibid p. 5).

The Bill was also opposed by elements of the gay rights movement. A number of protests have been held against the Bill by gay rights campaigners in recent months due to the fact it falls short of providing equal status to same sex couples. It did not solve the main issues relating to inheritance and adoption rights as highlighted in the 2006 report by the Working Group on Domestic Partnerships. In the Seanád debate on Civil Partnership (GLEN 2010), Ivana Bacik, one of the Bill's main supporters admitted as much when saying, *'It does not represent equality for gay couples. It does not provide recognition of gay marriage and it has a most glaring omission in that it has only a very minimal reference to protection for the children of families involving two parents of the same sex'* (p. 34).

The view, within the Gay Rights Movement, on civil partnership was mainly split into two camps; a progressive change and a step in the right direction or that marriage was an essential right and nothing else will do. The views can be framed by comparing the reactions of two pressure groups, GLEN and Marriage Equality.

GLEN has been campaigning for a long time on a number of issues regarding equality for gays and lesbians. They welcomed the passing of the Civil Partnership Bill as a step towards full equality. They have campaigned tirelessly on the rights of homosexuals in Ireland and are well placed to understand progress is often incremental. This struggle was outlined in their 'Chronology of Key Events' (GLEN 2009). Within the publication GLEN Chair Kieran Rose welcomed the Bill as an achievement that will deliver real and immediate change for lesbian and gay people but reminded it was not complete especially due to the lack of provision for the children of same sex partners.

Marriage Equality has opposed this Bill even before the Daíl passed it. Their report in 2009, *It's No Joke: Civil Marriage Rights For Lesbians and Gay Men in Ireland*, outlined the public support for allowing same sex couples to marry including the overwhelming support of 25 – 34 year olds (p. 4). They criticised political parties and the incoming Civil Partnership Bill highlighting its major inadequacies, ‘...doesn't provide protection for the children of lesbians and gay families, and wholly ignores the right of some gay parents to their children (p. 6). Following the passing of the Bill, Marriage Equality continued to protest the Bill.

A third less vocalized view within the gay community is the total rejection of any attempt at ‘normalisation’ to heteronormative practices such as marriage. This view can be summed up by the following quote, ‘*Marriage will not liberate us as lesbians and gay men. In fact, it will constrain us, make us more invisible, force our assimilation into the mainstream, and undermine the goals of our gay liberation*’ (Ettelbrick, 1989, pp. 123-24). Even within the gay community, the issue of same sex marriage is as divisive as in the public sphere.

### **Same Sex Marriage in Canada and Spain**

The attitudes of the Irish public regarding same sex marriage would appear to support legalisation, a Irish times poll recently suggested two thirds of Irish people believe same sex couples should be allowed marry (O'Brien 2010). The Catholic Church's standing in Irish society has been greatly weakened, in no small part due to the sheer level of exposure and the extent of sexual and physical abuse to children in their care (Tovey and Share 2003: p. 391). Other countries have allowed for same sex marriage to no great breakdown of social order and the ruination of children involved. One of the main articles that initiated this project, ‘*Cutting Edge Couples: An*

*ethnography of same sex marriage*' (Caragata and Onishenko 2009), looked at the impact the inclusion of same sex couples in marriage laws in Canada. They interviewed a number of newly married same sex couples about the impact on their lives. They found children; family and love were fundamental to those who had married their same sex spouse (p. 254). The couples understood the political implications of getting married and many of the couples viewed getting married as a way of securing their relationship for themselves and their children and to legitimate this newly defined family unit (p. 256). The ability to marry was seen as enabling their families and the heterosexual community at large to understand their relationships more straightforwardly (p. 258). Legal marriage gave greater protection for the couples with children and without (p. 261). Marriage not only expresses their emotional commitment but also acts as a vessel towards equality and freedom from oppression. It is viewed as a genuine tool for social change.

On the 1<sup>st</sup> July 2005, Spanish Parliament approved Law 13/2005, amending the Civil Code to allow same sex marriage (Platero 2007: p. 329). The most prominent religion in Spain would be Catholicism but their constitution would not have such a clearly defined definition of the family allowing greater scope for change (Platero 2007: p. 330). This policy change though was not an easy change and it was a long struggle for activists. The Spanish Catholic Church challenged the new law to defend the sanctity exclusive to heterosexual marriage using a biblical quote as their slogan (Castresana 2005: p. 132). In direct correlation with the early gay rights movement in Ireland, the feminist movement was the catalyst for this progressive law change. Castresana's (2005) article views the legal provisions regarding children as a central part of the reform and the protections it provides to the children of same sex couples (p. 134- 135). The results of the law changes for same sex couples in the

countries mentioned have been extremely positive and legitimised same sex relationships in these countries.

This review of the history of homosexuality in Ireland, civil partnership and examples of countries allowing same sex marriage has shown the great struggle involved and the changing view on homosexuality. The potential for allowing same sex marriage seems to be happening in Ireland, as the current generation, no longer imbued with the Catholic doctrine, would seem to have become more open-minded. This study intends to look behind the historical trajectory and capture a true feeling of people on either side of the issue in 2011. This report should allow for some insight into the emotions and beliefs underpinning opinions on this subject and attempt to find the essence of views surrounding this very topical issue.

## METHOD

The researcher chose a qualitative; data led design for this research project. The issue of choosing a method was not based on any idea of which process is best; as any choice should only be dependent upon what you are trying to find out (Silverman 2000: p. 1). The researcher's goal was to get a deeper, more holistic view of participants from particular areas of the issue of same sex marriage. Qualitative research was an appropriate method to examine this complex issue without needing to reduce it to single variables. The goal of this project was to elicit some understanding on what participants feel and think about this issue. Qualitative research was the best approach to get a deeper understanding of the participant's views. Bell (2009: p 7) remarks, *'Researchers adopting a qualitative perspective are more concerned to understand individual's perceptions of the world'*. This method does not want statistical perceptions of the world but seeks out insights of the people involved, as the researcher wanted to achieve for this research project. A statistical analysis of this facet of the public discourse on homosexuality offers no deep insight, while qualitative analysis, *'...with their detailed, flexible, sensitive and naturalistic characteristics, are suited to producing adequate sociological accounts'* (Payne and Payne 2004: p. 176), allows for a deeper understanding. The scope is narrow but provides rich and detailed data. As highlighted in (Blaxter, Hughes and Tight 2001: p. 64), the tendency of qualitative research to have a smaller and a more detailed focus and aiming to achieve 'depth' rather than 'breadth' was key to the purpose of this research project.

## **Materials**

The interview schedule was self created and placed into four topics. The topics were background information about participants, marriage, same sex marriage and general questions relating to the issue. A list of open ended questions were compiled in each section and the direction of the interviews factored into the choices of question.

## **Apparatus**

A Sony microcassette-corder M-1000MC was used to record the interviews and they were transcribed on an Apple Macbook. The data was coded using NVIVO 9.

## **Participants**

This research project had five semi-structured interviews lasting between thirty to forty-five minutes. The semi-structured interview is based around a small set of open-ended questions, which can be explored and probed by the interviewer for elaboration. The questions or areas will be listed into sets and put in order as an interview schedule. Allowing the interviewer to begin with a general question before delving into the specific areas of the research (Payne and Payne 2004: pp. 131- 132). This approach allows for elaboration while having a focus. The advantage of interviews is the adaptability, it allows probing of responses and the way a response is delivered can provide more information than a written answer (Bell 2009: p. 157). To access this sample, the researcher had to consider the responsibility to fully explain the point of this project, the reason for wanting to interview them, what's involved and what is to be done with the information (Bell 2009: pp. 156). This was done by an comprehensive email outlining my research project with a letter from the college

attached seeking permission and containing contact details for the college and the researcher. Obtaining informed consent is very important particularly when a potentially contentious topic is concerned. Each participants confidentiality was guaranteed as part of this initial contact and a consent form was signed before the interview by participants (copy in appendix). Ethical issues are predominantly thought to arise through qualitative research and research ethics are largely about being clear about the relationship you have entered into with your subjects (Blaxter et al: p. 158).

The sample for this research project was chosen to cover specific areas to the issue of same sex marriage and the participants proximity to the issue. Participants A were a gay married couple, both aged thirty nine. One is an Irish national and the other is from South Africa originally. They married in South Africa in 2009. Participant B was a thirty three year old lesbian, in a committed relationship. Participant C was a twenty six year old, politically active, heterosexual male. Participant D was a forty year old practicing Catholic, who is a lay parish worker in two diocese in the Dublin area and previously worked as part of a team overseeing the change over of Christian brother schools when they were withdrawing from education. He has an extensive background studying theology and teaching religion. Participant E was a forty five year old, lesbian. She is a lecturer and director in UCD in the area of Women Studies.

## **Design**

This research project is looking to find the essence of viewpoints from the participants on this subject. A strand of qualitative research called phenomenology seemed most suited to this type of subject. It hopes to reduce the data from the interviews to a central meaning or 'essence' (McCaslin and Scott 2003: p. 449). To quantify the issue

would provide a small degree of insight to a fluctuating opinion but a qualitative analysis would attempt to understand the issue from the various viewpoints and capture the feeling behind them.

### **Procedure**

Participants were interviewed on a one to one basis at a location and time most suitable to them. This was to ensure their comfort and so as to be as accommodating as possible as they were giving up their time. The interviews were semi structured and the researcher kept his research diary with the questions on his lap should further direction be needed. The interviews were allowed to flow in the direction of the answers given and the interviewee was given freedom to speak at length. Due to the nature of the interview schedule, the interviews moved between sections freely and without any need for redirection.

The interviews were then transcribed and coded using NVIVO 9. The coding process is carried out to see what themes emerge from the data and in the case of a phenomenological study, to get a an essence of this issue for the participants.

## RESULTS

The main goal of this research project was to understand participant's perceptions of same sex marriage. This was to be achieved by interviewing the participants to seek to understand their perceptions of the factors that play into this issue. The specific nature of the sample meant the themes adhere in large part to the current discourse on this subject in Irish society but the scope of these themes were more layered than the public debate. A thematic analysis of the interview transcripts revealed the following themes presented themselves.

### Same Sex Marriage:

Same Sex Marriage was the overriding theme of the entire research project. As part of the interview process participants were asked for their opinion on same sex marriage. The majority of participants were in favor of legalizing same sex marriage, the married gay couple were of the opinion it was a simple issue,

*"It's not about the sex that you are or the relationship, it should just be legal. Just to have human rights".*

The thirty three year old lesbian was also of the opinion that same sex marriage should be legalized again citing it as the most basic of rights,

*"We are the same human beings wanting to declare our commitment towards each other regardless what the sex is. What is the difference is its same sex or heterosexual couple getting married"*

The forty year old lay parish worker and practicing Catholic believed same sex marriage should be legalized and spiritualized to some degree, his religious beliefs and background found no reason to prohibit two people of the same sex to marry,

*"...I would say that same sex marriages should be legalized and in some way they should be spiritualized because again you are looking at two people who love each other and as we all know, it's mentioned in the old testament and new testament about God is love and if God is love and love exists between two people, then God is there".*

Two participants did not see any value in the legalization of same sex marriage for two very different reasons. The twenty-six-year-old heterosexual believes same sex marriage has no place within the traditional family structure and he uses a stance similar to the Catholic Church's on the issue,

*“My beliefs on marriage are based primarily on religion and coupled with my belief that we exist to procreate; I do not see a role for same sex marriage”.*

On the other hand, the silent argument identified in the literature review from within the gay community on same sex marriage, was the reasoning of the forty-five year old UCD lecturer. She does not buy into marriage or the necessity to normalize homosexuality to social norms that heterosexuals are not really subscribing to anymore either,

*“It's a very particular kind of marriage they are aiming for; it's a marriage that also hasn't technically worked for many, many heterosexuals. But somehow it is where all the morality kind of resides in this country, in this symbolic way of thinking about of who counts as a moral person in Ireland and young gay men and lesbians buying into it in ways that heterosexuals of the same age aren't”.*

Beyond these opinions, a number of themes emerged from the data relating to areas around this issue. A number of the themes were identified in the literature review and subsequently emerged through the coding process. The public discourse on same sex marriage currently resides in three distinct areas; the legal weight given to marriage, the children of same sex couples and religion.

### **Legal weight given to marriage:**

The issue of adoption rights and inheritance rights is at the core of this issue. The majority of participants were in agreement that the legal weight given to married couples is unfair, the twenty-six-year-old heterosexual saw marriage as too precious to attach enticements and this has a detrimental effect on the family unit,

*“I think the emphasis on legal implications of marriage have adversely affected the institution of marriage and degraded it somewhat. This emphasis results in an unstable family unit as it drives couples to marry for the wrong reasons or muddles their perceptions of marriage”.*

This view was echoed by the married gay couple, to a degree, as the legal emphasis is taking precedence over the core reason for a couple wanting to spend their life together,

*“I know they define the couple in law and give you the legal status but it’s taking too much extreme in the legal thing and the whole love is pushed to one side”.*

This view built upon by the lecturer from the UCD, the excessive legislative weight given to marriage at the detriment of those outside the circle is a serious issue,

*“I really strongly disagree with the amount of material goodies people get when they are married, while penalizing people who are unmarried and in relation to where marriage is forbidden”.*

### **Societal Pressures**

A sub theme within this was the pressure to get married in society; although the majority felt that pressure was not as severe as years ago, as the thirty-three year old lesbian summarized,

*“I used to think that but not now. In my twenties I thought it was society pushing people to get married or relations asking, “when is the big day” but I just think that’s the Irish conversation”.*

The pressure of the big day was remarked upon by another participant, as that very Irish notion of the big day and the material elements of the wedding day can apply pressure, as outlined by the married gay couple,

*“I think its very traditional here, they love the big day. It’s not just about marriage; it’s about the big day. I don’t think there is as much pressure on people to get married anymore but there is a lot of pressure to have this big day”.*

But some participant's felt other factors still effect this pressure, your socioeconomic background will impact on the pressure you feel and, The lay parish worker believed,

*"I don't want to generalize too much, but for the sake of the question, lower socioeconomic areas, marriage is not that high on their list of expectations of what they want. More middle class, upper class areas, marriage is up there, you know, you want to go and get married now".*

This view was also extended by the UCD lecturer, to include the scope of the entire same sex marriage movement as driven by the middle classes,

*"It's such a middle class movement because of course the marriage movement and protecting married people means that lesbian and gay men who are recipients of social welfare payments are going to be penalized".*

She also highlighted, that the pressure and the negative perceptions of society for older people who find themselves unmarried, whether by choice or by situation, is still something that lingers in Irish society,

*"You are considered having failed, suspect, that it's sad. That maybe you are not fully mature and that there is something wrong with you. You might appear to be successful in all kinds of ways, you might appear to be a good or nice person but if you're not married there is actually a real question mark over you whether that appearance is factual".*

### **Inheritance rights for Alternative Domestic Partnerships and co-habiting couples**

The issue relating to the lack of recognition given to co-habiting couples and alternative domestic partnerships also emerged as a subtheme, the lay parish worker identified the recent census as an example of the lack of recognition for such relationships in Irish society,

*"Even in the census now, the census is an interesting one. Where it has, put down your status in the home and it gives no recognition for co-habiting couples at all".*

All of the participants agreed the same rights of inheritance should be given to alternative domestic partnerships and co-habiting couples, the thirty-three year old lesbian saw no difference between cohabiting and married couples,

*“They invest a huge amount of effort and energy and finance into their relationship. The same as any married couple. The only difference is a piece of paper. Why should they be treated any different?”*

The twenty-six-year-old heterosexual included familial relationships when extending upon this view, believing the net should be broadened to include a range of domestic relationships,

*“I believe that legislative provisions can be made to allow cohabiting couples enjoy inheritance rights, which exists for married couples. This would extend as far as two bachelor farmers in rural Ireland who still live together. It would not exist solely for cohabiting couples”.*

This view of broadening the net to include cohabitees and other domestic partnerships was shared by the UCD lecturer, highlighting the penalty suffered by women up until 1974, who had to choose between marriage and their career due to the marriage ban, as an example of the situations people are placed in by the situating of marriage over all other domestic relationships,

*“They should be given the same protections, so they should be allowed share their money without penalty, whatever that money is, a pension or wage or inheritance, yeah of course. And when we say cohabitees, I have friends who work here in this institution, who are a lot older than me, who, there was a marriage ban in place up until 1974 so they formed households with their sisters, their unmarried sisters and they can’t bear, are extremely nervous about retiring because they can’t give the pension to that unmarried sister”.*

## **Family Status and Children**

The issue of children of same sex couples has been a major part of the discourse on this matter, the lack of provision given by Civil Partnership to protect the rights of children of same sex partners seems to be where the debate lies between Marriage Equality and GLEN on the difference between the civil partnership and marriage. The

majority of participants were of the view that same sex partners should be given the same rights in relation to children, each citing the importance of the loving relationship as the most significant factor, as explained by the thirty-three year old lesbian,

*“If you care, love and treat a child as your own and rare the child as such, (as a parent) why should you be treated any different”.*

Two other participants echoed this view. The married gay couple remarked a child could be happy in any type of situation,

*“I think a child in a gay relationship can be just as happy as they would be in a heterosexual relationship”.*

The lay parish worker was in agreement that a loving relationship is most significant part for the child coupled with a good quality of life not the sexuality of the parents,

*“When it comes to same sex couples raising children, again if it is a good quality of life that the child is going to get and they’re getting a loving relationship, loving parents, then yeah”.*

Although, not entirely against the idea, it was suggested by the UCD lecturer that the debate needs to be a little more holistic and look at the rights of the child instead of the rights of ownership of the child. The child should be given the choice to form relationships with it inheritants, should they choose to do so,

*“It’s like something that can be owned, an object. I actually think if we reoriented our entire thinking around this, we would instead of talking about rights to own the child, that marriage would give rights of adoption, instead we should be talking about the child’s rights to form intimate, loving relationships with people it might have, you know, that you might expect bear some degree of responsibility i.e. the donor dad”.*

The single view that was completely against this was the heterosexual male, as per his previous views, the family unit has a very clear dimension and this doesn’t preclude to same sex couples in any shape or form,

*“I believe this to be the most appropriate environment for a child to be raised, as it is the only unit that can actually create the child. To believe otherwise would defy nature”.*

## Religion

The theme of religion was an expected development due to the very close nature of it to this issue. The opposition of religion has been the major stumbling block to the legalization of same sex marriage and for the gay and lesbians taking part in the interviews, even though all were raised as Catholic, it was difficult to have any real affiliation to the Catholic religion, this was summed up by the thirty three year old lesbian,

*“I’m Catholic but not practicing. I do not go to mass. To be honest with all the cases against priests and they way both the pope and bishops handled the situation, it disgusts me”.*

In each case the Church’s open condemnation of homosexuality was not named as an explicit reason for this turning away from the Church. It was not really that the church seemed that terrible, in fact the gay couple mentioned they still attend mass for the big days, while acknowledging their unfair attitude to homosexuality,

*“I suppose it would because you would only go the religious churches here because you have to, like if it’s an occasion or something like that but I find their attitude to homosexuality still to be bad”.*

And the UCD lecturer admitted that she had very positive experiences while being raised in the Catholic religion as well but acknowledged that it is not so easy anymore to view them in a positive light,

*“I was raised Roman Catholic, very happily Roman Catholic and I had some very good experiences, through education and friends who are Catholic religion. So I’m hard wired in that way, I respond in that way. Politically, obviously it’s very difficult to have any respect for Catholicism”.*

On the other hand, religion was a clear motivating factor in the lives of the two heterosexual interviewees; the lay parish worker has a deep interest in religion, that feeds his beliefs,

*“I have a great interest in it (religion), apart from an academic one, a personal one and a spiritual one so I try to look at the three of those in my life and I think I have it balanced enough”.*

The twenty-six year old heterosexual has very ingrained and traditional beliefs in the area of religion, he is imbued with the Catholic doctrine,

*“I’m Roman Catholic. A faith in something greater and more powerful than myself allows me to strive for something better in life”.*

## **Homosexuality**

This emerged as a clear theme through the coding and interview process, although it is not as central to the public debate on same sex marriage as it has become gradually more accepted within Irish society, it serves to highlight the historical context of homosexuality and the struggle for recognition which it continues to do so in many ways, it was acknowledged by all that the situation has improved in recent years, as highlighted by the UCD lecturer,

*“Certainly it’s still difficult for people to come out, it’s not easy in certain areas to come out, depending on what your job is and where you live. But certainly it’s better than it has been in many a decade”.*

The situation of coming out is a theme for gay participants and the difficulty they face, particularly when it comes to family members, the Irish born of the gay couple’s personal experience of coming out to his mother was insightful of the lack of understanding of a lot of older generation people as it was just ten years ago he came out,

*“When [participant] told his mum ten years ago he was gay, she didn’t know what it meant. She thought it was some cult and that you had to pay membership fees to be part of it”.*

## **Education**

The efforts to teach children about homosexuality and the resistance within the education system emerged as a subtheme. The idea that schools are still not ready for

this was outlined by a couple of participants, the lay parish worker, who has experience in the education system teaching, summed this up,

*“They tried to tackle it in the curriculum, but again, it’s an interesting one. They brought out something a few years ago, in the transition year programme, models of masculinity in Irish society and it was shot down. People didn’t want to do it and people didn’t want to teach it. It’s too close to the bone for some people to teach it. It was seen as a dilution of the male role in Irish society. It was trying to be an information self-awareness exercise but it wasn’t accepted. That was a litmus test for the view, that wasn’t a long time ago and I don’t think we’ve moved that far onwards just yet”.*

The gay couple were also aware of schools trying and failing to get this type of information on the curriculum and the expected opposition of the parents of children due to their lack of understanding,

*“Actually educate the kids at a young age. Where they can actually go back to their parents and say today we learned about homosexuality. But the schools don’t know how the parents will react, teaching their kids about homosexuality because for those parents they might be a little bit old fashioned, might be like well your teaching my kid how to be homosexual”.*

As an addition to this theme, the UCD lecturer, had a different view of the acceptance of homosexuality was not necessarily the issue. Homosexuals have a distinct culture and set of experiences that should be embraced and passed on to new generations instead of striving to be accepted by the heterosexual perception of normality,

*“I like to think actually we have a rich culture, heritage, tradition and history, which is quite distinct to heterosexuals. We’ve got a sense of style, a sense of humour, we do gender differently, and we have different kinds of challenges and different kind of victories compared to heterosexuals. We’re quite distinct, we are not the same and I think my generation has an awful lot to pass on, some hard lessons and many wonderful examples of how to live successful lives on the cultural and social margins”.*

## DISCUSSION

The aim of this study was to understand people's perceptions of same sex marriage in Ireland from different aspects of the issue. To find an essence of the issue through people with some degree of involvement or opinion. The interviews revealed the issue is multi layered and a true consensus would appear to be absent but they also revealed that maybe a realignment of the argument could maybe move the issue forward in Irish society. The value placed on marriage above all other partnerships would seem to place it in limbo at present. A reassessment of marriage rights compared to other partnership rights would be a giant step for all domestic partnerships including same sex couples. Before further analysis though, the researcher would like to acknowledge the limitations of this study, obviously due to the small size of the sample the project is not exhaustive nor comprehensive instead small and intimate. So it would be difficult to generalise the results to the entire population.

All the participants agreed that the legal weight given to marriage is a big issue and the whole same sex marriage debate in the public sphere seems to rest on as the UCD lecturer referred to as the semantics between marriage and civil partnership. The power and draw of marriage would seem to lie in the legislative enticements attached to it. The adoption rights and inheritance rights attached to marriage place real value on it and can be seen to distract away from the other reasons for making a lifelong commitment to another person. The majority of participants agreed same sex marriage should be legalised, even the lay parish with a firm Catholic belief. For the two participants who disagreed, it would seem the value they place on marriage, on two ends of the scale, were the main reason for their opposition. The twenty six year old heterosexual viewed marriage as the cornerstone of society and the only natural

way to raise children; his belief was informed by his religion and the idea that the goal of any human is to procreate. He placed immense value on marriage as a civilizing tool for the traditional family unit. The question is though, is the married couple the only way to have a developed and supportive family unit? The UCD lecturer placed little or no value in the idea of marriage, for her marriage is only given weight in society by the little legislative caveats attached to it and the social pressure of people's judgments on your life choices. Irish society pressures people into getting married with undue reason, penalising those who chose not to get married and making any other form of domestic partnership less than secondary. Yet, a domestic relationship must be defined in some way, whatever the arrangement, to have some kind of order and recognition but it should not be just confined to marriage.

This seems to be the core of this issue, beyond all the posturing, the seemingly mythical value attached to marriage in Irish society. This has been ingrained in much of the population as the only form of adult relationship with any value or substance in society. All the participants were raised as Catholics, the Catholic doctrine is to encourage family values as they see the family, and their belief is there is only one kind of family set up worthy of raising children and forming familial bonds. This image of the family is clearly defined in our constitution as the heterosexual married couple with children. This view is then further reinforced by, as one participant referred to them as, '*material goodies*'. The twenty-six year old heterosexual, who places immense value in marriage, acknowledged that the legal elements of marriage have adversely affected and downgraded it somewhat. These legislative imperatives also serve to penalize all other forms of domestic partnership from cohabitees to two farmer brothers living in Mayo. This is further reinforced, as highlighted by the lay parish worker, by the most recent census not even giving any recognition of

cohabitees as a legitimate living or relationship arrangement. Even Civil Partnership has served to penalize couples within the gay community whether they partake in it or not. As the UCD lecturer informed the researcher, *'...lesbian and gay men who are recipients of social welfare payments are going to be penalized now because they will have their payments cut because whether or not they've taken out civil partnership, they will be seen as de facto couples and therefore the state doesn't owe them anything that they need to be dependent on their partner.'* And this argument is not really in the public sphere regarding civil partnership or same sex marriage. So a quest for equality can serve to make others within the community less equal, Marriage and Civil Partnership could be viewed as tools of discrimination within society, alienating certain elements, who by force or by choice do not enter into it, whatever their sexuality. The legislation would appear to be were the issue resides in the public sphere, GLEN and Marriage Equality are arguing over access to the rights afforded to married couples rather than the symbolic right to marry. So if the net was broadened to give the same rights to same sex partners, cohabitees and other alternative domestic relationships within certain parameters, would we have a public debate? And would the symbolic right to marry be so important? It is clearly an area that needs to be looked at more closely to maybe realign the debate to why marriage is still given such importance in modern Ireland as census after census highlights the growing number of alternative living arrangements of its citizens.

The idea of the Catholic Church allowing same sex couples to marry in their churches still seems far away as evidenced by their Why Marriage Matters leaflet (Irish Catholic Bishops 2010) featured in the review of the literature. If the legislative issues regarding same sex couples were dealt with, the issue would come down to access to the sacrament of marriage in some degree. The lay parish worker made clear

reference to the separate nature of these two strands of marriage, '*One is the reality, the legality, the functional side and the other is the love and the emotion*'. This clear demarcation between the two elements of marriage, the legal and the emotional shows that maybe removing the restrictive legality of it would maybe revitalize marriage as a true expression of love for two people of any sexuality. The lay parish workers progressive attitude to same sex marriage serves notice that maybe religion might some day acknowledge same sex couples but as he admitted, it's a long way off. His extensive background in theology and Catholicism seemed to see fair reason for the recognition of same sex couples, he referred to the Old Testament in the Book of Leviticus, '*a man must not lie down with a man*' but for him this is contextual and of its time. The New Testament, on the other hand, makes no mention of such things and it is Christ's message to the world. So really there is scope their for progress and the lay parish worker is on the frontline for the Catholic church, his awareness of the disconnect between young people and the church coupled with his own extensive interest in religion show his opinion on this issue is not taken lightly. Unfortunately, the Church is an antiquated and belligerent institution and not susceptible to rapid change, as evidenced by the struggle of homosexuals to gain a level of recognition within Irish society. It has openly condemned homosexuality as wrong and against God and tried to block the progression of rights for gays and lesbians, as the literature review outlined. All the participants who were gay and lesbian have been raised in religion's that denounce their sexuality as immoral and the majority are not overly religious at this point. Is this the appropriate place to express their love for each other while this is still the situation? It would appear not although it must be acknowledged that recognition of their relationships in the religion they were raised will always hold some importance. Most of the participants agreed that love was the main reason for a

couple to marry and for a ideal family situation, so love is the driving force rather than any religious inclination then the legislative divide would appear to be the main issue. The rights of married couples also include specific legal rights towards children within the family situation. It is where traditional values most clearly clash with progressive values.

The matter relating to the adoption of children has been highlighted as a major issue as Civil Partnership does not include any rights for the unregistered parent. The constitution is quite clear on its definition of the family unit so the redefinition of the family unit is necessary to see the full equalization of rights for same sex couples. All the participants bar one agreed the family needed to be redefined to bring it in line with the reality of living arrangements in modern Ireland. Most participants cited a loving relationship, as the foremost condition for raising a child and the public debate would recognise this element also. The one consenting voice on the issue was consistently clear on his beliefs about the traditional family unit and the clearly defined family unit. He believed the majority of the population still supports this definition of the family unit and would endorse it through a referendum. While we may imagine ourselves to be a progressive country, some truth still resides in this statement. The constitutional challenge in 2006 to extend the definition of the family was rejected on primarily due to the fear it would cause a deep and long lasting division in society. So have we now reached a place when it would be acceptable without causing a deep and long lasting division in society?

The interviews raised another interesting view on the subject of children in same sex relationships that maybe the issue more relates to the ownership of the child instead of focusing on the rights of the child. The UCD lecturer cited the work of the adoption alliance on the emotional impact of children not getting the option to find

their biological inheritant. It is not really part of the debate for the child to have the right to chose who they form loving relations with in their life and maybe needs to be, whether it is palatable for people or not. The rights of the child are important to consider but the consensus would be the importance of a loving environment for the child to grow up in is the paramount concern, no matter the sexuality of the parent or parents. So having this restrictive legislation will not guarantee a child the appropriate environment to develop and in some cases can serve to hinder it. Further to this theme is the reaction of other children to a child of a same sex couple and attempts to teach children about same sex couples in the education system.

The literature review cited the Equality Authority report on homophobic bullying and explained that homophobic bullying is a problem in schools as in society (O'Higgins Norman 2010: p. 21). The married gay couple also acknowledged the fact that the reaction of other children could be a problem for a child of a same sex couple. An environment were homophobic bullying is a problem will lead to difficulties for this child and the need to educate children is essential to increasing awareness and acceptance of homosexuality in Irish society. While the situation has improved over time, the education system still bears the imprint of the Catholic Church and attempts to include lessons on homosexuality have faced opposition from parents and staff as the lay parish worker outlined from his experience in schools. This would indicate that maybe attitudes are not really were they should be at the current time. The parents fearing their child being thought to be homosexual is indicative of the belief homosexuality is a lifestyle choice instead of a sexuality. Children need to be thought tolerance and acceptance and this is done through education and awareness. This will lead to a society were the access to rights for people should cease to be a problem no matter what their sexual orientation or domestic arrangement.

The experience of the homosexual participants in coming out and awareness of the difficulties still faced in certain areas of society displays the need to educate awareness and the thirty three year old lesbian gave an important message for gays and lesbians when coming out, *'I truly believe if you act in a way that is apologetic for being gay or act as if you are hiding something, you will be treated as same. If you act like it is the most natural thing, people will treat you as such'*. Being homosexual is nothing to be apologetic for and it certainly is no reason to be denied legal rights or the right to express your love for your partner. To move forward as a progressive society representative of the diverse cultures, sexualities and domestic arrangements all round us; we should be aiming for an open and embracing population and legislative structure.

## **Conclusion**

The participants in this study showed the multi-dimensional nature of this issue in Irish society. Perceptions of same sex marriage appear to be progressive even with highly religious people but the traditional Catholic view is still in some way entrenched in a large portion of Irish society. All participants would seem to be in some part agreement in extending the legislative enticements such as inheritance rights beyond just married couples to allow greater recognition for alternative domestic partnerships and couples. The need to redefine the family beyond the constitutionally bound heterosexual married couple and children should really be considered to move Ireland forward. The value Irish society places on marriage emerged as a central issue and it would certainly require further research particularly in comparison with countries like Canada, with a more liberal legislative set up.

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**APPENDIX****Consent Form****Perceptions of Same Sex Marriage in Irish Society 2011**

I.....agree to participate in Gavin Duffy's research study.

The purpose and nature of the study has been explained to me and I am participating voluntarily.

I give permission for my interview with Gavin Duffy to be tape-recorded

I understand that I can withdraw from the study at any time, whether before it starts or while I am participating.

I understand that I can withdraw permission to use the data within two weeks of the interview, in which case the material will be deleted.

I understand that Gavin Duffy has assured my confidentiality in this study.

I understand that disguised extracts from my interview may be quoted in the thesis and any subsequent publications if I give permission below:

(Please tick one box:)

I agree to quotation/publication of extracts from my interview

I do not agree to quotation/publication of extracts from my interview

Signed.....

Date.....