

Same-sex Civil Unions in Contemporary Malta: A sociological understanding.

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I dedicate this dissertation to:
Persons diagnosed with Lupus

Statement of Authenticity

I, the undersigned, declare that this dissertation is the result of my own research. Any figures, conclusions and statements contained herein are mine, unless otherwise stated.

MARY GRACE VELLA
JUNE 2015

Prof. M.A. FALZON

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“Be faithful in small things because it is in them that your strength lies” - Mother Teresa

Abstract

This is a research study of fourteen same-sex couples, six couples who are in civil union and eight who are not, conducted in Malta following the legalisation of same-sex civil unions in Malta in April 2014. The focus of this study is the experiences of same-sex couples in civil unions. It examines whether and how the legalisation of civil union impacted same-sex partners' commitment to each other, their presentation to others as a couple, and their being treated as a family by others. This dissertation explores the meaning and impact of the Civil Unions Act for same-sex couple relationships, their decisions about entering or not entering in Civil Union. Since all participating couples who are in Civil Union have marked their commitment with a public ceremony, this study also examines the meaning of their ceremony of commitment. Decisions to legally commit themselves in Civil Union were based on gaining legal protections, presentation to others and acceptance as a committed couple. The study explores the link between politics and same-sex civil unions as well as the relationship between public spaces and the private and personal civil union experience.

Key words: Civil Unions Law, LGBTI+, family, same-sex marriage, politics, public sphere.

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CHAPTER ONE INTRODUCTION

This dissertation focuses on same-sex civil unions in Malta with particular reference to same-sex couples' experiences regarding the Civil Unions Law. A brief historical account of the Civil Unions Law as well as a sociological evaluation of same-sex couples and their experience of civil unions is given. The objectives of this study and an outline of the following chapters are highlighted in the Introduction.

1.1 Personal Motivation

A number of factors have influenced the choice of this research topic, primarily a keen interest in the social events which in a way or another contribute to the domestic environment. However, what mostly inspired me to carry out this research was a personal experience of having touching social conversations with a same-sex couple. This couple were not adequately informed about the Civil Unions Law and their lack of interest may have resulted from the fact that their parents and siblings do not engage in conversations with them regarding their sexual orientation and their relationship. One of the partners admitted that his family of origin considers his partner as just a friend living with him. Moreover, they bought a property together even though one of them already had an apartment in which they were living. This personal experience led to various observations and to the realisation that the Civil Unions law is more than just a civil law, embedded in politics. It is also refers to human experience, an event where a couple is making legal and civil commitments to each other.

During my conversations with the above-mentioned couple I could notice the lack of knowledge they have about the Civil Unions Law. When I suggested that they should familiarise themselves with the MGRM (Malta Gay Rights Movement) in order to gain more knowledge, they took this into account and discussed the relevance of this law to their relationship. I was struck by the fact that this couple, while not giving any particular importance to the idea of joining in civil union, were at the same time investing their energy in a legal process in order to buy a property together. However, at the end of the conversations the couple started to realise that it was of personal importance for them to join in civil union. The social debates going on during the political process concerning the Civil Unions bill set in motion my enthusiasm to ask sociological questions about the legalisation of same-sex civil unions. This thesis is the result of my attempt to address the stipulated questions.

1.2 Objectives of this study

“The introduction of divorce legislation in 2012 marked a notable advance for Maltese Civil rights” (TPPI, p.1, 2013).

The “Same Sex: Same Civil Entitlements” document describes same sex couples as “modern extended family structures” (TPPI, 2013,p.4). This report was published in May 2013 by the non-governmental organisation (NGO) by the name of Today Public Policy Institute (TPPI). Culture relates marriage with stability. According to MGRM (2012) the fact that same-sex couples are not offered the option to solemnise their relationship, devalues their relationship. Moreover, not having the opportunity to marry is also a sign of exclusion from society. According to MGRM “*only marriage equality can provide the recognition that such families deserve and which should be theirs by right*” (MGRM, 2012, p.1). Likewise, excluding same-

sex couples from getting married reinforces discrimination against these persons. Discrimination creates social exclusion and this in turn shows that same-sex couples are not members of our society (TPPI, 2013).

In the mid-1970s, Malta decriminalised sodomy. This was a move towards gay rights and it happened at a time when it was still too early to talk openly about the subject. In 2012 Malta made the next move and extended the granting of civil rights to minority groups, first by issuing the divorce law and then by introducing the Civil Unions Act, the latter representing a milestone with regards to same-sex couples. This law is very opportune for gay people who are in a relationship, since it protects their relationship under Maltese law. It is a narrative of politics, politically linked with the divorce law and the decriminalisation of sodomy. Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons' rights, in particular same-sex couples' rights, have been embedded in a linear narrative of progress and political action towards that progress.

Since sociology deals with social behaviour, this sociological study with its particular reference to same-sex couples living together, attempts to research how same-sex couples live their family life within society. This aim will be achieved by looking into the unity and stability of same-sex families, while at the same time assessing to what extent these couples equally share their rights and responsibilities during their union. This study also aims to explore if and how the Civil Union legalisation impacted on same-sex couples' relationships. Adopting a qualitative approach this study seeks to identify how same-sex couples experience the civil union law. Additionally, this research explores couples' household roles in the domestic space. Furthermore, it aims to identify same-sex couples' perception of child adoption. This dissertation also delves into the barriers same-sex couples may encounter in relation to adoption.

1.3 Methodology

For this research, a qualitative approach was employed, since this facilitates the collection of in-depth information from same-sex couples, focusing on everyday behaviour in their domestic space. Moreover, the influence of the Civil Unions Law on same-sex couples in the domestic space was also investigated. For this purpose, information meetings were held with the participants to better explain the nature of the study. Following these meetings the participants were interviewed.

This qualitative research was conducted by using snowball sampling, with the final sample consisting of both same-sex couples in civil union and also same-sex couples who are not in civil union. An important requirement was that the couple should have been living together for at least one year. The interviewed couples live in different areas around Malta.

A total of 14 couples aged between 29 and 51 years were targeted to share their perception of Civil Unions Law and to describe how, if at all, this law has affected their relationship. All the participant couples are residents in Malta with at least one of the partners being Maltese. It is pertinent to point out that twenty-four couples joined in civil union during the first year of the Civil Unions Law.¹ Couples who join in civil union in Malta are entitled to the same rights and responsibilities of a couple who enter in civil marriage.

¹ <http://www.timesofmalta.com/articles/view/20141217/local/24-couples-enter-civil-union-in-malta-gozo.548676>

1.4 Civil Unions Law

This study aims to investigate the views of same-sex couples about the fact that the legalisation of same-sex couples in Malta was titled *union* and not *marriage*. The picture below shows Malta celebrating the passing of the Civil Unions Law on April 14th, 2014. Around 1,000 people celebrated at the Palace Square in Valletta. A large wedding cake was set up as part of the celebrations. In summary, this study is an attempt to explore the experience of same-sex civil unions in Malta.



Figure 1.1: Civil Unions Law Celebrations ²

Observations made prior starting this research, triggered a number of sociological research questions such as, for instance, the reason why the celebrations of the introduction of the Civil Unions Law in Malta were held in a public theatre mostly used for political celebrations. In

² <http://www.timesofmalta.com/articles/view/20140414/local/same-sex-unions-approved-celebrations-in-valletta-opposition-abstains.514992>

fact, politics is of significant importance to this research study not only with regards to the wider local context but also in its specific relationship to same-sex couples' experiences of the Civil Unions Law. The study strives to assess in what ways, if at all, have contemporary structural, legislative and political changes affected the lives of same-sex couples.

1.5 Why is the study important?

This study is mathematically non-representative since it is not based on random sampling. The actual sample used to carry out this research focuses only on a small group of people, but the results and findings can still contribute to other potential research studies. In other words, the targeted research objectives will provide results which will be useful for other prospective studies that may be carried out, by myself or by others, in the future. This research study aims to provide information on how the Civil Unions Act is perceived by same-sex couples and thus will hopefully contribute to identify ways of possible improvements and changes with regards to this law. The resulting findings of this study have potentially useful implications for community agencies and politicians who wish to support same-sex couples living in Malta. And it is finally hoped that this dissertation may influentially contribute to the development of laws and social policies that affect same-sex families.

1.6 Structure of dissertation

After presenting a brief outline of the research, this dissertation offers a literature review of scholarly sources related to same-sex relationships. This review makes up chapter two of this study. The first part of this review analyses the social perspectives in lesbian and gay studies. The second part explores studies about legal recognitions of same-sex couples, while the third part steps into the findings of existing studies on same-sex relationships and their domestic

life. The literature review is followed by chapter three, an important chapter which outlines the developments of the legal and political process of the Civil Unions Law. Chapter four delineates the methods and methodology employed in this study. This chapter also outlines the research questions and the ethical issues involved and relevant measures taken. The next chapter has to do with the data analysis of this study. Finally, the concluding chapter of this dissertation discusses the main points developed in and from this research.

CHAPTER TWO

LITERATURE REVIEW

While Malta has legalised same-sex unions, there are still gay persons who are experiencing discrimination for being members of the LGBTI community. Since this thesis focuses on the social aspect of same-sex couples the term gay person is used rather than homosexual. In this thesis gay person refers to man and woman with a reference to the social aspect rather than to the sexual preference. The law itself does not refer to same-sex unions as marriage, using, instead, the word union. However, in this study I am not interested in exploring discrimination against gay couples but I will be focusing on gays' family life experiences within the newly available civil unions.

This research study primarily investigates how same-sex couples experience Civil Unions law and gays' gender role within their relationship. Therefore, this chapter will look at previous studies focusing on this subject, with particular attention given to sociological works on gender and the family.

This chapter starts by introducing sociological perspectives in lesbian and gay studies including deviance, equality and the social integration of gay persons. The second part of this literature review focuses on the family life of same-sex families, presenting the data gathered

from previous studies in the field of the sociology of the family. The third part has to do with homosexuality and gender, discussing gender identity and gender stereotypes. This literature review ends with a summary of the main findings of existing studies.

2.1 Social Perspectives in Lesbian and Gay studies

“For the first hundred and fifty years of its history, sociologists were mute on the subject of homosexuality.” (Nardi and Schneider,1998:3). During the 1960s, when sociology became an important discipline, deviance within society was a major field of study. This was also stated by Seidman (1996), according to whom during the early 1970s, sociologists looked at homosexuality in relation to social stigma, and they considered homosexuality as a deviant behaviour.

Earlier studies in the sphere of homosexuality employed the term ‘queer’ when dealing with the subject of homosexuality. The word Queer originated as an alternative term to Lesbians Gays Bisexuals and Transgender (LGBT). In the late 19th Century the term Queer was widely used as a substitute for the word homosexual. The online Oxford dictionaries define the term queer as ‘strange and deviating from the expected or normal’. More recently, in an attempt to counteract the belief that this queer behaviour was deviant, the terms homosexual or gay started to be used. By the late 1960’s there was a shift in focus from what makes a person gay to what their social role is. It is not the gay persons that needed to be studied but the experience of gay person in everyday social life (Nardi and Schneider, 1998). Most research on homosexuality focuses on the gay person as an individual, rather than on the relationship the gay persons can have with another same-sex person. The individual approach, as the name implies, tends to ignore this and instead of focusing on this experience between two gay persons, tends to focus exclusively on the individual. In the words of Peplau and Cochran (1990:322), “sociologists, focus on the societal patterning of homosexuality”.

According to Peplau and Cochran these studies focused on the integration of gay persons within society, on social attitudes and behaviour towards homosexuality and, especially, on the socialisation of gay persons in gay communities. Contrary to the individual approach, relationship approaches focus on the sexual and romantic relationships that occur between gay persons. The relationship perspective analyses the goals and values that a gay person may have about relationships, as well as the causes leading to variations found among gay couples.

Furthermore, sociology focused on equality within society and it was therefore to be expected that besides focusing on gender equality, it would also focus on gay person equality within society as another special field of study. It was the Queer theory which influenced and pushed sociologists to change their approach to identity. According to Seidman (1996), sociologists focused on homosexuality in the context of increasing public awareness, the increasingly vociferous homosexual lobby and the political implications of homosexuality. Moreover, Seidman (1996) asserts that although by the 1960s sociologists were examining the social life of gay person, it was still commonly accepted that homosexuality is natural and that a gay is a particular kind of person. Among one of the first theorists who challenged this perspective and who began to tackle homosexuality as a social role instead of focusing on the social milieu of gay persons, was Mary McIntosh (as cited in Seidman, 1996). Seidman (1996:14) describes McIntosh's work as follows: "Rather than ask why some people become homosexuals, she asked what social conditions gave rise to the idea that homosexuality is a distinctive human identity." This indicates a shift towards a focus on the social aspects. In actual fact, this study also focuses on the social experience of same-sex couples as they experience a new opportunity in the Maltese society, referring to the Civil Unions Act.

2.2 Sociology of the Family

Sociology of the family is relevant to my research topic because the Civil Union Act grants the status of family to same-sex couples. Once these lovers are living together, they start experiencing family life within a family environment. Therefore division of labour, marriage rituals and other similar aspects are also experienced by gay couples in civil unions. In fact, several studies have focused on same-sex families as it will be shown in this part of my literature review. These studies help develop further information on how sociologically; the Civil Union Law can contribute to a family life experience.

2.2.1 Marriage and the status of family

McCarthy and Edwards 2011 argue that the term family has created a lot of controversy. They claimed that the idea of families of choice was created and used as a political statement in support of the rights for gay persons. They asserted that when the term “families of choice” is used it is referring to the values of love, intimacy and friendship ethic. Families of choice can thus include partners, lovers, ex-partners, friends and children, with the people involved considering their relationship as family. Moreover, they explain that families of choice are achieved and not ascribed relationships, in other words relationships that are acquired personally and socially through choice and effort. Families of choice are not the traditional, heteronormative families. “The nuclear family is often associated with the idea of traditional family” (McCarthy and Edwards 2011:72.). This assumption of the nuclear family as the norm might be challenged since in today’s society, different forms of family are influencing the meaning of family. This study investigates whether same-sex couples refer to heteronormative families.

In addition, Eggebeen, (2012) argues that “Today children can be found in a variety of family arrangements.” (p.775). Eggebeen claims that originally there was a stigma attached to these new family settings, which is no longer the case today. He noticed more tolerance generally being shown towards these different families, like divorced families, cohabiting families and same-sex families. Other social scientists also observed that: “Same- Sex- Marriage (SSM) – marriage between two persons of the same-sex – is a new social phenomenon, leading to a new type of family formation.” (Chamie and Mirkin, 2011:529). This study investigates if tolerance is being lived by same-sex couples as one must keep in mind that these studies mentioned were not carried out in Malta.

Marriage between a man and a woman has always been one of the basic building blocks of a family. However, since the introduction of the possibility of civil unions among gay persons, the definition of family has created a lot of political and social debates. In Patterson et al terms: “Around the world, social and legal definitions of families are undergoing dramatic change.” (Patterson et al, 2014:189). A personal observation made while watching the Annual Gay Pride Parade that took place in Valletta, was the highlighting of the word ‘family’ on the numerous posters used. Moreover, this year the theme of the said parade was “Family: Where Love Matters More”. This is a case in point that confirms that aspirations to a new form of family in contemporary Malta.

It is often the case that same-sex couples have not been taken into account in family research. (Biblarz and Savci, 2010 cited in Ocobock, 2013). However, the legalization of same-sex unions has triggered debates about the decline of the nuclear family. According to Biblarz and Savci, 2010 in the 1990s, same-sex relationships were not legally recognised anywhere in the world and thus, families made up of gay men, lesbians, bisexual and transgender people were highly criticised. However, this cannot be localised as the 1990’s are fairly recent and even

though Civil Union Act was introduced in 2014, this study explores the relationship between the later mentioned law and social integration of same-sex couples in Malta.

According to Mck. Norrie (2005) neither marriage nor the traditional family is devalued if same-sex couples are to gain benefits usually given to married couples. As Mck. Norrie (2005:256) puts it, “The traditional family is not the only family form, and non-traditional family forms may equally advance true family values”. Moreover, Mck. Norrie (2005) adds that it reflects a feeling of superiority if one believes that giving equal benefits to same-sex couples will harm heterosexual couples. In Mck. Norrie’s (2005:258) terms, “This is not to suggest that society has become amoral in its views of family, personal relationships or even the criminal law. Rather, human rights have become the new morality”. Family relationships are moralised, as well as same-sex relationships, possible moralised in different ways. This develops a sociological question on the morality of kinship. Same-sex couples do not exist outside family morality. My research shows that same-sex couples have a morality. Participants embed a new kind of relationship into family relationship.

Same-sex couples tackle family issues in the same manner as families of heterosexual parents treat these matters. However, unlike married heterosexual couples, same-sex couples live in a society that almost always is reluctant to consider them as a family, a society in which citizens might be heterosexist or homophobic.

Sugrue (2006) argues that there are different perspectives from which one can look at same-sex marriage. Firstly, if same-sex couples are free to form a relationship together than they should also be free to be legally recognised by the state and legally enter into a union. If they are excluded from getting married than they are left without the rights and responsibilities attached to marriage. Moreover, Sugrue explains that not allowing same-sex couples to be

recognised by the state is “to assign to their unions second-class status” (p.172, chp 8). On the other hand, another attitude towards this type of marriage is that the state is responsible to maintain social order and preserve the core norms of social institutions in order for these institutions to be successful. “Seen from this perspective, the sexual revolution is to the family what communism is to the market.” (p.174). Thus, same-sex marriage will be harming a core norm, keeping in mind that “An institution is nothing if it is not a set of conventions, or norms, that serve a coordinative function. As marriage is a normative institution, the move to redefine it by erasing one of its constitutive norms is a potent attack, one that can be expected to have long-term and far-reaching consequences.”(p.174-175). If the state changes the definition of marriage than the state is also destroying the normative link between marriage and family. “The state gains power through this move, while the family, and its most defenceless members, our children, lose their bearings.” (p.175).

According to Sugrue (2006), advocates of same-sex marriage seek to change the conjugal society. This change depends on two validations of same-sex marriage. These are:

1. The link between marriage and procreation should be abolished. “Marriage is not primarily an institution for the rearing of children, but one that advances the comforts and needs of adults who choose it. ... marriage is a contract, binding two adults for so long as they may choose.” (p.181). If infertile heterosexual couples are permitted to marry then also gay couples should be allowed to marry. However, this viewpoint was widely criticised since normally infertility is only recognised when the couple attempt to have children and not before they decide to get married. This argument is also significant to my research study. My research demonstrates different perception that same-sex couples have with regards to the Civil Union Act, especially the fact that it was titled union and not marriage.

2. Gay persons requesting same-sex marriage claim both the right to marriage and the right to raise children. They argue that “Same-sex marriage will protect the children under their care so that these children will not be stigmatized, or otherwise disadvantaged, by having two parents of the same-sex.” (p.182-183). This standpoint was also criticised for several reasons. First of all, those who are in favour of gay couples raising children do not make a distinction between same-sex couples adopting a child and a parent who leaves her/his partner for a same-sex lover, nor do they distinguish between children in need being adopted by gay persons and the production of children through artificial means. Gay couples adopting children in need will only make these children’s situation worse. Once gay couples are given the right to marry, they will also ask for the right to procreate, thus the demand for reproductive technologies will also increase. Moreover, this will make children vulnerable not because members of the LGBTI community lack sufficient parenting skills but because these children do not belong to same-sex couples. “It is a socially constructed family that can survive only as long as favourable social conditions exist.” (p.185) Adoption should cater for the needs of the children concerned and not accommodate the desires of adults (the desire to raise children). In fact, this generates another research question and thus, this dissertation explores how same-sex couples relate to parenthood.

Similar to Sugrue’s second argument, Berkowitz 2007 claims that, “Sociohistorical shifts in definitions of families have also helped free gay men to have the thought that they can be both gay person and father children” (cited in Biblarz and Savci, 2010:486). In addition, Abela and Walker (2014) argue that: “Marriage has traditionally been the prerequisite for legitimate procreation and child rearing across the globe. Indeed, being married and having children have traditionally brought with them the status of being a family, but shifts in partnership

formation have inevitably impacted on the transition to parenthood” (Abela and Walker, 2014, p.8). Abela and Walker notice these contradictions:

1. Increased freedom of choice of partnership formation versus the constraints associated with being a parent.
2. Increased pressure of good parenting by both father and mother versus parenthood requiring no form of family structure.

When gay couples decide to raise kids they may encounter several challenges. They may receive little or no support from institutions such as health care, education and employment, possibly due to the number of homophobic persons working in these institutions. Besides, gay persons who want to become parents need access to information on how they can become parents, guidance about their children’s development and about the support services available for gay parents. Also, legal issues such as their rights and responsibilities as parents, as well as financial issues are taken into consideration. Furthermore, social and emotional concerns are also examined. For example when a gay couple decide to raise children; they may experience intolerance from the children’s birth family and may receive no support from friends (Patterson and Chan,1999). This is arguable, as there may be other factors that a same-sex couple may face. As a matter of fact, this dissertation points out different challenges that same-sex couples face in order to raise children.

To sum up, Kinkler and Goldberg (2011) carried out a study among 37 same-sex couples who live outside of large metropolitan cities and who were in the process of adopting their first child. They report that these parents face different obstacles such as:

1. Difficulties in finding an adoptive agent willing to work with same-sex couples, especially local faith agencies, even though they present themselves as Catholics.
2. Unsupportive adoptive agent workers, who unnecessarily delay proceedings.

On the other hand, the MGRM (2012), LGBTI families in Malta may be formed in different ways, such as:

1. Biological or adopted children of one of the partners, could be a result of a previous relationship with a person of the opposite sex.
2. A single gay person who adopts.
3. One of the partners adopts the biological or adopted children of his or her partner.
4. Gay person or couples fostering a child.

In addition, Solodnikov and Chkanikova (2010) argue that there are different situations in which children may be raised in same-sex unions, such as:

1. A child born of a previous heterosexual relationship is brought up by the partner who is in a gay relationship.
2. Same-sex couple adopting a child if permitted in their country.
3. The child was born by means of in-vitro fertilisation (IVF)
4. In the case of a lesbian union, the use of sperm donor or sperm bank to conceive the child.

This study takes into account these variations, however, since the law directly refers to adoption, participants are asked to express their opinion about their desire to adopt. Solodnikov and Chkanikova (2010) report that according to a population census carried out in United States, 34 per cent of lesbian couples and 22 per cent of gay couples were raising

children up to the age of eighteen. They emphasise that the first step towards allowing same-sex couples to adopt, is the legalisation of their unions as a couple. However, they noted that most countries do not approve of gay persons, let alone accepting gay couples to raise children since people believe that these couples harm children's gender identity and sexual orientation or their physical or mental wellbeing. This argument stimulates another research question of exploring the possibility of a relationship between the legal recognition of same-sex relationships and the legalization of same-sex adopting children.

According to Gates (2009), in the United States it is much more common for same-sex couples who are legally committed to raise children, when compared with couples who have no legal recognition. Moreover, Gates (2009) reports that among lesbian couples, one of the spouses had children from a previous heterosexual relationship (cited in van Eeden-Moorefield et al, 2011).

Solodnikov and Chkanikova (2010) also noticed that those people who disagree with children being raised by same-sex couples, question whether these children will be provided with appropriate gender roles. According to Solodnikov and Chkanikova (2010), psychologists are concerned that children will copy the sexual orientation of their parents. Solodnikov and Chkanikova (2010) found a considerable amount of gay couples who are willing to raise children; however they also noted that these couples prefer that their children socially interact with children coming from same-sex families.

A study carried out in Spain by Frias-Navarro and Monterde-i-Bort (2012) assessed the current opinion about children living with a same-sex couple. This research study is based on a sample of 212 university students with a mean age of 22 years and among whom 78.3 per cent was female and 21.2 per cent was male, with the rest not specifying their sex. This study finds "a new expression of homophobia that is less aggressive and less open, not just as

discriminatory as the traditional one, and that requires the elaboration of new measurement instruments.” (Frias-Navarro and Monterde-i-Bort, 2012 p.1274). Morrison and Morrison, 2002 (cited in Frias-Navarro and Monterde-i-Bort, 2012) argue that the modern prejudice toward sexual minorities reflects one or more of these beliefs:

1. Same-sex couples are making unnecessary requests for changes in the status quo.
2. Discrimination against gay persons is a thing of the past.
3. Gay men and lesbian women give excessive importance to their sexual orientation spreading their own marginalisation.

Frias-Navarro and Monterde-i-Bort’s (2012) study reports that gay couples are afraid of becoming parents. This study identifies two reasons for the resistance of parenthood:

- a. “Individual opposition” (p.1283) due to the effects of gay parenthood.
- b. “Normative opposition”, that is social pressure due to a heterosexist society.

According to Frias-Navarro and Monterde-i-Bort (2012) “heterosexist beliefs frame the so-called modern prejudice” (p.1283) and in fact, this study scores more on normative opposition. My study shows that there are other reasons why same-sex couples resist parenthood.

Frias-Navarro and Monterde-i-Bort (2012) argues that the results of their study emphasise the value of a father and a mother as fundamental features for the development and adjustment of the child. Most of their respondents believed that same-sex orientation is learned and therefore this correlates with the opposition to gay parenthood. “The interpretation of the discrimination finds support in the manifestation of modern prejudice, which hides behind the

heterosexist argument: In a heterosexist society, it is better for the child not to be raised and educated by gay or lesbian fathers and mothers.” (p.1284). On the other hand, Gallagher, 2006 maintains that social science researchers claim that children raised by same-sex parents can do educationally, emotionally and socially as well as children raised by a heterosexual couple. Love and commitment is what matters and not the sexual orientation of parents.

2.2.2 Legal Recognition of same-sex relationships.

This section of the literature review goes through the legal recognition of gay relationships; this is being done since the Civil Unions Act gives a status of family to same-sex lovers. Once they are legally unionised these couples become a family. Thus, this section will explore literature that focuses on reasons why same-sex couples demand the legal recognition of their marriage as well as on the outcomes of such unions.

Marriage is the process by which relationships become legal and public. In fact there are several reasons why people in love want their relationship to be legally recognised. Several researchers studied the reasons why gay persons seek to have a legal marriage. The outcomes of such unions were also explored. According to Henry J. Kaiser Family Foundation 2001; Met Life 2010: “A large number of lesbians and gay men have expressed an interest in being legally married, if this option were available to them.” (cited in Witten and Eyler, 2012:113) .

Rostosky et al. (2006) carried out a qualitative study focusing on 14 same-sex couples (7 gay men and 7 lesbian couples). The purpose of this study was to explore the meaning of commitment for same-sex couples. According to Rostosky et al. (2006) gay couples explain commitment as their engagement as a couple in investments, rewards, sharing of costs, recognising their ideals and personal values. This study also reports that same-sex couples

point out that their legal constraints and the disclosure of their relational status affects their experience of commitment to each other.

Quam et al. (2010) carried out a study exploring the experiences of 145 persons in the United States who are in a long-term same-sex relationship of more than ten year; the study included persons who are over the age of fifty. Quam et al. investigated how same-sex relationships operate, how they construct roles in their relationship, what makes their relationship successful, the level of satisfaction they get from a long-term relationship and their interest in the legal recognition of their relationship. This study compared same-sex couples with heterosexual couples. Quam et al. (2010) assumed that older participants in the study would be less interested in marriage because they lived in an era where homosexuality was considered a mental illness. In a study of almost 800 gay persons aged 40 to 61 years, de Vries, Mason, Quam and Acquaviva, 2009 (cited in Witten and Eyler, 2012) reported that gays living in countries where civil unions are not recognised tend to prepare for the end of life (such as drawing up wills) more than those who are legally married. Single gay persons experience a greater fear of dying than those gay persons who were part of a couple; thus, decreasing fears of death when forming part of a legalised relationship can be another reason why gay persons desire to acquire civil union status.

However, some other studies ignored those gay persons who do not want to legalise their relationship and focused exclusively on those who are willing to do so. These studies focused on the reasons why same-sex couples want their relationship to be legally recognised. For example, Ocobock (2013) reports that gay men were expecting that the legalisation of civil unions would help them achieve the desired social status and acquire the ensuing support; they were thus interested in civil union for these particular reasons. However, Ocobock claims that their relatives reacted differently than the gay men thought they would. In fact, Ocobock

(2013) states that although marriage is often linked to positive upshots, it can also have negative outcomes, such as family denial. Ocobock's study (2013) reports that over two thirds of the men participating in her study noticed their legal marriage positively affected their relationship with their families of origin. Once they got married positive outcomes emerged. These positive outcomes included:

- Their families were accepting, recognizing and giving more value to their relationship.
- Gay men's families came out with new gestures of support.
- Gay men felt an increased sense of belonging and greater family inclusion.

(Ocobock, 2013).

Therefore, Ocobock concludes that the presence of family members at same-sex weddings is an evidence of support (Ocobock, 2013). However, Ocobock also reports negative outcomes of same-sex marriages. These negative outcomes of same-sex marriages include:

1. Same-sex married couples start experiencing a new rejection.
2. They lose their families' support.
3. They are excluded from participation in family events.

Moreover, a study carried out by Solomon et al. (2005) reports that 53.7 per cent of same-sex respondents said the major changes they experienced since the civil union were in their love and commitment, while 63 per cent experienced a change in their opinion concerning the granting of a legal status to the relationship.

Other studies point out that to receive family support and acquire a sense of belonging, are two further reasons why the legal recognition and protection of same-sex couples are important. However, others argue that these are not the only reasons. This topic raises a lot of

interest and thus, my research study investigates the possible reasons why same-sex couples want legal recognition of their relationship. Fredriksen-Goldsen (as cited in Witten and Eyler, 2012) for example, claims that legal recognition is extremely important in case of a health emergency, that is the right for same-sex partners to become legal next of kin to each other and therefore be able to support their respective partner during private health incidents. A case in point is the event described by Epstein. Epstein (as cited in Witten and Eyler, 2012) describes a situation where the court favoured hospital staff for not allowing a partner of a gay man to visit his dying lover since he was not legally considered a family member. My study shows that family life is not about support but also about affective relationship.

Other studies also report that love is the major reason why same-sex couples would like to acquire legal recognition of their relationship. The majority of respondents in a study by Solomon et al. (2005), claimed that their main reason for seeking a civil union was love and commitment to each other, while 91.6 per cent stated that it was simply their wish to give a legal status to their relationship. Moreover, 59.7 per cent of civil union couples said that what moved them to have civil union was their aspiration for society to know about gay relationships. The following are other reasons – with scores of around or less than 10 per cent – given for having a civil union:

- Factors related to children - 10.4 per cent.
- Factors related to parents or partner's parents - 3.0 per cent.
- Factors related to property - 5.1 per cent.
- Factors related to finances - 6.0 per cent.
- Factors related to own or partner's job - 0.9 per cent.
- Factors related to health benefits - 8.1 per cent.
- Factors related to a will or inheritance - 8.1 per cent,

- and other reasons - 2.7 per cent.

(Solomon et al. 2005).

Furthermore, in a study carried out by Quam et al. (2010) the majority of participants reported that they would marry if the opportunity became available. Most of the participants said that they would marry if that would gain them Social Security benefits, legal and financial protection. Despite this, a few participants, especially those aged 65 or over, were less willing to travel to another state to legally marry. However, when comparing younger gay participants, these were more likely to be similar to heterosexual couples, in the sense that, they are more likely to buy a home with their partner and to share incomes. Moreover, they were more interested to travel to another state to get legally married especially if no benefits were available in their home state.

Schechter et al. (2008) carried out a study of 50 married and not married same-sex couples in Massachusetts. Schechter et al. (2008) reports that while some couples are not willing to mark their commitment in public, the majority of their respondents claimed that committing to one another in front of their family and friends was very meaningful and important. The primary reason to legally marry given in this study was to gain legal benefits. This contrasts with the findings in the study by Solomon et al. which reports that the major reasons given for entering into a civil union were related to finance, health benefits and inheritance. One must note that Solomon et al.'s (2005) study focused on Civil Unions in Vermont, while that by Schechter et al. (2008) focused on legal marriage in Massachusetts, but the laws in both states offer the same benefits and protections. However, most of the couples in the latter study mentioned that they had also experienced other positive impacts, such as feeling more committed to each other, the perception of family and friends acknowledging them more seriously, a greater

sense of social belonging, recognition and equality, and noticing a decrease in homophobia.

These results are similar to reasons cited by Solomon et al. (2005).

Schechter et al. (2008) claims that participants in their research study experienced a sense of justice and equality at having the opportunity to legally marry like heterosexual couples. Some couples proudly described the opportunity as winning what is normal. However, other couples expressed their fears of losing their unique characteristics of the gay communities. Still the majority of couples (including those not interested in legally marrying) highly value the accessibility to legally marry.

Chamie and Mirkin (2011) mention the arguments that proponents of same-sex marriage put forward. These are:

- Marriage is a fundamental human right.
- Couples who marry gain rights and privileges.
- Marriage also gives a social status.
- It also provides legal and state recognition.
- It promotes personal commitment and security between partners.
- It promotes monogamy and safer sex, thus reinforcing commitment to a partner and decreasing the spread of sexually transmitted diseases.
- Marriage leads to the inclusion of a minority group, that is gay persons, into mainstream society.
- It reduces discrimination against gay persons and any form of violence and abuse.

However, Chamie and Mirkin (2011) also list a number of arguments against same-sex marriages. These objections include statements such as:

- The main function of a marriage is reproduction, for the benefit of society to ensure its continued existence.
- To a great extent, same-sex marriage leads to traditional marriage becoming open to such forms of marriage as polygamous marriages.
- Same-sex marriages are against the intentions of God and are thus considered as being immoral.
- Traditional marriage promotes the interests of society and of children since these will have both a mother and father.
- Adoption of children by same-sex couples is considered unsuitable for the upbringing of children and undesirable for the well-being of society.
- Governments of states allowing same-sex couples to adopt may experience a new challenge in having to provide fertility treatments.
- Couples who have legally married outside their country may face complications in cases of divorce. The reason is that it is difficult for different countries having varying legislations concerning same-sex relationships, to provide common policies.

“The institutions and definitions of marriage and the family are undergoing fundamental transformations resulting in social and political stresses and tensions as well as legal challenges.” (Chamie and Mirkin, 2011, p.543) These tensions are expected to increase due to migration resulting in people embracing different marriage customs, norms and family traditions coming together. Chamie and Mirkin (2011) suggest that political organisations both on a national and international level, should tackle this problem in order to eliminate social conflict.

Sugrue (2006, 188) argues that “without the power of the state, privacy rights, like same-sex marriage, would not exist. The right to do whatever one wants to do can only exist in a society that removes all impediments and tidies up the social dislocations and inconveniences created by the sexual indulgence of its members. What results is soft despotism incarnate; adults are free to gratify themselves so long as they don’t seek to rule themselves in common with others. This turn inward, for the sake of self-gratification, is politically enervating and potentially oppressive.”

In Sugrue’s terms, “same-sex marriage is necessarily a political institution, whereas marriage is pre-political.” Marriage between a man and a woman can exist without state power because this is considered the norm, while same-sex marriage needs state authorisation. Same-sex couples can only marry if the state permits it and, if they can, then the state shall define marriage as “it transforms marriage from a pre-political obligation into its own creation.” (p.189). Where marriage exists as a pre-political institution the couple does not require the state to create parenthood or define who belongs to whom. However, with same-sex marriages the situation changes completely as the couple needs the state to define their responsibilities and accept them as parents. Children raised by gay parents need to learn the needs of the parents since they may have entered into same-sex marriage for self-gratification. Sugrue (2006) claims that it is sad to see that governments are being lost in the persuasive speech of liberty and equality. By allowing same-sex marriages, marriage is becoming a political institution offering the possibility to satisfy one’s own needs and individualism. Speaking in an American context, Sugrue argues that same-sex marriages will destroy political liberty and weaken the culture climate in which children learn to be able to control their own behaviour. This is harmful both for the children’s wellbeing and for political sustainability. In addition, Sugrue argues that marriage and religion have a mutually supportive relationship: “in democratic societies, religion, more often than not, serves civic

purposes. It teaches children and adults about their responsibilities to their fellow men and to society at large.” (p.192).

A study carried out by Ould and Whitlow (2011) between 2005 and 2008, investigates the kinship terms used by same-sex couples, to refer to their partner and introduce their status and their commitment. This is an important term; and it is highlighted in data analysis. Ould and Whitlow (2011) study is based in Massachusetts, the first state to legalise same-sex marriage in the United States, in 2004. According to Ould and Whitlow, the legalisation of same-sex marriage allows “gay and lesbian couples the right to make public statements of commitment and secure the legal, financial and social benefits of marriage.” (Ould and Whitlow,2011, p.1085). English speakers use the terms husband and wife to indicate their marital status and according to Ould and Whitlow, the use of the terms associated with marriage, such as husband and wife, increases after the couple marry. On the other hand, before getting married they refer to each other as partners. However, the terms used depend not only on the social environment they are in, but also on social integration and the perception of gay persons. “What we have shown through this research is that marriage is a powerful social institution that has allowed the gay men and lesbians in this study to adjust the kinship term that they use after they have been legally married... What we have learned is that the use of kinship or relationship terms in the married gay and lesbian community is context-specific.” (p.1107). This leads on to tangible questions and therefore, this study explores if the terms husband and wife are heteronormative terms.

2.2.3 Gay persons and their relationship with family of origin and friends

Family life is built up of relationships, that between the couple itself and also between the couple and other members of the family, such as children, grandparents, friends and so on.

This section will analyse the literature found on gays' relationships with their birth family and friends. These studies throw valuable light on the social acceptance of gay persons within society.

One argument put forward by several researchers who focused on the relationships same-sex couples have with their relatives and friends is that most of the same-sex families acquire support beyond their family environment: for example they can be supported by strong friendship groups, socialising with other gay persons and participating in gays' events (Haas and Stafford, 1998; Kurdek, 2004 in Quam et al. 2010).

On the other hand, Solomon et al., 2005, noticed a similarity between gay men in civil unions and married heterosexual couples in the sense that gay men in civil unions had more contact with their birth family; the couple had the same friends and were less likely to have arguments about ending their relationship than gay men not in civil unions.

Merino 2013 carried out a study among American society and found out that certain factors influence the level of support for same-sex marriages, namely:

- Level of education.
- Contact with gay persons.
- Level of religiosity.

According to Merino support from conservative and religious people is weaker and such persons tend to have less contact with gay persons. This limited contact with gay persons in turn results in having less positive information about members of the LGBTI community. Moreover, Merino concludes that many religious Americans support gay rights policies, but

although they support Civil Unions they oppose marriage rights for same-sex couples (Merino, 2013). This directs my study to explore the possible factors that influence the level of support for same-sex unions in Malta.

Today, living together without being married is becoming more common, something which used to be socially and culturally unacceptable. Nowadays marriage is increasingly losing its status as an essential condition for a couple to live together (Abela and Walker, 2014). However, Ocobock's study (2013) on civil unions reported that some of the participants claimed that when they entered a civil union, they experienced first time support from family members, for example by being addressed as son-in-laws and receiving comments such as their relatives declaring that they are proud of them.

Ocobock's study revealed that still some of the family relatives were unsupportive and refused to attend the same-sex civil union ceremony while on the other hand gay men's relatives who were against same-sex relationships, accepted to attend. This fact, i.e. that a good number of relatives of gay person still refuse to attend for the civil union ceremony of these gay persons, shows that more work and effort are required for these changes in family relationships to be more widely accepted.

Similarly, Quam et al. (2010) reported that friends were considered as the strongest supporters of gay couples in a civil union. However, some other such couples participating in the same study claim that they are also supported by their family. A low percentage of respondents identify support from faith community and colleagues at work. A significant number of respondents said that their relationship was not threatened by anyone. However, others said that their family (parents, children and siblings) challenged their relationship. Less numerous

were those who reported that religion, government or cultural entities disrupted their relationship.

Furthermore, according to Leznoff and Westley (1998) gay persons tend to join gay groups. The main purpose of setting up gay groups is to offer a normative environment for gay persons where they can feel accepted and not treated as deviants. This is even more crucial when gay persons live in a hostile environment. Likewise, Vries and Hoctel's (2007) study (cited in Witten and Eyler, 2012) reported that half of the participants in their study claimed that friends were more important to gay persons than to heterosexuals. Some gay persons believe that friends are their family. However, some other gay persons claimed that friends were more important to gay persons in the past since they used to be rejected by their family. Since the increased awareness of the normative model of gay persons (heteronormativity), friends are thought to be important to everyone and not just to gay persons. Solomon et al. (2004) (cited in Witten and Eyler, 2012) claimed that during a relationship conflict gay persons were more likely to receive support from friends than from family; however those in civil unions receive more support from their families, and this bears witness to the importance attached to cultural and societal perception. This study focuses on the social aspect of same sex couples entering in civil union, thus, it explores the experience of same-sex couples joining in civil union in relation to the support they receive from family and friends. As explained in data analysis participants also deliver positive comments in this regard.

2.3 Sociology of Gender Domestic Life

This part of the literature focuses on gender roles, gender identity and gender stereotypes of gay couples. Parenthood, division of labour, relationship and power. Gender refers to the socially constructed aspects of differences between women and men, thus referring to the masculine and feminine stereotypes and to the division of labour in institutions such as in the

family. In other words, it is the social division that sometimes is based on the sex of an individual (Scott and Marshall, 2009).

2.3.1 Same-sex relationship and Parenthood

There seems to be an agreement among sociologists on the definition of sex and gender. Sex is defined as the biological aspect, that physical component that actually distinguishes one from being a male or a female. In contrast, gender is believed to be achieved and learned during socialisation and therefore it refers to the social role and behaviour of the individual (Oakley, 1972 cited in Ingraham 1996). Ingraham (1996) argues that with the growth of gay and bisexual rights movement, this definition has become problematic and has to be reconsidered.

According to Peplau and Cochran (1990), social researchers explain that a gay relationship is made up of a couple who build their life together based on love and sex. However, Peplau and Cochran (1990) argue that if this definition were correct, than it would leave out others, such as:

- Two women living together and who do not have sex with each other or
- For example college roommates who have a sexual affair but insist that they are not gay persons or
- A couple who continue to live together even if they stop having sexual affairs.

Therefore Peplau and Cochran (1990) argue that gender plays an important part in defining a gay relationship. They noticed that researchers tend to emphasize sexuality when discussing gay men's relationships, while they associate love with lesbian relationships. Peplau and Cochran (1990) suggest that sex and love should not be considered as crucial elements of a

gay relationship. They also suggest that researchers should analyse different criteria such as the objectives and perceptions of a couple living together. Studies focusing on same-sex couples should also take into consideration whether the couple live together or not. This study takes this into consideration and in fact focus only on same-sex couples who live together. According to Quam et al. (2010:717) “In same-sex relationships, task duties may be more aligned with personal strengths that each partner brings to the relationship rather than an ascribed gender role.”

Almost in all societies, during early childhood socialisation, boys and girls are socialised into heterosexual roles, boys into male and girls into female sex-roles respectively. There is no family or society which socialises kids into a homosexual role. Some parents experience shock or guilt when they recognise that their child is gay person. Whitam (1998:83) argues that, “Homosexuality is neither a condition nor a role, but rather a sexual orientation.”

Other studies on gender and gay relationships have also focused on gay couples raising children. Fulcher et al., 2008 (cited in Biblarz and Savci, 2010) reported that children living in a family where tasks are shared equally among parents, tend to be less gendered. Lesbian co-parent families were found to have a less gendered division of labour and this might have influenced their children’s gender attitudes and behaviours. Moreover, Sutfin et al., 2008 (cited in Biblarz and Savci, 2010) found that lesbian parents tend to furnish rooms using less stereotypical masculine and feminine decorations and were less concerned about gendered stereotypical toys. Likewise, Mitchell, 1998; O’Connell, 1994; Goldberg, 2007 (cited in Biblarz and Savci, 2010) presented the same findings, reporting that adult children who grew up with LGBT parents were more tolerant and open-minded as a result of living in such minority families.

On the other hand, according to the Social Role Theory, stereotypes of social members (such as women, men) are a result of the occupations or roles that they traditionally occupy (Fingerhut Letitia, 2006). The study carried out by Fingerhut Letitia (2006), reported that the gay truck driver was identified as less masculine than the other gay male participants in this study. In addition, Fingerhut Letitia reports that past research has always reported that gay persons consider gay men to be more effeminate. In fact, Bell and Weinberg (1998) report that gay participants in their studies did not give identical answers to the vast majority of questions asked. They go on to argue that since the public forms stereotypes for gay persons, since people in general think that all gay persons are the same and go on to formulate a criminalized picture of gay persons, it is no wonder that heterosexuals exclude gay persons in society.

Whitam (1998:78) argues, “Homosexuality is neither a pathological condition nor a role, but rather a sexual orientation and no useful purpose can be served by regarding it as anything else.”

The use of a role theory to study homosexuality is not adequate; it disrupts the sociological definition of the term role. In Whitam’s (1998:78) terms,

“There is general agreement among sociologists upon at least the following three basic elements of role:

- (1) a role is a prescription for behaviour which has a prior existence in the social structure;
- (2) a role may be ascribed in the sense of age or sex roles, in which case individuals are socialized into such roles;
- (3) a role may be achieved in the sense of occupation, in which case an individual chooses to enact such roles.”

Biblarz and Savci (2010), noticed that the majority of studies report that when gay men raise children, they do so in ways more similar to lesbians and heterosexual women rather than to married heterosexual men. This means that they care for their kids in the same manner as women and lesbians do, since men in heterosexual families tend to assign child care responsibility to women. In addition, after reviewing several studies on gay and lesbian parenting, Patterson and Chan (1999) have concluded that the gathered data showed that gay parents divide parenting duties more equally than heterosexual parents. In spite of this they suggest that further studies should be carried out since most of the available studies focused on lesbian parents. Although this study does not focus on same-sex couples with children, it investigates the perception of same-sex couples in light of socialisation and stereotypes.

2.3.2 Division of Labour

Like any other family, same-sex couples need to come to terms with issues such as the use of money, space, division of labour, child rearing, decision making and so on. Some gay couples might be raising children who were the fruit of previous heterosexual relationships or marriages. Thus, they might face the same challenges that any divorced or separated person might face. This research study will explore the family life of same-sex couples and therefore it will give particular attention to division of labour as it is part of family life.

Several studies concentrated on how gay persons accomplish family tasks such as cleaning, cooking, and financial responsibilities. In a particular study carried out by Solomon et al. 2005 heterosexual couples were compared with gay couples and it was found that women in heterosexual relationships claimed that the majority of expenses, such as expenses to eat out, groceries, household appliances, rent and clothes, are paid for by their husband, while lesbians

in civil unions said that they share finances equally. Solomon, et al. (2005) claims that there was the same outcome when married heterosexual men were compared with gay men in a civil union. Likewise, a gendered division of labour was reported among married heterosexual women who revealed that they do more housework than their partner, while both gay men and lesbians, whether in a civil union and not, said that they share housework tasks equally. Solomon, et al. (2005) concluded that lesbian and gay men, practise and believe more in equality between partners than heterosexual couples who do not always share tasks equally. Married heterosexual couples reported more arguments and conflicts about housework than did lesbian and gay couples (Solomon, et al. 2005). This data is consistent with what Moore put forward, namely that in most studies focusing on white middle class lesbian parents, an equal sense of responsibility towards housework and childcare was reported. Likewise, Kurdek 2007 (cited in Quam et al, 2010) claims that in general, gay couples tend to share household tasks equally. Furthermore, several other studies have observed that lesbian couples are more likely to share household tasks equally than gay couples (Blumstein and Schwartz,1983; Carrington,1999; Kurdek, 1993 cited in Quam et al, 2010). Home is where family is made and this is why it is important that my study talks about domesticity.

The division of labour within same-sex families was researched among families both with and without children (Kurdek, 1993; Patterson, 2000 cited in Quam et al, 2010). Other studies focusing on gay families argue that in gay father families one partner tends to do more housework and perform more childcare duties than the other gay father; however here again it was reported that both partners tended to share tasks more equally than opposite sex couples (Johnson and O'Connor, 2002 cited in Biblarz and Savci, 2010).

Quam et al. (2010) also reported that gay persons consider themselves equal in the sharing of roles. However, they also noted that female participants showed greater equality in decision

making and in the sharing of assets than the males. However, less equity was reported with regards to sharing of household tasks such as cooking, cleaning and paying bills. One partner or another tends to be responsible for the task (Quam et al., 2010). In fact Quam et al. noted that in same-sex relationships tasks are spread and carried out by the partner who is better in doing certain tasks rather than having an ascribed gender role.

McIntosh (1998) argues that homosexuality should not be seen as a condition but as the person playing a homosexual social role. Role-taking refers to the manner in which partners in a relationship follow norms and guidelines developed by society. On the other hand, role-making refers to the way that partners create their own rules and objectives for their relationship (Peplau and Cochran. 1990). According to Peplau and Cochran (1990:343), “Some gay male relationships are structured at least in part by gender roles, with one partner playing a more “masculine” role and the other a “feminine” role.”

The matter of the division of household labour links to the matter of gender roles in same-sex relationships. Same-sex families might find it easier to experience relationship equity because partners are not controlled by traditional gender roles (Haas and Stafford, 1998 cited in Quam et al, 2010). Equity should also extend and refer to class, occupation, education and so on. Some tend to presume that among same gender couples, one partner plays the male role while the other partner plays the female role; however research has found that this is very rare and that usually both share domestic tasks equally (Kurdek,1995; Peplau et al., 1996 cited in Patterson, 2000).

2.3.3 Relationship and Power

Social scientists studied power in families in order to collect information about heterosexual families. This part of the literature will focus on power exerted by gay partners within their domestic space. This is of interest to my study since it will throw more light on the family life and experience of gays' families. Several researchers focused on the same subject giving particular attention to gay relationships. For example, Peplau and Cochran, 1990 report that on the whole most lesbians and gay men value equal power in their relationship. Peplau and Cochran, carried out a study comparing the relationship values of younger lesbians, gay men, and heterosexuals. They reported that 92 per cent of gay men and 97 per cent of lesbians said that power should be shared exactly equally. However, not all of them achieve equal power since only 59 per cent of lesbians, 38 per cent of gay men, 48 per cent of heterosexual women and 40 per cent of heterosexual men reported that their relationship is an equal power relationship (Peplau and Cochran, 1990).

According to Peplau and Cochran, 1990 (cited in Patterson, 2000) several surveys involving gay men and lesbian couples revealed that these couples believe that an equal balance of power is considered desirable, however not all of them manage to achieve equality. In fact, Peplau and Cochran, 1990 (cited in Patterson, 2000) report that only 40 to 60 per cent of gay men and 45 to 80 per cent of lesbians succeed in achieving an equal balance of power in their relationship.

Furthermore, the Social Exchange Theory predicts that the partner with greater personal resources (that is, the richer, the more educated partner) tends to have greater power (Peplau and Cochran, 1990). Consistently with this prediction, the study on young lesbians carried out by Caldwell and Peplau, 1984 (cited in Patterson, 2000) reports that a wealthier, better

educated lesbian was likely to have more power than her partner. Harry and DeVall (1978 cited in Peplau and Cochran, 1990), studied 243 gay men in Detroit, in the United States, and they report that 60 per cent of these gay men said that decision making in their relationship was shared equally, 24 per cent said that they made more decisions than their partner and 16 per cent said that their partner made more decisions than themselves. Harry and DeVall also claim that the partner with the higher income tends to have more power than the other partner. In addition, Harry and DeVall repeated the same study and concluded that the wealthier man in a gay relationship tends to have more power than the other partner. Besides, they also noticed that the older man in such a relationship had more power than the other partner (cited in Peplau and Cochran, 1990). Likewise, Blumstein and Schwartz (1983, cited in Peplau and Cochran, 1990) also concluded that income is an important factor to determine who of the partners in a gay relationship has more power. Moreover, Blumstein and Schwartz claim that one reason leading to breakups of gay relationships is unequal power, which was not the case for married couples.

2.4 Main findings of existing studies

Several studies have examined same-sex couples by comparing them with heterosexual couples. Different perspectives on same-sex families were presented. Following is a discussion of the main arguments reviewed. If same-sex couples are free to form a relationship together than they should also be free to be legally recognised by the state and legally enter into a union. On the other hand it was argued that if the state legalises same-sex marriage than the state is also destroying the normative link between marriage and family. In contrast, marriage is not primarily an institution for the rearing of children. However, others claimed that being married and having children has always given a relationship the status of a

family. It was also reported that gay persons believe that they can form a family although some consider as family members those persons who care and show solidarity with them.

Existing studies argue that allowing same-sex marriage will be of benefit to children adopted by same-sex couples since they will be less stigmatised. Moreover, some researchers concluded that the demand for reproductive technologies will increase as a result of same-sex couples being given the option of raising children who do not really belong to them.

Studies also reported that some gay persons expressed their fears of losing their unique characteristics of the gay communities to whom they belong, if they are allowed to marry like heterosexual couples. In contrast, the majority of gay persons consider the opportunity to legally marry like heterosexual couples as an act of justice and equality.

In addition, several studies investigated the reasons why couples were interested in getting married. The most frequently reported reasons were:

1. Love is the major reason, making the couple feel more committed to each other.
2. To receive family acknowledgment and support and acquire a sense of belonging.
3. The right for partners to become legal next of kin,
4. To give a legal status to their relationship and gain legal benefits.
5. Their aspiration for society to recognise gay relationships.
6. To gain social security benefits, legal and financial protection.

The majority of studies reported that although gay persons were willing to marry when this was not available in their home country, when they were offered the possibility to marry

abroad, different upshots were reported. Young gay persons were willing to travel to countries that recognise same-sex marriage while older gay persons were not willing to do so.

Moreover, the negative outcomes of same-sex marriages gathered from existing studies are that:

1. Same-sex couple experiencing new rejection.
2. Loss of family support.
3. Exclusion of the couple from participation in family events.

On the other hand, positive outcomes reported are the following:

1. Feeling more committed to each other.
2. Their perception of family and friends acknowledging them more seriously.
3. A greater sense of social belonging, recognition and equality
4. Noticing a decrease in homophobia.

The factors that influence the level of support for same-sex marriages, reported in existing studies were mainly:

- Level of education.
- Contact with gay persons.
- Level of religiosity.

Furthermore, some studies examined the challenges faced by gay persons when they decide to raise children. The main challenges reported were:

- No support from institutions such as health care, education and employment.
- Lack of knowledge on children's development and what support services are available for gay parents.
- Legal and financial constraints.
- Lack of support from family and friends.
- Unsupportive adoptive agent workers, especially religious agents.

Studies have also shown that not all gay couples are willing to raise children and the main reasons reported were:

- Individual opposition.
- Social reasons such as fear of discrimination as a result of heterosexist society.

Another underlying reason was that society questions whether children raised in same-sex families will be provided appropriate gender roles.

In relation to family life and the domestic space, several studies reported that:

- Both partners in same-sex families show equal care towards their children and tend to be more committed than heterosexual parents.

- Gay partners tend to divide child-caring and domestic tasks more equally than heterosexual couples.
- While some reported that gay persons have equal access to decision making, others stated that the wealthier, better educated and the older partner was more likely to have more power than the other partner.

The largest amounts of research on gay's family relationships focused on gays and lesbians coming out and revealing their true identity to their family members. It would be fruitful if more studies were carried out about the families of lesbians and gay men. Future studies should be of the longitudinal type, increasing current knowledge about the family structures and processes as well as highlighting public policies relevant to lesbian and gay families (Patterson, 2000). The rapid change in law and social climate relevant to civil unions request further studies.

Most of the research studies carried out have either focused on:

- the same-sex couple relationship between the two spouses or
- the relationship of the same-sex couple with the family of origin
- or else they focused on the social inclusion of children raised by same-sex parents.

Studies on lesbian motherhood concentrate on two categories:

1. Those lesbian families where one of the partners was a single mother, having given birth to the child during a previous heterosexual relationship
2. Or those who choose to have children through donor insemination or adoption, with the latter happening less often.

(Biblarz and Savci, 2010)

This literature is fundamental to my research study and clearly defines my research topic. It also gave rise to interesting sociological questions which in this study are localised and investigated. The data analyses chapter discuss at length the answers of my research questions.

CHAPTER THREE

LOCAL CONTEXT

This study extends the literature by focusing on the local context. In this chapter the focus is primarily on developments at the local level. To that end, special attention will be paid to the Malta Gay Rights Movement (MGRM) on the one hand and, on the other hand, the statements adopted by the Maltese Parliament. Prior to this assessment I will give a brief description of the various events in connection with the human rights of homosexuals under the Maltese legislation. Society cannot become modern overnight but there are various phases through which a modernizing society has to develop. Therefore, this chapter will go through the political and cultural processes that led to the Civil Unions Law in Malta. This chapter will put light on “the role played by Maltese political parties as agents of political modernization” (Pirota, 1994:99). Pirota (1994) defines political modernization as the process by which the traditional societies are influenced by new political structures and lifestyles to transform society into a modern one. The state must ensure that everyone should enjoy his or her own rights. In doing so, society is said to enjoy political and legal equality. This also means that a modern society is a secular one and therefore no religious leaders are allowed to set social policies. According to Pirota (1994:101) “A modern secular society, therefore, is one which is normally characterized by mutual respect, social, religious and political tolerance, and the absence of political violence of any sort”.

3.1 The Facts: Timeline of events

Various events contributed in one way or another to the approval of the Civil Unions Law in Malta. The following table includes a list of the events related to the process of the Civil Unions Law in Malta. These events will be described in more detail in this chapter.

Date	Event
1973	The law criminalising sodomy was repealed.
May 17, 1990	World Health Organisation (WHO) removes homosexuality from the list of mental disorders
17 th May	International Day Against homophobia and transphobia.
June 2001	Set up of MGRM.
Nov 25, 2005	Bishops speak out against same-sex marriages.
Feb 6 th , 2013	Malta Labour Party launched the electoral manifesto containing the proposal of Civil Unions Act. ³
October 2013	Civil Unions bill released.
14 th April 2014	Civil Unions Law successfully passed through the Maltese Parliament.

³ <http://www.timesofmalta.com/articles/view/20130206/news/labour-party-s-electoral-programme-in-full.456485>
Labour's Party electoral Programme in Full. Feb 6th, 2013. Retrieved on 19th August, 2014

17th April 2014	President Marie Louise Coleiro Preca signed the Bill and it became a law.
13th June 2014	First Civil Union registered in Malta

Table 3.1: Timeline of events related to Civil Unions Law

May 17th is the International Day against Homophobia.⁴ “On 17th May, 1990 the General Assembly of the World Health Organisation (WHO) removed homosexuality from their list of mental disorders.” Therefore, in 2005 the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) commemorated the last mentioned date – 17th May – and celebrated the first International Day Against homophobia and transphobia.² Since 1997 ILGA- Europe started participating in the Council of Europe. It works for equality and human rights of LGBTI people at the European level and also at United Nations level since it consults the European and Social Council of the United Nations.

On the first anniversary since the approval of the Civil Unions Law in Malta, some pedestrian crossings around Malta and Gozo were given a rainbow image in order to promote the rights of Lesbians, Gays, Bisexual, Transgender and Intersex persons (LGBTI). This is illustrated in the image below. Therefore, this study explores the relationship between the Civil Unions Law and the public space.

⁴ <http://ilga.org/ilga/en/article/546> May 17th is the Intl Day against Homophobia. WORLD, 4th May 2005.



Figure 3.1: First Anniversary of Civil Unions Law: Pedestrian Crossing⁵

3.1.1 Marriage Act: significant modifications

1. Before 1975 there was no difference between civil and religious marriages. In 1975, the marriage Act adopted a new format, giving the possibility to marry following civil procedures and principles, instead of religious ones. It was now a Civil Law rather than a Canon Law. (Falzon, 2012).
2. In 1991 Malta adopted the United Nations' Convention on the elimination of all forms of Discrimination Against Women (CEDAW); marriage law was directly influenced. Now it was not any longer the husband who owned family and property rights but “(2) *The spouses shall have equal rights and shall assume equal responsibilities during marriage. They owe each other fidelity and moral and material support.*” (Falzon, 2012).

⁵ <http://www.timesofmalta.com/articles/view/20150320/local/Zebra-crossing-gets-a-new-look.560610>

3. The introduction of divorce in 2013, gave a new definition to Maltese marriages. Marriage law used to be structured on the Roman Catholic religious faith that “Therefore what God has joined together, let no one separate.” (Mk 10,9) “So they are no longer two, but one flesh. Therefore, what God has joined together, let no one separate.” (Mt 19,6)
4. These legislative changes took place between 1975 and 2011. The MGRM asks whether these changes are a proof of the possibility of another re-definition of marriage, that is whether marriage will be open also for same-sex couples. Thus, Malta will move towards marriage equality (MGRM, 2012).

Added to this is the fact that society changes across time. The “Same Sex: Same Civil Entitlements” document explains how the concept of marriage in Malta has also changed. The report mentions several examples, such as:

1. Christian Marriage used to allow a man to marry a twelve year old girl who he had never met.
2. A person who married someone of a different race used to be sent to prison.
3. The wife was considered to be the husband’s property.

Nowadays, Europe does not permit these sort of customs. Despite the arguments put forward in the report “Same Sex: Same Civil Entitlements”, it recognises the meaning of marriage in Maltese society and concludes that same-sex marriage law will be “*one step too far for Malta*” (TPPI, 2013, p.7). Thus, the report concludes that a Civil Unions law is at this stage more practical for the Maltese society.

3.1.2 Malta Gay Rights Movement

Malta has a number of LGBT support groups and organisations, which are:⁶

- Drachma Community – prayer group and a means of social Integration. They also formed a group for parents of LGBT. (Drachma Community).
- We Are - Youth and Student LGBTQQI Organisation.
- ADITUS Foundation – works in favour of human rights. It is not an LGBT organisation but speaks in favour of LGBT rights.
- MGRM – Malta Gay Rights Movement.

These organisations are in touch with similar international organisations. Other international or foreign LGBT support organisations are:

- ILGA- Europe,
- IGLHRC,
- Matthew Shepard,
- Trevor Project – Support for LGBT Youths.

The Malta Gay Rights Movement (MGRM) was founded in June of 2001, and it is run by a number of activists who work on a voluntary basis to achieve their aims and objectives. Their mission statement is:

⁶ (<http://drachmalgbt.blogspot.com/p/link.html>) Retrieved on 19.8.2014

“MGRM strives to achieve full equality for LGBT people in Maltese society; a society that enables people to live openly and fully without fear of discrimination based on one’s sexual orientation, gender identity and gender expression.”⁷

The MGRM carried out a survey on sexual orientation, gender identity and discrimination against LGBTI persons in Malta 2006 – 2008. They found out that 74.1 per cent of respondents claim that they would go to live abroad if it were practical for them to do so, with discrimination against them being the major reason cited by 63.8 per cent of them.

The MGRM is in favour of same-sex marriage since this will provide same-sex couples other rights such as legal, economic and social support including psychological and health benefits which other heterosexual couples may benefit from. Moreover, Gabi Calleja (Coordinator of MGRM) argues that legalising same-sex marriages will fight anti-gay stigma and will eliminate the inferiority faced by homosexual couples.⁸

The MGRM expressed its disappointment concerning the Cohabitation Bill. In fact, in reaction to the Bill, the MGRM published a Position Paper on the Legal Recognition of Same-Sex Couples and their Families. The MGRM’s paper was the basis of the Equal Marriage Campaign and aimed at triggering a social debate that focused on human rights free from any religious belief. In the published Position Paper the MGRM points out that:

1. The right to marry is a fundamental human right.

⁷ (www.maltagayrights.org/aboutus.php) Retrieved on 19.8.2014

⁸ <http://www.timesofmalta.com/articles/view/20070107/letters/traditional-family-values.30422> Traditional family values Gabi Calleja, 7.1.2007 Retrieved on 19.8.2014

2. Public discussions should concentrate on explaining to the public why, and in what ways, human rights are universal, and not on guiding the public to decide on identifying the rights of groups of persons.
3. “Since marriage equality and its eventual inclusion in national legislation does not have any long-term negative impact on the meaning and institution of marriage, it should not be perceived as a social or legal threat.”
4. Civil marriage has nothing to do with Canon Law and is not related to religious institutions. Defining marriage in terms of its procreative potential excludes and offends those marriages and family units that, for whatever reason, do not include children. It also ignores the Maltese reality of several children being currently raised by gay men and lesbian women.
5. Various legislative changes provided the possibility for Malta’s House of Representatives to effectively alter the definition of marriage. Marriage Equality requires another change.
6. The legal recognition of same-sex couples also means that these couples are now attached to rights and responsibilities. These rights and obligations provide protection to the individuals, their children and family. In the absence of such legal recognition these persons are not entitled this protection.
7. Marriage equality is the form of legal recognition that provides rights and responsibilities equal to that of heterosexual couples. While registered partnerships are usually associated with marriage since they recognise that the relationship is based on love and commitment, cohabitation legislation does not.
8. “Cohabiting same-sex couples are a family unit and should enjoy the protection of the law through a form of recognition as such, and not as any other form of relationship.”

9. All legislations should work for the children's best interests, thus all relationships where children are found should be recognised and protected by law. This legal recognition should be available regardless of whether or not the parents are the biological parents of the child.

10. Adoption should not be decided on one's marital status, sexual orientation or gender identity but should be based on the potential of the parent to offer the best wellbeing for the child.

11. "Marriage equality in Malta will also avoid the emotional, financial and social difficulties faced by same-sex partners in any immigration context, thereby eliminating a discriminatory approach to Malta's application and interpretation of its European Union (EU) law obligations."

12. Providing national marriage legislation which is gender-neutral both in form and in interpretation, could be the easy way of introducing marriage equality in Malta.

13. The MGRM also recommends that the Maltese authorities should take into consideration that Malta can become an international marriage destination, a market high in demand. (MGRM, 2012)

The MGRM believes that since the introduction of the Civil Unions Law, Malta has improved its position towards the recognition of the rights of gay and lesbian persons, however there is still much to be achieved. The MGRM understands the decision taken to name the law 'Union' and not 'Marriage'; however activists of the MGRM are working hard and waiting for the law to have its title changed to Civil Marriage.

Article 45 of the Maltese Constitution insists that: *"no person shall be treated in a discriminatory manner by any person by virtue of any written law or in the performance of the functions of any public office or any public authority. (3) In this article, the expression "discriminatory" means affording different treatment to different persons attributable wholly*

or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity...” (Constitution of Malta p.23, Article 45)

However, according to MGRM marriage law discriminates against LGBTI (MGRM,2012).

The MGRM also argues that there is lack of definition of marriage in the Marriage Act, which the MGRM believe would make it easier for Malta to recognise marriage equality (MGRM, 2012). Maltese marriage is legally defined as a contract between a man and a woman. It is easily observed that marriage law is influenced by the beliefs of the Roman Catholic Church. The MGRM’s position paper (2012) suggests that the Maltese state should formulate laws in a way that they take into consideration multiculturalism, including cultural, religious, social and economic differences in Malta. In other words, it should not be constructed solely on religious beliefs.

The Political Side	MGRM Side
1. Marriage is defined as a contract between a man and a woman.	Marriage should also be available to same-sex couples.
2. Marriage Act follows Roman Catholic teaching.	Marriage Act in Malta should take into consideration multiculturalism.
3. Marriage is defined by politicians as the possibility of forming a family: composed by a man and a woman. The main function of a family is the reproduction of new family members.	Marriage defined in terms of reproduction omits marriages and families that do not include children, for different reasons, for example due to fertility problems.
4. Marriage recognised as a right for a heterosexual couple.	Marriage recognised as a fundamental human right and civil right.

Table 3.2: Political side versus MGRM side

(Source MGRM’s position paper, 2012)

Marriage contract rights and obligations

- Spouses cannot sign contracts without each other's consent; this is to ensure the protection of the family from debts and trouble.
- In the case of death of one of the spouses, the other spouse is guaranteed a reserved position, which makes a minimum level of livelihood possible, giving protection to the most vulnerable persons, children in particular,.
- Spouses can have a matrimonial home and they cannot sell it without the consent of each other, even if one of the spouses is not the owner.
- If the relationship ends, both parents have maintenance and visiting rights and responsibilities towards their children.

3.2 The Political Process

The Civil Unions Law is a political act which went through a particular political process. In fact, this research gives particular attention to the sociology of politics, and therefore this part of this chapter will focus on how the Civil Unions Law has politically developed. In a relatively short period of time, something which was inconceivable came about, having managed to cope with the normal resistance to such a momentous change. Thus this section will look at a very rapid social transformation. One has to keep in mind that the Civil Unions Law was passed very quickly, the social resistance one expects in such cases having been milder than expected. However, considering the rapid rise in the social visibility of same-sex couples, such as on social media and mass media, one can conclude that the background preparation for this Law was started ages ago. The exposure on the media just mentioned,

created a general feeling that homosexuals were already being socially accepted. This will shed light on the different ingredients that contributed to this change, including the temporality of change, the tolerance of same-sex couples and the power of politics.

In 1973 the Labour Government, led by Dominic Mintoff leader of the Malta Labour Party and representing the Maltese people, decriminalised sodomy. The law did not legalise homosexuality but culturally it was legalising homosexual acts. In fact, the MGRM commemorated this day on its 40th Anniversary during the annual Gay Pride Parade, 2013.⁹

Gabi Gauci, member of LGBT Labour said that the law passed by Mintoff in 1973 was not enough. Gauci remarks that this did not provide equality between homosexuals and heterosexual persons since the former were still deprived of marital rights, namely:

- They were not allowed to visit their partner in hospital during family visiting hours.
- They had no bereavement leave.
- They were not entitled to their partner's inheritance in the absence of a will.
- They were not entitled to the same civil benefits enjoyed by a married couple.

These were not even remotely on the radar in 1973. Interestingly, the MGRM has linked 1973 to a grand narrative of gay rights. In November 2009, Malta's Labour Party introduced the first LGBT political group.¹⁰ Thus, this LGBT Labour group aims to work towards gaining equal rights for LGBT persons.

⁹ <http://www.timesofmalta.com/articles/view/20091110/letters/labour-partys-new-lgbt-network-1.281056>
Labour's Party New LGBT network (1) Nov 10, 2009 Gabi Gauci

¹⁰ <http://www.timesofmalta.com/articles/view/20140420/local/Changing-times-divorce-to-legal-same-sex-marriage-in-three-years.515580> "Changing times: divorce to legal same-sex marriage in three years." Times of Malta. April 10, 2014. Retrieved August 17th, 2014.

In March 2010, the Prime Minister Lawrence Gonzi declared that Parliament would be working on a cohabitation bill, which was targeting the regulation of cohabitation and also aiming to introduce rights and obligations for cohabitating couples including both heterosexual and homosexual couples.¹¹ The Nationalist Party proposed that a cohabitation bill should be put forward, a bill which would provide rights to same-sex cohabitating couples. In fact, the cohabitation bill was introduced in December 2012 but its discussions were stalled due to a change in government.

Under the twelfth legislature, commencing in 2013, the legislation of same-sex marriage in Malta became a political issue, with the first reading of the Civil Unions Bill (Appendix A1) being presented in Parliament in September 2013, that is within a few months after the change in Government. The reason is that the introduction of civil union for same-sex couples was part of the Labour party electoral manifesto in 2013. Neil Falzon, a human rights lawyer, drafted the legislation and a consultative committee was set up. During the consultation Minister Helena Dalli said that Malta needs to tackle homophobia by educating people.

The second reading of the Civil Unions bill was held on the 22nd October, 2013. During the second reading Helena Dalli argued that civil union should not be compared with Catholic marriage. She also referred to the European Union's (EU) LGBT survey carried out by the European Union Agency for Fundamental Rights (FRA) in 2011-2012. This report encourages all EU member states to use the data published in this survey to improve national policies and strengthen the protection of fundamental rights for LGBT people. This study was carried out among 93,079 persons who live within the EU. The participants identified themselves as lesbians, gay, bisexual or transgender. Helena Dalli underlined the fact that this

¹¹ <http://www.independent.com.mt/articles/2012-08-29/news/cohabitation-bill-launched-gay-couples-are-not-a-family-chris-said-315192/> Borg Annaliza, August 2012, *Cohabitation Bill Launched: Gay couples 'are not a family'* – Chris Said

report puts Malta in seventh place as a country discriminating on the basis of sexual orientation. The EU report states that:

“A growing number of EU Member States have strengthened European coordination and consultation mechanisms in the area of LGBT rights. The EU’s Governmental Expert Group on discrimination (GEG) has also discussed issues related to sexual orientation and gender identity discrimination in its meetings. The European Network of Governmental LGBT Focal Points includes representatives of over 23 EU Member States. In addition, on 17 May 2013 ministers of 11 EU Member States (Austria, Belgium, Croatia, Denmark, Finland, France, Luxembourg, Malta, the Netherlands and Sweden) signed a joint statement calling on the European Commission to step up efforts for EU-wide action to combat discrimination on the grounds of sexual orientation and gender identity. The joint statement urges ‘[committing] to developing and adopting a comprehensive policy approach which builds upon the recommendations of the Fundamental Rights Agency Survey’”. (p.22)

Furthermore, this survey refers to one of the participants’ exact words which clearly indicates that since Malta does not recognise same-sex unions it is creating constant discrimination.

“Although I have been together with my partner for over 16 years, and in a registered partnership in Austria for over two years, we are still not recognised by my employer because my country of origin (Malta) does not recognise gay unions. This results in constant discrimination: no benefits whatsoever (allowances, pension or other benefits), and not even access to the office etc.” (Austria, gay, 49) (p.31).

The FRA in its document “Fundamental rights: Key legal and policy developments in 2013”, reports that two thirds (67 %) of all respondents say they often or always hid or disguised the

fact that they were LGBT during their schooling. The highest rates are reported in Bulgaria, Cyprus, Greece, Ireland, **Malta**, Spain and the United Kingdom.

During the second reading of the Bill, Helena Dalli also remarked that:

“F’dan il-pajjiż 28% tas-suwiċidji jsiru minn żgħażaġh LGBTI u naturalment m’hemmx għalfejn ngħid jien li dan mhux aċċettabbli. Kif diġà għedt mhux se nbiddu dan kollu bil-liġi li qegħdin nipprezentaw għax irridu naħdmu ħafna u ħafna biex inbiddu l-atteġġjament, il-kultura, l-impenn tagħna li nifhmu dawn ir-realtajiet, li nagħtu kas, li nkunu verament a caring society, li verament inkunu soċjetà solidari mal-minoranza.”

Helena Dalli also referred to the cohabitation bill that was proposed by the Nationalist Party. She argued that even Dr Neil Falzon, the legal expert in human rights, criticized the cohabitation bill and considered it as offensive since it was mixing a relationship based on love and intimacy with any relationship of persons living under the same roof. The Civil Unions Law gives much more rights to same-sex couples than the cohabitation bill would have provided. She also reported what Lawrence Gonzi said when he was Prime Minister of Malta, namely that he was in favour of gay adoption as long as the child’s well-being is protected. Dalli also referred to several social studies focusing on same-sex families and adoption, most of which concluded that it is not the sexual orientation of the parents that matters but “their parents’ sense of competence and security and the presence of social and economic support for the family”. Referring to adoption, Helena Dalli argued that being against gay adoption does not make sense since a single person in Malta can easily adopt irrespective of his or her sexual orientation.

Nationalist party ministers recalled that both parties included same-sex unions in their electoral manifesto. The nationalist party leader Simon Busuttil said that the nationalist party

was not voting against this law but needed more time to discuss and propose some changes. The Parliament announced the third reading of the Bill, which was actually the vote in Parliament, and this was when the Civil Unions Act was passed, on 14th April 2014 by the Labour Party in Government.

During the third reading Simon Busutill said that the nationalist party was not to vote against but would abstain. He remarked however, that the fact that adoption by gay couples was also included, might result in a society that is not yet prepared for gay adoption. He also asserted that the Government was approving the law to gain votes. Joseph Muscat however challenged this statement by saying that this was not the case, since only the minority would benefit if this law was introduced. Sociology also focuses on equality within society and therefore, homosexuality is another field which demands the focus of homosexual equality within society, same as gender equality. This was referred to by the Prime Minister Joseph Muscat when the Civil Unions Law 2014 (Appendix A1) was approved in Malta. He said: *“I am feeling privileged to be witnessing history and experiencing equality...”*

The Prime Minister Joseph Muscat reported that a survey revealed that 80 per cent of the population was against the Civil Unions Law for gay couples, therefore he declared that there was no political interest in passing the law and that the state was doing it for the minority and also for the majority to reach a point of equality. Furthermore, Arnold Cassola, Alternattiva Demokratika (AD) Chairperson, commenting on the approval of the Civil Unions law, said that this is a sign that Malta is working in favour of social justice and equality, and against discrimination. In fact, AD’s position in favour of civil unions goes back many years.

On the other hand, Angele Deguara, AD LGBT representative on the Consultative Council, said: “Despite all the provisions in the Bill which ensure that LGBT couples enjoy the same

rights as married couples, LGBT couples are still prohibited from getting married. Therefore we hope that this very positive step will eventually lead to true equality.”

The following is just one example of a regular columnist (Michael Brigulio):

“On a personal note I am proud that I have always publicly supported the introduction of full equality in terms of LGBT rights, even though I would have preferred the legislation to refer to ‘marriage’ rather than ‘civil unions’, as marriage has a greater symbolic effect for those who opt for it.”

Marriage remains reserved for heterosexual couples and somehow civil unions portray second class citizens. This political process witnessed a change in the opinion of Labour leader Joseph Muscat, the key protagonist of the Civil Unions Law. Joseph Muscat changed his idea in a very short period of time as he originally was in favour of civil unions but not of gay adoption. However, the Labour Party maintained that same-sex couples should be considered families and should thus be recognised as partners who can also adopt children. The Green party, AD believed in Civil Unions for gay couples and that these couples should be given all the rights of marriage. Similarly, National Action supported Civil Unions, believing, however, that only some of the rights given to married heterosexual couples should also be given to same-sex couples. Moreover, in June 2010, a list of gay rights proposals was presented by MGRM together with a detailed 2008 report, providing information about homosexuals’ situation in Malta.¹²

The Civil Unions Bill [20/2014] was successfully passed through the Maltese Parliament with 37 votes in favour, 30 abstentions and 0 votes against. President George Abela refused to sign

¹² <http://www.timesofmalta.com/articles/view/20100607/local/ministry-receives-gay-rights-proposals.310934>
Ministry receives gay rights proposals June 7, 2010

the Civil Unions Bill since it was against his principles.¹³ The bill was signed by the succeeding President, Marie Louise Coleiro Preca, on the 17th April 2014 and became Law [Act IX/2014].

According to Martin Scicluna, the author of the Today Public Policy Institute's (TPPI) report on civil rights for same-sex couples:

“Once Malta introduces civil unions, society will in due course move towards the realisation that same-sex marriage makes as much sense, as happened in France and the UK. It is a process we have to go through.”

The report was published on the 17th May 2013, to coincide with the International Day Against Homophobia and Transphobia. Martin Scicluna, who believes that the introduction of divorce was psychologically ground-breaking for the country, said he was looking forward to see how the public was going to react to gay rights. From his point of view, the Maltese society is more tolerant and would be largely approving of civil unions, as in fact has happened.¹⁴ Unlike divorce, which had brought about such diverse reactions, there has not been much controversy about the Civil Unions Bill. The reason could be that the Maltese lost interest after the legalisation of divorce or that society has become free from prejudice and receptive to new ideas. According to anthropologist Mark-Anthony Falzon, the main reason for the lack of controversy was the absence of the word “marriage”. Falzon adds:

¹³ <http://www.timesofmalta.com/articles/view/20140328/local/ex-presidents-agree-with-george-abelas-stance-against-signing-the-civil-unions-bill.512466> Times of Malta, March 28, 2014 Retrieved March 19th, 2015.

¹⁴ <http://www.timesofmalta.com/articles/view/20130518/local/Civil-union-is-first-step-for-same-sex-couples-in-Malta-.470140> Civil union is ‘first step for same-sex couples in Malta’ Christian Peregin Saturday, May 18, 2013 Retrieved on 1.9.2014

“That effectively relegates civil unions to a minority interest – unlike divorce, which was billed as a threat to ‘the Maltese family’”.

Civil unions are related to gay persons, unlike divorce which was considered as a threat to the Maltese family unit. Sociologist Godfrey Baldacchino believes that the May 2011 divorce referendum may have revealed that the contemporary Maltese society is much more liberal and secularised than most would have confessed.

“Rather than say that people are ‘more tolerant’, I would argue that in 2011 the Maltese realised they have indeed become more tolerant over time. The introduction of civil unions falls within the same secular trend.”¹¹

Godfrey Baldacchino also argued that the practice of religion in Malta is also changing, but while followers decreased, the social appearance of religious rituals increased. The Government believed that the Civil Unions Law is an issue of human rights and not homosexuals’ rights.

3.2.1 Civil Unions Law

The Civil Unions Law should promote diversity in Maltese society. This law encourages stable relationships, an important asset to society. Some people experience mental illness when a relationship ends, thus this sort of illness will decrease (TPPI, 2013). The Civil Unions Law in Malta provides the majority of rights gained by Civil Marriage. However, TPPI recognises that Civil Unions Law will provide more benefits, some of which are listed below.

Benefits of joining in a civil union:

- ❖ Civil Unions Law will encourage stable relationships.
- ❖ The economy will also benefit since civil partners will share their belongings and support each other financially.
- ❖ The possibility of sharing equally if the relationship comes to an end.
- ❖ If one of the partners is a foreigner, they can settle in Malta without problems.
- ❖ The public declaration of their commitment will increase respect by society, thereby giving more value to the relationship.

As of April 2014, the Civil Unions Law is permitting civil union and gay adoption. It gives the same rights and obligations to same-sex couples as those accorded to couples who are registered in a civil marriage.

Those unions held in foreign countries are also being recognised by the Maltese state.¹⁵ Couples, who are legally married in other countries, may register their marriage in Malta as civil marriage and not as civil union. The Act enabled same-sex couples to register their unions with the state, to acquire civil union rights, to be viewed as next of kin. People in these registered unions have the same legal rights and duties as those in civil marriages. The only difference between Civil Unions Act (Appendix A2) and Civil Marriage Act (Appendix A3) is only in its title.

In July 2011 human rights lawyer and legal consultant for the MGRM, Neil Falzon, during a seminar at the gay parade in Valletta, explained the different types of homosexual couple unions. The Times reported Falzon's speech:

¹⁵ "Changing times: divorce to legal same-sex marriage in three years." Times of Malta. April 10, 2014. Retrieved August 17th, 2014.

“Marriage equality was when homosexuals could get married and benefit from the same legal rights heterosexual married couples enjoyed. This was the case in Belgium, Iceland, the Netherlands, Norway, Portugal, Spain and Sweden.

Another form of union was a registered partnership, which could have as many rights as marriage but which was generally easier to dissolve than a marriage and adoption was not generally allowed.

Varying forms of partnerships existed in Andorra, Germany, Austria, Hungary, Belgium, Ireland, the Czech Republic, Luxembourg, Denmark, the Netherlands, Finland, Slovenia, France, Switzerland and the UK, Dr Falzon said.

A similar union, he said, was cohabitation, where it was even easier to dissolve the union and which did not afford as many rights as the previous unions.”

3.2.2 Political Manifesto 2013

Same-sex legal recognition was included in the 2013 manifestos of both the Nationalist Party and the Labour Party (PL). This part of this chapter will focus on how these rights were tackled.

The Nationalist Party (PN) manifesto argues that “the social and psychological barriers against same-sex couples living together are gone.” In addition it asserts that:

“It is the duty of the state, in these different times, to provide a legal framework for cohabitation outside marriage in both heterosexual and homosexual relationships.” (page 6, Electoral Manifesto – PN).¹⁶

On the other hand the PL manifesto discusses homosexual integration within society even within the educational perspective:

*“Nindirizzaw b’impenn akbar il-problema tal-bullying, inkluż dak minhabba orjentazzjoni sesswali, razzizmu, etnicità u oħrajn, anki billi nagħtu taħriġ speċifiku lill-ġhalliema flimkien ma’ aktar appoġġ għall-ġenituri u t-tfal infushom.”*¹⁷

However, this was mentioned again in a later section stating that an educational campaign would be educating Maltese citizens, especially the younger generation, teaching tolerance towards diversity and ensuring that no discrimination is carried out against persons due to their sexual orientation. Moreover, the PL manifesto directly maintains that the Labour Party was willing to legalise Civil Unions for homosexual couples:

“Indaħħlu d-dritt ta’ Civil Union għal Koppji tal-istess sess.”

*“We will implement the right of Civil Union for same-sex couples.”*¹⁴

This was included in a sub section entitled “Respect towards diversity” under the title civil freedoms. Therefore, the Labour Party considers Civil Unions as a civil freedom.

¹⁶ http://www.um.edu.mt/_data/assets/pdf_file/0017/207350/PNManifesto2013.pdf Nationalist Party Manifesto. Retrieved August 18th, 2014

¹⁷ <http://www.google.com.mt/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CDMQFjAD&url=http%3A%2F%2F3c3dbeaf6f6c49f4b9f4-a655c0f6dcd98e765a68760c407565ae.r86.cf3.rackcdn.com%2F082d10b0fed6c04d78ced4e7836e1dc11067452380.pdf&ei=RxlaVYStO8iMsAGAxYLICg&usq=AFQjCNE7i2GtZnc2LypNMt1U5bAttHz8Mw&sig2=-VfirtldowEVIIdxLIlxtJHg>

In June 2010, Michael Briguglio who at that time was the chairman of AD, the Green party, wrote that:

“The struggle of LGBT activists and movements is ultimately part of the struggle for a more equal and inclusive society, which is ultimately what democracy should be all about.”

He criticized the Nationalist Party for opposing various LGBT rights and ignoring the fact that we are living in a secular modern society. Same-sex unions were located (over time) within notions of modernity, secularism, equality, and progress. The possibility of gay couples marrying is indicative of secularisation, freedom, Europeans, modernity. Briguglio also criticised the Labour Party for having parliament members who are well known for opposing gay rights while at the same time this party has a LGBT group that works in favour of gay rights.¹⁸

The Labour Party won the 2013 election and, as stated earlier, the Civil Unions Act was passed on 14th April 2014. Interested couples need to follow the same process as those who apply for civil marriage. This means that they have to apply for their Civil Union at the Public Registry in Valletta three months before or at least 6 weeks before their Civil Union ceremony. The Public Registry issues bans at the Police Station of their home town, just like for Civil Marriages. Couples are given the opportunity to adopt each other's surname or to keep their own surname or else to choose to keep only one surname with one of the couple giving away her or his. The first possibility is not available for a heterosexual couple applying for civil marriage. The reason is that the husband is not allowed to adopt his wife's surname

¹⁸ <http://www.timesofmalta.com/articles/view/20100611/opinion/beyond-myths-and-rhetoric.311783>

Beyond myths and rhetoric Michael Briguglio June 11,2010

while the wife can keep her own surname (a concession effective as from 1993) together with her husband's instead of giving away hers.

3.3 Adoption

“The right to marry and the right to found a family are two distinct fundamental rights.”
(MGRM, 2012, p.23).

The MGRM argues that reproduction should not be linked to marriage. Moreover, MGRM claims that cohabiting same-sex couples are considered to be a family unit and therefore it suggests that same sex-couples should be compared to and associated with cohabiting heterosexual couples and not with other cohabiting persons such as friends or siblings. The MGRM noticed that prior to the introduction of the Civil Unions Act, single persons had better opportunities of adoption than same-sex couples. The MGRM maintains that it is in the interest of the child to be living in a family whose parents' relationship is legally recognised and one that enjoys all the related benefits (MGRM, 2012).

The lack of marriage opportunity for homosexual couples results in their children being subject to serious protection risks (MGRM, 2012). The MGRM highlights several reasons why legal recognition is important for children living in same-sex unions, among which are the following:

1. To eliminate problems and challenges same-sex parents face concerning schooling, travelling, medical treatment and religious beliefs.
2. To ensure matrimonial home protection especially in case of death of one of the parents.

3. Children are not entitled automatically to the inheritance of their unrecognised LGBT co-parents.
4. If a relationship ends, it will leave the children without suitable protection.

In October 2010, a parliamentary committee's recommendation report with regards to In Vitro Fertilisation (IVF) was published. It suggested that IVF treatment should be financed by the state to make it accessible to all infertile couples and that freezing of embryos should be permitted. The MGRM criticized this report because it did not take into consideration the possibility for homosexuals to have access to IVF treatment. The main reason was that this report did not accept the donation of sperm and ova by third parties and thus homosexuals cannot benefit from IVF.¹⁹ Access to In Vitro Fertilisation (IVF) is regulated by law. The MGRM believes that by excluding same-sex couples and single people from its definition of prospective parents, the IVF law breached basic human rights principles, such as the right to found a family. Auxiliary Bishop Charles Scicluna argued against the standpoint of the MGRM. According to Auxiliary Bishop Charles Scicluna, the Embryo Protection Act is not homophobic and does not discriminate against same-sex couples, who would require the intervention of a third party to conceive in any case. Auxiliary Bishop Charles Scicluna said:

*“It does not take much wisdom to understand that no homosexual couple can biologically create a new being. A homosexual couple, be it two males or two females, requires the contribution of a third person.”*²⁰

During consultations there were concerns about the wellbeing of children. Simon Busuttill, Leader of the opposition Nationalist Party, said that his party abstained from voting in favour

¹⁹ <http://www.timesofmalta.com/articles/view/20101021/local/ivf-proposals-may-breach-human-rights-gay-movement.332299> IVT proposals may breach human rights – gay movement Oct 21, 2010 Christian Peregin

²⁰ <http://www.timesofmalta.com/articles/view/20130917/local/Bishop-IVF-law-is-not-homophobic-.486481> Bishop: IVF law is 'not homophobic' by Matthew Xuereb (Tuesday, September 17, 2013) Retrieved on 9.9.2014

of the civil union law since it believed that a separate law regarding adoption should be discussed, at the same time opening the subject to further studies and educating society about the issue.²¹ Moreover, Chris Said, from the Nationalist Party, during a local television programme said that homosexual couples can also be good parents, but believed that allowing them to adopt would increase the chance of their kids being bullied by their peers or experiencing harassment. On the other hand, coordinator of MGRM Gabi Calleja said that LGBT persons can adopt as single parents. Gabi Calleja believes that if the chance of bullying and harassment is greater for children adopted by homosexual couples, then even heterosexual couples willing to adopt should be taken into consideration and protected from these risks. Therefore, the MGRM proposes that homophobic and transphobic bullying should be addressed at an early age in schools by providing pupils with an adequate curriculum, including books and other resources that portray and include such families.²² Furthermore, Calleja argues that it is the “quality of parenting that predicts children’s psychological and social adjustment, not the parents’ sexual orientation or gender.”¹⁹ Legalising same-sex marriage will be in the interest of the children being raised by homosexual couples. This means that if the couple is allowed to marry than children will also benefit from the family benefits that marriage offers. Likewise, AD is in favour of full marriage equality, including the right to adopt and to have access to IVF treatment. Similarly, Labour Party leader Joseph Muscat, said that he was not against adoption by gay couples as long as this was in the child’s interest. Malta had no legislations on family rights¹⁹ and now the law also includes a provision that allows gay couples to adopt children. Only ten European countries allow gay couples to apply for child adoption.¹

²¹ <http://www.timesofmalta.com/articles/view/20140414/local/same-sex-unions-approved-celebrations-in-valletta-opposition-abstains-because-of-adoptions.514992> April 14th, 2014

²² <http://www.maltastar.com/dart/20121015-of-gays-and-adoption> Tuesday 16th October, 2012 Gabi Calleja

The report “Same Sex: Same Civil entitlement” argues that homosexual couples should be entitled to the same conditions of marriage applicable to heterosexual couples and that opposition on the basis of reproduction is not adequate and acceptable. This report observes that even heterosexual couples can also end up without children for several reasons, such as age, fertility problems, medical conditions or other reasons. Yet, same-sex couples are in Malta excluded from marriage. Moreover, the report comments that even widowers sometimes join in marriage to gain civil rights without aiming to have kids.

“Gay People have the same need and capacity for love and partnership as heterosexuals.”

(TPPI, 2013, p.6).

3.4 European Countries legalising same sex unions.

The Maltese argument makes sense when you compare it with other countries. The Civil Unions Act is making us more European, in other words it is bringing Malta into line with the majority of European experiences. Since Malta formed part of the European Union (EU) discrimination at the place of work based on sexual orientation became illegal. Malta became the twenty second European country to legally recognise same-sex unions. Denmark was the world's first country to allow a civil union for homosexuals, in 1989.²³ According to Chamie and Mirkin (2011) by the end of 2009 the number of same-sex marriages that took place worldwide was nearly 100,000. The following tables provide further detailed information.

²³ <http://www.timesofmalta.com/articles/view/20100310/world/two-thirds-of-danes-back-gay-church-weddings.297604> Two thirds of Danes back gay Church weddings. March 10, 2010

TABLE 1 Countries, cities, and US states with same-sex marriage (SSM) by population, year SSM was legalized, and cumulative total of SSM at the end of 2009

	Population 2010 (thousands)	Year SSM legalized	Cumulative total of SSM end of 2009
Netherlands	16,613	2001	13,457
Belgium	10,712	2003	7,383
Canada	34,017	2005	16,511
Spain	46,077	2005	16,060
South Africa	50,133	2006	3,000
Norway	4,883	2009	936
Sweden	9,380	2009	1,547
Argentina	40,412	2010	—
Iceland	320	2010	—
Portugal	10,676	2010	—
Mexico City	19,460	2010	—
United States			
Massachusetts	6,560	2004	16,129
California	37,342	2008	18,000
Connecticut	3,582	2008	3,255
Iowa	3,056	2009	1,783
Vermont	630	2009	642
New Hampshire	1,321	2010	—
Washington, DC	4,460	2010	—
New York	19,421	2011	—
Subtotal	76,372		
Total	319,055		98,703

SOURCES: Population data, UN and US Census Bureau; SSM totals, Netherlands: National Statistics Bureau; Belgium: National Statistics Bureau; Canada: 7,456 SSM from 2006 census; 2007–2009 estimate is 2 percent of marriages; Spain: National Statistics Institute; South Africa: commonly cited estimate of SSM in the press; Massachusetts: Department of Public Health; California: estimate of SSM during the 5-month period commonly cited in the press; Connecticut: Department of Public Health; Iowa: Department of Public Health; Vermont: Department of Health.

Table 3.3: Countries, cities and US states with same-sex marriage

(Source cited in Chamie and Mirkin, 2011 p.532)

TABLE 2 Same-sex marriages as a percent of total marriages in five countries and four US states, 2001–2010

Year	Bel- gium	Nether- lands	Nor- way	Spain	Swe- den	Con- nec- ticut	Iowa	Massa- chu- setts	Ver- mont
2001		2.9							
2002		2.1							
2003	3.1	1.9							
2004	2.5	1.6						18.4	
2005	2.4	1.6		1.1				5.2	
2006	2.5	1.7		2.2				3.8	
2007	2.5	1.9		1.6				4.0	
2008	2.3	1.9		1.8		23.7 ^a		5.9	
2009	2.4	1.9	3.8	1.9	3.2	13.0	8.8	7.7	27.7 ^b
2010		1.8	1.1	2.1		9.0	7.6	6.2	16.8
Total	2.5	1.9	2.5	1.8	3.2	11.7	8.2	7.1	19.9

^aFor two months, November and December.

^bFor four months, September through December.

SOURCES: Belgium: Central Bureau of Statistics; Netherlands: Statline, Central Bureau of Statistics; Norway: Central Bureau of Statistics; Spain: National Statistics Institute; Sweden: Bureau of Statistics; Connecticut: Department of Public Health; Iowa: Department of Public Health; Massachusetts: Department of Public Health; Vermont: Department of Health.

Table 3.4: Same-sex marriages in five countries and four US states, 2001-2010

(Source cited in Chamie and Mirkin, 2011 p.533)

According to data published by the ILGA, by 2010 Malta was still ranked low in gay rights.²⁴

“The Maltese people are strongly opposed to legalising gay marriages or to giving same-sex couples the right to adopt children.” This was reported in 2006 following a EU-wide Euro barometer study published in Brussels. The EU survey was conducted in Malta by Misco during October 2006. Among a sample of 500 respondents, 73 per cent were against gay marriages while 18 per cent were in favour. However, the rate was higher in the case of opposition to child adoption by gay couples with a total rate of 85 per cent of respondents being against child adoption by gay couples.²⁵ When compared to the other 25 EU member states, Malta was close to the EU average rate, which stood at 26 per cent in favour while 68 per cent against. This study also conveys that the Maltese society still gives importance to religion. 70 per cent believe that religion is “too important”. Similar rates were reported in other EU member states such as Cyprus (81 per cent), Italy (63 per cent) and Slovakia (56 per cent). At the opposite end, was Estonia at 20 per cent and Finland at 23 per cent.

In December 2008, homosexuality was decriminalised at the UN General Assembly by 66 states including Malta.²⁶ One of the countries that opposed this issue was the United States that, according to Amnesty International, has a considerable rate of homosexuals’ abuse by police officers.

States are free to choose which form of legal recognition to adopt in order to authorise same sex-couples. These forms include: cohabitation, registered partnership, gay marriage, civil

²⁴ <http://www.timesofmalta.com/articles/view/20100525/local/malta-ranked-low-in-gay-rights.308837> Malta ranked low in gay rights May 25, 2010

²² <http://www.timesofmalta.com/articles/view/20061220/local/maltese-no-to-gay-marriages-eu-survey.31725> Maltese no to gay marriages – EU Survey 20.12.2006 Retrieved on 19th August, 2014

²⁶ <http://www.timesofmalta.com/articles/view/20081223/opinion/love-is-such-a-many-splendoured-thing.238410> Love is such a many splendoured thing by Kenneth Zammit Tabona Dec 19, 2008

partnership, domestic partnership, reciprocal beneficiary relationships, civil union, same sex union, marriage equality and unregistered partnership.

The following table illustrates the main differences between registered partnership, cohabitation and marriage equality.

Form	Conditions
1. Registered Partnership or Union	<p>Usually provides the same rights as legal marriage, but under different names.</p> <p>It acknowledges the existence of a stable relationship between two persons based on mutual support and commitment.</p>
2. Cohabitation	<p>Provides entitlement to minimal rights. Not interested in the nature of the relationship but simply recognises that two or more persons live under the same roof.</p>
3. Marriage Equality	<p>Entitles to the same rights and obligations provided to married heterosexual couples.</p> <p>Adoption of children is possible.</p>

Table 3.5: Main differences between different types of same-sex legal recognition

In Belgium, the Netherlands, Spain and Canada, same-sex couples can marry. The United Kingdom (UK) introduced civil partnerships in 2005.²⁷ The number of civil partnership formations in the UK increased between 2010 and 2012, following decreases between 2006 and 2009. In 2012, 7,037 civil partnerships were formed by same-sex couples compared with 6,795 in 2011 (an increase of 3.6%). The total number of civil partnerships formed in the UK since the Civil Partnership Act came into force in December 2005, up to the end of 2012, was 60,454.²⁸ By the year 2006 homosexual unions were allowed in the Netherlands, Belgium, Spain, Sweden and in the UK.²⁹

On the 12th of May 2007, around one and a half million Italians, celebrated Italy's first Family Day. This celebration was held with the aim of protecting heterosexual marriage. According to an article in The Times of Malta,³⁰ this event should have opened the eyes of Maltese people. A spokesman for Alleanza Cattolica said that homosexual "marriage" will threaten the Italian culture as the traditional family in Italy is the heterosexual couple. On this occasion Pope Benedict said that we are living in a society that promotes the freedom and happiness of the individual while forgetting the real significance and role of the family. Furthermore, in July 2006, Pope Benedict arrived in Valencia, Spain for the Fifth World Meeting of Families. He urged the Spanish Bishops to hold firm during "a time of rapid secularisation" and in fact he himself during the Mass celebrated there, spoke clearly against the new laws introduced in Spain, among which was the legalisation of gay marriage.³¹

²⁷ <http://www.timesofmalta.com/articles/view/20060125/local/ireland-proposes-civil-partnerships-for-gay-couples.65374> Ireland proposes civil partnerships for gay couples.

²⁸ <http://www.ons.gov.uk/ons/rel/vsobl/marriages-in-england-and-wales--provisional-/2012/stb-marriages-in-england-and-wales--provisional---2011.html#tab-Civil-Partnerships> Civil Partnerships

²⁹ <http://www.timesofmalta.com/articles/view/20061220/local/maltese-no-to-gay-marriages-eu-survey.31725> Maltese no to gay marriages – EU Survey 20.12.2006 Retrieved on 19th August, 2014

³⁰ <http://www.timesofmalta.com/articles/view/20070527/religion/the-sleeper-waketh.16470> The Sleeper waketh May 27th, 2007

³¹ <http://www.timesofmalta.com/articles/view/20060710/local/pope-ends-spain-trip-defending-family.48115> Pope ends Spain trip defending family 10.07.2006 Retrieved on 19th August, 2014.

In 2011 ILGA awarded Malta zero points out of 17 on its respect for human rights and the legal equality of gay persons. Although Malta was not the only EU country scoring low, since Cyprus scored a negative number (-2), however countries such as Great Britain scored 12.5. The rankings were given by ILGA on a scale of between 17 and -7. No country in Europe was awarded full points. The table graded countries over their laws and administrative practices in 24 categories. These include:

- respect of freedom of assembly and association of LGBT people,
- inclusion of the grounds of sexual orientation and gender identity in anti-discrimination and anti-hatred laws,
- existence of legal gender recognition for trans people and legal recognition of same-sex couples,
- parenting rights,
- equality of age of consent for same-sex sexual acts.³²

































During a discussion on held on our University's campus in October 2011, it was revealed that according to a survey the majority of the 704 students interviewed were in favour of same-sex marriage. On the other hand, it was noticed during this discussion that political parties were to a certain extent keeping back from forming an opinion. All the four politicians present during this discussion referred to same-sex couples' union or partnership rights and only Pullicino Orlando referred directly to gay marriage. Pullicino Orlando said "Maltese society has evolved faster than parliament". Moreover he added, "I cannot understand how any

³² <http://www.timesofmalta.com/articles/view/20110518/local/Zero-points-in-gay-equality-league.365916> Zero points in gay equality league May 18, 2011 Nikki Abela Mercieca

government or society can oppose the free and responsible choice of two individuals to get married.”³³

Same-Sex Unions in 28 European Member States

The practices and attitudes within European countries are dependent on their culture and history. Some countries, such as Denmark and Norway, initially introduced Civil Unions Law, but now also offer the possibility to convert to marriage. The following table provides information on the legal recognition possible in the EU countries.

Countries: Same Sex couples Legal Recognition³⁴		
Same-Sex Marriage Marriage Equality	Registered Partnership Civil Partnerships Civil Unions	No Legal Recognition
 Belgium	 Austria	 Bulgaria
 Denmark	 Belgium	 Cyprus
 France	 Croatia	 Greece
 Iceland	 Czech Republic	 Italy
 Netherlands	 Denmark	 Latvia
 Norway	 Estonia	 Lithuania
 Portugal	 Finland	 Poland
 Spain	 France	 Romania
 Sweden	 Germany	 Slovakia
 United Kingdom	 Hungary	
	 Ireland	
	 Luxembourg	
	 Malta	

³³ <http://www.timesofmalta.com/articles/view/20111020/local/University-students-favour-same-sex-marriage-but-parties-lag-behind-.389886> University students favour same-sex marriage but parties ‘lag behind’. Oct 20, 2011 Bertrand Borg

³⁴ http://europa.eu/youreurope/citizens/family/couple/marriage/faq/index_en.htm EU- Marriages: recognition/registration in different countries – Your Europe – Faq Registered partnerships. June,2013 Retrieved on: 25.11.2014

	 Netherlands  Slovenia  Spain  United Kingdom	
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Table 3.6: The legal recognition possible in the EU countries

In 2001, the Netherlands was the first to legalise same-sex marriages, followed by six other European countries, that is Belgium in 2003, Spain in 2005, Norway and Sweden in 2009 and Iceland and Portugal in 2010 (Noack et al., cited in Abela and Walker, 2014).

3.5 Homosexuality and religion

Several arguments were made with regards to homosexuals and religion. Most of these religious arguments are against homosexual acts but at the same time promote homosexual integration within our society. This section will go through various statements made by different religious entities.

Roman Catholic Archbishop Charles J. Scicluna said that Pope Francis is “shocked” by the news of the Maltese Civil Unions Bill because it aims to legalise adoption. Pope Francis supports civil partnerships but is against gay adoption and gay marriage. Moreover, in an article (Gander, 30.12.13) published in the UK Independent, Pope Francis was quoted as having said that: *“If someone is gay and seeks the Lord with good will, who am I to judge?”*

However he also said:

"You shall not lie with a male as one lies with a woman; it is an abomination." Leviticus 18:22.³⁵

Pope Francis defended gay persons from discrimination but also referred to the Catholic Church's universal Catechism, which says that while homosexual orientation is not sinful but homosexual acts are." *The Catechism of the Catholic Church explains this very well. It says they should not be marginalised because of this (orientation) but that they must be integrated into society,*" he said, speaking in Italian.

Moreover, he said:

"The problem is not having this orientation. We must be brothers. The problem is lobbying by this orientation, or lobbies of greedy people, political lobbies, Masonic lobbies, so many lobbies. This is the worse problem." ³⁶

In addition, in November 2005, the Vatican published a document making it clear that gay persons are prohibited from becoming Catholic priests. Gay movements criticised the Church for issuing this document. They said that this document was drawn up after a sexual scandal in the United States, where teenage boys were abused by priests, and it was unfair that gay persons were made to take the blame.³⁷

On December 19th, 2008 the Vatican urged World governments to legalise decriminalise homosexuality, but it still opposed gay marriages.³⁸ However, in January 2012 Pope Benedict

³⁵ http://www.laikos.org/bible_index_laikos.htm Catholic.net Online Bible. Leviticus 18:22

³⁶ <http://www.timesofmalta.com/articles/view/20130729/world/pope-says-gays-must-not-be-judged-or-marginalised.480010> Monday, July 29, 2013, 14:53 Reuters. Pope says gays must not be judged or marginalised.

³⁷ <http://www.timesofmalta.com/articles/view/20051130/local/vatican-restricts-gays-in-catholic-priesthood.70476> Vatican restricts gays in Catholic priesthood 30.11.2005 Retrieved 19.8.2014

³⁸ <http://www.timesofmalta.com/articles/view/20081219/world/vatican-backs-gay-decriminalisation.237916> Vatican backs gay decriminalisation 19th December, 2008

XVI said that liberal family values were threatening the future of humanity, indirectly referring to homosexual marriage and adoptions by gay couples.

"Policies which undermine the family threaten human dignity and the future of humanity itself," the Pontiff said in a speech at the Vatican.³⁹ In his remarks, Pope Benedict quoted the chief rabbi of France, Gilles Bernheim, saying that the campaign for granting gay persons the right to marry and adopt children was an "attack" on the traditional family made up of a father, mother and children. Similarly, according to Auxiliary Bishop Charles Scicluna, if Catholic lawmakers vote in favour of legislation recognising gay unions, they will be committing a "gravely immoral" act.⁴⁰ Quoting from a 2003 Vatican document, Mgr. Scicluna referred to a section that specifically says Catholic politicians have "a moral duty to express their opposition clearly... and to vote against" civil union laws.

Other arguments put forward were more directly linked to homosexual marriages and family. For example, on the 25th of November, 2005 Archbishop Joseph Mercieca, Gozo Bishop Nikol Cauchi and Auxiliary Bishop Annetto Depasquale said that "Marriage is holy while homosexual acts go against natural moral law...." The Malta Gay Rights Movement (MGRM) challenged this statement by saying that homosexuality has been present for centuries and in different countries.⁴¹ The bishops insisted that homosexuals should still be given our love and discrimination should be prevented. This thought was also criticised by MGRM since they believed the Church should be the first to set an example.

³⁹ <http://www.timesofmalta.com/articles/view/20120109/world/liberal-family-values-threaten-humanity-pope.401656> Liberal family values threaten humanity: Pope Jan 9, 2012

⁴⁰ <http://www.timesofmalta.com/articles/view/20140105/local/Vote-for-gay-adoption-gravely-immoral-act.501377> Sunday, January 5, 2014, 00:01 by Ariadne Massa Vote for gay adoption 'gravely immoral' act

⁴¹ <http://www.timesofmalta.com/articles/view/20051128/local/gays-movement-insists-on-right-to-pursuit-of-happiness.70664> Gays Movement insists on right to pursuit of happiness. 28.11.2005 Retrieved on 19th August, 2014

The Catholic clergy describe homosexuality as a “social and moral phenomenon which is leading to much concern and trouble”. The MGRM criticize this statement since the word phenomenon dehumanizes homosexuals. It insists that homosexuals are people who love and want to be loved back. To add to all these divergences, it seems that confusion between paedophilia and homosexuality exists.

However, in another article in The Times of Malta, Bernard Muscat (MGRM) said that a lot of people support their opinion against homosexuals by referring to the Bible and they believe that homosexuality is a condition. Muscat said that organisations such as the American Psychiatric Association and the World Health Organisation claimed that homosexuality is as natural as heterosexuality.⁴²

3.6 Main political arguments

The following are a number of important statements put forward:

- Lawrence Gonzi, at that time Prime Minister of Malta, said:

“a family is based on a permanent marriage between a man and a woman.”

(Falzon,2012.p.13)

- Austin Gatt:

“Maltese society is not yet prepared to accept marriage equality as a civil right...marriage is not a fundamental human rights issue but a domestic legal one.”

- Civil Liberties Minister Helena Dalli: “Don’t compare Bill to church marriage”

⁴² <http://www.timesofmalta.com/articles/view/20070716/letters/homosexuality-not-a-choice-1.11129>
Homosexuality not a choice (1) July 16th, 2007

- TPPI, 2013: “*Civil Unions would be a way through which society would acknowledge their relationship and overcome the stigma that currently attached to them.*” (p.18)
- The European Union’s main concern with regards to the unavailability of legal recognition of same sex couples is that it results in discrimination about the freedom of movement of persons.

I consider this chapter as fundamental to my research study since it explains the whole process of the Civil Unions Law in Malta and highlights the main arguments put forward with regards to same-sex legal recognition and adoption. In addition, it is an aid to understand the statements put forward by informants during interviews. Without the knowledge inputted in this section I would not have been in a position to carry out the interviews.

CHAPTER FOUR

RESEARCH DESIGN

This chapter examines the research methods employed in this study. Primarily it discusses the research questions followed by a description of the population. The sampling procedure and techniques adopted for this research study will then be examined. Finally, ethical issues involved in carrying out such a sociological research study will also be discussed.

4.1 Research Questions

As already mentioned in the local context chapter, the Civil Unions Law was approved by the Maltese parliament in April 2014. Having closely followed the political process leading up to this legislation, and the fact that I myself had known a cohabiting same-sex couple, inspired me to conduct this research. However, gradually realized that I have been observing the experience of a same sex-couple not knowledgeable about this new law. In addition, I felt that research in this area is essential as during a national conference on family, which was organised by the Social Policy Ministry in January 2010, then president George Abela mentioned the need to update Maltese legislation and include a clear definition of marriage and what constitutes a family. “The President said the fundamental idea of a family in all cultures was that a child needed a mother and a father – marriage and family had to be supported – not undermined and weakened. Dr Abela pointed out that Maltese law does not

have an explicit definition of marriage. "Is this lacuna there for a wide interpretation of 'marriage' to include, in future, unions other than those between a man and a woman, or because its definition is so obvious?"⁴³

On the other hand, in reaction to this, the MGRM issued a paper which asked whether it is a matter of definition, prejudice or discrimination. MGRM argued that the President, while referring to a family as composed by a man and a woman who reproduce, was not considering those families who cannot have children, adoptive couples, cohabiting couples and obviously same-sex families. The facts just mentioned, I believe, give an added dimension to the research and have triggered my enthusiasm to learn about same-sex relationships and carry out this sociological research study.

Abela and Walker argue: "As diversity increases, it is vitally important to examine the nature and extent of the changes in marriage, parenting practices and family life taking place across the globe; to understand the impacts of these changes on adults' and children's wellbeing, on communities, and on societies as a whole; and to assess the steps that might need to be taken by governments and others to develop family friendly policies and support services that can enable families to foster strong, stable, loving environments in which family members can flourish and reach their potential in the modern world." (Abela and Walker, 2014, p.5). This quote gives more sense to the importance of answering my research questions and it makes my research useful.

Hence, the purpose of this research is to examine the Civil Unions Act in the light of the sociology of the family and to find out information on same-sex couples' family life

⁴³ <http://www.timesofmalta.com/articles/view/20100124/local/need-for-definition-of-family.291076>
Need for definition of family Sunday, January 24, 2010, 12:11 by Juan Ameen

experience within the newly available civil union. This research examines how sociologically same-sex couples live their family life by looking into the unity and stability of same-sex families, assessing at the same time to what extent these couples equally share their rights and responsibilities during their union. In addition, it explores homosexuals' gender role within their relationship. This research study examines whether and how the Civil Union legalisation impacted same-sex partners' commitment to each other, their presentation to others as a couple, and their being treated as a family by others. This dissertation explores whether the Civil Union Act has provided a fuller meaning to their lives their decisions about entering or not entering into a Civil Union, and the meaning they attach to their wedding. Overall the aim of this study is to research the lives of same-sex couples at a time of fundamental legislative and political changes, as well as possibly changes in societal attitudes. Accordingly, this study attempts to answer the following questions:

- How do the experiences of same-sex cohabiting couples feed into contemporary notions, models and definitions of family?
- Do cohabiting same-sex couples distinguish in notion and in practice the differences between civil unions and marriage?
- How do same-sex couples experience the broader network of kin and friends?
- How do they experience and live the lack of gender differentiation? How much legal recognition of their relationship is important for them, if at all is?
- How do they relate to parenthood?
- In what ways do same-sex cohabiting couples construct and experience domesticity?
- In what ways, if at all, has this new legislation changed the same-sex couple relationship? In what ways, if at all, have contemporary structural, legislative and political changes affected their lives?

These research questions are researchable. The results of the study provide sociological information about Civil Unions and answer the above-mentioned research questions. I present the findings from in-depth interviews with same-sex cohabiting couples in Malta. I focus on their experiences with their families of origin and relatives and investigate the legitimating process of same-sex unions.

4.2 Population

The next step after formulating the research questions was to define, for analytical purposes, the population involved. This study focuses on contemporary Malta and on same-sex couples, including cohabitating couples as well as couples in civil union. Therefore, both same-sex couples in civil unions and cohabiting same-sex couples were invited to take part in this research because I feel that their experience can contribute to my understanding and knowledge of civil unions.

The pre-requisites for participants to be eligible to participate in this study meant that participants had to either be living together for at least one year on the date of the interview or be in a civil union. Participants were required to be residing in Malta, with at least one of the partners being Maltese and with both partners agreeing to take part in the same interview and not in separate interviews.

To find out the effects of this new law on same-sex couples, I will not be making comparisons with heterosexual families. In other words, my research study does not intend to compare homosexual couples with heterosexual couples; the latter fall outside my present focus. The MGRM paper (p.28) states that one would have taken a discriminatory approach if one had to study the possibility of same-sex couples raising kids.

This study focuses on a small group of same-sex couples living together. It is admittedly a small group but very well networked. The “Same Sex: Same Civil Entitlements” document published by The Today Public Policy Institute describes LGBTI – Lesbians, Gays, Bi-Sexuals, Trans-gender and Intersex individuals – as a “minority group”. (TPPI, 2013) Data gathered from the latest Census carried out across the Maltese Islands revealed that a 0.1 percent of Maltese households are composed of same sex-couples. This clearly confirms that same sex-couples are a small group in Malta. The 2011 Census in fact, indicates that only 164 private households are formed by same-sex consensual union couples without resident children. The same census also reports that only four households are composed of same-sex consensual union couple families with at least one resident child under 25 (NSO, 2014). The National Statistics Office (NSO) reports that the number of private households in Malta is approximately 153,000. The publication reveals that the most common type of family nucleus is husband/wife-couple families with at least one resident child less than 25 years (43%). The second most popular private household is composed by husband/wife-couple families without resident children (26%). This description is illustrated in the following table

Table 79. Distribution of families in private households by type of family nucleus

Type of family nucleus	No.	Per cent
Total	118,960	100.0
Husband/wife couple families without resident children	31,422	26.4
Married same-sex couple families without resident children	2	0.0
Husband/wife couple families with at least one resident child under 25	51,187	43.0
Husband/wife couple families, youngest resident child 25 or older	12,619	10.6
Opposite-sex consensual union couple families without resident children	2,288	1.9
Same-sex consensual union couple families without resident children	164	0.1
Opposite-sex consensual union couple families with at least one resident child under 25	1,625	1.4
Same-sex consensual union couple families with at least one resident child under 25	4	0.0
Opposite-sex consensual union couple families, youngest resident child 25 or older	62	0.1
Lone father families with at least one resident child under 25	1,620	1.4
Lone father families, youngest resident child 25 or older	1,353	1.1
Lone mother families with at least one resident child under 25	11,648	9.8
Lone mother families, youngest resident child 25 or older	4,966	4.2

Table 4.1: Distribution of families in private households by type of family nucleus

(Source: NSO, 2014, *Census of Population and Housing 2011 Final Report*, p. 221)

Since the law was still in its early stages, official statistics of the number of civil unions carried out in Malta were unavailable. However, I contacted the Public Marriage Registry and was informed that the total number of registered civil unions during 2014 stood at twenty-three. Seventeen of these civil unions involved male gay couples, with the remaining six involving female lesbian couples. In addition, in four out of the twenty three couples both partners were foreigners, three couples live in Malta and one couple lives abroad. Moreover, during 2014, six same-sex couples registered their civil marriage which was held abroad. This research study introduces us to six couples who are already in civil union and also to some couples who are preparing for their civil union in Malta. My objective was to collect information from same-sex couples themselves.

4.3 Sampling Procedure

My initial aim was to interview twelve couples, six same-sex couples in a long term relationship and six couples who are in civil union, having three gay couples and three lesbian couples in each category. I had to resort to snowball sampling to carry out this research since on one hand I had no sample frame, but on the other there is an element of networking among same-sex couples. Same-sex couples are socially connected. However, since snowball sampling was used, the number of couples willing to participate exceeded my targets. This only confirmed that among same-sex couples and among gay people general, there is remarkable element of networking. I must add here that those couples, who showed interest to participate after I reached my targets, were not refused.

Recruitment began in February 2015 that is only ten months after same-sex civil union legalisation came into effect in Malta, and continued until March 2015. Many couples had been legally married in other countries before the Civil Unions Law was approved in Malta. In my sample in fact, two of the couples, with both partners being Maltese and living in Malta, were already in a form of commitment abroad; a lesbian couple had been in a civil partnership in England, while a gay couple entered into civil marriage in Portugal. The rest of the couples in the sample were in civil union, having carried out their civil union in Malta during the year 2014.

The total number of couples participating in this study amounts to fourteen couples, that is twenty-eight participants. The sample is composed of eight couples being in a long term relationship and living together and six couples in civil union. Four of the couples who are in a long term relationship are gay men and four are lesbians, while three of the couples in civil union are gay men and three are lesbians. This is a total of seven lesbian couples and seven

gay couples. None of the couples have children. All couples in civil union have entered in civil union during the year 2014.

Respondents' ages range from 27 to 51 years. Given that respondents linked one particular question to age during the interview, this study does take into account variables of age. The ages of participants are indicated in the following table and figures.

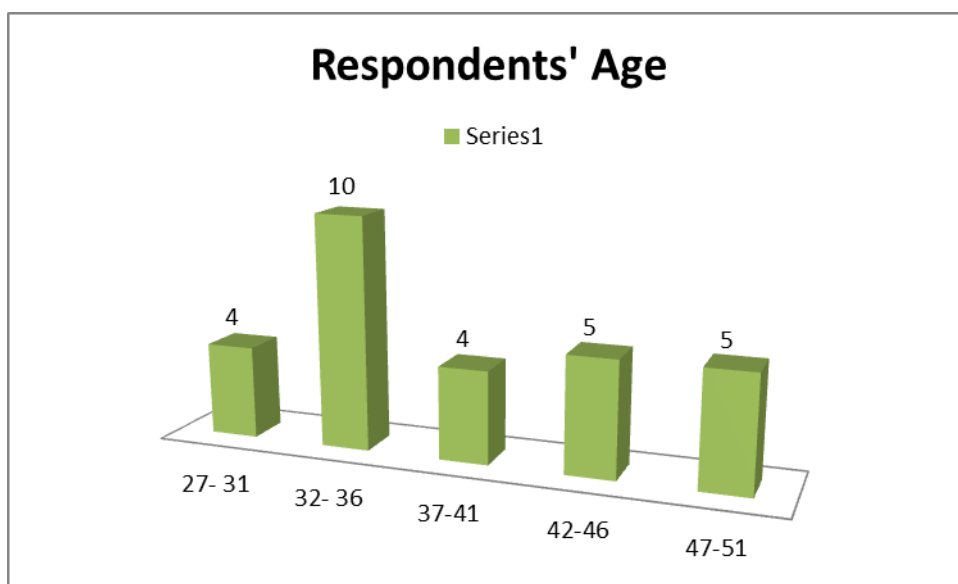


Figure 4.1: Respondents sorted by age

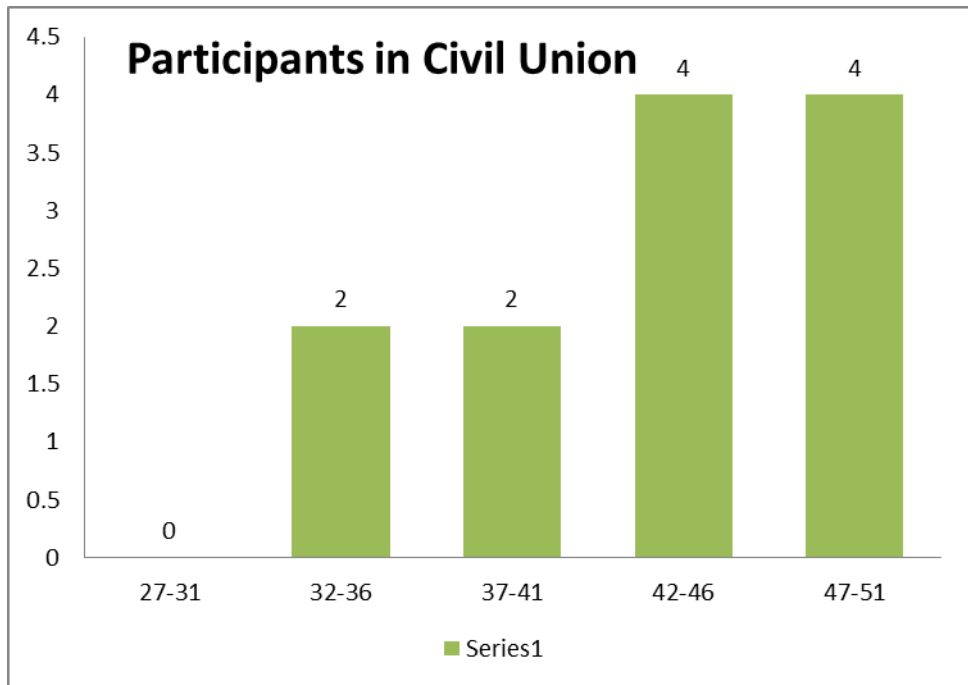


Figure 4.2: Age of participants who are in civil union

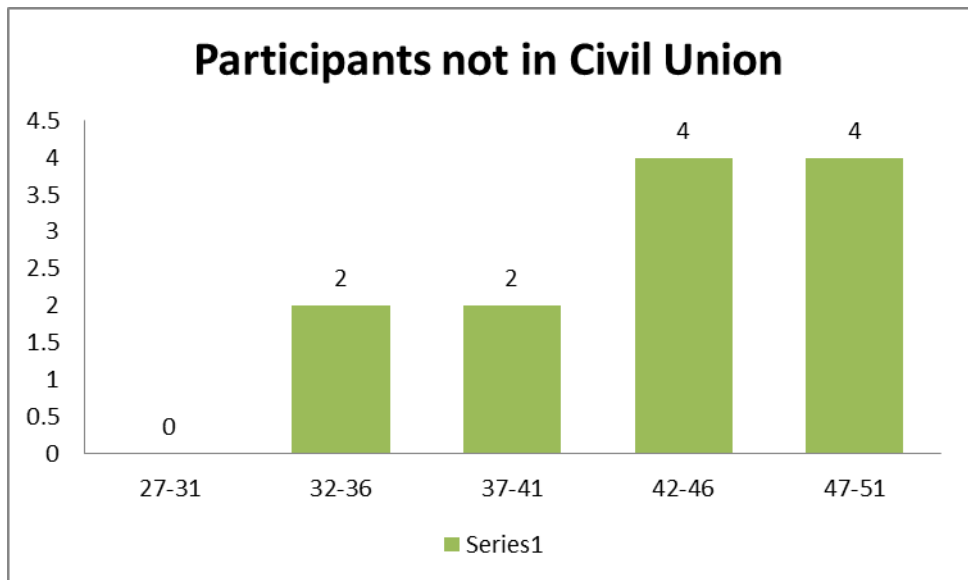


Figure 4.3: Age of participants who are not in civil union

Length of relationship ranged from 2 to 20 years. This is illustrated in figure 4.2.1 and 4.2.2.

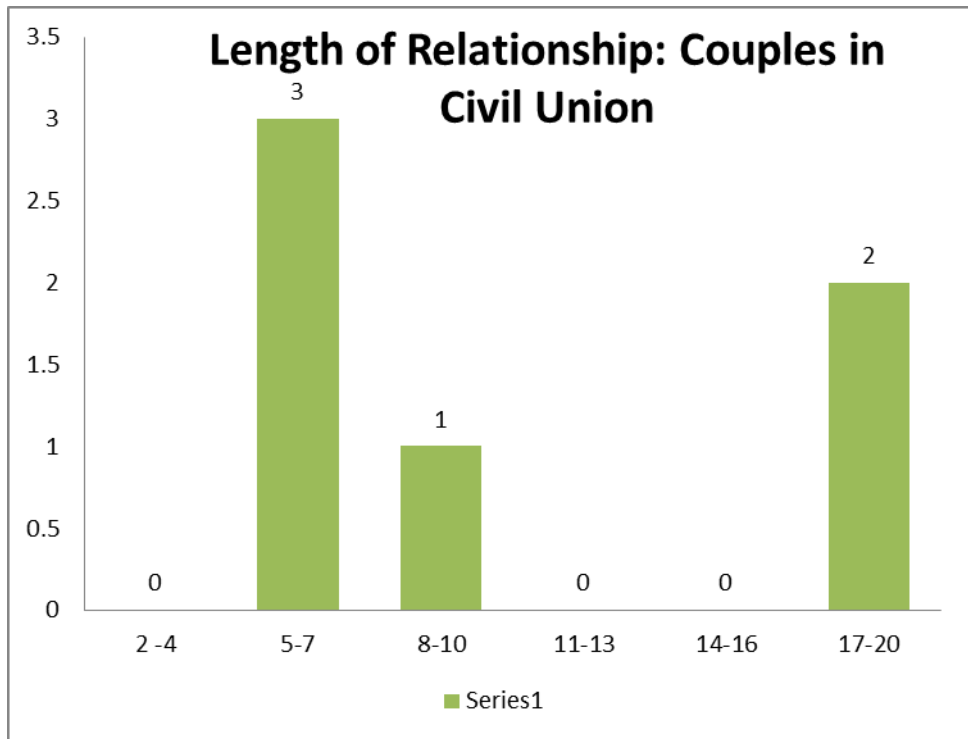


Figure 4.4: Length of relationship of couples in civil union

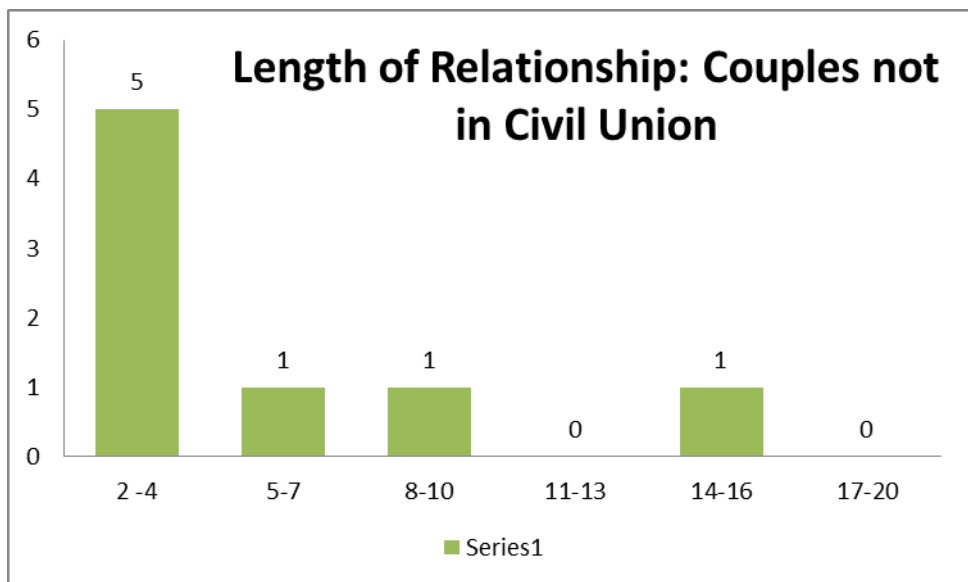


Figure 4.5: Length of relationship of couples not in civil union

All participants live together; however, the years that they had been living together varies as does the time after which they decided to start living together, which ranges from two months

to 5 years. This is illustrated in Figure 4.3. All couples in civil union used to live together before they entered in civil union. Figure 4.4 illustrates the years that participants had been living together.

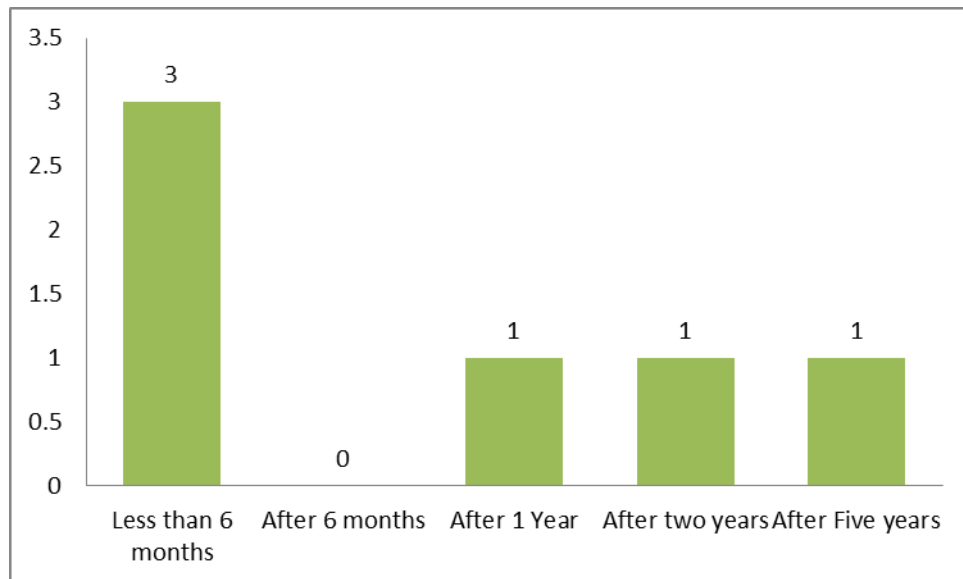


Figure 4.6: Time after which they decided to move in together: couples in civil union

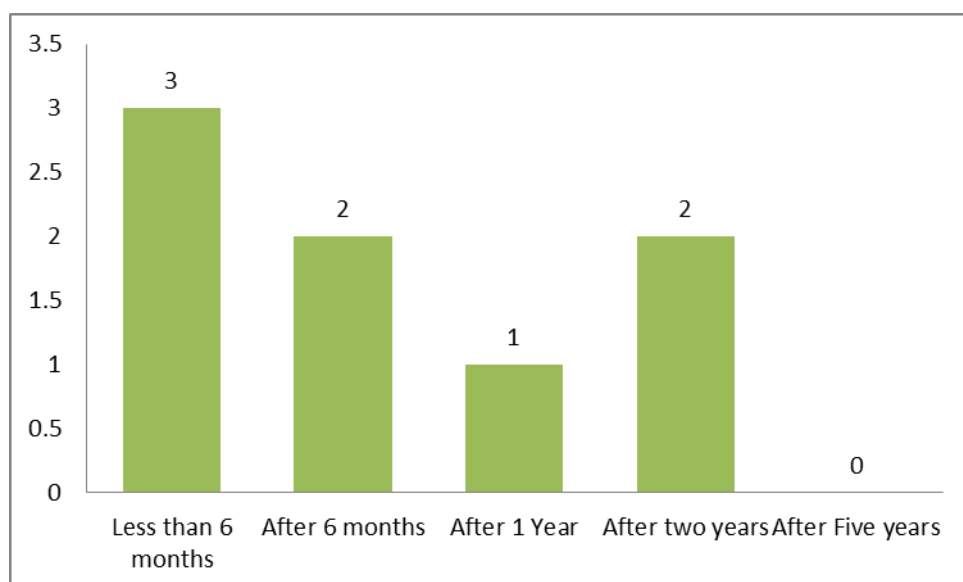


Figure 4.7: Time after which they decided to move in together: couples not in civil union

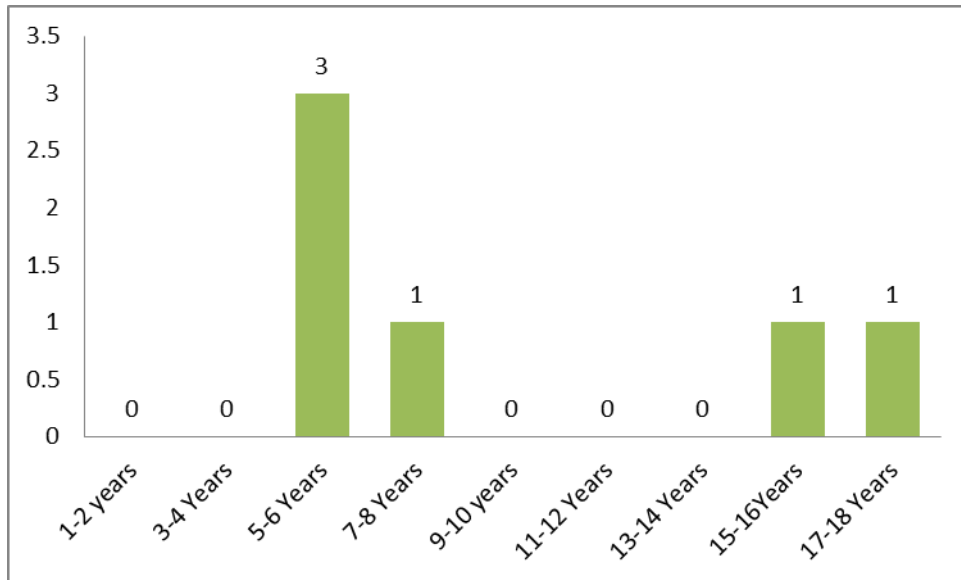


Figure 4.8: Years participants in civil union had been living together.

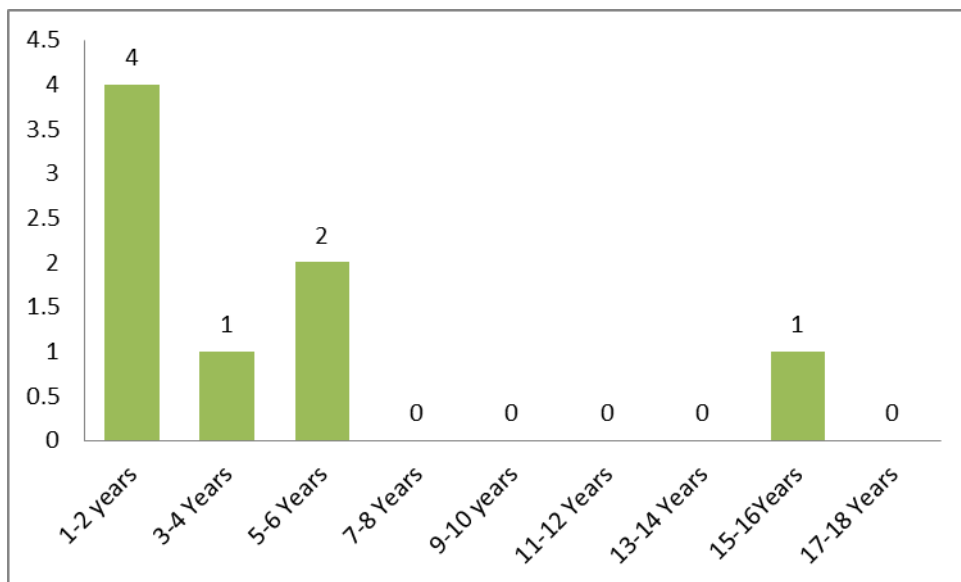


Figure 4.9: Years participants not in civil union had been living together.

Couples who participated in this study were all residents of Malta. Respondents lived primarily in residential areas but the sample included participants residing in different parts of Malta. In addition, some of the couples were composed of one of the partners being a

foreigner but living in Malta. These couples with one foreign partner amounted to four. Figure 4.5 represents this and divides participants as being in long term relationship or in civil union and points out their sexual orientation.

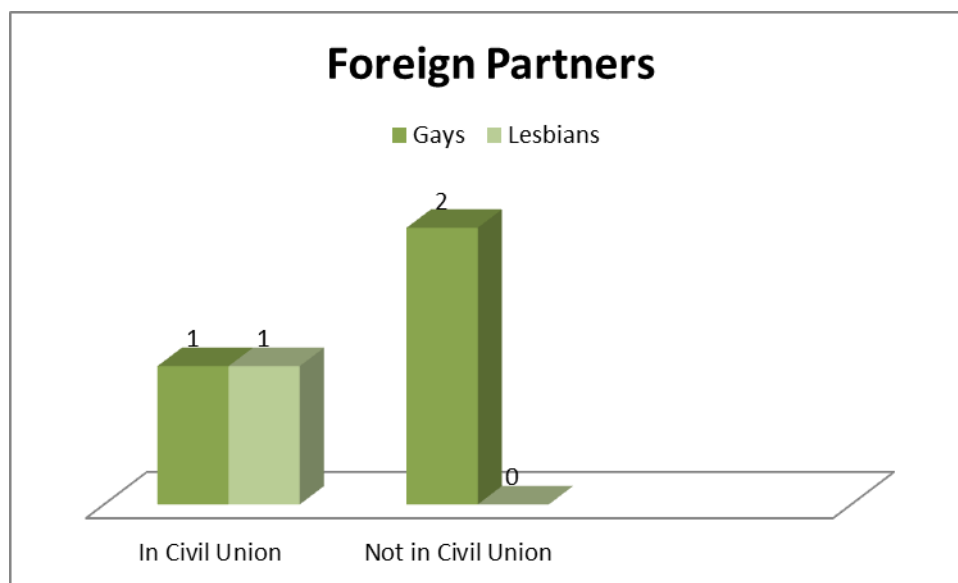


Figure 4.10: Foreigners sorted according to their relationship, nationality and sexual orientation.

Almost one partner from each couple identified themselves as religious or spiritual, however the rest reported that they were not. Only two of the participants had been in a heterosexual relationship and previously married. One gay participant not in civil union was previously married to a woman. Moreover, one lesbian participant who is in civil union was previously married to a man. However, all participants reported not being parents, except for the one gay participant who was previously married to a woman. This participant had adopted children while in his previous heterosexual relationship. Moreover, he still maintains a close relationship with his adoptive kids.

No participants were retired; however one lesbian couple reported that one of them has stopped working since the couple entered in civil union. Couples in this sample resulted, on average, well educated. The majority of the participants are University graduates while the rest had attended post-secondary school and two of the participants have a secondary school level of education. The pie chart below divides more clearly the participants' level of education.

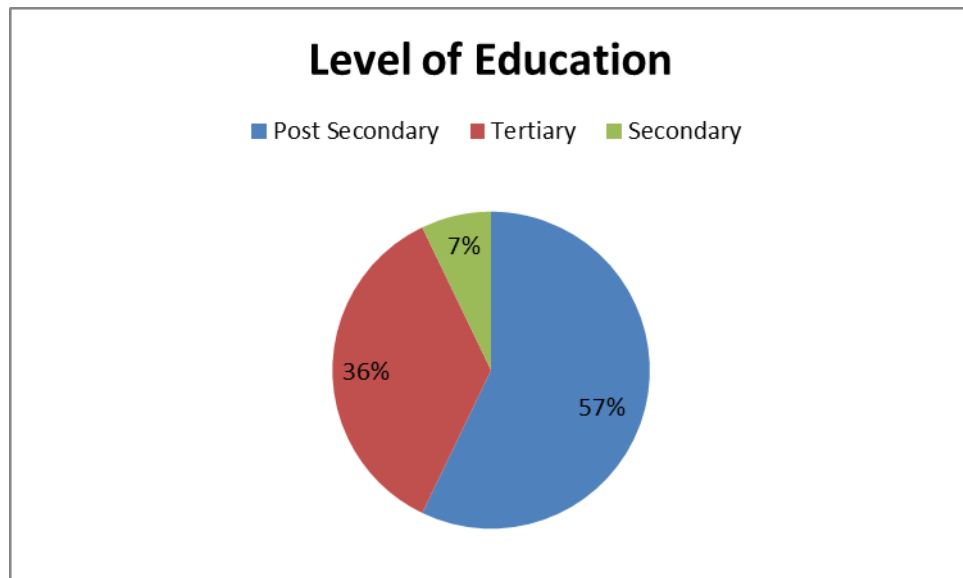


Figure 4.11: Educational level of participants

To summarise, variables regarding the relationship of couples who are in civil union included:

- The length of the relationship
- Length of civil union
- Age
- Education
- Nationality

While variables regarding all couples included:

- Age
- Length of relationship
- Education
- Nationality

Demographic characteristics of the participants' relationships were gathered to assist in interpreting the qualitative information. Demographic variables include age, education, occupation, religion, sexual orientation and term of relationship. This section will provide all the necessary details in order to help the reader understand the interpretation of the data collected.

4.4 Techniques

A qualitative approach is used to represent marital experiences, and it examines the relationship between marriage and family recognition, and support, in greater depth. The findings presented are drawn from in-depth interviews with fourteen homosexual couples in Malta, conducted in 2014 a few months after the approval of Civil Unions law. A qualitative method is employed, using semi-structured interviews. As my research questions show, I am interested in the daily lives and practices of participants. This interest lends itself to qualitative research.

During this study, questioning by means of in-depth face-to-face interviews is the primary method employed. Moreover, since qualitative interviews are conducted in this study, open-ended questions are used and these proved to gather more detailed information and the true feelings of the respondents. If close-ended questions were used, participants would have been

restricted to choose one answer from a number of suggested answers. This is not the case in this study. My literature review and some preliminary research helped me design my interview key. Even though a set of questions was prepared as guidelines in order to tackle topics in an unambiguous manner, the interviewees were uninterrupted during most of the interview so that they were able to express themselves freely. Open-ended questions were appropriate for interviewing same-sex couples to enable them to give more detailed information. They revealed information about their family life especially when speaking about their private life. Open-ended questions helped to explore the inner reasoning behind their daily actions and their approach towards the Civil Unions Law. Furthermore, couples in civil union and those not in civil union were asked different questions. This is clearly observed in the Interview Key attached (Appendix A4 and Appendix A5). In terms of subject matter, the interview can be divided into five main sections. Data was collected on the relationship's history, including spiritual and religious practices, couples' decision-making process, their perception of Civil Unions Law, same-sex parenting, and the impact of the passing of the Civil Unions Law on their relationship.

For the purpose of this study, my aim was to meet participants at their own homes, since it was obvious that direct observation and noting the characteristics of family life directly in their natural settings were the essential methods for collecting primary data. Conducting the interviews in their natural setting provided me with the opportunity to closely observe their routines and gender roles. Interviews and observations together enabled me to gain access to their experiences. Observations supplement data obtained from questioning. These two methods were amalgamated so as to obtain a better understanding of the participants' family life and their approach to Civil Unions Law. The majority of the interviews were in fact held at the interviewees' own house. But since participants were free to choose the location for the interview, some of them were interviewed at other locations of their choice, such as at their

workplace or in a cafeteria. This provided them with an environment where they felt safe and comfortable to answer my questions. This contributed to creating enhanced and valid data, given that the quality of interaction is likely to affect the standard of data collected. I thought that direct observation is very useful and important to achieve valid results.

Each couple that accepted to support me in this study was scheduled for a one-hour appointment at a time of their convenience. Participants were interviewed together as a couple. The reason was that I wanted participants to co-narrate and construct their experience as a couple, because even during the process of the interview I could observe the dynamics of the interviewees as a couple. I believed that being interviewed together as a couple together, participants were more likely to bring out the dynamics of couple life. The couple was helped to feel at ease by having the interview structure explained beforehand, and by being given answers to any queries. Before starting the interview, consents were obtained from the couples for participation. Couples were assured that their participation was completely voluntary, that they could refuse to answer any questions they did not want to discuss, and that they could cease participating at any time if they so desired. Notes were taken immediately after the interviews since the conversation with couple used to continue even after the recorder was switched off. After each interview other notes were taken, such as a description of the environment and activities going on during interview. For example a particular participant asked whether he could continue doing the ironing. He did, but still his participation was intense. A summary of each interview was kept, such as taking details of the main issues tackled during the interview, a summary of the information obtained, the personal circumstances of each participant and any new questions that were considered to be suitable to be asked to the next participating couple.

I recruited participants using two methods. I employed snowball sampling techniques as the study progressed, however I also contacted MGRM, asking them to bring the study to the attention of their members. MGRM posted in their page on Facebook but had no feedback. However, two of the participants who were encouraged by their friends to participate in this study said that they had also seen the post on Facebook. Since some sections of the LGBTI community are well networked, and since homosexuals tend to be members of the MGRM where they tend to support each other and strive to gain more rights, snowball sampling was considered to be the most suitable technique for this study. Snowball sampling is a non-random sample technique which starts with one participant and moves on to other participants who make part of the group being studied (Neuman 2006: 222-223). Snowball sampling technique was also used due to the difficulty in identifying gay and lesbians persons who were willing to disclose their sexual orientation and participate in the survey. No incentive was offered for participation.

The first few participants were mainly friends who were informed of my research and they were asked, and accepted, to take part in the study. At the end of the interview, participants were asked to recommend another couple whom they thought might meet the selection criteria and who might be interested to participate in this study. These recommended couples were also invited to take part in the study, mostly through an email containing a detailed description of my research, to which a copy of the informed consent form (Appendix A6) was attached. Some members of the target population know each other well, and by means of this snowball sampling technique a small scale of fourteen couples was obtained. Informants were willing to participate in this study and stimulated other informants to participate.

Informants were asked for approval for the interviews to be recorded. Only three couples refused to be recorded, citing as a reason the fact that, knowing that they are being recorded,

they might not be able to give full answers and that they might get confused. The interviews took the format of a conversation. The interview (Appendix A4 and Appendix A5) starts with a few simple descriptive questions that allow me to gather background information while also building rapport with the participants. These simple questions are followed by others for which the informant gives lengthy descriptions and which mainly gather more information about themselves and about their approach to the Civil Unions Law. Attention was paid to nonverbal cues and expressions with symbolic value.

4.5 The analytic process

Data was analysed with a qualitative approach in mind. Thus, ‘the process involves three different modes of reading the text’ (Schutt, 2006:328). Initially, I listened to the data collected and when an interview was not recorded I read all the notes taken. Then a solid reading of the notes was carried out, followed by a second reading to reflect on the data, finally achieving an interpretation of the data. I was aware that individuals may alter their behaviour because they were being recorded; however participants showed that they were willing to give information. Moreover, those participants who thought that they might be confused because of the recorder, rejected its use immediately. Thus, the issue of the recorder was not an issue as even after the recorder was switched off participants continued with the conversation.

A documentation of the notes gathered from observation was carried out, providing the ability to perform the first reading of the whole body of data available. This step was followed by the contextualization process, in which data was organized into concepts. These concepts were then connected to establish how concepts influence one another, in turn leading to the interpretation and reporting of data.

4.6 Ethics

The duty of every researcher is to seek out and fully understand the ethical policies designed to guarantee upstanding research practices. This study has gone through an ethical review throughout the research and all along the study the Statement of Ethical Practice (March 2002) of the British Sociological Association was followed. Additionally, this study like any other Human Subjects Research was approved by the University of Malta Research Ethics Committee (UREC). As soon as the UREC approved my research, I started the interviews.

My research is ethically sound since, as a researcher, I am familiar with basic ethical principles and strive to maintain up-to-date knowledge about policies and procedures designed to prevent irresponsible research. Moreover, same-sex couples that took part in this research were invited, without the slightest hint of pressure or coercion, to participate in an interview that took around one hour. The interviews were held in an open, voluntary manner, thus participation in the research was completely voluntary, with participants giving their informed consent to participate in this research study. As guided in Article number 16, I identified myself and my work as a university student carrying out a sociological research study, adding an honest explanation of the purpose of my study. Participants were treated with respect and considered as knowledgeable partners whose time is valued. Each couple was provided with a written informed consent form which every participant signed prior to the interview. The informed consent form (Appendix A6) contained the following:

1. A brief description of the purpose and procedure of the research.
2. The expected duration of the interview.
3. A statement declaring that there are no risks involved except their valuable time.

4. A guarantee of anonymity and the confidentiality of records.
5. Identification of myself as a student researcher.
6. A statement that participation is completely voluntary and that at any time they can stop the interview.

Privacy is protected by not disclosing participants' identity after information was gathered. With regards to anonymity, participants will remain nameless throughout the study. I also asked participants whether they would be interested to know the resulting findings. Moreover, during data analyses, confidentiality is maintained by not releasing information in a way that permits others to link specific respondents to specific answers. I provided both anonymity and confidentiality. Article number 34 of the Statement of the Ethical Practices states that 'The anonymity and privacy of those who participate in the research process should be respected. Personal information concerning research participants should be kept confidential'. Thus, a commitment of confidentiality is maintained for individual participants and, moreover, during the analytic process the study remained committed to respect the anonymity and confidentiality of respondents.

As previously mentioned those participants who wished not to answer a question were left free to do so. None of the participants refused to answer questions; however, one particular couple cancelled the interview an hour before it was scheduled to be held because they felt that they were not up to it. Their decision was respected and I expressed appreciation for their effort.

Ethical criteria were also applied with regards to the selection of the research method, a method that had first of all to be ethically fair and also to be appropriate to the topic. As already mentioned in another section, the snowball sampling technique to recruit couples for

the study, was not chosen capriciously, but only due to the difficulty in identifying gay and lesbians persons who were willing to disclose their sexual orientation. Furthermore, although my aim was to interview the couple at their own home, I was aware that it is best to leave it up to them to decide on the location for the interview, and to determine a place where they feel comfortable. I believe that in doing so, participants can give their best participation, besides that ethically I will not be forcing or putting any pressure on the couple.

4.7 Limitations to the study

This chapter described how the study originated, was planned and conducted. It also presented the research questions, the answers to which provided the source for the data being evaluated. In sum, the main research questions were concerned with how same-sex couples approach the Civil Unions Law and how this Civil Unions Law has affected their life.

Since the Civil Unions Law was introduced only in April 2014, that is just over a year ago, the population of individuals in civil union was understandably not big enough. In the present sample, for instance, the sampling method and procedures may have resulted in a sample of couples who are satisfied with the Civil Unions Law. Therefore, I cannot assume that the resultant findings reflect the feelings and experiences of the general population of same-sex couples. Another consequence of the fact that the Civil Unions Act approval took place recently, was that I found little social science research about lesbians and gay men in legal relationships in Malta. Very little information is available on couples who have entered civil unions. However I consider it a strength that similar studies were not yet carried out in Malta.

Beyond these limitations, I am confident that my findings contribute to further understanding of homosexual experiences with regards to Civil Unions Law and provide information that

might trigger new studies that seek to replicate and extend these findings. The next chapter will focus on the data analysis and the interpretation of the data.

CHAPTER FIVE

DATA ANALYSIS

This research study explores the family life experiences of same-sex couples living together. It focuses both on same-sex couples who are in civil union as well as same-sex couples who live together but are not in civil union. The present chapter discusses at length the main findings gathered from fourteen interviews. This chapter starts by discussing same-sex cohabitating couples' perception of the newly available Civil Unions Law, followed by the second part which explores the possible impacts of this new legislation on same-sex couples. The third part analyses the domestic life of these couples, including division of labour, quality time and decision making. It also analyses the civil union as experienced by same-sex couples and how same-sex couples experience the broader network of kin and friends. Finally, it discusses how same-sex couples relate to parenthood and their perception of adoption.

Throughout the analysis a distinction is made between participants who are in civil union and those who are not, as this helps the reader understand the arguments put forward. When it is fundamental, other information - such as age, length of relationship and so on - is also disclosed. Finally, it is important to note that participants are given a pseudonym in order to hide their identity and provide confidentiality and anonymity.

5.1 Perception on Civil Unions Law

Although this study focuses on a group of same-sex couples, the members of this group, as in any other group in society, have different perspectives and ideologies. In fact, this section will discuss the reason why same-sex couples join in civil union and will also move on to discuss why some of the participants are not yet ready to benefit from this legal opportunity. This section will also provide insights into the life of same-sex couples who are already in civil union.

5.1.1 Desire to join in civil union

As reported in the literature review there are various reasons why same-sex couples would like to acquire legal recognition of their relationship. The interview questions were asked to gain better insight into how important legal recognition is to these same-sex couples, if at all (Appendix A4 and A5). In fact, data gathered from interviews indicates that the couples who considered joining in civil union did so for different reasons. The various reasons why some of the participants do not desire to join in civil union also deserve to be analysed.

Participants who are already in civil union explained why it was important for them to join in civil union, with some declaring that the main reason for joining in civil union was commitment. According to Rostosky et al. (2006) gay couples describe commitment as their engagement as a couple in investments, rewards, sharing of costs, recognising their ideals and personal values. My study shows that participants explain commitment as the phase when they transform their relationship into something deeper. Their commitment, once they enter in civil union, brings into their relationship a sense of temporality. When a couple get married, they change their temporality since they enter into a long term relationship. Observation and data collected during interviews indicated that commitment means so many things for same-

sex couples. When using the word commitment they mean not just legal commitment but also emotional, political and financial commitment. Participants in this study referred to commitment as being ready to make their love more official and to promise mutual faithfulness. In this regard an informant said:

“I was always of the idea that if your relationship has got a good foundation, then you might as well commit yourself. We were brought up with values prompting us to take the relationship a step further. Commitment is the reason on which we based our decision to join in civil union. We decided to take this step merely for our relationship since in Malta this was not recognised yet. We strongly believe in our values and wanted to take our relationship further. As a matter of fact, we joined in civil union overseas and did not wait to join in civil union until such time as it would have been legalised in Malta. We were fully aware that at that time our civil union was not legally recognised in Malta but we were convinced this was the next best step for our relationship.”

(Kelly, 35, female in civil union).

Their emphasis on commitment builds on a social aspect. Once they join in civil union they reinforce their commitment, beginning a new phase in their relationship. Participants do not ignore the value of strengthening their relationship at some point. They refer to their civil union as a ritual that deeply marks their life. Giving importance to ritual implies that they do not just refer to the legal aspect but also to the social aspect of their union. Similarly, another interviewee who joined in civil marriage in another country mentioned that the urge of having a form of commitment was also the main reason why they got married:

“We were aware that civil union was not legally recognised in Malta as yet, however back then we still desired to have a form of commitment. From the legal aspect, it was futile to join in civil union overseas, nevertheless personally it is a boost. It boosts the relationship and I

personally believe that it is an important step albeit it is not legally recognised in your country.” (Elton, 39, joined in civil marriage a year before the civil union law was introduced in Malta).

Fredriksen-Goldsen (as cited in Wittem and Eyler, 2012) claims that the most important reason why same-sex couples want legal recognition of their relationship is the opportunity to become next of kin in case of private health incidents. In fact, some participants claimed that this was one of the reasons why they wanted to join in civil union. The Civil Unions Law eliminated their fears and security concerns. For example, a particular participant said:

“The lack of legal documentation in the health sector and in regards to death and succession, was the issue that used to exasperate me mostly. She was not considered as next of kin earlier. She is only considered next of kin now that the Bill has passed. Even if the relationship with the parents is very good, you cannot say what decisions they will take in future. I am familiar with her needs as we are together every day. This is what frustrates me mostly. This was my biggest worry and concern even though we have a very good rapport with the parents. It is useless to have a will in place since some sort of hassle would still take place. This way it is all legalised.” (Lara, 33, in civil union).

Same-sex couples have internalised a certain political discourse. The dissemination and gathering of information on the political process leading to the legalisation of civil unions, was one of the selling strategies adopted to introduce the Civil Unions Law. This body of information provides a narrative discourse which participants in this study readily warm up to. It is a discourse originating from the political field, but one that gives value to their civil union as a basic humanitarian requirement.

Their arguments also throw light on the question of inheritance and reproduction of wealth. The family represents social reproduction and is the unit through which wealth is reproduced. Now that same-sex couples are thinking of forming their own family, they have the possibility of reproducing their family resources. This broadens their commitment which is now not just emotional but also a financial one. Their civil union provides for the transmission of family property and wealth. In fact, a particular couple who is not yet in civil union also said that they feel it is important for them to join in civil union even though they procured all the necessary legal documents years ago. According to this couple, although these documents safeguard their legal rights in nearly the same way as civil union does, however they still believe that if they do not enter into civil union they would still have trouble with their family members in the event that one of them passes away. Therefore, the legal benefits of this law are superior to any other means same-sex couples might use to protect themselves.

Once again same-sex couples clearly indicate that this law was being demanded for other reasons apart from love and commitment. It is true that love was the main reason that politicians cited while debating why civil unions for same-sex couples should be legalised. Moreover, gay pride parade 2014 in Malta was titled as “Family, where love matters most”. However, the link between love and the legalisation of their relationship was not openly mentioned by participants in this study. At their home context, love was not mentioned but experienced at the time of interview. Love is being used as a political discourse: since most of us know the value of love, it provides the basis for carefully chosen political strategies. Participants too use an argument which politicians employed to encourage acceptance of same-sex unions. They sympathise with this argument as it cuts across gender. Moreover, gay rights and the Civil Unions Act cannot be detached as they took place in the same context. In other words, the Civil Unions Law was approved when a lot of gay rights debates were taking place.

This study also establishes that some of the participants recognise that the Civil Unions Law offers security and protection and this was one of the reasons that encouraged them to join in civil union. They believe that once it became legally available, then they should go for it as it is a legal opportunity which provides legal security and protection. Respondents claimed that joining in civil union gives them a sense of security in case something serious happens that could harm their relationship. Even if nothing of this kind happens, it still provides a sense of security to their relationship. Security is something we long for and experience on a daily basis and not only in case of a crisis. This is clearly conveyed in the following comment:

“Protection in case of a break-up is the most important thing for me because I have heard of some others who have been through it. In most cases it resulted that due to lack of legal protection, one of the partners kicked the other out of the house, with the latter ending up homeless overnight. But in the context of civil union, the same framework as that of a marriage applies. Everything is recognised by the law: the expenses that you incur, your responsibilities as well as your rights... In case anything should happen, the law clearly protects the couple’s rights concerning kids, property, etc.” (Elton, 39, in civil marriage)

This sense of security has been greatly enhanced by the legal union of the couple. They recognise that they were able to formally accept each other as next of kin with a notarial deed, however joining in civil union still makes a difference. Moreover, another respondent whose partner does not have Maltese nationality, referred to the security, protection and the peace of mind civil union provides in case of unemployment. He argues that the law can back up his partner in case he ends up unemployed as he will not have to leave the country. Once again the urge to join in civil union was linked to legal rights, in this case the ease of residence.

Participants in this study were directly asked to determine the benefits of joining in civil union, a question meant to establish whether they regard civil union as important. Some of them argued that civil union gives you the same benefits as those accorded to married couples. The most frequently mentioned benefits were social security benefits and taxes, inheritance and the recognition as next of kin in case of health emergencies, as commented by the following interviewee:

“For me it was really important for security as I do not want anyone to say your will or hers does not count, because you were given the right to marry but you did not get married. And then if I die or she dies, we would not be entitled to inherit each other’s property. It would be problematic not only where death is concerned, but also where taxes are concerned since two single persons are taxed in a different way. And all sorts of other things and concerns, like in case we become sick and we are admitted in hospital. Because my mother never took it (my relationship) well, my mother could easily say that she did not want anyone in her room, she could have easily done so.” (Shirley, 47, in civil union).

Apart from the recognition as next of kin, security, protection and social security benefits other reasons why they would like to join in civil union were mentioned. For example, participants also point out that the Civil Unions Law provides an opportunity for them to gain family support. Since they joined in civil union their respective families started to recognise them as a couple and not as just two friends living together. ‘Friend’ is an offensive term for some same-sex couples. The word friend has a cultural connotation: it does not amount to ‘partner’ and that is why they do not like the term. This was also reported in Ocobock’s study (2013) and will be further discussed in the next chapter. As one participant said:

“Also it (civil union) encourages family to look at you in a different way, which is nice, the attitude changes. There is also the “but you are not married”. We did not allow this to happen because we decided to go for civil union. There were times where people tried to interfere saying ‘but you are not married’ and these sort of comments, but now they cannot say so. We experience a nice feeling once joined in civil union.” (Michelle, 51, in civil union).

Other couples also referred to the acceptance by society in general rather than only by their family. They remarked that this law has helped Maltese society to be more tolerant towards same-sex couples. They also link tolerance with self-confidence. In other words, both same-sex couples who are in civil union and those who are not believe that the Civil Unions Law has helped them improve their self-confidence. A particular couple recall the celebrations in Valletta when the Civil Unions Act was approved by the Maltese parliament. They recall that a lot of couples were holding hands in Valletta. From their perspective, legalisation of civil union increased their self-confidence, and this was one of the reasons why they strongly wanted this to take place. Now gay persons have equal rights as heterosexuals. Some of the participants felt that a lot of progress was achieved as the Act helped gay people establish a sense of community and a cooperative spirit. They feel it works both ways as while gay persons become more self-confident, society becomes more conscious and tolerant of their situation. Some of the respondents believe that once the Civil Unions Act became a reality, they acquired more freedom of speech. Thus, the law is linked to tolerance. Discourses of respect and tolerance tend to influence behaviour. Developing one’s ideas as a public discourse makes these ideas highly influential. The law explores not only the personal life of the couple but also a number of political and social implications. An interviewee said that:

“The Introduction of the law made me really happy. I did not believe that it was going to happen. Heterosexuals used to think that they are special, they can get married, they can

raise kids and we cannot. This is actually prejudiced. And since the law passed you are able to say it with more confidence and pride. We can get married as well; we can raise kids as much as you do.” (Michelle, 51, in civil union).

Participants in this study said that this law is necessary as it provides equality and homosexual couples will not feel inferior to heterosexual couples anymore. Participants also mentioned that being able to join in civil union is also a sign of a broader sense of tolerance. They feel like they belong to a society that treats them like any other couple.

Schechter et al. (2008) also claims that participants in their research study experienced a sense of justice and equality at having the opportunity to legally marry like heterosexual couples. Similar statements, such as the following, were very commonly made by participants in this study:

“I now feel equal and am not feeling anything less.” (Sandro, 43, not in civil union).

Furthermore, another participant said:

“Apart from having the peace of mind, we now have rights as anybody else. And that’s what is most important, because as much as we need to contribute towards the country, the country needs to contribute for our needs as well.” (Fabian, 42, in civil union).

A female respondent who is in civil union said that she also feels that this law provides for equality among local citizens, which is what she most expected from this law. However, since the law was introduced only last year and since she is still in the initial phases of the civil

union experience, she cannot say that it really guarantees equality. This is supported by the following statement:

“When you ask us whether the law reaches our expectations we ask ourselves, ‘Is it really gonna be equal?’ We are still living the experience. We are continuously asking is this equal or not? For example, with regards to tax, we still have to see. Sometime has to pass before we can say that, yes, this law makes us feel equal.” (Shirley, 47, female in civil union).

On the other hand, some participants also claimed that this law does not provide equality. A female respondent who is not yet in civil union said that she still feels that she is not being treated equally because this law was not called *marriage* but *union*. This 35-year old participant argues that civil union was a huge step forward but it cannot yet be considered as the greatest achievement. She acknowledges that same-sex couples now have the same rights and responsibilities like any other married heterosexual couple. Yet the fact that it is called something different (*union* and not *marriage*) creates a sense of inferiority. It shows that marriage is not open for all. This particular participant believes that she and her partner should not join in civil union until it is called *marriage*. Thus, a law which was aimed to provide marital equality is, for some, establishing unfairness and differences. Some same-sex couples would therefore be willing to join in civil union only when the marriage act has been updated and made gender neutral; they feel that only then would marriage equality have been achieved.

Findings from the interviews suggest that deciding not to join in civil union unless the law changes its title to a marriage law, is not the only reason making participants unwilling to join in civil union. For example, while a 47-year old female respondent who is in civil union said that since her experience of divorce, she understands the legal importance of being in a legal

union, a 51-year old male participant not in civil union said, in contrast, that he experienced divorce and therefore he will not rush into a legal union especially since he believes that it will not change anything with regards to their relationship. While legal protection is perceived by some as a positive benefit since it backs you up in case of a break-up, providing peace of mind, for some others a legal contract may be a burden in case of a break-up. This study shows that there is no homogeneous 'gay community', as same-sex couples hold different perspectives on the Civil Unions Act and also on other related issues which will be discussed later.

Solomon et al. (2005), focused on couples in Civil Unions in Vermont and reported that a considerable number of participants in their study claimed that their main reason for seeking a civil union was their aspiration for society to know about gay persons relationships. The findings of this study are generally consistent with those of Solomon et al. However, participants in this study communicated different assessments on society's behaviour towards same-sex civil unions. Although tolerance is not that easy to measure objectively, still some participants believe that they have experienced more tolerance since the introduction of this law.

A participant remarked that:

“The law encouraged people to be less judgmental, it helped people to understand that not everyone wants to get married, you can enter in a civil union. I think it changed the mentality. It makes people think twice before they say stupid things.” (Shirley, 47, in civil union).

On the other hand, another participant said that it was not the law that helped him feel more accepted in society but the attitude of his mother during the coming-out stage:

“As long as my Mum has accepted me as I am, all my worries have vanished. My mum’s acceptance was more comforting than the introduction of this new law.” (Adrian, 33, not in civil union).

Another respondent stated that:

“It gives an additional layer of comfort to parents as it is clear proof that homosexuals and same-sex couples are accepted in society and that there is nothing wrong if your sons or daughters are homosexual.” (Sandro, 43, not in civil union).

Therefore, another reason why same-sex couples sought legal recognition of their relationship was that this law was providing a therapeutic and transforming effect on gays’ family members. On the other hand, some participants said that they do not believe that a law can change the mentality of the people. The following statement was very common among participants:

“Some people’s thoughts and beliefs do not change with the introduction of new laws.” (Joyce, 43, in civil union).

Another couple, not in civil union, do not agree on this. While one partner noticed no improvements in Maltese society since the introduction of the law, the other believes that to what extent one feels part of society depends on the individual’s personality.

Partner A: *“There was no visible improvement within the Maltese society. It still feels awkward holding hands in public as people still stare at you.”* (Elizabeth, 33, not in civil union).

Partner B: *“After some time, nothing starts to matter any longer. I am in a stage in life where nothing bothers me any longer and where I prefer to mind my own business. It is possible that I am a different person now than the person I was twenty years ago and I am more confident now. I do not have to think twice before I kiss her in public. To tell you the truth, I feel that our kissing in public sends across a message that love also exists between homosexuals. Our relationship is based on love and is similar to a relationship between a man and a woman. It is positive.”* (Victoria, 32, not in civil union).

Observations made during interviews indicate that homosexuals’ desire to have legal recognition of their relationship is based on the partners’ own character and experience. This study was carried out among a mix of people of different biographies, different educational backgrounds and employed in different occupations, among other differences. Couples who are not yet in civil union mentioned other reasons why they have not yet taken that step. For example, one couple said that even though they have been together for eight years they have not discussed the possibility of joining in civil union but they know that it will happen in the future since they believe in the rights it introduced. Another couple said that they need more time to get to know each other before they move on to such an important commitment. Quam et al. (2010) assumed that older participants in the study would be less interested in marriage because they grew up in an era when homosexuality was considered to be a mental illness. This assumption was not valid for this study as the participating couples who are already in civil union vary in age between 33 and 51 years.

Besides meeting their desire for this law to provide equality among different couples, homosexual couples also believe that this law has made them more visible. This is another reason why some of them eagerly sought legal recognition of same-sex relationships even though they are not yet interested in seeking it themselves. This study shows that there was an agreement among couples that the Civil Unions Law had made them more visible since now they are recognised by the State. Participants link this fact with social inclusion and this becomes another official discourse. In this regard an interviewee commented that:

“It made improvements in Malta. Now it is official that people like us, who a few years ago were looked at through different lenses, can walk up high since we are recognised by the State, some kind of protection for us.” (Sandro, 43, not in civil union).

The same interviewee also remarked that:

“For me the best benefit of this law is that it enables gay people in Malta to fit in.” (Sandro, 43, not in civil union).

Therefore, the Civil Union Law rendered same-sex couples visible as they are now seen as a couple and not as just two friends. Same-sex couples are now recognised as a couple. This was an opportunity which was only made possible in Malta following the introduction of the Civil Union Act. Marriage has been for ages available for heterosexual couples. Marriage is culturally and emotionally loaded. A particular respondent said that in the last general election he voted for the present party in government since the Civil Unions Law was included in that party’s electoral manifesto. He added that the reason why he and his partner, as a couple, wanted to join in civil union was first and foremost to be legally and publicly recognised as a couple and then, secondly, so that they could legally nominate each other as mutual heirs in the event of death.

Thus, if one considers the whole body of data collected, one could conclude that generally the participants' main reason for joining in civil union was the acquisition of a number of legal benefits. In other words, same-sex couples' perception of the Civil Union law is influenced by the legal benefits gained when joining in civil union.

Other participants pointed out that before the law was introduced it was useless to seek to join in civil union in another State since it was not recognised in Malta. Same-sex couples who hold this perception believe that since they cannot gain the benefits accruing from civil union in their own country, then it is useless to seek to enter in such a union in another country. This shows that some couples were more interested to join in civil union in order to gain the resultant benefits rather than for any other symbolic reason. A respondent argued that:

“It is useless to gain legal recognition in another country. It will still not be recognised in Malta. We will gain no benefits and so we think we should not go through all the hassle.”

(Claire, 27, not in civil union).

This study concludes that there is a difference between wanting the right and taking the step. Some of the couples are not yet decided about joining in civil union and have avoided being questioned about it since they had not yet discussed it between them. Same-sex couples strongly support the principle of marriage equality, but at the personal level it depends on their experiences and desires. Most of the same-sex couples interviewed said that they joined or would join in civil union primarily because they value commitment, but also to claim access to those legal protections and benefits that come with civil union and which safeguard their families and themselves. The word *right* refers to a political word, a political discourse which differs from their *life*. Their life is social and not political; therefore whether they use the right available for them depends on their social and personal life.

5.1.2 Civil union versus marriage

This study examines whether cohabiting same-sex couples distinguish in notion and in practice the differences between civil unions and marriage. According to Ould and Whitlow's study (2011), the use of terms associated with marriage, such as husband and wife, increases after the couple marry. Observations made during the interviews in the present study indicated that most of the participants who are already in civil union refer to each other as husband or wife. However, some of them still feel more confident in using the word partner. Marriage is the normative form of kinship relations and terminology. Kinship terms like husband and wife are heteronormative and do not fit the bill, yet this study shows that some of the participants use these terms consciously, in order not only to make civil unions more easily acceptable but also to make them fit into what is normative to relationships. They are taking on terms which assume a heteronormative marriage. This shows that they might use them for social reasons. On the other hand, for political reasons they prefer not to use the terms husband or wife since if they do it would mean that they have accepted as a fact that the term *union* will remain so and will never change to *marriage*. It is observed that there is always an eye on the political agenda. Same-sex couples question what are the benefits attached to the use of husband or wife when referring to each other. This observation was directly mentioned by a particular lesbian couple who said that they felt frustrated when they were invited for a civil union ceremony and the couple used certain terminology such as 'wife' or 'husband' or 'we are getting married'. Discourses of marriage are embedded in politics. Since the law was legally titled *union* and not *marriage* some of the couples believe that it is inappropriate to use the terms husband and wife for same-sex couples in civil union. Using such terms will definitely not contribute to an eventual change in the law's title to *marriage*. This is supported by the following conversation:

Partner A: *We have been to a couple of our friends' civil union. The experience filled us with joy. Finally there is something in place that allows same sex couples to take a step forward together which is not that bad, as it is the same initial type of partnership that also started being recognised overseas. Strictly speaking, even though it is a legally recognised type of partnership, it is still not so much recognised and accepted within society. It bothers me a lot when terminologies related to marriage are used. In my opinion, people do not realise that in spite of reaching this significant milestone, it is still not a marriage, hence, the terminologies used related to marriage are out of context. It makes me question what level of understanding does the gay community have about the Civil Unions Law. They might question the requirement to proceed with further campaigns for additional rights as they assume that the Civil Unions Law is sufficient.* (Rachel, 35, not in civil union).

Partner B: *Some have ceased to campaign for further rights and only a few understand the difference between joining in civil union and getting married. If the gay community itself fails to see the difference, imagine the entire society.*" (Josette, 32, not in civil union).

In fact, the above-mentioned case is a reality and is supported by common statements such as the following:

"In my opinion, joining in civil union is the same as getting married. Since we joined in civil union, I started referring to her as my wife." (Shirley, 47, in civil union).

A life without a church is void of rituals. Many same-sex couples are embedding their civil union within rituals. A civil union is simply a non-religious, legal ceremony directed by a legal official instead of a religious one. As to the vows, sometimes couples choose to personalise their vows but these are always vetted before the ceremony as no religious

references or sexual innuendoes are permitted (Appendix A7: Civil Union ceremony). Respondents report that they had some leeway to make the ceremony their own by selecting their own music and theme. Same-sex partners each choose a witness and all parties must sign a certificate after the ceremony. None of the participants in this study reported that they had bridesmaids or flower girls for their ceremony. However, they all recall the excitement they experienced while choosing their outfit and decorating the venue.

According to Ould and Whitlow (2011), the choice of terms used by same-sex couples depends not only on the social environment they live in, but also on the level of social integration and society's perception of gay persons. This was also the case in my study; however it was also noticed that sometimes the terms used by same-sex couples to refer to their other half depends more on the character of the partners themselves and also on the coming-out stage. In one case a couple linked it to a biological element, mainly the coming-out. One of the partners, who refers to her other half as 'partner', said that she had a difficult coming-out stage with her parents and with her own self in finding self-confidence and believing in social acceptance. Still the majority of the participants in this study used standard marriage terminology such as 'we are getting married', 'we got married', 'husband', 'wife' and so on. On the other hand, there are no equivalent terms to describe same-sex civil unions and to distinguish them from heterosexual couples and heterosexual marriages. As a result same-sex couples experience anxiety in the use of terminology, as will be further discussed in chapter six.

A lesbian couple said that they are not willing to refer to each other using the term 'wife' as they consider it as a term used by heterosexual couples who mostly marry in a religious institution. So they associate the terms with the church, and ritually the church is still important in Malta. The foregoing shows that it is a mistake to think that same-sex couples

hold the same opinion on the use of terminology to refer to their better half once they join in civil union. They are a definite group but still with different opinions.

There are those couples who refer to their other half as wife or husband. When a same-sex couple adopts husband and wife as their preferred term to refer to each other, gendered differentiate binary does not apply. The couple is made up of either two women or two men. There are no gender differences. They use that language to signal that they are legally in civil union or married, and no longer simply ambiguous partners. Same-sex couples do not highlight the cultural heteronormative patterns of husband or wife role. They do not use terms that reveal their sexual roles. Using the terms husband and wife, transmits an emotional message. In so doing, same-sex couples feel that they are injecting love in their relationship, exhibiting their life companion and their romantic partner. These couples who believe that they should use the terms husband and wife argue that using the word partner downgrades their relationship because it connotes a lack of commitment. They feel that the term partner does not imply the commitment that goes with marriage. Some already feel disadvantaged that the law was called union and not marriage. Now that they are in civil union they feel that it is appropriate to refer to each other as husband or wife as otherwise, using the word partner would be insulting. The term 'civil partner' is completely emotionless. Moreover, civil partner is a legal and not a kinship term, but when a same-sex couple eventually joins in civil union they need to refer to each other in terms that denote kinship. Kinship is not only about legalities but also about bonds and emotions. Their civil union means something deeper to these couples but they do not have the word or words to describe it. They are experiencing a lack of appropriate terminology during a time of change, a lack which could lead to anxiety. This is all taking place in a context in which heterosexual marriage and relationships are themselves coming to terms with social and structural changes.

On the other hand, not all same-sex couples embrace the use of the terms husband and wife. Some participants in this study have not yet decided on the terms to use when referring to each other (partner, or husband and wife). Civil partner is a legal term and because their civil union is an emotional relationship they find the term partner confusing. Observations made during interviews indicated that there is a local tendency to discuss civil union in social terms, as conveyed in the following comment:

“It does make a difference on the social level. To introduce someone as a civil partner, is not as nice as saying this is my husband. It is more challenging. Using different terminology in the social context people identify with husband.” (Carlo, 51, not in civil union).

Others have pushed aside the terms husband and wife since they believe that these terms are either too heteronormative or religiously stationed. Others still, resist the use of husband and wife because they think the use of these terms implies too radical a change for gay persons. In other words using husband and wife implies a drastic change for same-sex couples. The term partner does connote equality, does not mark gender and does not imply possession. Partner is a gender neutral term but it acquires different meanings in different situations and contexts. When same-sex couples use the term in each other’s presence it does in no way hide their gender. On the other hand when they are alone (not with their partner) in the company of others, using the term partner does not indicate that they are gay persons since even heterosexual cohabiting couples refer to each other as partners. The use of the term partner in such a context enables the person concerned to hide the gender of his or her other half. This reduces the risk for gay persons of experiencing resistance from homophobic persons.

Furthermore, couples hold different perspectives about the title of the law. This study indicates that the term marriage carries a cultural baggage. This baggage consists of gender differentiation, division of labour and the possibility of reproduction. The cultural baggage of the word marriage strongly establishes heterosexual couples as the main and normative users of marriage. Due to this, civil *unions* of same-sex couples in Malta are far more likely to be respected by others than same-sex *marriages*. According to some participants, the absence of discussion about this law was due to the simple reason that this law was introduced as *union* and not *marriage*. Therefore, it did not usurp anything which was owned and enjoyed by heterosexual couples. It was predicted that introducing the law with the title of same-sex marriages would have created a noisy reaction. The interviews in this study confirm that same-sex couples recognise that in Malta it was best to first introduce the law as *union*, with the possibility that in the future, as happened in other countries such as England, this might change to *marriage*. A respondent said that:

“It was a political skill to introduce the law as union and not marriage. It aims to easily introduce same-sex couples’ unions in society.” (Mandy, 44, in civil union).

This also shows that citizens’ daily living experiences are to a certain extent influenced by political projects and decisions. It was observed that even though some of the couples are aware of the fact that the use of the word union in the newly introduced law was meant to reduce possible reactions and opposition, they still use traditional marriage terminology such as ‘I am going to get married’ (“*ser nizzewweg*”) or ‘we got married’ (“*izzewigna*”). Even though the law is called union, they are more likely to talk with others about their *marriage* (union). Some consider this attitude as having a social value. However, they also stress that even though this marriage terminology is being used by couples in civil union, yet the difference in the law’s title must not be ignored. The use of the word union enables the

gradual integration into the wider society of same-sex couples in civil union. And most of those in civil union who are in favour of a change in the law's title strongly believe that this will eventually happen and their *union* will then be called *marriage*. They tend to consider the two terms as not being very much different in concept and that the reasons for the use of the present terminology are social and political ones.

The issue of LGBT rights has in recent years been located so squarely at the centre of the political agenda. Participants' comments highlight the need for greater political awareness. This is also supported by the following comment:

“Let's introduce it this way, keeping it in line with marriage, then once it is accepted we can change its title to marriage. For me, the reason why it is called union was the Church, it was a wise idea. It is much better than nothing. You have to be gentle with the people out there. The government has to be gentle with it. But once it is introduced they will continue working, so that once this is accepted, they will move it to the next step. I could understand what their idea was. And probably politicians were wise enough to do that. That would work in our favour because had it been put under the spotlight of marriage, it would be harsher to accept.”

(Sandro, 43, not in civil union).

On the other hand some of the participants consider this law as a source of distraction and in fact a participant suggests that more awareness is essential. She said:

“In my opinion further awareness is required. I cannot imagine that the government will splash cash in a campaign to raise awareness about the difference between civil union and

marriage since the highlight for the time being is this significant achievement of legalising civil union and the focus is to celebrate that. NGOs need to have an internal discussion initially, however a shift of mentality is required which will take some time.”

(Elizabeth, 33, not in civil union).

Another respondent remarked that:

“It is good to have the Civil Unions Law in place; however from a social aspect it is not good enough. I get frustrated when same-sex couples like us start making use of the terminologies “I am getting married”, “my wife” or “my husband”. It is a shame that the gay community is not aware that this law is failing them from the social aspect.” (Josette, 32, not in civil union).

Moreover, same-sex families seem to have mixed views on whether marriage is a good model for same-sex relationships. In addition, this study shows that from a gay person’s point of view the use of the word union instead of marriage enables them to preserve their identity. In fact another category of participants said that they are happy that it was not called marriage as it sounds heterosexual and they want to keep their own gay identity as commented by the following interviewee:

“I prefer union to marriage, as marriage is considered traditional and heterosexual. Civil union is open for all; both to homosexual couples and also to heterosexual ones. From this aspect, civil union brings an element of equality. The terminology “civil union” sounds very secular. This makes a difference to me. In reality, when you narrow it down, the same rights as for marriage apply. It would have been a different story, had the same rights as marriage

not been applicable. It does not matter to me whether it is called a union or marriage. It is secular with the same rights attached. Marriage in Malta is institutionalised. It is something that the Church speaks mostly about and I do not have any particular wish to be associated with it." (Elizabeth, 33, not in civil union).

A younger participant observed that:

"It is just a word after all, marriage or union. The definition of marriage implies that a man and woman unite; we do not fit in this definition." (Naomi 31, not in civil union).

Moreover, another category of couples are happy with the law being called union since they link marriage with the Church. Common statements by couples were similar to the following:

"Marriage is the word that the Church uses. A man and a woman get married so that they have kids. There are a quite a few people who are married. I consider marriage to be a contract that grants you the same rights as a couple." (Marisa, 34, not in civil union).

Once again marriage is associated with the Church and therefore it is rejected. The word marriage is not just related to the Church but also to heterosexual couples and due to this link some of the same-sex couples prefer the term union rather than marriage. A respondent stated that:

"Finally Malta is in line with other countries. This law showed that Malta is progressing as we were used to religious dominance and conservative ideas that were not allowing Malta to improve." (Claire 27, not in civil union).

Another participant who is not in civil union said that:

“The fact that it is called “union” rather than “marriage” does not bother me. Nowadays, compared with older days, we are in a much better position. Things have improved and moved forward. I believe in future we will be treated equally however that is a huge leap forward. Hopefully, in future it will become “marriage”. (Marisa 34, not in civil union).

The above comments also illustrate that the Civil Unions law fits in with a progressive and modern morality. This will be discussed in more detail in the next chapter. An interesting part of one of the interviews is a narrative of progress:

“Upon reading the law, I was amazed at how the Civil Unions Law is at par with marriage. I was astonished that the Nationalist Government started thinking of the cohabitation law but I was not impressed when I read the Bill. In fact, I immediately wrote a letter addressed to the Minister. I found it very insulting that a gay couple was being compared to two brothers or two sisters living together. This would have meant that we would have had to refer to a lawyer for advice before going into cohabitation. Can you imagine going to lawyer for advice before getting married? In my opinion this is ridiculous and absurd. For Malta the legal recognition of civil union and its alignment with the marriage act was a huge leap forward.” (Elizabeth, 33, not in civil union).

Furthermore, all couples mentioned that they were unhappy with the cohabitation bill as it was not in line with marriage as the civil union is. When asked whether they would have preferred that marriage law was introduced instead of civil union, one of the participants said he is not sure what the marriage law states, but since it should represent equal rights and society is struggling for equal rights, then the same law must have been made available. Some

of the couples believe that in practice, there is no difference between marriage and union as the latter provides the same rights and responsibilities. However, some of the respondents still do not like the fact that it is called union. They remark that the use of the word union instead of marriage conveys to heterosexuals the impression that gay persons are still not equal to heterosexuals.

The use of the term union prompts a discussion about fairness. As stated earlier in this chapter, one of the couples said that the reason they are not willing to join in civil union is that it was not called marriage. And this in spite of the fact that they are aware that civil union offers the same rights and responsibilities of a civil marriage. One may still find same-sex couples not willing to join in civil union because they consider the law to be unequal to marriage.

One particular participant remarked that:

“Civil union gives us a second class status, and when couples like us commit themselves to take all the rights and responsibilities of civil marriage then they should not be treated like second class citizens.” (Kurt 35, not in civil union).

While the Civil Unions Law provides equal protections to same-sex couples and their families, some participants feel that they are no substitute for the full measure of respect, clarity, security and responsibilities of marriage itself.

“We are excluded from marriage and this creates an unfair system. The only way to achieve equality is to provide the freedom to marry for all committed couples regardless of their sexual orientation. Despite this mentioned inequality, Malta introduced the Civil Unions Law which recognises us. This does show progress and provides us with important responsibilities and protections which were previously withheld.” (Giuseppe, 34, not in civil union).

On the other hand, another respondent said:

“I believe that “marriage” is simply a word and that you still have the same right for marriage under Civil Unions Law but it is called union instead. If the two of us had joined in civil union, then for us that it is equivalent to getting married.” (Claire 37, not in civil union).

The foregoing views and comments clearly show that participants in this study hold different perspectives on whether the law should be titled Union or Marriage. While some are happy with the introduction of the law as union, others would have preferred the law to include the term marriage in its title.

5.2 Living the dream

This section will deal with how civil union affects the daily lived experience of same-sex couples. The data considered in this section tries to establish in what ways, if at all, this new legislation has changed the same-sex couple relationship. Thus it provides data on how, if at all, have contemporary structural, legislative and political changes affected the lives of these couples.

5.2.1 Life before and after civil union

This study investigates the life of couples who join in civil union and also tries to determine if joining in civil union gives rise to any change in the experience of same-sex couples living together. Interviews confirm that it personally helps them in taking the relationship more seriously. For example, one of the participants said that:

“Something has changed. However, not a lot has changed from the practical side of life. You get the feeling that there is more seriousness now. The new values and protection from the new law instigates a level of seriousness. It drives a person to be more committed towards their partner and take the relationship more seriously. From the practical aspect, I do not see any changes. Now there is that something extra; the additional commitment and the promise.”
(Samuel, 37, in civil union).

This study also indicates that couples who joined in civil union experience a change in how their family and friends look at them. They also refer to commitment and to the fact that it might help others to recognise them as a couple. This was also reported in Ocobock’s study (2013). In fact, a participant stated that:

“People’s attitude in general has improved. We used to be introduced as friends, which I used to find very annoying and which I used to oppose. I emphasized to others to introduce us as partners. These days everyone got used to it.”(Lara, 33, in civil union).

Another similar argument put forward was that:

“It changed something, it made it more concrete. The fact that we took each other’s surname communicated that it is not just about your family but our family. It makes a big difference as it shifts their (the families’) perspectives.” (Shirley, 47, in civil union).

It is interesting to note that same-sex couples, unlike heterosexual couples, can choose to swap surnames. They can also opt to keep one common surname or else keep their own. For some of them, changing their surname marks a lifetime event that they have been waiting for.

It changes their own identity and makes their relationship public. Furthermore, the most commonly mentioned change that this union brought to their relationship is an increased sense of security. It appears that this sense of security was considerably enhanced by the legal union of the couple.

“Given that we were already living together, there was already a commitment between us. It possibly brought along an added dose of security. It is an accomplishment having done the next step. However, it does not change anything in the relationship. The most significant commitment was the purchase of our apartment and to get used to each other, each other’s moods and to bear each other.” (Kelly, 35, in civil union).

Same-sex couples mainly go through three coming-out stages. The first stage refers to their coming-out with their own self and with their family, while their second coming-out stage marks the point when they start living together. Finally their third coming-out stage is reached when they make their relationship public and join in civil union. Same-sex couples refer to this last stage – which involves buying a property and starting to live together – as their most important commitment which is not being replaced by the civil union law. Investing in a property together introduces a sense of long term into their relationship. And it includes an element of matrimony. As one participant put it:

“Our bank loan is our marriage.” (Victoria, 32, not in civil union).

Couples not in civil union were also asked to predict changes that would occur if they were to join in a civil union. The information gathered from interviews confirms that even though couples recognise the benefits of joining in civil union, they believe that with regards to their relationship nothing would change since they have been previously living together. Most of

them argued that joining in civil union would only change their relationship in terms of legal rights.

Some other informants said that joining in civil union entitles them to certain benefits such as social security ones, but they are still unable to predict any changes that joining in civil union would bring about. As claimed by one of the respondents:

“We live together so probably the biggest benefit we will get out of the Civil Unions Law will be the income tax return status. I consider it a type of contract which at the moment we are doing without. It will be an important step to take but as we just said it won’t make a significant difference in our lives.” (Victoria, 32, not in civil union).

Participants in this study provided different assessments of changes in life following their joining in civil union. However, most of the participants value the legal recognition of their relationship and aim for it, thus recognising that this union does bring changes to their life. The feeling of being safe and secure after joining in civil union was a significant experience for most of the couples.

5.2.2 Same-sex couples and domesticity

In their own household same-sex couples experience and make domesticity. The literature review reported that the majority of studies investigate same-sex couples and domesticity in comparison with other heterosexual couples. However, this study does not compare homosexuals couples with heterosexuals as this was not my chosen research and design and I

believe that these same-sex couples deserve a sociological investigation on their own, without being compared. Another point is that existing studies examined the division of labour between same-sex couples in relation to parenthood. This is not the case with regards to this study as none of the participants raise kids within their current relationship. This study addresses the question “In what ways do same-sex cohabiting couples construct and experience domesticity?”

This study reveals that couples divide housework tasks quite equally. Participants claimed that they balance tasks equally and rarely have arguments on this issue. Sometimes one of the partners is more enthusiastic about cleaning chores than the other, however, they still claim that they manage to equally balance tasks. It was very commonly reported by the participants that they divided housework chores according to their tastes. For example, while one is in charge of cleaning the floor, bathrooms and clothes, the other is in charge of cooking, ironing, and shopping. Tasks are shared according to their preferences and are very evenly shared between couples. This can be considered as a discourse, since no gender divisions, no gender division of labour are present.

This study found a variety of patterns of domestic labour in same-sex couples' households. For instance, some couples do not manage to equally divide housework due to time limitations such as where one partner tends to spend longer hours at work. Due to this fact some couples employ a housekeeper or a helper to help them carry out certain housework while others are happy to do the job themselves so that when their partner comes back from work they have enough time for each other.

A lesbian couple in civil union decided that only one of them goes to work in paid labour outside the home, so that they find more time together when the other half returns back from

work. Incidentally, the partner who goes out to work is the one that has no interest in housework. The difference is being constructed in terms of quality of life rather than gender. This couple relate:

Partner A: *“At the time being, she is staying at home so that we can determine whether she can adapt herself and maybe have a better quality of life as the work load would be balanced. I plan to continue working while she can look after the housework.”*(Mandy, 44. in civil union).

Partner B: *“I do not mind looking after the house and want everything to be organised. The introduction of Civil Unions Law enabled us to reach this point. Thanks to civil union I am able stay at home and look after the house.”* (Joyce, 43, in civil union).

The foregoing statements suggest that the Civil Unions Law has also permitted new life styles for same-sex couples and is considered an improvement with regards to domestic work. The social exchange theory (Sutphin, 2010), argues that couples have an exchange relationship, in which partner A provides a service and partner B reciprocates in doing something else for the sake of both. Consistent with the social exchange theory, one partner exchanges the amount of hours in paid employment and their financial contributions for less housework. The partner who works more hours in paid labour outside of the home carries out fewer housework tasks.

The present study indicates that housework is not based on gender roles but mainly on factors such as availability, character, upbringing and other circumstances. For example, a same-sex couple comments that it is an issue of upbringing and character that they have different perspectives with regards to cleaning. They are both very busy and while one of them still tries to find time for cleaning, the other prefers that they go out together or stay home relaxing

and enjoying each other's company. A particular couple said that housework is mainly carried out by one of the partners especially where it involves a lot of strain and energy. The reason is that one of them has back problems which hinder him from carrying out certain tasks.

Same-sex couples in this research do not assume gender roles where housework is concerned. The tasks are flexible, often interchangeable between the partners and are often divided according to time availability, interest, preference, ability and consideration. The influence of gender is not expressed in their relationships when it comes to the division of household labour. The partner owning the household where the couple live tends to delegate less housework and is responsible for a larger percentage of the tasks than the partner living with him.

Some of the respondents also indicated that people other than themselves - such as hired persons or else family members - contributed to the completion of some of the tasks required. For example, some of them mention that during the week they collect food dishes from parents. Knowing that they are too busy, their parents offer a helping hand. This fits into the definition of an extended family.

Other couples commented that in order for them to be successful in their studies and employment, they have to do without participating in housework and pay someone to do the job for them. They hire help but still share a few of the household tasks left for them, such as cooking. Moreover, couples living in an apartment as compared to those living in a bigger house, reported carrying out a larger amount of the housework themselves. As education and employment commitments are changing, so are housework chores. Recent technological advances have brought considerable changes in domestic lifestyle and this makes it ever more difficult to analyse the division of labour in the domestic space as more and more couples

tend to hire outsiders to carry out domestic chores. Household tasks are often replaced by new 'tasks' such as gym sessions, sports classes, social activities and life-long learning programmes. A particular participant said:

"We do not have time for housework. We hire a person to do that. We both have other commitments which we are not willing to give up. After work we both go to the gym and she attends aerobics. I am a member of a social group to which I dedicate a lot of time. Both of us are doing part-time courses. She is enrolled in a Master's programme at University and I am doing my PhD." (Naomi 31, not in civil union).

Difference in age between same-sex partners was not found to be an important factor in the division of housework. However, this could be because of the homogeneity of the couples when it comes to their levels of education levels, which makes up for differences in age. The differences between partners in this study were mostly limited to ethnicity, interests and availability. In cases where differences in education and employment between couples occur, they turn out to be an important factor in the division of housework tasks, in the sense that those giving importance to life-long learning or are employed in professional work give less importance to housework. In spite of any such differences, respondents still describe themselves as a model of sharing housework equally.

Respondents reported satisfaction about the manner in which housework is divided. Respondents who have been cohabiting for longer periods, have a more established routine, on the basis of interest and ability, in doing certain housework. Thus, tasks are divided according to the likes and dislikes of each partner. In the only case where disagreement concerning housework was reported, this was more on the basis of having one of the partners obsessed with having the house clean rather than on how equally tasks are divided.

With regards to maintenance, although most of the participants ask others for help, such as their father or other relatives, some of them do it themselves together as they consider it as valuable time spent together. For some, maintenance is a means by which they strengthen their integration within their respective families as well as their own relationship. Still some of the participants said that when it comes to making alterations or other works of embellishment in their home, they make it a point to design and decide what they want themselves, but the actual work is carried out by a paid hired person.

5.2.3 Living together

Most of the participants in this study have their own individual property but then they also have one which is owned by both. Only one couple live in a rented property but they are in the process of buying their own property. The decision to start living together was quite natural and most of them claim that they found it easier living together rather than having to meet at different places, something which their busy schedule was making difficult, resulting in a lack of time for each other. Moreover, two couples decided to start living together as one of the partners underwent a medical operation and needed someone to assist him or her. On the other hand, a particular couple said that they decided to move in together as one of the partner's family did not accept that he is gay person. He said that:

“The reason we started living together is due to family issues. They did not accept that I am gay.” (Alex, 40, not in civil union, left home 16 years ago).

Others said that it was age that encouraged them to move out from living with their family of origin and then they got to know each other and decided to live in one of their properties.

Most of the couples mentioned the importance of having a joint property. For example, a particular couple said:

“She bought the property and I had mine. We never wanted to live in each other’s homes but in ours as we have some friends who had trouble with that. Whenever they have an argument they mention that ‘the house is not yours’, ‘you do not have a say’ etc. We never wanted that. The home we live in today belongs to us and whatever happens all that we have is to be equally shared” (Shirley, 47, in civil union).

Similarly another couple said:

“I bought this property before the civil union, but before that there was a will so that he will not kicked out of the house if something happens. Now it is ours, we both own this house. My family would not recognise him if I pass away, so a will gives peace of mind.” (Colin, 47, in civil union).

This study shows that same-sex couples value the importance of taking decisions together as it is believed that even the buying of property should be made jointly. One participant said:

“We are quite practical and we try to avoid conflict as much as possible by taking decisions together.” (Shirley 47, in civil union).

This study also indicates that same-sex couples give importance to time spent together. All the participating couples mentioned that their domestic space provides them with a private space

all for themselves. For all couples joint decision making and time spent together are efficient means by which they strengthen their relationship. Participants claimed:

“We do find time for each other, if you want to find time, you can find it. We work different hours. It is difficult with our jobs but our relationship is based on respect.” (Fabian, 42, in civil union).

Some of the respondents also mention that during the weekend they are invited for lunch by their family of origin. Although participants do not consider this as quality time for each other, they still believe it is an important appointment in their weekly schedule. This study shows those couples who maintain a good relationship with their respective family of origin allocate time to be with their family.

5.2.4 The civil union experience

Collecting information about their civil union experience provided information on how same-sex couples experience the broader network of kin and friends. Findings from the interviews show that participants experienced apprehensions while telling their family members that they were joining in civil union. These fears originated because either their family is religious or because they were against their son's or daughter's same-sex relationship to become public. A same-sex cohabitating relationship is not a high profile one, but once the couple start living together it becomes public. Civil unions formalise and render public a same-sex relationship. Marriage by definition is a public commitment and same-sex civil union formalises the

relationship. As stated earlier in this chapter, joining in civil union is the third coming-out for the couples concerned.

A particular couple who is not yet in civil union predicts that when they eventually announce that they are joining in civil union, their families will not be jumping for joy. This couple base their prediction on the fact that when they asked their families to join them at Valletta on the day the law passed, they showed no enthusiasm and could not understand the value of the law. For their parents and siblings, the law looks more like an electoral promise that has been delivered. Other couples too reported that their parents could not understand the importance of this law. For instance, a participant observed that:

“Our relatives were not thrilled. They could not picture how we could get married. Civil Unions Law was not in place in Malta back then as yet. They could not understand the importance of this step and considered this as a sin and against God’s will.” (Elton, 39, in civil marriage).

A couple who is not yet in civil union also said that when they eventually join in civil union, they will not need to tell anyone about it, they will just go and do it since for them this is just a legal contract that will change nothing with regards to their relationship. On the other hand most of the couples who are already in civil union claimed that their family and friends were happy and enthusiastic about their civil union. Most of the participants in fact said that family and friends enjoyed the civil union ceremony and the ensuing reception; they also said that they received positive comments:

“They enjoyed it. They had a good time. But because I had dinner with them, and I was part of their family. It was not something completely new. But it was really nice.” (Shirley, 47, in civil union).

Similarly, Quam et al. (2010) reported that friends were considered as the strongest supporters of gay couples in a civil union. Friends are a more self-selecting type and are people you get along with it. Chances are that while friends are not homophobic, parents can be as they are not selective. This study shows identical results to Quam et al. (2010). All participants mention the enthusiasm and support they received from close friends. However, some other couples participating in the same study claim that they are supported by their family as well. While the civil union ceremonies were generally private ones with just a couple of close friends and family members invited, for some of the same-sex couples participating in this study, the civil union ceremony was similar in style to the traditional Maltese wedding. Most of the couples in civil union reported that both the legal ceremony and the ensuing reception were held at the same venue.

Merino (2013) carried out a study within American society and found out that certain factors influence the level of support for same-sex marriages, namely, level of education, contact with gay persons and level of religiosity. In fact, participants in this study confirm that this is also the reality in the local context, as conveyed by the following comment:

“There is plenty of room for improvement out there in society. For example you still come across people who give you a particular look. What weighs you down most heavily, is that young people, much younger people, still have that attitude. At the end of the day, it is more a matter of one’s level of education” (Sandro, 43, not in civil union).

Some couples referred to negative or homophobic reactions to their union. Some of the participants who are already in civil union said that some family members did not attend for their ceremony due to their religious beliefs.

“Our parents did not attend the ceremony as they are very religious. They have even been to see a priest to check if they would be committing a sin together with us if they attended. My brother was present but not my parents. It is very painful that your parents are not present in the most special day of your life. However, the priest had put a lot of pressure on them and influenced them. It is understandable. He is the family priest and the family has always acted upon his advice.” (Kelly, 35, in civil union).

Likewise, another participant said that their relatives were not very enthusiastic. They consider joining in civil union as a sin and against God’s will. Another respondent said that they had experienced some fears, since they were not sure how people would react, but the result was that everyone had made it really easy for them. This participant argues:

“When we were getting married, we were not sure how people would react during the ceremony, what would be their reaction at the registrar’s, would they be nice with us; we had these sorts of fears and worries. We had the legal ceremony at the place where we had our wedding. They made it really easy for us.” (Michelle, 51, in civil union).

Overall, couples report that their civil union ceremony had been a very special, highly emotional event. It meant more to them, their family members and friends than they had

anticipated it would. Couples report that guests still ask them to do it all over again as they enjoyed the event. A particular couple said:

“Our guests’ pride is still felt. Our close friends asked us to have picture frames of our ceremony at their own home. We ended up giving them these picture frames as a Christmas present.”

Others reported that even during the party held after the ceremony, they had a good time dancing with their guests.

“We invested some good money in our civil union ceremony as we wanted to make sure everyone was happy and satisfied. We tried to find the best caterer and also the best venue to accommodate our tastes and our guests. After all it is a once in a lifetime event.” (Joyce, 43, in civil union).

This fits into a culture of wedding consumerism. Some of the couples in fact, measured the success of their civil union event not only by referring to the amount of guests who managed to make it for their ceremony but also by the amount of money they invested in the event.

5.3 Child adoption and parenthood

Although the possibility of child adoption for same-sex couples who are in civil union was made possible when the Civil Unions Law was introduced, this chapter will discuss the perception of same-sex couples on child adoption separately from civil union, for two reasons. First of all, before the introduction of the Civil Unions Law some same-sex couples in Malta

were already raising kids either because the child was the result of a previous heterosexual relationship or through the possibility of legal adoption by a single person. Secondly, political debates mentioned in the Local Context chapter, also highlights that the Nationalist party in Opposition was in favour of the civil unions for same-sex couples but was against the possibility of same-sex couples adopting kids. Therefore, this section will explore the perception and experience of same-sex couples on child adoption. None of the couples interviewed have children except for one participant who had adopted kids during his previous marriage (the children concerned do not live with the same-sex couple participating in this study).

5.3.1 Becoming parents

According to Gates (2009), in the United States it is much more common for same-sex couples who are legally committed to raise children, as compared with couples who have no legal recognition. In fact, it was observed that when participants in this study were asked whether they would be willing to adopt children, those who were not yet in civil union answered either that they had not yet discussed this possibility as a couple or else that they would not do it before they get in civil union. On the other hand, many mentioned that they know same-sex lesbian couples who adopted children as single parents. However, all participants remarked that they are against single parent adoption for several reasons, such as the one illustrated in the following comment:

“You can never sign for this child if it is not yours, it belongs to your partner.” (Joyce, 43, in civil union).

In the case of single parent adoption, equal rights and duties do not apply since only one of the partners, who adopted as a single parent, is the legal guardian. Heterosexual parents raising kids have a symmetrical role which same-sex couples could not have. Other participants also observed that if the single parent becomes ill or dies, the child would be orphaned and this is not fair on the child. Another reason mentioned was that of the trouble an adult adopting as a single parent would have if his or her sexual orientation is discovered. A respondent narrated:

“We are familiar with a lot of single parents who have adopted kids. It was not a simple process. All the kids are foreigners. These single parents did not go to the concerned adoption agencies and pretended they were “normal” families, especially since the adoption process includes house visits by agency personnel. Malta is a small country. Certain gay couples are evidently gay through their appearance and behaviour which raise a lot of questions.”

(Victoria, 32, not in civil union).

Same-sex couples also argue that whoever is against same-sex couples adopting kids, should also be against adoption by single parents. There should not be any preferences between love from one single parent and love from two. Furthermore, although according to Eggebeen 2012, the stigma attached to same-sex families with kids has decreased, some of the participants in this study pointed out that one of the reasons that they do not plan to adopt kids is precisely due to this stigma. They believe that their adopted children might be bullied, especially at school. Participants believe that if their children’s friends and classmates discover they have homosexual parents, they will be ridiculed. However, one must keep in mind that Eggebeen was not referring to Maltese society, and therefore culture differences must be taken into consideration. Participants in this study described Maltese society as being “narrow-minded and too crowded”. On this matter a respondent commented:

“We would like to raise kids but ideally this is not done in Malta but in a country with an open-minded society. I appreciate that society is changing and becoming more open-minded but it does take a long time. I have lived abroad before and when I think about space, the limited space in Malta suffocates me. This is what I always felt of Malta.” (Victoria, 32, not in civil union).

While her partner said:

“I always had the feeling that I was born in the wrong country. I feel I should not have been born here in Malta. If I had to have kids, the way I plan it, I’d rather live in society which is more open-minded, the grass is always green on the other side, a country where individualism is higher and probably crime rates too. You love one thing. You hate another. The thing that annoys me most about Maltese society is that people think that the entire universe revolves around them. Where there is a small Island, there is a big ego.” (Elizabeth, 33, not in civil union).

This couple still consider Malta to be backward, although they acknowledge that some important changes have happened recently in Malta, helping the nation to shed its colonial past. However, this couple went on to explain that their stand against raising kids in Malta is not a matter of them being lesbians but they do feel that this country is not even suitable for them, let alone for their own kids. They argued:

“It has nothing to do with being lesbians, had we been straight, I would still be of the same opinion. I would like to get out of this country and leave. By default I wish to raise my kids in a country which offers them greater opportunities.” (Elizabeth, 33, not in civil union).

Similar comments such as the following one were very common:

“The desire to adopt kids has crossed our minds various times but not from within Malta, not with this mentality! It does not mean that the mentality overseas is perfect but Malta is too small and people mind each other’s business too much. It makes it harder. I feel there is more awareness overseas.” (Kelly, 35, in civil union).

Other couples also referred to foreign countries, citing examples which make Malta different. One example concerns the use and the influence of the media. Most of the participants consider media influence as an important element of socialisation. The following comment clarifies this argument:

“We have been watching a tv series, The Fosters. This show brings along a lot of awareness and is very educational in this regard. It will take a while before Malta reaches this stage. Kids in this tv show call their homosexual parents mum and dad. Why are things simpler overseas? The American life style, whether within a heterosexual environment or not, is completely different than our lifestyle. We have seen some initial attempts in Malta. An example was the introduction of a same-sex couple in the popular tele drama Becky. This is already a big step forward when compared to the old days when this was a strict no no. Although people complain about these behaviours, they are being increasingly tolerated.” (Lara, 35, in civil union).

Other participants in this study think that Maltese society is not yet ready to support homosexual couples raising children. However, instead of referring to the media, they refer to social campaigns that should be dedicated to such a topic. They mainly refer to the education

system, with particular emphasis on books used in schools, the approach of teachers, the efforts to include such families and present them as a normal family and the setting up of information campaigns in society. Conservative political statements and progressive ones seem to co-exist here. And although various changes took place in Malta, including the introduction of the Civil Unions Law, it is still described as a nation in need of improvement.

A participant said:

“I don’t see anything wrong with it, a homosexual couple can raise children as well as a hetero couple. However children would be bullied and faced with hard questions when it comes to school and friends. As we were raised up seeing only hetero couples in books, television, movies and life in general, so once it becomes more common for gay and lesbian couples to adopt children, it would be less hard on these children.”(Adrian, 33, not in civil union).

A particular participant, after observing and following blogs and social media, noted that while formerly any form of legal recognition of same-sex couples used to be condemned, now it was easily accepted although the issue of adoption is still being debated. Participants point out the main reasons why, in their opinion, opposition to same-sex couples adopting kids exists in Maltese society. The most common reasons mentioned were the considerable influence of the political party which is against same-sex adoption, a lack of knowledge among people about same-sex families raising kids and various misconceptions about children being bullied because they are raised by a same-sex couple.

According to Sugrue (2006) homosexuals requesting same-sex marriage want both marriage and the right to raise children. This research shows that even though all same-sex couples would like to have the right to raise kids, not all homosexual couples are willing to raise kids. In fact, one particular participant in this study said that while the civil union was easily accepted in society, the issue of adoption was hotly debated. He is against the fact that it was legally approved and will not do it himself. He believes that kids will end up being bullied at school and he will be unable to protect them while they are not under his care. This particular participant compares this situation with a common situation prevalent when he was still of school age. He recalls that when a married heterosexual couple used to break up, their kids used to be bullied at school, as separation was a big taboo at that time. Thus he concludes that same-sex adoption was legalised to gain political power while the child's real needs were not taken into consideration.

Once again it was argued that Maltese society is not yet ready to support such families. A particular participant believes that some homosexual couples do not accept themselves as they are and they seek to adopt children just to satisfy their desire. He argues that:

“At times I feel that gay couples seek to have kids as it is something that they would like to have, just like when one wants to possess a laptop or an iPad. I feel it is an advantage that we cannot have kids. This way we have more money to spend, it is easier to travel, there is less stress and worries.” (Alex, 40, not in civil union).

Similarly, another participant believes that he feels lucky for being gay person and being unable to have his own kids. In contrast to the previous respondent however, he is not against the right of same-sex couples to adopt. Similarly another couple discussed this issue at length

during the interview, with the partners holding different opinions about child adoption. One of the partners is happy to see a child being raised by a same-sex couple but he is not willing to do it himself. On the other hand, his partner (who had adopted kids, who are now adults, while he was in a heterosexual relationship) is against same-sex couples raising kids. The reason for his being against is that he does not believe that Maltese society tolerates same-sex couples with kids. He adds that since naturally and biologically same-sex couples cannot make it, then they should not plan it. He mainly looks at the issue from the child's perspective rather than from that of same-sex couples. When he looks at it from the perspective of the child, he does not believe that society is ready. Their conversation was as follows:

Partner B: *“It is rather unusual for same-sex couples to raise kids, because biologically they cannot have the child. So to me that is unusual, to me that is the course of nature itself. Biologically they cannot do it. The child if possible should come from a biological set up, should come out of a committed natural relationship. Same-sex couples should not adopt. I do not think society is ready for that. Having two dads or two mums. I don't think that family makes the normal biologically family.”* (Carlo, 51, not in civil union).

Partner A: *“In the case of the adoption of children who are looking for a home, who need love, I do not care whether they are being brought up by two persons of the same-sex as long as they are being loved and cared for. Things are changing, society is changing. Needs are changing. So I would be happy to see a child being adopted by a same-sex family.”* (Sandro, 43, not in civil union).

Another participant who favours adoption by same-sex couples believes that it is the mentality and attitude of society at large that makes the opportunity possible and not the law itself. Interviews indicate that couples hold diverse perspectives on same-sex couples raising kids.

Some of the partners themselves showed that they hold different opinions from each other. The two challenges most frequently mentioned are bullying and the fact that Maltese society does not generally tolerate same-sex couples with kids.

They are constructing their opinion in terms of the Maltese society. This is about the pace of change. The law has been introduced but the mentality of people has not yet accepted it. Law can change but it does not change people's mentality. Participants in this study are locating adoption within society and politics. Same sex couples are invariable about social change and progress. They are meaning their decision to have kids within a particular context, within that field.

5.3.2 Desire to adopt

This study indicates that not all same-sex couples are willing to adopt kids even though they are aware of the biological barrier to having their own kids. Most of the female participants, however, mentioned that they desire to get pregnant themselves and have their own kids instead of adopting. For example, a respondent said:

“We do not consider adoption. We want to plan our own kids. We want them to be ours. In our case, this might be more expensive as compared to a heterosexual couple having kids, unless we choose an alternative. We discussed it, we do not want to adopt for sure.”

(Victoria, 32, not in civil union).

Participants who support same-sex couples raising kids believe that same-sex couples are able to acquire and practice the expected parental skills. In fact, a participant said:

“I believe that everyone is capable (to raise kids). The most important thing is to give little kids love and a routine. Obviously commitment is required. It does not make a difference if you are gay. I know a heterosexual couple who do not have any parental skills at all. This is the reality. I wish to be and imagine being a mummy one day. I would like to get pregnant; I would like to go through the whole process.” (Victoria, 32, not in civil union).

However, some couples also claimed that they do not wish to raise kids since this requires commitment and they have other objectives which they are not willing to give up, unless they find a support system, which they believe is difficult to find. Still they believe that having time constraints would not be fair on the adopted kids.

This was also mentioned by another lesbian couple, who said that they once were willing to have kids but when they told their families they found no support. They were aware that society has different opinions about homosexuals raising kids, but they thought that their family would support them. In fact they claimed:

“When we spoke to our family, we realised that they were not going to be the supportive community we expected; her sisters were very worried and kept passing comments like: it is selfish to have children, they will never have a father, they will get bullied at school, you are doing it for yourself. Her sisters are older and they have a different mentality. We could have carried on with our decisions.” (Shirley, 47, in civil union).

As a couple they believe that it does not matter so much that society has mixed opinions, but support from your family is vital especially in case one of the couple becomes seriously ill or dies. Another gay couple in civil union, who also support same-sex couples raising kids, still believe that they prefer that a man and a woman, a heterosexual couple, raise kids. In fact, a participant stated:

“Yes, same-sex couples are capable like anyone else, but if I had the choice I would leave a child to be raised with a man and a woman. We are not against same-sex couples raising kids, and it is not a matter of capability, but no matter what we say, it has to be a man and a woman to make children. Same-sex couples are capable, they can show love, they sometimes show more affection, but we think that rightfully kids should be raised by a man and a woman. If I were still young I would do it. For the sake of having a father and a mother, for the sake of normality, I would choose a man and a woman to raise a child.” (David, 50, in civil union).

Others consider adoption as an act of charity and thus they suggest that same-sex couples should adopt a local child. A particular gay couple said that:

“It would be nice for a child to live in a family, instead of living in an institution. Charity begins at home; we would adopt a Maltese child.” (Colin, 47, in civil union).

Some of the participants construct a discourse of charity and promote it as a valid reason for same-sex couples adopting children. Another couple in the process of entering into Civil union said that they would like to adopt a child from a foreign country, preferably from a third

world country. On the other hand, some of the couples admitted that they do not have sufficient knowledge about the process involved in child adoption.

The participants who are over 40 years of age, said that they are not willing to have kids for the simple reason that now they feel too old to raise kids; some of them would have adopted had they been younger. One particular couple said that it is not just a question of age, but also the fact that having been living together for ages, they got used to a particular life style which would be more challenging for them to change. This particular interviewee said that:

“Once you commit yourself towards having kids, your life changes. It is something that scares me. You would have got used to a certain lifestyle and all of a sudden your life needs to change. However, honestly if I were younger, I would give it a chance.” (Pierre, 40, not in civil union).

5.3.3 Adoption and challenges

The foregoing section already presents some of the challenges that same-sex couples face when they decide to raise kids. For example, it was pointed out that same-sex couples do not find support from their family or that society is not yet ready to welcome such families. Moreover, another couple insisted that the support of families is vital but, unfortunately, they did not find the expected support from their respective families and this discouraged them from adopting kids. The most commonly mentioned challenge was that of finance, as most same-sex couples argued that adopting a child involves considerable expense. Similar statements such as the following were very popular:

“You need a lot of money to be able to adopt.” (Giuseppe, 34, not in civil union).

Interestingly, adoption is also linked to inequality and injustice. Some of the participants argued that since they have to fork out huge sums of money in order to adopt, they feel less than other couples that have kids without paying anything. This fact is supported by the following comment made by one of the respondents:

“It is too expensive; it is unfair that in order to help someone to have a better life, you have to pay that amount of money.” (Naomi, 31, not in civil union).

As mentioned in the previous section the issue of age is also another challenge linked with adoption. Some couples participating in this study remarked that they missed the opportunity to adopt when they were younger and now they consider themselves as too old to raise kids. For instance a participant said:

“It is silly now to adopt kids at our age. They would consider us as their grandparents. You must be younger or else you have to go through generation gap struggles.” (Kenneth, 42, in civil union).

Other challenges were mentioned by couples such as the hurdle to find an agency that is willing to provide adoption for same-sex couples, since according to some respondents, most of these agencies are run by religious bodies. A particular participant said that:

“Most of the agencies are affiliated with religious organisations. Although the law now allows us to adopt, once you start the process as a gay couple, they will close doors. They will

find whatever it takes to ensure that you do not qualify. They will identify something that can be used so that the process is rejected.” (Victoria, 32, not in civil union).

Although adoptions are available they are controlled by religious people. Adoption of children by same-sex couples is a secular matter but the facilitation of adoption is a religious one. Participants also mentioned that some foreign countries have made adoption very difficult if not outright impossible. Another participant also pointed out that when it comes to adopting kids, male gay couples are at a bigger disadvantage than female gay couples. He said that:

“It is very difficult to adopt from overseas. A lot of countries refuse homosexual couples. Additionally, there is the financial challenge. It is very difficult for a male gay couple to find a country allowing them to adopt. The mother has always been the mother.” (Elton, 39, in civil marriage).

These arguments represent the notion of marriage, involving a heterosexual couple with children. The concept of a heterosexual couple with children is all based on gender roles, based on the figures of a father and a mother. But same-sex families are not, since a father will not be available in a lesbian couple, nor will a mother be present in a male gay couple. It appears that some of the participants are trying to come to terms with their lack of normative heterosexual roles.

Another challenge mentioned by a particular couple was that due to lack of education, society believes that a gay couple will bring up a gay child. Some of the respondents said that when they met same sex-couples who are raising kids, they were touched and impressed by how normal this situation can be.

During interviews, participants mentioned other challenges that they might encounter in order to raise kids. They point out that in Malta procuring sperm by a donor is illegal and sperm banks are not available, as clearly conveyed in the following comment:

“Donor is illegal and there are no sperm banks in Malta. The fact that I have to travel overseas, means that expenses are going to be more.” (Lara, 33, in civil union).

These concerns were also mentioned by other participants who referred to the In Vitro Fertilization (IVF) Act as this is legal in Malta but is not open for same-sex couples. (N. Falzon, pers. comm. 26.2.2015). Surrogacy must become legal in order for IVF to be available for same-sex couples.

This study indicates that participants relate to parenthood in a very responsible way. They showed they are strongly aware of the need to allocate time and finances in order to raise kids. Another couple said that they love travelling and that if they were to raise kids they might not have enough money to do so. Some also mentioned that even though they desire to have kids, they still do not want to adopt for the simple reason that their job does not permit such a step, in other words, it does not allow them enough time for kids. Other couples mentioned that work responsibilities and career opportunities, with the accompanying demands on their time, do not encourage them to raise kids. However, these arguments can also be interpreted as representing same-sex couples trying to rationalise the issue of their not being able to have kids.

5.4 Chapter overview

This chapter outlined a multiplicity of perceptions, as communicated by same-sex couples of different ages participating in this study. It is evident that different characters influence the couple's perception about the Civil Unions Law as well as their daily activity and lives activities. The next chapter will summarise the main findings discussed in this chapter and present further discussions of the above mentioned arguments.

CHAPTER SIX

DISCUSSION AND CONCLUSION

The objective of this study is to explore the experiences and social aspects of same-sex couples living together and same-sex couples in civil union. Different opinions held by same-sex couples of the Civil Unions Law have been identified. The research also seeks to uncover whether this new legislative and political change affected these couples' lives. This analysis concludes that tolerance is being lived and experienced by same-sex couples in different ways as it depends on several factors. In this dissertation same-sex couples make reference to heteronormativity. Interesting sociological themes emerged from this study; politics, for example, is a running theme in this chapter. Thus, this concluding chapter aims to bring together the important points discussed in the preceding chapter of this dissertation.

6.1 Terminology anxiety

This study reveals how cohabiting same-sex couples distinguish in notion and in practice the differences between civil unions and civil marriage. Legal recognition of same-sex couples in Malta has been introduced as *union* and not *marriage* and at a time of social and structural

change same-sex couples are experiencing anxiety in the use of adequate terminology. The findings from the analysis of the interview transcripts enabled me to distinguish between (a) couples who use the word partner after joining in civil union, (b) couples who refer to each other as husband and wife and (c) those couples who are not settled on a word yet.

Language by definition is normative yet, despite the fact that their legal recognition is termed union and not marriage, some same-sex couples use heteronormative terms to explain that they are now in civil union. Using such terms is an attempt to fit civil unions into what is a normative relationship. Marriage is the normative form of kinship relations and terminology. This study finds that although the terms husband and wife are heteronormative, some same-sex couples use these terms to refer to each other. Therefore, there is anxiety about heteronormativity as same-sex couples are struggling with these terms which are evidently heteronormative.

On the other hand, according to my respondents heterosexual relationships are seen as the norm and marriage is seen as a heterosexual institution. Due to this some of the same-sex couples reject the use of heteronormative terms since they want to keep their own identity. Therefore, this study concludes that same-sex couples are not trying to usurp what is heteronormative but only fighting for their rights and their identity. Marriage is not only heteronormative but also religious, while union is secular. Every State regulates marriage but culturally marriage is very often embedded in religious beliefs and rituals. Marriage is stepped in religious imaginary and some of the participants in this study prefer to use what is secular to keep their identity rather than fitting into what is heteronormative and religious. Some of them locate marriage within the church and thus they reject the word marriage. The introduction of civil unions rendered the link between marriage and religion less

straightforward. Disclosing their identity is not always necessary but for some gay persons invisibility has been painful. Yet they want to be presented in society as same-sex couples and not as a heterosexual one and therefore the terms husband and wife are not considered appropriate, and that is why some same-sex couples reject the use of the terms husband and wife. If they were to use these terms, then they would lose their identity and what is heterosexual would become homosexual and vice versa. They experience a lack of control on how they are seen and on how they wish to be recognised.

Furthermore, this study has shown that same-sex couples believe that at a time of radical changes in the marriage institution, they are more respected as being in union rather than married. The choice of terminology used for the title of the law made the Civil Unions Law more easily acceptable by Maltese society. Using the word, marriage would have worked against same-sex couples and would have created a negative reaction. In addition, the Civil Unions Law is what has made them visible in society. The Civil Unions Law is serving as an effective tool to present same-sex relationships in a society where the expected and normative relationship is a heterosexual one.

Husband and wife are terms which imply love and emotions. Unlike these terms, however, the term partner does not denote a formalised commitment. For same-sex couples, joining in civil union means that they have acquired kinship. The terms used in the title of the law are social discourse meant to extend equality among all couples. Thus, for personal reasons the use of the word partner is rejected by most same-sex couples as it is found to be insulting. They are in an emotional relationship and so the term partner does not fit. At the same time, the word partner might be suitable in cases when the gay person is not in his or her partner's presence

and does not wish to disclose his or her identity and sexual orientation. Terminology anxiety is a lived experience for some same-sex couples.

In addition, the Gay Pride 2014 celebrated the passing of the Civil Unions Act and the legal recognition it grants to same-sex couples and their families using the theme “Family where love matters more”. Thus, the Civil Unions Law is used as a discourse of love and emotions. In this regard, the use of the word union is seen by many supporters of gay men and lesbian rights as implying inequality and thus less valid. These supporters believe that had the term marriage been used instead of the term union, it would have had a greater cultural impact. Thus, using what is heteronormative (husband and wife, married) is transmitting a social message of equality. Likewise, some same-sex couples still demand and look forward for a change in the law’s title, that is, from *union* to *marriage*, since the use of the word marriage will continue to stress equality. Some of them consider the law as engendering inequality in the sense that while it offers same-sex couples the same rights and responsibilities granted to a heterosexual couple in civil marriage, yet in the same law their legal recognition is called union and not marriage, as for other couples.

This study however concludes that even though the terms husband, wife and marriage are heteronormative terms used as a social discourse conveying messages of equality, yet not all respondents use these terms even though they want the law to include the term marriage in its title. This shows that same-sex couples are experiencing a lack of appropriate terminology and this leads to terminology anxiety. For social reasons they prefer to use heteronormative terms but for political reasons they prefer not to associate themselves with such terms as otherwise the title of the law would never change, but will keep on using the term union and not marriage. Thus, rejecting the use of the terms husband and wife is equal to a political protest, protesting the demand for the law to be called marriage.

Although there is a mixture of opinions on the title of the law, still the legal recognition of their relationship is found to be demanded and considered important by all the participating same-sex couples. Same-sex couples require and demand a terminology that shows commitment, maintains their identity while at the same time providing equality and social integration. Through this analysis I notice that the reasons why heteronormative terms are used by some same-sex couples are possibly due to (1) a lack of adequate terminology, or (2) a determination to reach a marital status and equality between all couples.

The way in which same-sex couples describe and explain their desire for the legal recognition of their relationship is a clear evidence of the cultural power of the law. Many respondents referred to the benefits that they would gain while others also mentioned the social legitimacy that this law would provide them with, making them equal to heterosexual couples, rendering them visible and also contributing to their social integration since the rest of society will consider them as normal. Therefore, this study also underlines that normativity is linked to the legal recognition of a couple.

The lack of participation by same-sex couples in rituals and in civil union is an effort to influence public policies, hence this study reveals that their withdrawal from commitment in civil union is political. Their personal action is political. They do not join in civil union on purpose with the aim of gaining more rights, in the hope that the law's title eventually changes from union to marriage. The power of politics is also manifested in the words used to describe civil union. This study discloses that some same-sex couples do not use heteronormative terms such as "we are getting married", "my husband" and "my wife" intentionally. The local context is highly charged by politics. Significant campaigns of LGBTI

rights were being held at the same time as the law was being discussed in Parliament. In this context, the embedding within politics is stronger.

6.2 Public space and private space

This study indicates that same-sex couples experience boundaries that exist between the public and the private space. The experience of same-sex couples lies in the division of these two spaces, a division which reproduces the basic structure of heterosexual relationships. The participants refer to the ways in which public spaces are heterosexual. In fact, this study points out that due to this experience of the public space, the Civil Unions Law made their relationship public and therefore the public space which was exclusively heterosexual now also includes what is homosexual. The picture below is an illustration of an actual civil union ceremony which took place in Gozo in June 2014. This was the first same-sex couple to register for Civil Union in Malta and, like some other subsequent civil unions, was very much in the news. The event was public not only because of its media exposure but also, as the picture illustrates, because of the presence of family members – and family support represents extended relationships. Family members and guests are part of that public. The physical space is also very public as an open air space was used as the venue for their ceremony. Their civil union is a declaration of love but also a statement of public space.



The ceremony at Mgarr ix-Xini (Photography: Ben Camille)

Figure 6.1: First registered Civil Union in Malta⁴⁴

The public space is not heterosexual anymore but a mixture of different relationships. Joining in civil union involves both a private declaration and a public declaration of their commitment. Since the law is part of the public sphere, same-sex couples who join in civil union are also exposed to the narrative of modernity and outside space. Additionally, the fact that some same-sex couples acquired the legal recognition of their relationship in another country before the law was introduced in Malta, shows that declaring their commitment in public is meaningful and important for the gay couple. At that time the private space was not just their home but also their country (Malta). There are no such things as *the public* but also *publics* since the law opened up spaces of different publics.

⁴⁴ <http://www.sundaycircle.com/2014/07/here-come-the-brides-inside-maltas-first-civil-union/> Here come the brides: Inside Malta's first Civil Union. Philip Leone- Ganado. July 16, 2014. Retrieved on 4th July, 2014.

On the other hand, this dissertation makes the argument that although the Civil Unions Law has made same-sex couples feel part of the public space, the picture still looks problematic. There is a strong sense of an unfinished product. Same-sex couples are regarding the law as part of a landmark, part of a bigger project. The law is part of a wider progression and is described by respondents as an unfinished product that still has to go through a political agenda. Therefore this leaves a door open for a continued politics of gay rights. Linear progression of political action is a very strong idea in this dissertation. LGBTI rights, and in particular same sex relationships, have been embedded in a linear narrative of progress and political action towards that progress. This was a partial victory; same-sex couples won the battle and not the war. The participants in fact mention that the law is lacking in various aspects, such as including same-sex relationships in school text books and in media coverage. Heteronormativity is also about books and images. Poster (1997:207) postulates that the media is part of the public sphere. Therefore, this shows that these couples are still demanding to be part of the public space.

This dissertation also indicates that while the legal recognition of their relationship is important, and has helped them feel comfortable to disclose their sexuality, yet at the same time it has created a new closet, that of revealing that they are in a legal union. In their civil union ceremony, declaring in public and promising each other commitment is what gives that public statement its force. Commitment is fidelity and is also about feelings, a way of expressing their love and devotion to each other. Yet it is also what makes their relationship public; not the only way but a well-established and particularly declarative way. For some however, the fact that it is called union does not allow them to feel part of the public space, the public institution of marriage.

Still participants report that the law helped them feel comfortable talking about their relationship as it helped them feel equal to any other couple and made them visible. Thus, what was private is now public. This illustrates two types of public that have opened up for same-sex couples. Since the introduction of the Civil Unions Law same-sex relationships became part of the polity and so they are public in that sense. A second type of public that opened up is the extended family, as a later section will further explain. The third public same-sex couples are talking about is the actual physical space. Gay pride is taking over a public space. It opens up public space as much as the media. Being gay person in public has become much more accepted. You can hold hands. Yet, some still experience public fears on the part of their parents, who would prefer to keep their son's or daughter's relationship private. Some same-sex couples still find it difficult to go public and choose to keep their relationship private even though they now have legal recognition which has made homosexuality public. In some cases, at their parental home they are expected to behave heterosexually and thus, the only remaining option is to express their sexuality in something more private, like buying their own property. The parental home remains a public space, hence buying their own property is usually considered as the act of buying the private space where they can safely disclose their sexuality. The study has found that the home is usually understood as a private space and a place where they feel free to express who they are. Buying their own property opens up another public space, in this case it is the bank. Since the introduction of the Civil Unions Law banks are not heteronormative anymore.

However, since the introduction of the law same-sex couples can also be in private space what they are in public space. During the celebrations marking the Civil Unions Law's introduction, a public presentation of homosexuality took place. Celebrations were held at Palace Square in Valletta, the location representing a public and political theatre. Being exposed to the public space, participants experienced an increase in self- confidence. The law

has made their relationship public and visible and this has reduced their fears of exposing their relationship in public. In particular respondents report acquiring more confidence in holding each other hands and kissing each other in public. Without such a law same-sex relationships would remain invisible. Before the law was introduced, the only public homosexual manifestation was the annual gay pride. Thus, gay rights dismantle the distinction between public and private, as well as between private and political as will be discussed in detail in the next section. The annual gay pride and legal recognition do not only make same-sex couples more visible but also provide them with access to public spaces. Both break the boundaries between public and private. In public heterosexual spaces, same-sex couples used to act heterosexually, thus remaining invisible and doing away with the distinction between homosexuality and heterosexuality.

Further to the above, this study discovers that same-sex couples desire same-sex relationships to be reflected in the media and in commercial products and adverts, in order to create awareness and increase their social integration. The attendance of same sex couples at the annual gay pride parade reflects their ambition to gain legal rights and they use this event as a political protest. On the other hand, other same sex couples choose not to go to the annual gay parade as they feel it is unfair to use their personal lives and relationships, which are private, in a public and political demonstration.

The following picture shows Malta celebrating the passing of the Civil Unions Law on April 14th, 2014. Around 1,000 people celebrated at the Palace Square in Valletta. The Palace Square represents a political theatre, as most political celebrations in Malta take place there. Sparklers, wedding veils and a big wedding cake were part of the celebrations, with hundreds of people and politicians present for this event. The Civil Unions Law opened up their relationship to public spaces. Even though their relationship is private however their civil

union is public, yet in the public space we are finding the private space. St George's square is the most public of public spaces in Malta. Parliament represents the people and it is highly visible in the capital city of Malta. It is a space embedded in a rich political history. This public space is very relevant, as the achievement celebrated there affects lives. It not only bridges the gap between the private spaces and the experiences of public spaces. but it also shows how same sex-unions are strongly embedded in the public space.



Figure 6.2: Celebrations of the introduction of Civil Unions Law in Malta⁴⁵

The Civil Unions Law checked the common tendency for same-sex couples to be treated simply as friends living together, rather than a couple who love each other. This means that their private relationship becomes public as soon as they join in civil union, when others start considering them as a couple. This study also reveals that the personal lives of these couples and their relationships are heavily dependent on and linked to politics when they join in civil

⁴⁵ ⁴⁵ <http://www.timesofmalta.com/articles/view/20140414/local/same-sex-unions-approved-celebrations-in-valletta-opposition-abstains.514992>

union, given that this law was entirely developed thanks to political forces. Furthermore, interviews show that same-sex couples feel that they have always been discussed in terms of politics. Similarly, from my personal observations while watching television programmes such as Xarabank, civil unions are discussed and made public especially when these are treated as the theme of the political debates on the show.

Marriage by definition is a public institution. This dissertation explores some of the ways in which same-sex civil unions are embedded in politics. Hull, (2006, p.3) argues that a same-sex couple gaining legal recognition in another country “represents a form of political action, even though the couples usually do not describe their actions in political terms... Important symbolic resources are at stake in this kind of cultural politics: recognition, identity, inclusion and social support.” The decision of some of the participants in this study, who gained legal recognition of their relationship in another country when the Civil Union was not yet available in Malta, was an indirect political protest. A protest against the political disenfranchisement of a section of society from the right to have equal access to the resources of the State. For this reason, participants who gained legal recognition of their relationship in another country feel justified in criticizing Maltese politics. This study points out that marriage attracts couples even in its absence.

6.3 Domesticity and family life

This study investigates whether same-sex couples experience and actively construct family life. The findings from the analysis of domesticity and family life illustrate that the Civil Unions Law contributes to a family life experience and that an aspired for, new form of family is present in contemporary Malta. Respondents refer to heteronormative families, questioning the existence of a normative link between marriage and family. Same-sex families

exist in family morality and same-sex couples feed into contemporary notions, models and definitions of family.

This study depicts that normativity grows even stronger since even though same-sex families are not as traditional in regards to gender roles and family structure, they still live a family life. For example, participants report their concerns regarding residential stability, home ownership, and a sense of cohesiveness between the couple. Thus, traditionalism combines with cohesiveness, making living a cooperative effort in which partners depend on one another. They earn individual pay cheques and the more functions they share the more their ties. They have control over the domestic space.

In line with McCarty and Edwards' (2011) argument, families of choice are achieved as they are not the heteronormative family. The Civil Unions Law provides an aid in achieving a family status. Before the Civil Unions Law was introduced couples were sometimes treated as friends living together. In most societies, marriage serves to socially identify children by defining kinship ties to a mother, father, and extended relatives. It also serves to regulate sexual behaviour, to transfer, preserve, or consolidate property, prestige, and power, and most importantly, marriage is the basis for the institution of family. On these grounds, respondents find the Civil Unions Law as creating social inequality and they want the law to be called *marriage* rather than *union*. Informants use family discourse to rationalise the need for the law to be called union. As Sugrue (2006) points out, participants argue that if it is called marriage, it will protect kids by reducing stigma. In addition, family life is not about affective relationship but also about support – once a gay person joins in civil union, his/her parents tend to consider their son's/daughter's lover more as a family member. Civil union contributes to a same-sex couple's identity; it places them into different roles of sons-in-law or daughters-in-law. It grants them next of kin rights. Interviews with their family of origin

would have provided more details about the experience of legally committed same-sex relationships.

This study also explores how same-sex couples relate to parenthood. The relationship between the law and adoption can be divided into two parts. The law recognises same-sex couples while it also allows adoption by same-sex couples and it therefore recognises them as a family. The Civil Unions Law is making uncertain the normative link between marriage and procreation. At the same time, some of the participating couples resist parenthood as they believe that in a heterosexist society it is better for the child to be raised by a heterosexual couple. On the other hand, for some of the respondents parenthood requires no form of family structure. They distinguish between biological kids, adopted kids and children born through artificial means. This study exposed a demand for reproductive technologies.

The findings of the interviews enabled me to distinguish between those who do not make the choice of becoming parents due to the effects of gay parenthood, which Frias-Navarro and Monterde-i-Bort's (2012) called "individual opposition" and those who resist parenthood due to social pressure or "normative opposition". Examples of the effects of gay parenthood include children facing social stigma. Research, social policies and literature must move away from the traditional belief in the exclusiveness of the mother – father and child relationship in family policies, towards the realisation that same-sex families are not only possible but they also play an important role in society. However, some of the participants resisted parenthood because they believe that children must have both a father and a mother.

Exploring their domestic life experience, this study indicates that the lack of gender differentiation creates greater marital equality. When discussing the civil union ceremony at the planning stage, it is apparent that there is no significant gendered division of labour;

instead both partners are equally important and central to their civil union ceremony. This is evident in the discourse of both partners emphasising the wedding dress as a sacred ritual artefact and central to the ceremony. In addition, the ceremony assists the introduction of the couple into their new roles as defining their identities. Their civil union socialises the couple into their new roles which are not gendered. Division of labour is part of the family life yet they experience domesticity and family life with a lack of gender differentiation.

Traditional gender roles are not present at the domestic level as housework is carried out according to the time availability and tastes of each of the partners. However, the purchase of property and inheritance are linked to an equal power relationship by some of the interviewed couples. This research has shown how decision-making is also shared equally as they evenly share their rights and responsibilities. Participating same-sex couples declare that the Civil Unions Law did not only make their relationship equal to that of heterosexual couples but it also brought equality between themselves. They are now feeling more secure in case of a break-up as everything has to be shared equally.

Cultural acceptance through rituals and other practices clearly reflects and reproduces existing beliefs and ideas about marriage and commitment. Same-sex couples are denied full equality in social institutions, such as the family. Their civil union is marked by a ritual to indicate the couple's new public status. Their ceremony is a confirmation of their new role, but also a confirmation of their sexual orientation. The study argues that people use the civil union ceremony to seek social approval for the role transition they make. The transition to the role of a married person is more radical for some than for others. Joining in civil union at a young age is not the case for the couples participating in my interviews, since they have been living together for a number of years prior to joining in civil union. The couples who joined in civil union experienced positive changes like feeling more secure and gaining legal benefits (such

as next of kin and social security benefits). Respondents also experienced a welcome change in being treated as a couple by others instead of being considered as just friends. Thus, this study attempts to investigate how much legal recognition is important for same-sex couples.

With regards to modernity this dissertation also makes the argument that the traditional domestic space is not untouchable by the process of modernity. This process of modernity, in this case with reference to domestic work, affects same-sex couples' social spaces differently. This shows that same-sex couples are also subject and open to the elements of modernity. Same-sex couples adopt new ways in which to carry out housework. As the modern-day life of these couples is busy and loaded with different modern tasks, such as life-long learning and a new lifestyle which gives importance to social life, technology and physical activity, so is their housework. However, even though they adapted themselves into new ways of carrying out housework, they fit into elements of the extended family as they receive help from family members in order to catch up with all the activities they are committed to.

6.4 Rituals

This dissertation analyses the way same-sex couples use symbols, such as language and rituals, to give meaning to their relationship. Cultural practices guide their behaviour in their decision-making related to their civil union ceremony. This study shows that same-sex couples use marriage-related practices, such as public commitment rituals, to assert the reality of their commitments despite their legal recognition being termed union and not marriage. There is a normative type of ceremony which has its own infrastructure. The normative model is so strong that same-sex couples actively do not want to distinguish their ceremony from the heterosexual ceremony. These couples indicate that marriage rituals attract couples; in fact they are sought even by those of them who gained legal recognition in another State when legal recognition was not yet available in Malta. Same-sex couples can adapt to the normative

cultural practices even though there is a different political and legal definition attached to their legal recognition.

Cultural practices have become political discourse using the commitment ceremony. Thus, a same-sex union is not just two people coming together but it is also a political statement. The fact that some same-sex couples invite politicians to attend for their civil union ceremony makes their commitment even more public and political. The ceremony is a very public event, and as such it makes sense that it feeds into the sphere of politics. Same-sex couples can celebrate their union with a ceremony like all others, but in so doing they are lining themselves into a political discourse; inviting politicians to their ceremony further acknowledges and confirms this. They speak in a sense that their civil union renders same-sex couples socially normal and culturally equal to heterosexual married people, sharing the same cultural power. They offer moral arguments for the legal recognition of their relationship, revealing close links between heterosexual marriage and their civil union. Same-sex couples use a traditional discourse of love and commitment to explain their own cultural practices. Love is seen as keeping families and society together and stable. The interconnection between love and marriage is strong and so is the importance of marriage for same-sex couples. Love is a social relationship that implies commitment, something which is also implied, more strongly perhaps, by a stable marriage.

According to Hull (2006, p.14) many same-sex couples “use dominant cultural discourses of love and commitment” to describe their own cultural practices. Rituals reflect and express links to the extended family. The wedding exists as a cultural performance, to display and express the romantic commitment of two people. A significant presence of commitment but also an absence of ‘love’ and emotion were observed in the interviews held. Participants’ discussions about their civil union ceremony was defined as an emotional experience and they

often referred to “commitment” and to “the next step” in order to describe this experience. It is also significant that for participants, as evidenced through the interview discourse, the ceremony is a social event for friends and family to enjoy the “transformed” couple. Civil unions are big news for family members. In fact some of the respondents admitted experiencing anxiety when it came to telling their family members that they were to join in civil union. This study indicates that rituals, in this case the civil union ceremonies, transform a personal event into a social one.

In addition, another traditional element of the ritual for heterosexual couples is that the man proposes to the woman. Same-sex couples do not follow these gender roles when it comes to proposals. Participants did not give a lot of importance to the proposal; instead they focused on the day of ceremony. In fact, even family and friends did not ask about the proposal. Rituals reflect and reproduce existing cultural meaningful systems and ideas about marriage. They also reshape existing and dominant meanings. In fact, some of the participants discussed with each other their desire to join in civil union for the first time during the interview. For my respondents the proposal is linked to a ritual which has no standards to follow: some couples might propose to each other while others might simply discuss and join in civil union. In addition, some choose to keep their ceremony simple while others prefer to make it elaborate. This study reveals that their decision to hold the ceremony is also linked to their financial situation and personal tastes. It is an event which is presented as an expression of individualism. There are structural constraints to the individual decisions surrounding the planning of their ceremony. Participants’ choices concerning their ceremony are in fact guided by a series of formal constraints, social norms and traditions.

This study has found that same-sex couples who do not want to join in civil union use cultural practices as a form of political resistance. None of the couples describe their ceremony as an

attempt to challenge marriage and family, but as an attempt to fit into the marriage institution. For the participants who joined in civil union, the ceremony was both emotional and political, a chance to express their personal commitment, to assert their union's equality to heterosexual marriages, and to challenge social conventions around intimacy and marriage. In fact, a particular couple showed no interest in joining in civil union unless this changes to a marriage law. Cultural and legal dimensions of marriage are closely intertwined. This study explores how, if at all, same-sex couples are affected by the Civil Unions Law and in fact, one of the ways it affected them is that what was private has become social. The law transforms what was a personal relationship into a social one. The minute they join in civil union they legitimise their relationship. If there is a key finding in this thesis it is that the Civil Unions Law renders same-sex couples a social unit.

Civil unions are normalised and institutionalised through ritual practices. Ceremony is a ritual that follows traditions and customs. Participants reported that their outfit for their civil union ceremony was white, following normative traditions of weddings in Malta. They also follow the ritual of the exchanging of the rings. My research also supports the normative notion that love should be romantic and life-long, a continuity in the ideal of long-term or even life-long love. Since same-sex couples gained legal recognition, their relationship has definitely become less risky. Social norms too play an important role in the marriage ritual. The strongest norm is that if the couple feel committed to each other they should join in civil union.

Moreover, this study investigates if tolerance is being lived by same-sex couples. Most of them point out that today the most common objection to same-sex unions seems to arise from religious doctrine. Those who did not accept their ceremony invitation were those who are religious. However, most of the couples highlighted the feelings of support and positive

emotions received from guests. Their ceremonies were emotionally-charged events. This study explores the relationship between the law and social integration of same-sex couples in Malta. Same-sex commitment rituals are political because they occur in a social context, with the couple surrounded with guests who might be against civil unions. Therefore, same-sex commitment rituals are embedded in a political field. Civil union ceremonies tend to be similar to the Maltese weddings, where guests are invited to join in the celebrations and recognise the similarity between same-sex and heterosexual relationships. A civil union ceremony is a cultural ceremony, evolving due to political influence and clearly demonstrating that political power can adjust social behaviour to function more fairly.

6.5 Progress and modernity, social change and continuity.

The legitimisation of same-sex relationships is seen as a necessary aspect of modernity. This dissertation points out that the Civil Unions Law in Malta is a narrative of progress. Marriage in Malta is institutionalised and linked to religion. Same-sex couples link what is religious to what is not modern, while they consider what is secular as being modern. Same-sex couples moralise same-sex legal recognition as modernity. Thus, modernity is an attempt to disconnect religion from what is part of the marriage institution. Marriage is seen as a civil right rather than as something religious. On the other hand, this dissertation finds this problematic as other couples are happy with the law being called union since if it were called marriage it would be linked to religion. There is a link between marriage and religion and according to some of the respondents this is what keeps society from being modern. They understand religion as being part of the antithesis of modernity. The leadership of the Catholic Church in Malta was for some time carrying out the role of the State. Moreover, the participants said that the Civil Union Law was part of a political moment and in fact they locate the event within a political moment. Simon Busuttil, the leader of the party currently in

Opposition, said that he made a mistake in abstaining from voting for the Civil Unions Law. Likewise the vote of Lawrence Gonzi, then Leader of the Party in government, against divorce, portrayed the Nationalist Party as being close to the Church. The Civil Unions Law is a political moment and respondents use this long-term political narrative to explain their belief that the Church and the State are not one and the same.

However, on the one hand, some same-sex couples consider the introduction of the law as a sign of progress while on the other hand other gay couples describe Malta as still lagging behind when compared to other countries. Changes that happened recently in Malta took place in spite of its regressive situation, a situation that reflects the successive efforts to construct a nation out of a country still recovering from post-colonial anxiety. This study explores the embedding of gay rights in a global geography of progress. The movements in favour of same-sex relationships in other countries are considered by participants as a role model. For example, the United States Supreme Court in a 5-4 voting, declared last June 2015, that the constitutional right to marry the person one loves is a constitutional right. None of the States of America can ban gay marriages. Sarah Kate Ellis, president and CEO of Gay & Lesbian Alliance Against Defamation (GLADD) said: *"With this decision, loving and committed same-sex couples can finally rest knowing their families are protected and their dignity is no longer up for public debate. But as we celebrate this watershed victory for fairness, we are reminded that marriage equality is a benchmark, not a finish line, and our work to bridge the gap to full acceptance for LGBT people continues."*⁴⁶ The picture below represents this legal victory.

⁴⁶ <http://www.glaad.org/blog/glaad-responds-historic-supreme-court-decision-favor-marriage-equality> Retrieved on June 27th, 2015

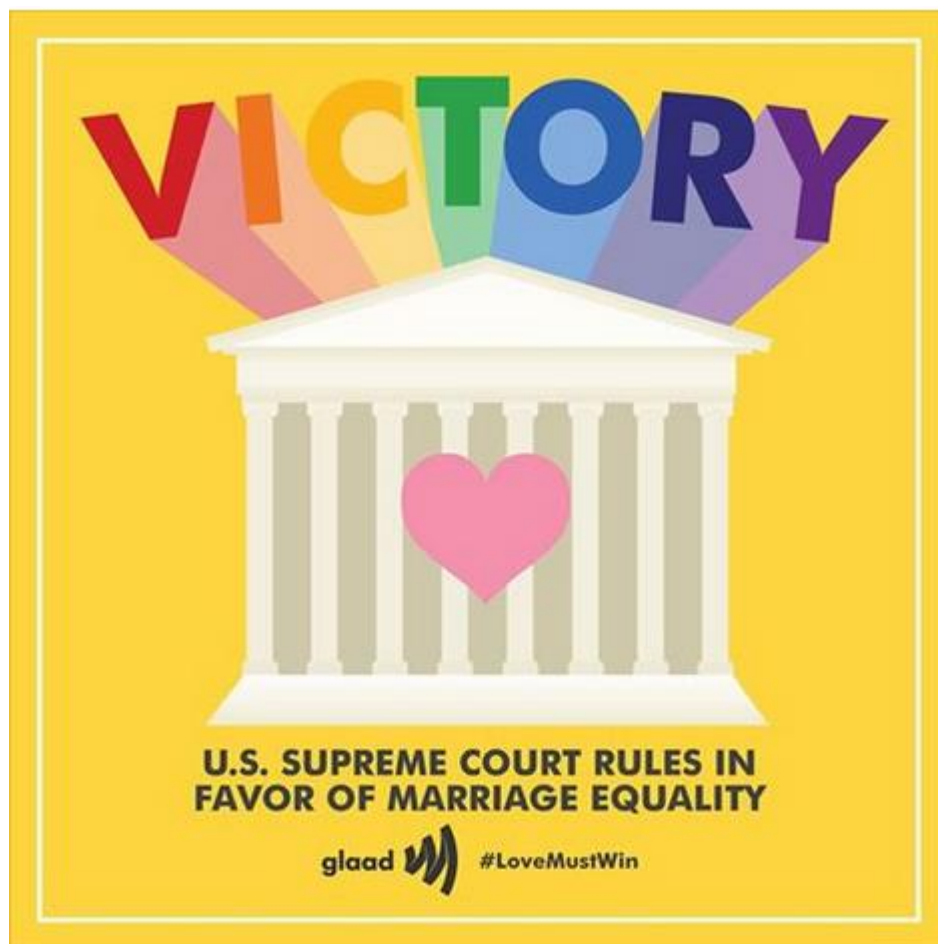


Figure 6.3 US Supreme Court rules in favour of marriage equality⁴⁶

Malta is being constantly compared with other countries. In fact, Malta has risen to third place in the ILGA ranking. Malta was used as a model which other countries should follow and these rankings are a representation of the global geography mentioned above. In line with what participants say, ILGA says that more political leaders working in favour of LGBTI people in Europe are needed. At the same time, respondents claim that the Gender Identity Law introduced in Malta in April 2015, together with the Civil Unions Law, show that Malta has improved in LGBTI rights and these two laws themselves give witness to the work being done towards achieving equality.

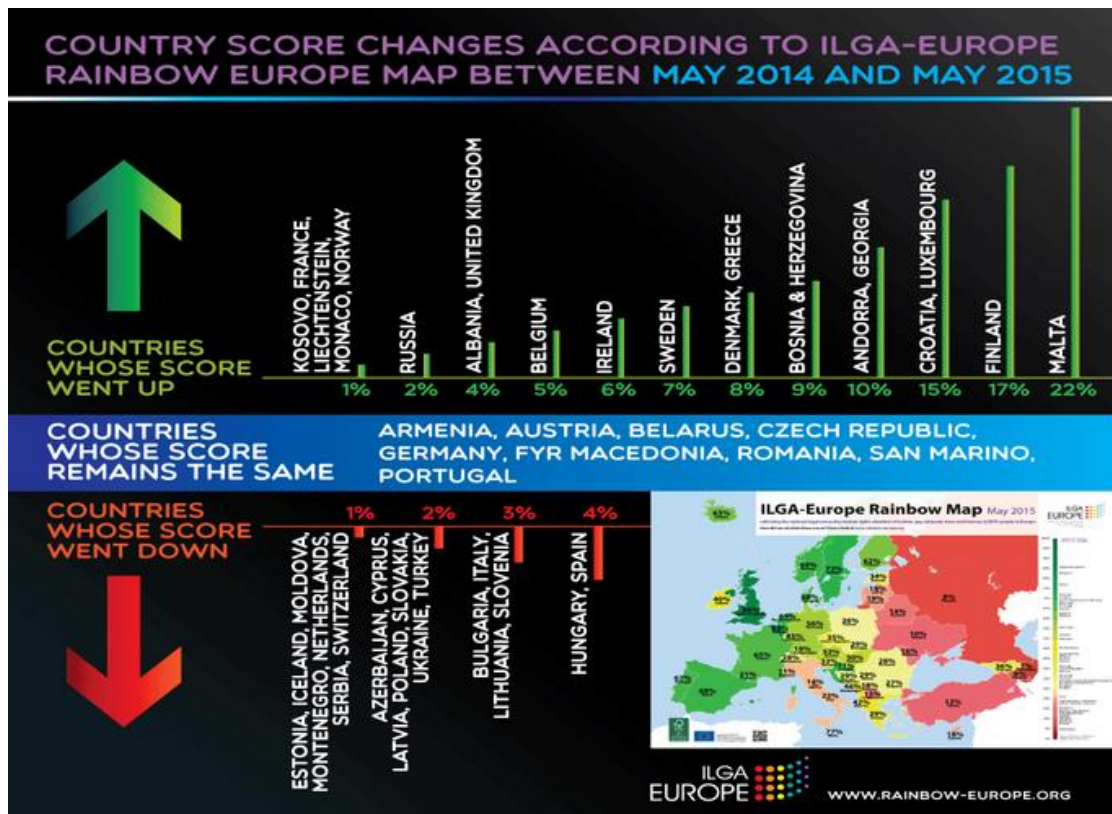


Figure 6.4: Rainbow Europe Map between May 2014 and May 2015 ⁴⁷

This study indicates that narratives of progress are also implied while referring to same-sex couples being more tolerated. They refer to the pace of change, since although the law has been introduced the mentality of the rest of society has not changed and people who were homophobic still remain so. To overcome heteronormativity a lot of things have to change, not just legislation. Same-sex couples use discourse constructed in terms of modernity, a grand narrative of progress, referring to the Labour political party's promise to leave the "old Malta" behind. This study depicts change and progress in Malta by analysing differences in the understanding of Civil Union Law in a modern society.

Same-sex legal recognition is determined by democracy and thus it is a highly political matter. The Civil Unions Law was a political party issue. The language of progress and

⁴⁷http://www.maltatoday.com.mt/news/national/52784/historic_leap_in_equality_as_malta_rises_to_third_place_in_ilga_ranking#.VZwOt7XSnRv Historic leap in equality as Malta rises to third place in ILGA ranking by Matthew Vella 10th May, 2015 Retrieved on May 20th, 2015

movement were part of the Labour Party's political agenda of 2013. According to participants, the introduction of the divorce law in Malta was responsible for providing a path toward making same-sex marriages more acceptable. As LGBTI rights are very high profile ones, so is the Civil Unions Law. In fact, some respondents claimed that they voted for this party due to its electoral manifesto which promised legal recognition of same-sex relationships. This study reveals that the introduction of the Civil Unions Law is a political action, even though it is not described in political terms, and hence it links the cultural habit with politics. The Civil Union Laws reflects society's complexity. Employing a qualitative research method was appropriate for this study, since it results that things are not as straightforward as a quantitative research method would have represented. There is no 'one' experience of civil union but there are as 'many' experiences as there are different points of view.

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Appendix A1
Civil Unions Bill

**A BILL
entitled**

AN ACT to regulate civil unions and to provide for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same as follows:-

- | | |
|---|-----------------|
| 1. The short title of this Act is the Civil Unions Act, 2013. | Short title. |
| 2. In this Act, unless the context otherwise requires - | Interpretation. |

"civil union" means the civil union celebrated in accordance with the provisions of this Act;

"partner" means a person, of either sex, who is bound by a civil union;

"Registrar" has the same meaning attributed to the term in the Marriage Act, hereinafter referred to as "the Act". Cap. 258.

3. (1) Save as provided in this Act, all persons fulfilling the requirements to enter into marriage in accordance with the Act may register their partnership as a civil union.	Establishment of civil unions.
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(2) Registration of a partnership as a civil union shall be permissible between two persons of the same or of different sex.

4. (1) Save as provided in this Act a civil union, once registered, shall <i>mutatis mutandis</i> have the corresponding effects and consequences in law of civil marriage contracted under the Act.	Civil unions and marriage.
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(2) Without prejudice to the generality of sub-article (1):

(a) articles 3 to 16 (both included), 18 to 20 (both included), 33, 34, 36(3) and 38 of the Act shall *mutatis mutandis* apply to civil unions:

Provided that:

(i) the reference to "wife", "husband" and "man and wife" in article 15(2) of the Act shall be construed as a reference to partners in a civil union insofar as the said sub-article applies to civil unions; and

(ii) the reference to "born or conceived" in article 20(2) of the Act shall be construed as also including children adopted by partners in a civil union;

(b) articles 35 to 66 (both included) and 66A to 66N (both included) of the Civil Code shall *mutatis mutandis* apply to civil unions.

Cap. 16.

Form of civil unions.

5. Civil unions shall only be contracted in the form established by this Act.

Provisions particular to civil unions.

6. Notwithstanding the provisions of article 4, with regard to a marriage celebrated abroad by two persons of the same sex, article 18 of the Act shall be construed in such a manner as to be applicable to such marriage.

Void civil union.

7. A civil union contracted between persons either of whom is bound by a previous marriage or civil union, or by another union of equivalent legal status contracted outside Malta shall be void.

Transitory provision.

8. Where a couple, one of whom is a person habitually resident in Malta, has contracted a marriage, civil union or institute of equivalent legal status, in a country outside Malta, and either of the persons in the couple is a national of a country which is not a Member State of the European Union, computation of legal residence of the said third country national in Malta shall commence retroactively from the official date of the marriage, civil union or equivalent institute.

Equation of rights and obligations.

9. In situations where the rights and obligations of civil partners are unclear, every effort shall be made to ensure that the determination of such rights and obligations is such that equates them to those enjoyed by spouses.

10. Immediately after sub-article (10) of article 4 of the Civil Code there shall be added the following new sub-article:

Amendment to article 4 of the Civil Code. Cap. 16.

"(11) Partners in a civil union contracted according to the Civil Unions Act, 2013 may, when applying for the publication of banns relating to the civil union elect to:

(a) adopt for both of them the surname of one of the partners to the civil union; or

(b) retain their own surname; or

(c) retain their own surname and add to it the surname of the other partner in the civil union:

Provided that if no choice is expressed in accordance with this sub-article the partners to a civil union shall retain their own surnames."

11. Immediately after article 100A of the Civil Code there shall be added the following new article:

Addition of new article 100B to the Civil Code. Cap. 16.

"Parenthood in civil unions.

100B. (1) Children adopted jointly by partners to a civil union contracted between persons of the same sex under the Civil Unions Act, 2013 or recognised by the said Act shall, notwithstanding the other provisions of this Code or of any other law, be recognised for all intents and purposes of law as having parents of the same sex and all rights and obligations of parents towards their children and of children towards their parents under this Code or under any other law shall apply to such children and parents.

(2) Whenever a law or administrative measure requires a person to declare the name or other particulars of the mother or the father, a person adopted jointly by partners in a civil union as referred to in sub-article (1) shall be entitled to declare the names or other particulars of the two partners in the said civil union instead of the said particulars of the mother or the father."

12. Immediately after article 295 of the Civil Code there shall

Addition of new article 295A to the Civil Code. Cap. 16.

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be added the following new article:

^{"Act of civil union.} 295A. (1) The provisions of this Subtitle shall *mutatis mutandis* apply to civil unions contracted under the Civil Unions Act, 2013.

(2) An act of civil union shall be in the form stipulated in Form EE in Part II of the First Schedule to this Code."

Addition of Form EE in Part II of First Schedule to the Civil Code. Cap. 16.

13. In Part II of the First Schedule to the Civil Code, immediately after Form E entitled "Att taż-Żwieġ Act of Marriage" there shall be added the new Form EE as shown in the Schedule to this Act.

Amendment of the Criminal Code. Cap. 9.

14. Immediately after article 196 of the Criminal Code, there shall be added the following new article:

^{"Bigamy involving a civil union.} 196A. The offence provided for in article 196 shall also be committed and the punishments provided in the said article shall also apply to any partner to a civil union contracted or recognised under the Civil Unions Act, 2013 who during the subsistence of a valid civil union contracts a second civil union or a marriage and to any person who during the subsistence of a valid marriage contracts a civil union."

Amendment to the Marriage Act. Cap. 253.

15. In the proviso to sub-article (5) of article 7 of the Marriage Act, immediately after the words "for the purpose of this article.", there shall be added the words "This proviso shall also apply where it is shown to the satisfaction of the Registrar that obtaining a certificate of birth could expose a person requesting the publication of banns to risks to his physical or mental integrity."

SCHEDULE

Article 13

"FORM EE

Article 295A

ATT TA' UNJONI ĊIVILI

ACT OF CIVIL UNION
CU No....(1)DEKLARAZZJONI TAL-PARTIJET
DECLARATION OF THE PARTIES

Aħna hawn taħt iffirmani niddikjaraw li fil-preżenza ta'
We the undersigned hereby declare that we have in the presence of

u tax-xhieda hawn taħt imsemmija ikkontrattajna unjoni ċivili fi(3)
and of the undermentioned witnesses contracted a civil union at

fi(4)
on (Date/Date)

Aħna hawn taħt iffirmani niddikjaraw li nleghu għalina t-mejja il-kunjom
tal-parti fl-unjoni ċivili / li ntejjem kunjomna wara l-unjoni ċivili / li ntejjem kunjomna u nleghu
wara l-unjoni ċivili ntidu kunjom il-parti l-oħra fl-unjoni ċivili (*ħassar fejn ma japplikax*).

We the undersigned declare that we choose to adopt for both of us the surname
of one of the parties in the civil union / to retain our surname after the civil union / to retain our
surname and to add to it the surname of the other party to the civil union (*delete where not
applicable*).

TAGHRIF DWAR IL-PARTIJET FL-UNJONI ĊIVILI
PARTICULARS OF THE PARTIES TO A CIVIL UNION

	Isem u Kunjom Name and Surname	
	Data u post tat-twalid u Dokument tal-Identifikazzjoni Date and Place of Birth and Identification Document	
	Post ta' Residenza Place of Residence	
	Isem u kunjom il-ġenituri, inkluż kunjom xubithom Name and surname of parents including maiden surnames	

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TAGHRIF DWAR IX-NHIEDA
PARTICULARS OF WITNESSES

		Isim u kunjom Name and Surname		
		Data u Post tat-Twalid Date and Place of Birth		
		Fejn Jqgħod/Togħħod Place of Residence		

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI
SIGNATURE OF PARTY TO CIVIL UNION

.....
FIRMA TAL-PARTI FL-UNJONI ĊIVILI
SIGNATURE OF PARTY TO CIVIL UNION

Id-dikjarazzjonijiet hawn fuq jgħew iffirmati quddiemni.
The above declarations were signed in my presence.

Data tad-Diskriżzjoni tal-Att Date of receipt of the Act	Numru wara l-iehor tar-Registru Nru. Progressive Number of Registration No
Firma tad-Direttur jew tal-uffiċjal ieher li jagħmel f'isku Signature of Director or other officer authorized to act in his stead	

.....
Firma tar-Registrazzjoni
Signature of Registrar

Objects and Reasons

The objects and reasons of this Bill are the introduction of the right of persons, whether of the same or of opposite sexes, to contract a civil union. The underlying principle of this Act is to equate civil unions with marriages, in terms of procedure and substance in a manner that guarantees equal rights to parties in a civil union as are granted to spouses in a marriage.

The equation approach should guarantee enjoyment of equal rights and obligations across all areas of law and social life.

Appendix A2
Civil Unions Act

CHAPTER 530

CIVIL UNIONS ACT

To regulate civil unions and to provide for matters connected therewith or ancillary thereto.

14th April, 2014

ACT IX of 2014.

- | | |
|--|--|
| <p>1. The short title of this Act is the Civil Unions Act.</p> | Short title. |
| <p>2. In this Act, unless the context otherwise requires -</p> <p>"civil union" means the civil union celebrated in accordance with the provisions of this Act;</p> <p>"the Minister" means the Minister responsible for the Public Registry;</p> <p>"partner" means a person, of either sex, who is bound by a civil union;</p> <p>"Registrar" shall have the same meaning as assigned to it in the Marriage Act, hereinafter referred to as "the Act";</p> <p>"union of equivalent status" means any of the unions found in the list which the Minister by regulations may issue under this Act."</p> | Interpretation. |
| <p>3. (1) Save as provided in this Act, all persons fulfilling the requirements to enter into marriage in accordance with the Act may register their partnership as a civil union.</p> <p>(2) Registration of a partnership as a civil union shall be permissible between two persons of the same or of different sex.</p> | <p>Cap. 255.</p> <p>Establishment of civil unions.</p> |
| <p>4. (1) Save as provided in this Act a civil union, once registered, shall <i>mutatis mutandis</i> have the corresponding effects and consequences in law of civil marriage contracted under the Act.</p> <p>(2) Without prejudice to the generality of sub-article (1):</p> <p>(a) articles 3 to 16 (both included), 18 to 20 (both included), 33, 34, 36(3) and 38 of the Act shall <i>mutatis mutandis</i> apply to civil unions:</p> <p style="padding-left: 20px;">Provided that:</p> <p style="padding-left: 40px;">(i) the reference to "wife", "husband" and "man and wife" in article 15(2) of the Act shall be construed as a reference to partners in a civil union insofar as the said sub-article applies to civil unions; and</p> <p style="padding-left: 40px;">(ii) the reference to "born or conceived" in article 20(2) of the Act shall be construed as also including children adopted by partners in a civil union;</p> <p>(b) articles 35 to 66 (both included) and 66A to 66N (both included) of the Civil Code shall <i>mutatis mutandis</i></p> | <p>Civil unions and marriage.</p> <p>Cap. 16.</p> |

apply to civil unions.

Form of civil unions.

5. Civil unions shall only be contracted in the form established by this Act.

Provisions particular to civil unions.

6. (1) Notwithstanding the provisions of article 4, with regard to a marriage celebrated abroad by two persons of the same sex, article 18 of the Act shall be construed in such a manner as to be applicable to such marriage.

(2) Without prejudice to the provisions of sub-article (1), a union of equivalent status celebrated abroad shall be valid for all purposes of law in Malta if:

- (a) as regards the formalities thereof, the formalities required for its validity by the law of the country where the union of equivalent status is celebrated are observed; and
- (b) as regards the capacity of the parties, each of the persons forming the union of equivalent status is, by the law of the country of his or her respective domicile, capable of entering into such a union of equivalent status.

Void civil union.

7. A civil union contracted between persons either of whom is bound by a previous marriage or civil union, or by another union of equivalent legal status contracted outside Malta shall be void.

Transitory provision.

8. Where a same sex couple, one of whom is a citizen of Malta, has contracted a marriage or a union of equivalent status before the coming into force of this Act, in a country outside Malta and either of the persons in the couple is a citizen of a country which is not a Member State of the European Union, the legal residence of the said third country national in Malta shall be deemed to have commenced as from the official date of the marriage or of the union of equivalent status.

Equation of rights and obligations.

9. In situations where the rights and obligations of civil partners are unclear, every effort shall be made to ensure that the determination of such rights and obligations is such that equates them to those enjoyed by spouses.

Power to make regulations.

10. (1) The Minister may by regulations provide the list of unions of equivalent status to civil unions:

Provided that only those unions which in the opinion of the Minister are unions of equivalent status to civil unions as provided for by this Act may be listed in the regulations.

(2) The Minister shall remove from the regulations any union which in his opinion is no longer a union of equivalent status.

Appendix A3
Civil Marriage Act

CHAPTER 255

MARRIAGE ACT

To regulate marriages and to provide for matters connected therewith or ancillary thereto.

12th August, 1975;
1st October, 1975

ACT XXXVII of 1975, as amended by Acts XXXIV of 1981, III of 1983, I and XXIV of 1995, IX of 2000, XXXI of 2002, IX of 2004, I of 2005, III of 2008, XV of 2009 and XXI of 2014.

Preliminary

1. The title of this Act is Marriage Act.

2. (1) In this Act, unless the context otherwise requires -

"act of marriage" means the act of marriage drawn up and completed in accordance with article 293 of the Civil Code;

"Agreement" means the Agreement between the Holy See and Malta on the Recognition of Civil Effects to Canonical Marriages and to the Decisions of the Ecclesiastical Authorities and Tribunals about the Same Marriages, as well as the Protocol of Application thereto, both signed in Malta on the 3rd February 1993, as well as the Third Additional Protocol thereto signed in Malta on the 27th January 2014, which Agreement and protocols are reproduced in the Schedule to this Act;

"Canon law" means the Code of Canon Law promulgated by the competent organs of the Catholic Church and any other rule of law whatsoever called of the said Church relative to marriage;

"catholic marriage" means a marriage celebrated in accordance with the norms and formalities of Canon Law or with a dispensation therefrom granted by the competent organ in accordance with Canon Law;

"Marriage Registry", in respect of marriages taking place in the Island of Malta or on board a Maltese registered ship while this is not in the internal waters of any country other than Malta, means the division in the Public Registry Office in the said island charged by the Minister with responsibility for matters relating to marriages, and, in respect of marriages taking place in Gozo, means the division in the Public Registry Office in Gozo charged by the Minister as aforesaid;

"Minister" means the Minister responsible for the Public Registry;

"parish priest" for the purposes of this Act includes also any ecclesiastic who according to Canon Law, is equivalent to a parish priest or substitutes a parish priest;

"Registrar" means the public officer designated by the Minister to perform the functions of Marriage Registrar in respect of a

Title.

Interpretation.
Amended by:
I, 1995, 2;
IX, 2000, 8;
I, 2003, 23;
III, 2008, 17;
XV, 2009, 52;
XXI, 2014, 2.
Cap. 15.

Marriage Registry, and includes, for any purpose of this Act, any person authorised by the Registrar for that purpose, and for the purposes of article 15 shall also include any Mayor of a Local Council; and, in respect of marriages taking place on board a Maltese registered ship while this is not in the internal waters of any country other than Malta includes a master of a passenger vessel authorised for that purpose by the Registrar;

"Tribunal" for the purposes of articles 23, 24, 29 and 30 means the competent court or courts which in accordance with Canon Law applicable at the time can pronounce on the validity of a catholic marriage.

(2) Except where it is otherwise expressly provided, all the provisions of this Act shall apply to all marriages whether contracted in a civil or in a religious form.

Restrictions on marriage

Age for marriage.
Substituted by:
L.1993.3.

3. (1) A marriage contracted between persons either of whom is under the age of sixteen shall be void.

(2) Without prejudice to the provisions of sub-article (1), a person who is subject to paternal authority or to tutorship may not validly contract marriage without the consent of the person exercising such authority, or of the tutor, as the case may be.

(3) Notwithstanding the provisions of sub-article (2) the court of voluntary jurisdiction within whose jurisdiction the minor habitually resides, may upon good cause being shown, authorise the celebration of a marriage referred to in that sub-article, where the consent of the person exercising paternal authority or of the tutor, as the case may be, is not forthcoming; and for the purposes of proceedings in connection with this sub-article, article 781(a) of the Code of Organisation and Civil Procedure shall not apply.

Cap.12.

Infirmary of mind.

4. A marriage contracted between persons either of whom is incapable of contracting by reason of infirmity of mind, whether interdicted or not, shall be void.

Marriages within
prohibited degrees.
Amended by:
L.1993.4.

5. (1) A marriage contracted between -

- (a) an ascendant and a descendant in the direct line;
- (b) a brother and a sister, whether of the full or half blood;
- (c) persons related by affinity in the direct line; or
- (d) the adopter and the adopted person or a descendant, or the husband or wife, of the adopted person,

shall, whether the relationship aforesaid derives from legitimate or illegitimate descent, be void.

(2) For the purposes of sub-article (1), the relationship of an adopted person shall be deemed to subsist both with reference to his natural and to his adoptive family.

(3) The court of voluntary jurisdiction within whose jurisdiction either of the spouses resides may upon good cause being shown dispense from the provisions of sub-article (1)(c) and

(d).

6. A marriage contracted between persons either of whom is bound by a previous marriage shall be void.

Persons bound by previous marriage.

Formalities to precede marriage

7. (1) The celebration of marriage must be preceded by the publication of banns of matrimony.

Banns of matrimony.
Amended by
III. 1983.2;
I. 1993.3.

(2) Banns of matrimony shall state the name, surname, place of birth and residence of each of the persons to be married, the place where they intend to contract marriage and, unless the Registrar in the case of natural filiation or other circumstances deems proper to act otherwise, the name of the father and the name and surname of the mother of each of the persons to be married.

(3) The publication of the banns consists in the posting up of the banns in a place at the Marriage Registry accessible to the public and reserved for that purpose and in keeping the banns so posted up for a period of not less than eight consecutive days excluding Saturdays, Sundays and other public holidays. The banns shall also be posted up at the place where official acts are usually posted up in the town, village or parish in Malta in which each of the persons to be married resides.

(4) Banns of matrimony shall be published by or by order of the Registrar on a request in writing signed by both persons to be married or, where the marriage is to take place by proxy, by the proxy and the other person.

(5) A request for the publication of banns shall not be entertained unless it is delivered to the Registrar earlier than six weeks before the date of the intended marriage, or than such shorter period as the Registrar may in his discretion accept in special circumstances, and unless and until, in addition to all other relevant information, there are delivered to the Registrar-

- (a) the certificate of birth of each of the persons to be married;
- (b) a declaration on oath made and signed by each of the persons to be married stating that to the best of his or her knowledge and belief there is no legal impediment to the marriage or other lawful cause why it should not take place.

Provided that if it is shown to the satisfaction of the Registrar that it is impracticable to obtain a certificate of birth required to be delivered by this sub-article, the Registrar may accept instead such other document or evidence as he may deem adequate for the purpose of this article.

(6) The Registrar may administer oaths for the purposes of this Act.

(7) Where banns have been published in accordance with the provisions of this Act and it appears to the Registrar that there is no legal impediment or other lawful cause why the marriage should not take place, the Registrar shall, at the request of either of the

parties to be married, issue a certificate that the banns have been so published and indicate therein, in addition to other relevant information, the date of the completion of such publication.

(8) Subject to the provisions of article 10, no person shall officiate at a marriage unless a certificate issued in accordance with sub-article (7) in respect of the persons to be married has been produced to him; and that certificate or a certificate issued in terms of article 10 shall be final and conclusive proof of its contents.

Refusal by Registrar to publish banns or issue certificates.

8. (1) If the Registrar is of the opinion that he cannot proceed to the publication of the banns or that he cannot issue a certificate of such publication he shall notify the persons requesting the publication of his inability to do so, giving the reasons therefor.

(2) In any such case, either of the persons to be married may apply to the competent court of voluntary jurisdiction for an order directing the Registrar to publish the banns or to issue a certificate of their publication, as the case may require, and the court may, after hearing the applicant and the Registrar, give such directions as it may deem appropriate in the circumstances, and the Registrar shall act in accordance with any such directions.

Marriage to be contracted within certain period from banns.
Amended by III. 1983.3.

9. (1) A marriage contracted before the sixth day after the completion of the period during which the banns are to remain posted up in accordance with the provisions of this Act, and a marriage contracted after the expiration of three months from the day on which the banns are first posted up as aforesaid, shall be void.

(2) Where the period of three months referred to in sub-article (1) has expired, the banns shall be published again and the procedure for their publication shall be started afresh.

Exceptions.

10. Notwithstanding the provisions of articles 8 and 9 -

- (a) the period during which the banns are to remain posted up in accordance with article 7 or the period which must elapse, in accordance with article 9, before the marriage can take place, or both such periods, may be shortened by the Registrar if he is satisfied that the shortening of those periods is justified by the circumstances of the case; but in any such case the shortening of the periods must result from the banns;
- (b) where either of the persons to be married is in imminent danger of death, the publication of the banns may be dispensed with altogether by the Registrar and the marriage may be contracted on his authority without any banns being published, if each of the persons to be married makes and signs the declaration on oath required by article 7(3); and in any such case the Registrar shall certify under his hand that the marriage, with dispensation from the publication of banns, is authorised by him and shall specify in the certificate the manner in which he ascertained the imminent danger of death.

Formalities of marriage

11. (1) A marriage may be contracted either in a civil form, that is to say in the form established by this Act for civil marriage, or in a religious form, that is to say in a religious form in accordance with the provisions of this Act. *Forms of marriage.
Amended by:
XXXIV, 1981, 2.*
- (2) A marriage, whether contracted in a civil or in a religious form, shall be valid only if all the provisions of this Act applicable thereto or to marriage generally are satisfied or observed.
- (3) In the case of the non-observance of any formality or other similar requirement relating to the celebration of the marriage or preparatory thereto, a marriage may not be annulled and shall be held to have always been valid, if the demand for annulment is not made within two years after the celebration of the marriage.
12. (1) Registration is not essential to the validity of marriage. *Registration of
marriage.
Submitted by:
I, 1993, 6.*
- (2) Registration shall not operate as to validate a marriage which, independently of such registration, is null.
- (3) A marriage shall not have effect for any purpose of law unless and until the appropriate act of marriage is completed and delivered for registration in accordance with the provisions of articles 293 and 294 of the Civil Code. *Cap. 16.*
13. (1) All marriages shall be contracted in the presence of at least two witnesses in addition to the officer, clergyman or other person officiating at the marriage ceremony. *Witnesses.*
- (2) Any person over the age of eighteen years, even if related to any of the persons to be married, may be a witness for the purposes of this article or of article 14.
14. (1) Marriage may be contracted by proxy with the written authority of the Registrar if one of the persons to be married is not, and the other person is, present in Malta, and there are, in the opinion of the Registrar, grave reasons for permitting the marriage to take place by proxy. *Marriage by proxy.
Amended by:
XXXIV, 1981, 3.*
- (2) The proxy must be operative and must contain a clear indication of the persons between whom the marriage is to take place; it shall be dated and shall be signed by the person making it in the presence of two witnesses and countersigned by the said witnesses and by a person authorised to authenticate signatures by the law of the country where the proxy is signed.
- (3) A proxy shall cease to be operative ninety days after it is signed.
- (4) In the case of a marriage contracted by proxy signed earlier than ninety days before marriage or which is revoked before the marriage without the knowledge of the other party, the marriage may not be annulled and shall be held to have always been valid, if there has been cohabitation for at least one month after the celebration of the marriage.

Form of civil marriage.

15. (1) A civil marriage shall be contracted in the presence of the Registrar, or of an officer of the Marriage Registry authorised by the Registrar to officiate at marriages, and of the witnesses required by this Act.

(2) The Registrar or other officiating officer shall ask each of the persons to be married, first to one of them and then to the other, whether he or she will take the other as his wife or her husband respectively, and upon the declaration of each of such persons that they so will, made without any condition or qualification, he shall declare them to be man and wife.

(3) The act of marriage shall be completed and delivered for registration immediately after the marriage.

Place where civil marriage may be contracted.
Amended by:
III, 2008, 18;
XV, 2009, 49.

16. (1) A civil marriage shall be contracted in the Marriage Registry or on board a Maltese registered ship while this is not in the internal waters of any country other than Malta or in such other place open to the public as the persons to be married may designate and which the Registrar accepts as appropriate.

(2) If one of the persons to be married cannot, by reason of infirmity of body or other lawful cause, attend any of the places referred to in sub-article (1), the marriage may be contracted in such other place as the Registrar may deem appropriate in the circumstances.

Form of religious marriage.
Amended by:
I, 1995, 7.

17. (1) Saving the provisions of article 21, a religious marriage shall be contracted according to the rites or usages of a church or religion which is recognised for the purposes of this Act and which either of the persons to be married belongs to or professes; but the consent of the persons to be married must, in order that the marriage may be valid, conform in substance to the consent required by article 15(2).

(2) A church or religion shall be recognised for the purposes of this Act if it is generally accepted as a church or religion or if it is recognised for the purposes of this article by the Minister; and if any question arises as to the application of this sub-article, the decision of the Minister aforesaid shall be final and conclusive.

(3) The act of marriage shall be completed and delivered for registration immediately after the marriage.

Validity and annulment of marriages:

Conflict of laws.

18. A marriage, whether celebrated in Malta or abroad, shall be valid for all purposes of law in Malta if -

- (a) as regards the formalities thereof, the formalities required for its validity by the law of the country where the marriage is celebrated are observed; and
- (b) as regards the capacity of the parties, each of the persons to be married is, by the law of the country of his or her respective domicile, capable of contracting marriage.

19. (1) In addition to the cases in which a marriage is void in accordance with any other provision of this Act, a marriage shall be void:

Nullity of marriage. Substituted by XXXIV, 1981.A.

- (a) if the consent of either of the parties is extorted by violence, whether physical or moral, or fear;
- (b) if the consent of either of the parties is excluded by error on the identity of the other party;
- (c) if the consent of either of the parties is extorted by fraud about some quality of the other party which could of its nature seriously disrupt matrimonial life;
- (d) if the consent of either of the parties is vitiated by a serious defect of discretion of judgment on the matrimonial life, or on its essential rights and duties, or by a serious psychological anomaly which makes it impossible for that party to fulfil the essential obligations of marriage;
- (e) if either of the parties is impotent, whether such impotence is absolute or relative, but only if such impotence is antecedent to the marriage;
- (f) if the consent of either of the parties is vitiated by the positive exclusion of marriage itself, or of any one or more of the essential elements of matrimonial life, or of the right to the conjugal act;
- (g) if either of the parties subjects his or her consent to a condition referring to the future;
- (h) if either of the parties, although not interdicted or infirm of mind, did not have at the time of contracting marriage, even on account of a transient cause, sufficient powers of intellect or volition to elicit matrimonial consent.

(2) Subject to the provisions of this Act, an action for the annulment of a marriage may only be commenced by one of the parties to that marriage, and this provision shall apply even where such party is, under any provision of law, incapable of suing or being sued, and in any such case the action may be commenced by such party notwithstanding such incapacity, saving any assistance or other condition the court may deem appropriate to order. Where an action has been commenced by a party to a marriage, the action may be continued by any of the heirs.

19A. (1) A valid marriage may be annulled at the request of one of the spouses on the grounds that the other party has refused to consummate the same.

Annulment of marriage on the grounds of non-consummation. Added by I, 1993.B.

(2) The provisions of article 19(2) shall apply to an action for the annulment of a marriage referred to in sub-article (1) as it applies to an action for the annulment of a marriage therein referred to.

(3) An action for the annulment of a marriage under this article may not be instituted before the lapse of three months from the date of the celebration of the marriage.

Putative marriage.
Submitted by:
XXXX, 1987.3.

20. (1) If a marriage is declared to be void the effects of a valid marriage shall be deemed to have existed, in favour of the spouses until the judgment of nullity has become a *res judicata* when both spouses had contracted the marriage in good faith.

(2) The effects of a valid marriage shall be deemed to have always existed with reference to the children born or conceived during a marriage declared to be void as well as with reference to children born before such marriage and acknowledged before the judgment declaring the nullity.

(3) If only one of the spouses was in good faith such effects shall apply in his or her favour and in favour of the children.

(4) If both spouses were in bad faith the effects of a valid marriage shall apply only in favour of the children born or conceived during the marriage declared to be void.

(5) Notwithstanding any other provision, the spouse who was responsible for the nullity of the marriage, is bound to pay maintenance to the other spouse in good faith for a period of five years, which duty shall cease if the party in good faith marries during such period.

Catholic Marriages

Recognition of
Catholic marriage.
Added by:
1, 1993.18.

21. (1) A marriage celebrated in Malta after the coming into force of this article, in accordance with the norms and formalities established by Canon Law shall as from the moment of its celebration, be recognised and have the same civil effects as a marriage celebrated in accordance with the norms and formalities of this Act.

(2) The provisions of sub-article (1) shall apply only where:

- (a) the banns required by this Act have been either published or dispensed with in accordance with articles 7 to 10 and the Registrar has issued a certificate attesting such publication or dispensation;
- (b) the parish priest who in accordance with Canon Law has jurisdiction in the place where the marriage was celebrated transmits to the Director of the Public Registry an act of marriage in the form as may be prescribed duly signed by such authority as is provided for in the Agreement; and
- (c) no impediment to the marriage as is referred to in articles 3, 4, 5 and 6, subsists. So however that the competent organs of the Catholic Church may for the purpose of catholic marriages under this Act grant authorisations or dispense from the restrictions in article 3(2) and article 5(1)(c) and (d).

(3) The certificate referred to in sub-article (2)(a) hereof shall constitute definite and conclusive proof of its contents.

22. (1) Notwithstanding anything contained in this Act or in the Civil Code relative to the procedure whereby, and the term in which, an act of marriage is to be registered, the Parish Priest referred to in article 21(2)(b), shall transmit to the Public Registry the act of marriage therein referred to for registration within five working days of the celebration of the marriage.

Transcription of
act of marriage.
Added by
L.1993.10.
Cap.16.

(2) Failure to transmit the act of marriage for registration as is provided for in sub-article (1) shall not be an obstacle to such transmission after the lapse of such term. Either spouse may at all times demand that such transmission be effected by the Parish Priest who shall remain at all times obliged to effect such transmission.

(3) When the act of marriage has been transmitted to the Public Registry, the Director of the Public Registry shall ascertain that the provisions of article 21 apply to the marriage, and upon having so ascertained he shall register the act which shall be deemed for all effects at law to be an act of marriage referred to in article 12. Upon registration of the act of marriage the Director of the Public Registry shall, as soon as may be, give notice of such registration to the Parish Priest transmitting the act of marriage.

(4) A marriage which is recognised in accordance with article 21 shall upon transmission and registration of the act of marriage be recognised as from the moment of its celebration. Such recognition shall not, however, prejudice any property rights lawfully acquired by third parties in good faith before the transmission of the act of marriage as aforesaid in this article, where such act of marriage is transmitted after the expiry of the term referred to in sub-article (1) hereof.

23. A decision which has become executive, given by a tribunal, and declaring the nullity of a catholic marriage shall, where one of the parties is domiciled in, or a citizen of, Malta, and subject to the provisions of article 24 be recognised and upon its registration in accordance with the said article 24 shall have effect as if it were a decision by a court and which has become *res judicata*.

Recognition of
decisions given by
tribunals.
Added by
L.1993.10.
Amended by
XXX. 2014.3.

24. (1) Registration of a decision as is referred to in article 23 shall be effected by the Court of Appeal.

Registration of
decisions given by
tribunals.
Added by
L.1993.10.

(2) A request for such registration shall be made by application filed in the registry of the said court, and which shall be served on the Director of the Public Registry and where it is presented by one only of the spouses, on the other spouse.

(3) The respondents shall have a right to file a reply within twelve working days of the service upon them of the application.

(4) Together with the application, the applicant shall file:

- (a) an authentic copy of the decision;
- (b) a declaration of executivity according to Canon Law issued by the Tribunal that has given the decision.

(5) The Court of Appeal registers that decision by giving a decree declaring the decision enforceable in Malta; such decree

shall not be given unless the Court of Appeal is satisfied that:

- (i) the Tribunal was competent to judge the case of nullity of the marriage insofar as the marriage was a catholic marriage; and
- (ii) during and in the proceedings before the Tribunal there was assured to the parties the right of action and defence in a manner substantially not dissimilar to the principles of the Constitution of Malta; and
- (iii) there does not exist a contrary judgement binding the parties pronounced by a court, and which has become *res judicata*, based on the same grounds of nullity; and
- (iv) in the case of a marriage celebrated in Malta after the 11th August, 1975, there has been delivered or transmitted to the Public Registry the act of marriage laid down by this Act; and
- (v) in the case of a decision delivered on or after the 16th July, 1975, but before the coming into force of this article, the request for recognition is presented by both spouses; or where it is presented only by one of the spouses it is satisfied that the other spouse does not oppose the registration of the decision.

(6) Notwithstanding the provisions of sub-article (5)(v) where a request for the registration of a decision as is referred to in article 23(1) issued by a tribunal on or after the 16th July, 1975 but before the coming into force of this article, is made by one only of the spouses, and the other spouse opposes such registration, the Court of Appeal shall give the spouse opposing such registration a term not exceeding two months within which the spouse opposing such registration may present a plea, in accordance with Canon Law applicable, before the competent Tribunal to have the decision revoked; and the Court of Appeal shall only register that decision where the party opposing the registration has not entered the plea in the term established, or has entered the plea but the same was rejected or the decision declaring the marriage null was confirmed by the Tribunal.

Recognition of
decrees *super*
matrimonio rato et
non consummato
Added by:
L.1993.16.

25. A decree given by the Roman Pontiff "*super matrimonio rato et non consummato*", when one of the spouses is domiciled in or is a citizen of Malta, shall, subject to the provisions of article 26, be recognised and upon its registration in accordance with the said article 26, shall have effect as if it were a decision given by a court and which has become *res judicata* annulling a marriage on the grounds of non-consummation, in accordance with article 19A.

Registration of
decrees.
Added by:
L.1993.16.

26. (1) Registration of a decree as is referred to in article 25 shall be effected by the Court of Appeal.

(2) A request for such registration shall be made by application accompanied by an authentic copy of the pontifical decree filed in the registry of the said court, and which shall be served on the

Director of the Public Registry and where it is presented by one only of the spouses, on the other spouse.

(3) The respondents shall have a right to file a reply within twelve working days of service upon them of the application.

(4) (a) Registration shall be effected by an order of the Court of Appeal declaring the decree of the Roman Pontiff enforceable in Malta.

(b) The Court of Appeal shall register the decree if it is satisfied that it refers to a catholic marriage which was celebrated after the coming into force of this article and either of the spouses is domiciled in or is a citizen of Malta.

(5) Notwithstanding the provisions of sub-article (4) hereof, the Court of Appeal shall give a decree which refers to a catholic marriage celebrated before the coming into force of this article where the application therefor is filed by both spouses, or where it is filed by one only of the spouses, the other spouse does not oppose the registration.

27. The provisions of article 19(2) shall apply to applications made in terms of articles 24 and 26.

Applicability of sub-article (2) of article 19.
Added by: L.1993.10.

28. In the course of an application under articles 24 and 26 the Court of Appeal shall not go into the merits of the case leading to the decision or the decree the registration of which is demanded in the application but shall limit itself to ascertain if the requirements of this Act for the registration requested exist.

Court of Appeal not to re-examine issues.
Added by: L.1993.10.

29. (1) Where the evidence of any person is required before a Tribunal, any of the parties may request the appropriate section of the Civil Court to order that the evidence of such person be heard by one of the judicial assistants according to the residence of the witness, and upon such order being given the court shall fix a date for the hearing of the witness before the judicial assistant in the manner provided in articles 606 and 607 of the Code of Organization and Civil Procedure.

Evidence required before tribunal.
Added by: L.1993.10.
Amended by: XXXI. 2002.262.

Cap.12.

(2) The parties to the case before the tribunal shall be notified of the date fixed for the hearing of the witness before the judicial assistant and may be present and be assisted by an advocate or legal procurator.

(3) Any deposition taken in the manner provided in the preceding sub-articles shall also be signed by the supplementary judge or magistrate and deposited in the registry of the court. The Registrar shall give official copies of any evidence so registered to any of the parties or the Chancellor of the Tribunal.

(4) Article 610(4) and (5) of the said Code shall apply to evidence taken under this article.

(5) All the provisions of the Code of Organization and Civil Procedure and of any other law relating to the admissibility of evidence and to the competence and compellability of witnesses, as

well as to privileged communications, shall apply to evidence taken under this article as they apply to evidence of witnesses before the Civil Court, First Hall.

Independence of actions.
Added by:
I.1993.10.
Amended by:
XXIV.1995.262.
Substituted by:
XXI.2014.4.

30. The fact that a case for the declaration of nullity of a catholic marriage is pending before a court or before the Tribunal at the time when another case is filed or is pending before a court or before the Tribunal for the declaration of nullity of the same marriage shall not hinder the court or the Tribunal from continuing to hear or from determining the case filed or pending before it.

Failure to oppose within term.
Added by:
I.1993.10.

31. (1) Where a person who is served with an application as is referred to in articles 24 and 26 does not oppose the request for registration within the term prescribed for filing a reply, he shall be deemed to have admitted the application.

(2) When all the parties to an application have admitted the same, the court shall not put the application for hearing but shall give the relative decree *in camera*.

Applicability of other articles to catholic marriages.
Added by:
I.1993.10.

32. Articles 11 to 17 shall not apply to catholic marriages celebrated after the coming into force of this article*.

Miscellaneous

Recognition of foreign judgments affecting status of married persons.
Amended by:
I.1993.9.

33. A decision of a foreign court on the status of a married person or affecting such status shall be recognised for all purposes of law in Malta if the decision is given by a competent court of the country in which either of the parties to the proceedings is domiciled or of which either of such parties is a citizen.

Regulations.
Amended by:
I.1993.9.

34. The Minister may make regulations -

- (a) respecting the fees and other charges to be levied and paid in respect of anything done or services rendered under this Act or in respect of any other matter provided for under this Act or related thereto or connected therewith;
- (b) respecting the forms to be used for the purposes of this Act, and
- (c) generally for carrying out any of the provisions of this Act and for any other matter incidental or supplementary to any of the foregoing matters.

Law and jurisdiction in relation to marriage.
Amended by:
I.1993.9.11
Cap. 12.

35. Without prejudice to articles 21 to 31, Canon Law shall, in so far as it had effect as part of the law of Malta on marriage, cease to have such effect, and all jurisdiction in relation to marriage shall vest in the courts of Malta in accordance with the relevant provisions of the Code of Organization and Civil Procedure.

Application of the Act.
Amended by:
I.1993.9.12.

36. (1) Save as hereinafter provided, the provisions of articles 18, 19, 19A, 20 and 35 shall apply to all marriages whether contracted before or after the commencement of this Act, including a marriage in respect of which proceedings were instituted prior to such commencement.

*See Legal Notice 47 of 1995.

- (2) Nothing in this Act shall -
- (a) affect the validity of a marriage which was valid at the time it was contracted; or
 - (b) affect the continued operation of a judgment having effect in Malta which is *res judicata* on or before July 15, 1975.

(3) Where any signature is required of any person who cannot or is unable to write, the requirements of this Act shall be satisfied if in place of his signature there is set a mark of such person attested as provided in article 634(1) of the Code of Organization and Civil Procedure or by the Registrar.

Cap. 12.

37. (1) The Government may enter into agreements with other churches, religions or denominations regarding the recognition of marriages celebrated in accordance with the rules and norms of that church, religion or denomination, and declarations of nullity or annulment of such marriages by the organs of such church, religion or denomination having authority in accordance with its rules.

Agreements with other Churches, etc.
Added by:
L. 1993.15.

(2) Such agreements shall conform substantially to the provisions of the Agreement between the Holy See and Malta referred to in this Act.

(3) When an agreement as is referred to in the preceding sub-article has been entered into by the Government, the Minister responsible for justice may make an order extending the provisions of this Act, with such modifications as may be required, to marriages celebrated in accordance with the rules and norms of such church, religion or denomination, and its declaration of nullity or annulment.

38. (1) Any person who contracts a marriage with the sole purpose of obtaining -

Marriages of convenience.
Added by:
LX. 2004.20.

- (a) Maltese citizenship; or
- (b) freedom of movement in Malta; or
- (c) a work or residence permit in Malta; or
- (d) the right to enter Malta; or
- (e) the right to obtain medical care in Malta,

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding two years.

(2) Any right or benefit obtained by a person convicted of an offence under subarticle (1) on the basis of the marriage referred to in that subarticle (1) may be rescinded or annulled by the public authority from which it was obtained.

(3) Any person who contracts a marriage with another person knowing that the sole purpose of such other person in contracting the marriage is one or more of the purposes referred to in subarticle (1) shall be guilty of an offence and shall on conviction be liable for the same punishment laid down in subarticle (1).

Appendix A4

Interview Key for Civil Union Couples

Interview Key

Participants already in Civil Union

Background Information Bio data

- How old are you? Age
- Sex: male or female
- Sexual orientation (gay or lesbian)
- What is your level of education? (primary, secondary, post-secondary, tertiary)
- Employment: Are you employed? Do you work on a full time or part time basis?
- Geographical location: In which are do you live? (North, South, East, West)
- Do you live close to your family of origin?
- What is your Nationality (Maltese)?
- In cases of foreign nationality, how long since you settled in Malta? What made you migrate to Malta?
- Religious background: Do you practice any religion?
- Duration of relationship: For how long have you been in this relationship?
- How long have you been living together?
- Were you in a relationship previously? If so, what type of relationship (marriage/ cohabitation) Did you have any children from that relationship?
- How long had you been in Civil Union?

Approach towards Civil Union Law

- Does the civil union law reach your expectations?
- Why were you interested to join in civil union?
- If yes, what are the benefits you expect to gain from civil union?

- Would you join in civil union in another state?
- Did you feel that civil union has brought along any changes / improvements in Malta?
- Would you have preferred that marriage law was introduced instead of civil union?
- Do you believe that commitment ceremony is important?

Home making and division of labour

- When it comes to housework, how do you decided who will be responsible for the chores? How are they prioritised?
- Who repairs things around the house?
- Do you live in rental property or did you buy your own place?
- When it comes to taking decisions, who out of the couple decides; do you decide together and reach a compromise or is one of you in charge of decision making?

Children and Adoption

- What is your opinion of homosexuals who raise kids?
- Would you like to have kids?
- Do you have any plans to adopt kids?

Social Integration

- Did your civil union effect the opinion of your family of origin?
- Did you notice any increase in family support since your civil union?
- What type of ceremony did you organise?
- Were any pictures taken with families?
- Is your family aware of your relationship and of your Civil Union?
- Have you ever participated in a LGBT rights demonstration?
- What response did you get from the guests?
- Have you ever had a heterosexual relationship? Did you have children from that relationship?

Appendix A5

Interview Key Couples not in Civil Union

Interview Key Participants not in Civil Union

Background Information

- How old are you?
- Sex: male or female
- Sexual orientation (gay or lesbian)
- What is your level of education? (primary, secondary, post-secondary, tertiary)
- Employment: Are you employed? Do you work on a full time or part time basis?
- Geographical location: In which are do you live? (North, South, East, West)
- Do you live close to your family of origin?
- What is your Nationality (Maltese)?
- In cases of foreign nationality, how long since you settled in Malta? What made you migrate to Malta?
- Religious background: Do you practice any religion?
- Duration of relationship: For how long have you been in this relationship?
- How long have you been living together?
- Were you in a relationship previously? If so, what type of relationship (marriage/ cohabitation) Did you have any children from that relationship?

Approach towards Civil Union Law

- Does the civil union law reach your expectations?
- Are you willing to legally unite with your partner?
- If no, explain why
- If yes, what are the benefits you expect to gain from civil union?

- Would you join in civil union in another state?
- Did you feel that civil union has brought along any changes / improvements in Malta?
- Would you have preferred that marriage law was introduced instead of civil union?

Home making and division of labour

- When it comes to housework, how do you decided who will be responsible for the chores? How are they prioritised?
- Who repairs things around the house?
- Do you live in rental property or did you buy your own place?
- When it comes to taking decisions, who out of the couple decides; do you decide together and reach a compromise or is one of you in charge of decision making?

Children and Adoption

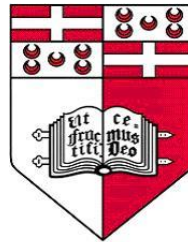
- What is your opinion of homosexuals who raise kids?
- Would you like to have kids?
- Do you have any plans to adopt kids?

Social Integration

- Have you ever participated in a LGBT rights demonstration?
- Is your family aware of your relationship? What do they think about it?
- Did the Civil Union effect their opinion?
- If you had to decide to join in civil union, do you think you will receive support from family and friends with planning and organising the event?
- What type of ceremony will you organise?
- Who would like to invite for your ceremony?

Appendix A6
Informed Consent Form

Informed Consent Form



UNIVERSITY OF MALTA

University Of Malta
Department of Sociology
Masters in Social Studies (2014)

Title of Study: “Same-sex Civil Unions in Contemporary Malta: A sociological understanding.”

My name is Mary Grace Vella, reading a Master of Arts in Social Studies. I am doing research on same sex civil unions in Malta.

Civil Unions were approved by the Maltese Parliament in April 2014. Purpose of this study is to examine Civil Unions Act in light of the sociology of the family.

This research will involve your participation in an interview that will take about one hour. You are being invited to take part in this research because I feel that your experience can contribute to my understanding and knowledge of Civil Unions.

Your participation in this research is entirely voluntary and you may stop participating in the interview at any time. During the interview you may also refuse to answer some or all the questions if you don't feel comfortable with those questions. The entire interview will be audio recorded and the information recorded is confidential.

There is no risk involved in this study except your valuable time. There is no direct benefit to you also. However, the results of the study may help me find out more about Civil Unions.

Fill with a sign were appropriate:

• I have read the foregoing information

• The above information has been read to me

I consent voluntarily to be a participant in this study.

_____ Name of participant 1	_____ Signature of Participant 1	_____ Date
_____ Name of participant 2	_____ Signature of Participant 2	_____ Date
<u>MARY GRACE VELLA</u> Researcher MOB: 79690193 Email: marygrace208@gmail.com	_____ Signature of Researcher	_____ Date
<u>Prof. MARK ANTHONY FALZON</u> Faculty Supervisor	_____ Signature of Supervisor	_____ Date

Appendix A6

Civil Union Ceremony Vows

Ladies and gentlemen,

On behalf of _____ and _____, I am pleased to welcome you and thank you for coming today to share this very important and special occasion.

You will also be taking part in today's ceremony by witnessing the legal declarations that must be made by the couple. They have declared themselves free to be united in a civil union to one another and at that moment when they will be giving their consent, they shall be binding themselves to be partners in this union.

_____ and _____, in compliance with the Civil Unions Act, 2014 (Chapter 530_____ of the Laws of Malta), on the _____, you requested the Publication of Banns in respect of your civil union.

Your request for the Publication of Banns was accepted by the Maltese Marriage Registrar and your Banns were duly published according to law.

Following this publication, and having ascertained that there is no legal impediment to the civil union or any other

lawful cause why it should not take place, a Certificate of Banns was issued in accordance with Article 4 of the Civil Unions Act. This certificate was delivered to me as the Marriage Registry Officer who is to officiate at your civil union, today.

Therefore, having satisfied all the requirements of the Civil Unions Act, the civil union may now be proceeded with according to Law.

_____ and _____, may I finally remind you that from today onwards you are going to be partners in a civil union, with all the equal rights and equal duties pertaining to your status as parties **in** a civil union.

CONSENT

_____ and _____, I kindly ask you to stand up.

Now, in the presence of your _____ witnesses, I shall be asking you for your consent.

_____, do you take _____ as
your partner?

_____, do you take _____ as
your partner?

VOWS

As it is your intention to contract a civil union, please face each other, join your right hands together, and repeat after me.

Partner 1: I, _____, take you
_____ to be my partner. I
promise to be true to you in good and in bad times, in
sickness and in health. I will love you and honour you all
the days of my life.

Partner 2: I, _____, take you
_____ to be my partner. I also
promise you to be true to you in good and bad times, in
sickness and in health. I will love you and honour you all
the days of my life.

EXCHANGE OF RINGS

MR: _____, while placing the ring on
_____ finger, please repeat after me:-

_____, take this ring as sign of my love and
fidelity.

MR: _____, while placing the ring on
_____ finger please repeat after me:-

_____, take this ring as a sign of my love and
fidelity.

Marriage Registrar: As the ring encircles the finger, so
may the bond of fidelity encircle the two who wear these
rings.

Since you have thus declared without any condition or
qualification, and as empowered by Article 4 of the Civil
Union Act, 2014, I declare you partners in a civil union in
accordance with the provisions of the Law.

Congratulations.

(A reading may be recited here)

Signing of the Act of Civil Union

Presentation of Memento

Ladies and gentlemen, I now present you
_____ as partners **in** a civil union.