Socio-political developments leading to civil partnership for same-sex couples in Ireland

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Authors: Grainne Healy (SALIS Scholar and Government of Ireland PhD Scholar, DCU), Dr Mel Duffy (School of Nursing and Human Sciences, DCU), Mr Jean-Philippe Imbert (SALIS, DCU).

Overview

This paper examines the socio-political changes in Ireland in the late 20th and early 21st century which created the conditions allowing for the emergence of the same-sex relationship recognition construct, Civil Partnership (2010). The paper examines changing family size and structure, the emergence of same-sex headed households and identifies key societal changes. These changes include the changing roles of men and especially, women. The paper focuses on three key catalysts for change in Ireland from 1960’s onwards which pushed forward a challenge to the prevailing Catholic habitus and led to a liberalisation of attitudes towards lesbian and gay rights. The paper summarises legislative progress towards equality culminating in 2010 with the provision of Civil Partnership, a significant milestone towards equality for gay and lesbian people, but incomplete. The paper concludes that the battle for same-sex relationship equality and full equality for lesbian women and gay men continues.

Ireland: carnally coming of age

Twenty-first century Ireland is in the ‘throes of a delayed sexual revolution, as a country long accustomed to a strict policing of sexual morality, has carnally come of age’ (Ferriter 2009 p.1). The history of sexuality in modern Irish society is complex and perhaps some aspects of it are unique to the Irish. ‘The sexual is always about the individual as well as the social constructions, discourses and struggles for power that are part of society’s quest for control over the individual life’ (Ferriter 2009 p.2). It is a story of great change, a power struggle, set in the wider story of the Irish sexual revolution, a complex process criss-crossing a multitude of discourses.

‘A constellation of interests and an alliance of power, especially between Church and State, and between mothers and priests, drove sexuality into the dark recesses of Irish society’ (Inglis 1997 p.5).

Exploring how Foucault’s (1978) examination of the deployment of sexuality is relevant to Ireland, Inglis (1997) suggests Foucault’s interest in examining sex in a genealogical way will help us to discover who does the speaking, their positions and viewpoints.

Inglis (1997) describes three major discourse formations on sexuality in Ireland. Firstly, that which forms discourses on policing of bodies in marriage, family and property relations, initially the sphere
of experts, theologians and scientists in the late 18\textsuperscript{th} and early 19\textsuperscript{th} Century. That discourse then becomes embodied in everyday life in homes, schools, churches and hospitals, under the watch and control of priests, doctors, nuns and mothers; finally, sexuality becomes central in the late 20\textsuperscript{th} century to ‘an intensive system of care, knowledge and appreciation of the self’ (Inglis 1997 p.9). This last discourse is concerned with ‘rooting out the forces of sexual repression and the search for the truth and emancipation of the sexual being’ (Foucault 1986 p.77). The move towards same-sex relationship recognition is part of this search.

For Inglis (1998) growing up in Ireland of the 1950’s was an Ireland with an absence of physical affection, an obsession with sex and an emphasis on self-denial. This he claims is what makes Irish sexuality different. It was an Ireland where the greatest sin was sex and where this belief was inculcated deeper and lasted longer in the bodies and souls of the Irish than among the rest of those living in the West. Ferriter (2009 p.3) maintains ‘there was dissent, different opinions, double standards and a more complex sexual identity and practice’ than Inglis allows. The experiences of lesbians and gay men show the lived reality as somewhere in-between.

In relation to the suggestion that the Church was consulted on impending legislation by the legislators and policy makers, Ferriter says that it was more a case of politicians looking to the Church for guidance on how to, ‘protect Irish citizens from sexual immorality,’ (Ferriter 2009 p.6). This is ironic given the litany of clerical sexual abuse committed by Catholic clergy and subsequently hidden and denied by the Catholic hierarchy (O’Gorman 2002 & 2006; Raftery 1999 & 2002 & 2013).

It was the media ‘that did most to shatter the Church’s dominance of sexual discourse’ (Inglis, 1997 p.6). The separation of church and state was ‘gradual and initially amicable’ (Breen, Hannan et al. 1990) and became most obvious when the Catholic Church’s special place in the Constitution was removed in 1972 (Canavan 2012).

**Changing Ireland: Cultural context for the introduction of same-sex relationship recognition**

**Changing families**

Central to an examination of same-sex relationships and their recognition in Ireland is the emergence of same-sex relational households as new and emerging family forms in an Irish context. ‘What family is, what family does, and how it does it are ongoing questions for Irish society and its government’ (Canavan 2012). Same-sex families and LGBT parented families (Pillinger and Fagan 2013; CSO 2012) are a feature of 21\textsuperscript{st} century Irish family life.

Irish family life and patterns have greatly changed since the distinctive patterns of the twentieth century where family forms were in the vast majority of cases based on marriage and the
characteristics of the Irish family then included late age at marriage, a high rate of single women who never married and very low levels of births outside marriage, while, due to the lack of birth control, Irish families were large and few women participated in the Irish labour force (Kennedy 2001).

Ireland has moved from a predominantly socially conservative agricultural economy in the 1950’s to a more open service-based economy in the 21st century with a more educated people and fewer children in most families; contraception is widely available and used, and divorce taken up when needed, despite the Catholic Church’s opposition to both. Kennedy (2001 p.2) maintains that compared to our European neighbours, while ‘the pace and timing of modernisation in Ireland differed… the pathway travelled was similar’. Fighting Catholic Church authoritarian positions on matters of public and private morality was not just a feature of Irish society (Dillon 1999), but with a Catholic majority, those within the Catholic community and those just living in a Catholic dominated society worked to effect change ‘redrawing the borders of Catholic identity’ to achieve a transformative change (Dillon 1999 p.11).

**Same-sex headed households**

The 2011 census was the first time a question was asked which allowed same-sex headed households to declare themselves and become visible and counted. The emergence of same-sex headed households in the 2011 Census is an indicator of yet another change of family patterns in Ireland. There were 4,042 same-sex headed households (2,321 males and 1,721 females). Of these, 230 of them had children and 166 stated that they were ‘married’ which means that they were married outside of Ireland as same-sex marriage is not available in Ireland (CSO 2012). As Civil Partnership was only enacted in 2011, it is thought that the full extent of same-sex headed households may be more visible in the next census. It is estimated that 5-7% of the population may be lesbian, gay or bisexual (Glen 2007). To June 2013, 1,088 same-sex couples have had their relationships registered and recognised by the Irish State in Civil Partnerships (Glen 2013). An unknown additional number of same-sex couples have had foreign Civil Partnerships or foreign Civil Marriages recognised as Civil Partnerships by the Irish State, but these figures are not yet available. Such new family forms are increasingly prevalent (Fine-Davis 2011; Canavan 2012; Pillinger and Fagan 2013) and their views, attitudes and behaviour form an important area of new research in Ireland.

Looking to possible future same-sex family patterns in Ireland, Pillinger & Fagan’s (2013) Irish study of LGBT people who are parents and those who are planning parenthood would indicate that this new family form is present and their study provides the lived experiences of LGBT people ‘as a backdrop to the legal, policy and other changes’ which the study participants themselves see as urgent for family and relevant policy changes in Ireland (Pillinger and Fagan 2013 p.5).
So, what have been the key socio-political changes that have happened which account for this changing face of families in modern Ireland, in particular the emergence of same-sex headed households and families?

**Key social changes in Ireland**

An examination of sexuality related issues in Ireland, including the emergence of same-sex relationship recognition, will have as part of its basis an understanding that Irish sexual morality was traditionally based on Catholicism (Smyth 1995). Central to this understanding is the non-separation of church and state which existed since the foundation of the state (Breen, Hannan et al. 1990), indeed so called ‘sexual immorality became one of the new adversaries’ of the newly formed Irish state (Duffy 2011 p.17).

A number of cultural factors have contributed to a changing Ireland which has seen the introduction of same-sex relationship recognition in 2010 and led to the heightened demand for access to civil marriage for same-sex couples and LGBT headed families in the subsequent years (Pillinger & Fagan 2013).

**Changing roles of men and women**

While the 1937 Constitution defined the role of woman in Ireland as primarily within the home, it is evident today, with more than 50% of Irish women in the labour force (CSO 2012) that woman’s role has changed in Irish public and family life. The work life balance required of women is evident in the fact that 57% of mothers in a recent study are engaged ‘predominantly in employment outside the home’ (Williams et al., 2010 p.9). The move from woman’s role as homemaker and mother to one of active participant in the labour force has meant greater economic independence for women. The decoupling of the exclusive link between marriage and motherhood has also coincided with a change in attitude towards marriage in Ireland (Kennedy 2001). Marriage has come to be seen as an option for women and men, not a destiny. Increased emphasis on parenting and partnership roles of men, coupled with a widening of women’s career opportunities has supported a shift away from the exclusive male breadwinner pattern of the Irish family towards a broader sharing of both paid work and work in the home by couples.

Studies of 1970’s Ireland (Hannan and Katsiaouni 1977) show that by the end of the 20th century ‘the patriarchal, authoritarian model of the family was largely replaced by a more egalitarian model’ (p.100). The earlier male-dominated, church-ruled private space of marriage and family was being replaced with notions such as the growing importance of love and intimacy within Irish marriage (Ryan 2012). It is within this context that we begin to see how a more general openness to gender
diversity, sexuality and diversity of family forms is the seed-bed within which the seeds of same-sex relationship recognition could be sown.

As more and more women entered the workforce, their male parenting partners, the new generation, got more involved in home duties and child rearing (Kennedy 2001). Though the traditional family unit of male and female married couple raising children remains high at 71%, with cohabiting male/female couples at 15% and lone parents at 14% (Williams et al 2010, p.9). Through an absence of child care and paid parental leave only 1.2% of Irish fathers are primarily engaged in home duties (Williams et al. 2010). Women’s lives have changed far more than men’s, at least with regard to family and parenting responsibilities. A further factor which pushed women into the labour market and broke down the traditional gendered roles of men and women, was the desire to own family homes and the need for two salaries to allow that purchase take place. Irish men and especially Irish women’s roles have altered in response to economic and social demands of modern life. But there were some notable catalysts to this process.

**The Women’s Movement: a catalyst for change**

Increased job opportunities for women in both private and public sector drew women, post 1960’s towards greater economic independence. Overcoming the marriage bar (where married women had to resign their jobs in the public service - completely removed in 1973 – on foot of a European directive to do so) women could now both work and be married or work and have children. The vast majority of women’s groups and organisations pre-1960s focused on children and homemaking and were replaced (Kennedy 2001; Connolly 2005) in 1970’s with the emergence of the Women’s Liberation Movement (WLM) and subsequent women’s rights organisations and bodies, seeking rights for women not just in relation to their role as wife and mother, but rights for women as independent agents requiring control over their own economic, reproductive and relational lives. These events were highlighted and gained access to living rooms across Ireland by the advent of Telifis Eireann and the famous *Late Late Show* WLM programme in 1971. Both Inglis (1997) Ferriter (2009) and Ryan (2012) hold that the advent of mass media, especially television, and the women’s movement, which challenged attitudes towards gender and sexual inequality, were major catalysts for change in Ireland at that time. While former editor of the *Irish Times*, Brady (2012) tells us that ‘the struggle between those who wanted to silence dissent and criticism and those who believed ideas should be free and should be debated took place on a much wider stage than television alone’ (*Irish Times*, July 27, 2012 ‘RTE history of television screened out bigger picture’). Not embraced by all women, organisations such as *Women in the Home* tried to hold onto the Constitutional view of Irish women and the traditionally defined roles of men and women established in 1937, greatly infused with Catholic Church teaching and traditional values on such matters (Ferriter 2009, Connolly 2005).
Rose (1994) and Hug (1999) place the early lesbian and gay activists at the heart of many early feminist campaigns in the 1970’s which were training grounds for strategies and tactics used to begin the work of the early gay rights movement in Ireland which sought to challenge discrimination and invisibility and attain fundamental rights for lesbian and gay citizens of Ireland.

**Ireland joins EEC: a catalyst for change**

A second event that pushed change forward in Ireland was when Ireland entered the European Economic Community (EEC) in 1973. As mentioned earlier, by 2012 50% of Irish women were in the labour force. In 1973, only 7% of married women worked outside the home, the male breadwinner model was still firmly in place, but membership of the EEC (later to become European Union) which promoted equality legislation to underpin gender equality pushed the Irish Government to make changes to employment law (*Equal Pay Act, 1974*, *Employment Equality Act, 1977*), social welfare law (introduction of individualised payments to women and men) and reform of taxation codes. All of which strengthened women’s economic independence and loosened the gendered roles which kept both women and men so bound to traditional notions of what men and women could and should be in Ireland (Hug 1999). In 1960 women earned only 53% of what men did, this rose to 59% in 1971, it was the EEC’s equality policies which sought to outlaw this discrimination and in doing so promoted the economic independence of women in the EU – including from 1972 on, Ireland (Ryan 2012).

**The media: a catalyst for change**

The media played a key role in pushing social change – the new RTE television station, the rise in women’s magazines, radio and TV shows which discussed matters like marital breakdown or domestic violence and ring-in radio shows where the voices of men and women began to be aired over the airwaves increasing the dissemination of voices depicting the lived realities for men and women in Ireland, and elsewhere. It was on these chat shows and in these magazine and newspaper columns that issues such as homosexuality or contraception or abortion were often aired and views different to those held in earlier more closed society were shared and understood (Ryan 2012). Brady (2012) says television was part of a process, combined with print media, which worked to ‘create change in a society where values had scarcely altered since the famine’ (*Irish Times*, July 27, 2012 ‘RTE history of television screened out bigger picture’). The earlier less questioning acceptance of how life was to be lived by men and women, until the 1960’s, coupled with second level education extended to all children following primary school, contributed to the production of ‘a counter culture’ to traditional Catholicism, especially in the area of the Church’s teaching on sex and morality (Kennedy 2001 p.118). It was the media which played the most effective role as a catalyst for social change in Ireland and shattered the Catholic Church’s dominance of sexual discourse (Inglis 1997; Layte *et al.* 2006).
The mass media as Nic Ghiolla Phadraig (1995 p.617) pointed out were ‘the church’s main competitors in the interpretation of Irish society.’

**Changing religious and sexual identity in Ireland**

‘Religious identity in modern Ireland has been as socially significant as gender, class, ethnicity or sexual orientation’ (Inglis 2005 p.59).

To understand how religion is tied in with everyday life and the struggles to control and police moral areas, Inglis (2005) insists that one must understand why religion was such a strong force in Irish society. There is no doubt that in the colonisation of Ireland, the Catholic Church was close to the oppressed Catholic people and as the state moved towards and post independence it was to the Church the largely uneducated masses turned for guidance. Likewise as the state was founded, its foundational document, the Irish Constitution, placed the Catholic Church in a privileged space for decades to come. However as ‘feminism and secularism have gained ground, the Catholic Church has lost ground in politics and in daily life’ (Canavan 2012 p.4).

Likewise the emerging bourgeois who were to be the new ruling and governing class of the new State often sought guidance from the Church on matters of legislation and policy (Ferriter 2009). While some may have sought guidance the reality was that Irish education, at all levels, including teacher training colleges and Irish health services were (and continue to be) mostly provided by and predominantly under the management of Catholic religious bodies and Catholic religious institutions. Such bodies did not have to be approached for guidance in many instances, the Catholic Church provided effective guidance and regulation of the population through these institutions. The Catholic Church controlled Ireland both through its dissemination of ideology and also control of resources (Nic Ghiolla Phadraig 1995). Kilfeather (2005) tells us in trying to compensate for the loss of its historical role as the public voice of a wronged nation 'The church, fearing revolutionary discourse, set out to demonise the attractions of liberalism or socialism as ‘foreign’ and that usually meant English. It was the battle against secularism which the church targeted and in particular the regulating of sexuality’ (Kilfeather 2005 p.106). This ‘war’ built to a height in the 1960’s led by Dublin Archbishop Mc Quade who built 34 new churches in that decade while censorship board drew up banned lists of publications which saw international writers like Sartre and Hemingway banned. Irish writers like Frank O’Connor, John McGahern and Edna O’Brien also were banned for dealing with matters sexual and forbidden for Catholic consumption (Ryan 2012).
Catholic habitus

Bourdieu’s (1984) concept of ‘habitus’ applies to Catholic influence on sexuality in Ireland. *Habitus* or ‘know how’ is created through a social, rather than individual process leading to patterns that are enduring and transferrable from one context to another and can shift in relation to specific contexts over time. *Habitus* is not fixed or permanent, and can be changed under unexpected situations or over a long historical period (Navarro 2006 p.16). The Catholic Church influence on Irish society, as a result of Catholic *habitus* pervaded all aspects of society, but it particularly dominated sexual discourse (Inglis 2005). Much of the maintenance and development of economic capital in Ireland in the 20th century was dependent on controlling marriage, ‘the deployment of alliance’ as Foucault (1978 p.106) termed it, which in turn meant the need to control sexual relations. In particular, keeping all sexual activity solely within marriage and for reproductive purposes, was its aim.

Irish society in late 20th century saw a decline in agriculture, an increase in urbanisation, the introduction of television and mass media, most influential of all in shifting the traditional habitus of Irish sexuality (Inglis 1997). All of these changes caused the decline of Catholic *habitus* of Irish sexuality, ‘... the unreflective, immediate, ongoing disposition which people had when encountering sexuality, began to change from fear, doubt, suspicion, guilt and shame more towards positive pleasure and enjoyment’ (Inglis 1997 p.6). This led to a reduction of the power and control of the Church. In this more secularised society, religion becomes more private in expression and thus restricted in its influence. We now realise, with the clerical sex scandals and child abuse terrors uncovered in the ‘90’s and ‘00’s that alongside ‘the religious discourse emphasising celibacy, purity, innocence, virginity, humility and piety, there existed practices of child abuse, incest, paedophilia, rape, abortion and infanticide’ (Inglis 1997 p.60).

Ferriter (2009) like Kennedy (2001) rejects the notion of a strict clerical/laity divide in Ireland, neither does she accept the notion of a docile laity, taking all direction from a dominant conservative clergy. Citing the case of how Catholics took up the widespread use of contraceptives contravening the ban on contraception, this, Kennedy says supports the view that religious doctrines ‘will be disobeyed’ when they run strongly against the interests of Church members (Kennedy 2001 p. 151). Many Irish Catholics lived lives outside of or in contravention to the strict sexual prescriptions of the Catholic Church. Ryan (2012 p.201) describes this phenomenon of the 1960’s/1970’s as the emergence of the ‘new Catholic’. We can see more recent evidence of this new Catholic in *Census 2011*, where over 84% of Irish people declare themselves Catholic, (CSO 2011) yet the numbers of those divorced, re-marrying, managing the birth of their children, cohabiting or living in same-sex partnerships indicates that these people are living their lives according to their own conscience and needs and no longer following slavishly all Catholic guidance and dictats regarding private and public morality.
**Liberalisation of attitudes to socio-sexual issues**

Hug (1999) suggests there were four socio-sexual issues prevalent in Ireland in the ‘80’s and ‘90’s – contraception, abortion, divorce and homosexuality. The first approval by Irish Parliamentarians of a measure in favour of homosexual rights was a vote in 1989 on a law prohibiting incitement to hatred (*Incitement to Hatred Act, 1989*) which included homosexuals and Travellers in its remit (Hug 1999 p.220). Resistance to decriminalise homosexuality during this time was based on beliefs that ‘... by extension, these practices corrupt society at large because they undermine the family, the institution on which moral order is built, the basic unit of society whose main function is to maintain order, economic as well as ideological’ (Hug 1999 p.3).

Many of the lesbian and gay rights activists\(^1\) were involved across these socio-sexual campaigns leading to what Hug calls the emerging ‘new moral order’ (Hug 1999 p.7). It was January 1990 when the then Archbishop of Dublin, Desmond Connell (later criticised for covering up the truth about child abusing priests) (Raftery 1999) reflected church teaching when he spoke of homosexuality as ‘an objective disorder’ (Hug 1999 p.201). However, within three years, legislation to decriminalise homosexuality was passed by both houses of the *Oireachtas* (*Irish Parliament*) without a vote. Some signs of ‘tolerance’ for lesbian and gay people and their rights were emerging.

Key to the development of acceptance on social-sexual matters were a series of public debates over issues on privacy and reproductive rights and child abuse which took place in the 1980’s and early 1990’s. Kilfeather (2005) recalls the death of Ann Lovett and her baby in a graveyard in Longford where the teenager died in secretive childbirth (1984); the trial of Joanne Hayes for her alleged role in the murder of two Kerry babies (1984); Lavinia Kerwick’s decision to waive anonymity and speak about her rape (1990); the rape of a 14 year old girl known as ‘X’ prevented by the state from travelling to England for an abortion (1992); the exposure of Bishop of Galway, Eamonn Casey as having fathered a child 17 years previously (1992); the conviction of a Catholic priest Fr Brendan Smyth, a serial child abuser protected by the Catholic church and shielded from extradition by the Irish Government in 1994\(^2\) (Kilfeather 2005 p.111). All of these scandals and their exposure by the media moved public opinion and served to further dent Catholic *habitus* on sexuality in Ireland. Perhaps the election of Mary Robinson as President of Ireland in 1990 was an indication of how far public opinion had moved. Robinson had been the senior counsel in the David Norris case on

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1. This paper is a shortened section taken from a proposed doctoral thesis which contains a fuller description and discussion of the lesbian and gay rights movement in Ireland.

2. Significance of the Fr Brendan Smyth affair was that it led to the fall of the Albert Reynolds led Fianna Fail/Progressive Democrats Government later that year when it emerged that the state had been involved in the protection of this serial child abuser.
homosexuality\(^3\) and an advocate of choice in abortion matters. Her election by popular acclaim is another indicator of how attitudes and values were changing in Ireland (Kilfeather 2005).

It can be argued that recently reported clerical sexual abuse scandals in Ireland, *The Ferns Report* (2005); *The Ryan Report* (2009); *The Murphy Report* (2009); and *The Cloyne Report* (2011) have harmed the Catholic *habitus* regarding sexuality and Catholic authority on moral issues generally. McGarry (2012) commented that the fall by 22% in religious sentiment by Irish people (WIN-Gallup International 2012) since 2005 (69% in 2005 considered themselves to be religious – 47% considered themselves religious in 2011) may reflect the effect of the publication of the above reports. ‘Ireland has experienced the second-greatest drop in recent years in the percentage of the population that claims to be religious’ (McGarry 2012 *Irish Times* 8 August 2012).

In Kennedy’s view, changes in family patterns and attitude to social issues have also been driven by economic factors. The increase in diversity of households, relationship types and family forms in the 21\(^{st}\) century reflects the demands and needs of the individuals and couples residing in the state at this time. Changes in family life has been ‘people’ driven she maintains (Kennedy 2001 p.258). These changes have led to a plurality of values, to ‘an Irish society that is more open and tolerant than in the past’ (Norman *et al.* 2006 p.6). The pace of change has been, particularly in the last 30 years, immense (Layte *et al.* 2006).

The most common form of relationship regulation and one which in Europe most post-puberty adults entered in the past, was marriage. Ireland’s marriage patterns differed to our European counterparts (Cosgrove 1985) and early Ireland patterns to modern day 21\(^{st}\) century are seen as much influenced by the Catholic Church, social and economic developments (MacCurtain & O’Corrain 1978; Connolly 2005, Inglis 1997; Ferrier 2009; O’Kennedy 2001). Also influential was the changing position of women, the availability of contraception, advent of the TV and mass media and the demise of Catholic Church influence in most recent time evidenced by decriminalisation of homosexuality (1993) the introduction of divorce (1995) and removal of the tag of illegitimacy (1996) all of which paved the way for more openness to support recognition of diverse relationships and family forms including same-sex relationships in the Civil Partnership Act of 2010, the impact of which will be seen in the future (Layte *et al.* 2006; Fagan 2011). The push for access to marriage by same-sex couples is a movement toward foundational change to traditional meanings of marriage and family in Ireland, it would also be one more change in these two institutions that have changed so much over time.

\(^3\) David Norris took a case against the Irish State to recognise his right to privacy at the European Court of Human Rights in 1988. He won and this case subsequently led to the transposition of the judgement and the decriminalisation of homosexuality in Ireland in 1993.
Gay and lesbian legislative progress in Ireland

On 23rd June 1993, the Minister for Justice proposed *The Criminal Law (Sexual Offences Bill 1993)* to the Dail (lower house of Irish Parliament) which provided for equality between heterosexuals and homosexuals and effectively decriminalised homosexuality in Ireland. The bill passed all its stages without a vote. ‘... while the equality-based law reform is fundamentally important in removing the taint of criminality, it must be remembered that it only provides the basis for achieving equality in everyday lives’ (Rose 1994 p.60).

Subsequent to decriminalisation in 1993 significant rights legislation including that protecting lesbians and gay men was introduced. The 1998 *Employment Equality Acts*\(^4\) included bans on discrimination on sexual orientation from employment, recruitment, training and pay and the 2000 *Equal Status Act* – included bans on discrimination in relation to supply or sale of goods and services (but allowed different treatment in relation to pensions and insurance policies.) These significant equality acts included protection on nine grounds – including sexual orientation. These acts were helpful in moving gay men and lesbian women not just away from the criminal taint but also towards a sense of the possibility of real equality in their everyday lives. The journey was moving inexorably towards relationship recognition rights.

The Equality Authority’s call in 2002 for equal access to civil marriage for gay and lesbian couples was a significant policy milestone for relationship recognition (Equality Authority 2002). Various political party positions on gay and lesbian partnerships (Fine Gael 2004, Green Party 2006) were pushed along by the publication of significant policy reports (*Oireachtais Committee of the Constitution 2006, Law Reform Commission 2004 & 2006 reports*, Colley Report 2006). A Private members Bill on Partnership Rights (Norris 2004) and the Labour Party Civil Unions Bill in 2007 were unsuccessful but the Zappone/Gilligan High Court case pushed for marriage recognition for same-sex couples as the parliament struggled to put forward Civil Partnership between 2009-2010.

In June 2010, following debates in both upper and lower houses of the Oireachtas, the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act, 2010* was passed without a vote in the Dail and only four senators voted against it in the upper house (Seanad). The Act was enacted in January 2011 and the first same-sex couples applied to have their relationships registered and recognised by the Irish State. Pivotal in pushing the issue centre stage in Ireland Dr Katherine Zappone and Dr Ann Louise Gilligan, two lesbian women who had married in Canada and took a case

\(^4\)The Employment Equality Acts include Section 37.1(b) under which an institution with a religious ethos can legitimately fire or not, an lgbt employee. For Ireland where so many of the schools and health service providers are Catholic this section clearly affects many teachers and health professionals whose employer may hold a religious ethos which might include opposition to homosexuality.
seeking the legal recognition of their 25 year relationship and their legal Canadian marriage conducted in Vancouver in 2004.

‘The deepening of our desire to do something that could bring about change, had more to do with the fact that our lifelong partnership was being denied proper legal recognition’ (Gilligan & Zappone 2008 p.223).

While the case failed (the couple subsequently withdrew their appeal of the decision in favour of taking new proceedings in 2012 to challenge directly two acts which prevent recognition of their marriage). It left a legacy of a strengthened lesbian and gay rights movement – it achieved their ambition to stir up a grassroots revolt against the inequality of a lack of same-sex relationship rights and while GLEN\(^5\) had committed itself to seek Civil Partnership rights as a stepping stone to equality, Marriage Equality\(^6\), NLGF\(^7\), LGBT Noize\(^8\) and others had taken up the baton to push for full equality for same-sex relationship recognition by continuing to advocate for civil marriage rights in Ireland.

Key differences between Civil Partnership legislation provision and marriage rights were identified (Ryan 2010b; Fagan 2011; Pillinger & Fagan 2012; Marriage Equality 2012; Glen 2011) and include those relating to a civil partner and his/her partner’s children. The adult/child relationship is not acknowledged in the Act (Ryan 2010b p. 5). The recognition of children in the Civil Partnership Act (2010) which extends to non-biological parents who are a co-parent, extends only to their rights to seek access in respect of a child, if the child is in the custody of the other civil partner. In relation to maintenance, courts must only take into account a civil partner’s obligations towards his/her own biological children, similarly after the dissolution. Thus, no specific financial support is required for the child by the non-biological parent who is a civil partner to the child’s biological mother or father. Ryan (2010b) and Fagan (2011) conclude that, full equality undoubtedly demands equal access to civil marriage, however for Ryan, civil partnership ‘...both practically and symbolically ... represents real and substantial progress in the recognition and protection of non-traditional families’ (2010b p.18).

\(^5\) GLEN (Gay and Lesbian Equality Network) was founded in 1988 and is committed to securing legislative change and to bring about equality for lesbian, gay and bisexual population in Ireland (www.glen.ie)

\(^6\) Marriage Equality was founded in 2004 to support the KAL case (Katherine Zappone and Ann Louise Gilligan’s case for recognition of their Canadian marriage). Marriage Equality advocates for access to civil marriage for same-sex couples in Ireland. (www.marriagequality.ie)

\(^7\) NLGF (National Lesbian and Gay Federation) founded in 1979, it seeks to work towards elimination of discrimination against lesbian, gay, bisexual and transgendered people in Ireland. (www.nlgf.ie)

\(^8\) LGBT Noize was founded in 2007 and works for civil marriage, parenting and reproductive rights and gender recognition and religious ethos removal from Irish law. (www.lgtbnoize.ie)
Some 169 differences in treatment ‘covering rights and protections across a range of legislation including areas of family law, immigration, housing, inheritance, taxation, freedom of information, and other miscellaneous provisions, which apply to married heterosexual couples, but not to same-sex couples who are registered civil partners’ are identified in the report (Fagan 2011 p.10).

In April 2013 the Constitutional Convention (a citizens’ forum with 100 members including 66 citizens and 33 parliamentarians or senators) was convened by Government to discuss marriage equality. 79% of the body called for Government to make provision for same-sex marriage by holding a referendum on the matter. The Irish Government must respond to the call by November 2013 and agree to hold a referendum or reject the call by the Convention. Meanwhile 1,088 Civil Partnerships were registered since 2011 - 2,176 lesbians and gay men – 423 lesbian couples and 655 male couples (Glen 2013). The battle for full and equal relationship rights in Ireland continues.

Conclusion

This paper examined the socio-political changes in Ireland in the late 20th and early 21st century which created the conditions allowing for the emergence of the same-sex relationship recognition construct, Civil Partnership (2010). Examining changing family structure, including the emergence of same-sex headed households, key societal changes are identified, including the changing roles of men and women. The paper proposes three key catalysts for change in Ireland from 1960’s onwards: the women’s movement, Ireland joining the EEC and the influence of the media. These catalysts pushed forward a challenge to the prevailing Catholic habitus and led to a liberalisation of attitudes towards many issues, including lesbian and gay rights. Legislative progress over 30 years, including decriminalisation of homosexuality (1993) led in 2010 to the provision of Civil Partnership, a significant milestone towards equality for gay and lesbian people, but incomplete. The Irish Government is now poised to decide on whether to hold a referendum on the issue of same-sex marriage equality.
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