

A STUDY ON SAME SEX MARRIAGES

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ABSTRACT

This research looks at whether or whether the legal recognition of same-sex marriage has altered the outlooks of people who identify as lesbian, gay, bisexual, or transgender (LGBT) on such partnerships. In an online open-ended poll, 288 people were asked how the legalization of same-sex marriage affected their views on love partnerships in general or on their personal romantic relationship in particular. Despite the availability of equal marriage laws, the stigma towards sexual minorities is evident at all of these levels, according to the findings of previous research. Few studies have compared the sexes, and those that have found mixed findings. Existing studies have a few flaws, including a bias toward White people and the United States, and they seldom examine differences in outcomes based on sexual orientation, gender identity, or other demographic factors. More research into the impact of same-sex marriage and equal marriage laws on the health and happiness of different sexual minorities across the world is needed.

keywords: *Same-sex marriage, same-sex relationships, relationship beliefs, mate selection*

INTRODUCTION

Over the course of the past ten years, there has been a rise in the legal recognition of same-sex partnerships in some parts of the United States and in certain countries (for an overview, see Purcell (1998), Human Rights Campaign (n.d.), and Gay-Civil-Unions (n.d.), and Goransson (1998)). This has occurred in both the United States and in other countries. For decades, many members of the lesbian, gay, bisexual, and transgender (LGBT) community have been fighting for the right to vote and other fundamental civil liberties. Despite the establishment of marriage-like partnerships in some jurisdictions in the United States, same-sex couples were not allowed the same privileges as heterosexual couples. This was the case even if they were considered to be in the same relationship. However, in May of 2004, Massachusetts made history by becoming the first state to officially recognize marriages between people of the same gender and to give legal protections for same-sex couples on par with those afforded to heterosexual couples. As the LGBT movement continues to work toward acceptance and legal recognition of same-sex marriage throughout the United States and the rest of the world, thousands of same-sex couples have taken advantage of their newly legal access to marriage privileges in Massachusetts. This comes

at a time when same-sex marriage was recently made legal in Massachusetts. Therefore, the legalization of same-sex marriage in Massachusetts serves as a barometer in the struggle for comparable laws in other states.

Acknowledgment in Law of Sexual Partners of the Same Gender

These developments in public attitudes on same-sex partnerships and families have been paralleled by similarly drastic shifts in the giving of legal status to same-sex couple relationships. For example, several states now recognize same-sex couples' relationships as valid alternatives to heterosexual marriage. In 1999, the state of California was the first state to develop a domestic partnership register, making it the first state to implement a mechanism to recognize same-sex couples on a statewide level. Domestic partnership provided same-sex couples in California with some of the privileges that are often associated with marriage, such as hospital visitation rights and the opportunity to be considered next of kin when settling the estate of a deceased spouse. Specifically, hospital visitation rights and the capacity to be considered next of kin when settling the estate of a deceased partner. In the year 2000, the state of Vermont passed legislation that established civil unions. This legal status is intended solely for same-sex couples and confers upon them a wider range of rights and obligations that are comparable to those associated with marriage.

The Impact on Relationships Within the LGBT Community as well as Families

The social norms and legal conditions of our society have an impact on our daily life. Psychologists have provided evidence that the societal stigma that is directed at LGBT persons can be fairly subtle and detrimental to the health and wellness of those individuals.⁸ It may also have an effect on the way in which people establish relationships and families. For instance, research conducted in the early 1980s indicated that relationships between people of the same sexual orientation were, on average, less durable than relationships between people of different sexual orientations.⁹ According to the findings of my own analysis of data from the early 1990s, lesbians and homosexual men were far less likely than their heterosexual counterparts to be living together in a committed relationship.¹⁰ Is it possible that relationships between people of the same sexual orientation are more prone to instability than relationships between people of different sexual orientations? Is it simply that gay men and lesbians don't seem to be the marrying type? Recent studies imply that differences in the social and legal climate may explain a significant amount about why same-sex couples act differently than couples of other sexes in terms of the establishment and maintenance of their relationships. The gaps between the two categories of people have shrunk as a result of society's shift toward treating same-sex couples more similarly to couples of other sexes. For instance, compared to 20 years ago, a proportionally higher number of lesbians and gay men are in cohabiting relationships with people of the same sexual orientation, and the rates of breakup and divorce among these couples are equivalent to those of couples of comparable different sexual orientations.¹¹ According to estimates provided by Gallup as of March 2015, approximately forty percent of same-sex couples were married.

health of sexual minorities is affected

A growing collection of research utilizing various methodologies from various nations where same-sex marriage has been discussed or legalized offers crucial insights into the effects of equal marriage rights on the health and wellbeing of those who identify as sexual minorities. According to studies thus far, legalizing same-sex unions

has a favorable effect on health outcomes for groups that identify as sexual or gender minorities. Studies in the United States have shown that sexual minorities living in states with equal marriage rights have less psychological distress and better self-reported health than those living in states without such rights. Additionally, a state-specific study discovered that once same-sex marriage became legal, the health of sexual minority males improved. Additionally, compared to individuals who lived in states without such limits, sexual minorities in states that had passed or were voting on laws restricting marriage recognition to different-sex couples reported greater prevalence of alcohol use disorders and psychological distress. According to Australian research on marriage restriction voting, sexual minorities living in areas where same-sex marriage was supported by a majority of voters had better overall health, mental health, and life satisfaction than sexual minorities living in areas where same-sex marriage was not supported. This finding is in line with research from the United States.

Current Research

This scoping review's main objective was to locate and compile current research on the psychological effects of equal marriage rights among sexual minority adults. The specific goals were to: 1) identify and describe the psychological effects of equal marriage rights on sexual minority adults; and 2) examine views of equal marriage rights unique to SMW and determine if SMM and SMW experience different psychosocial effects.

Taking Marriage and Same-Sex Partnerships into Account

The fact that same-sex relationships take place in a stigmatized and non-institutionalized environment is one of their distinctive characteristics (Di Placido, 1998). According to earlier studies on same-sex couples, committed same-sex partnerships have many traits in common with their heterosexual counterparts. For instance, studies have revealed that heterosexual and same-sex couples share comparable feelings of attraction, reluctance to commit, and jealousy (Bevan & Lennette, 2002). Similar relationship maintenance techniques are used by heterosexual and same-sex couples alike (Haas & Stafford, 1998).

However, due to the lack of civic and cultural acceptance of their relationships, same-sex couples are also highlighted as being special in the studies on same-sex relationships. Patterson, Ciabatta, and Schwartz (1999) evaluate the research on same-sex relationship stability and commitment, and they make the case that the absence of a normative institutional position for same-sex couples results in different strategies for establishing and maintaining commitment. According to Kurdek and Schmitt (1987; Weston, 1991), members of same-sex couples may be more likely to find support and acceptance from a "chosen" family made up of friends than from their families-of-origin. They may only be completely accepted as a pair inside that smaller community. As a result, only a small social network may actively engage in relationship commitment. To maintain the exclusivity of their relationship, some same-sex couples choose to practice commitment in seclusion from other LGBT people (Stearns & Sabini, 1997). (LaSala, 2001; Worth, Reid, & McMillan, 2002) Other same-sex couples have chosen to commit to one another without being bound by exclusivity.

OBJECTIVES

1. To research the subject of same-sex unions.

2. To do research on the psychosocial effects of same-sex marriage

METHOD

This report is the result of analytical analysis carried out using secondary data. The secondary data consists of publications such as books, research journals, research papers, and worldwide publications from a variety of websites that highlighted the significance of same-sex marriage. The doctrinal technique was used to conduct this research.

RESULTS AND DISCUSSION

Same sex marriage under personal law

Weddings and other forms of relational union hold a significant amount of religious and social importance, as well as societal significance, in India. Many people believe that marriage is a sacrament, and so the religious ceremonies that accompany it are an essential component. This might also explain the various examples of lesbian relational partnerships, such as the execution of religious services, the exchange of festoons within sanctuaries, or the semi-le-lady companionship contracts (Maitra karat) in a few disclosed situations. The Vanita Ruth For instance, in the year 1988, two female law enforcement officers tied the knot during a Hindu ceremony. Their marriage was acknowledged and supported by their families and communities, despite the fact that it could not be registered and they were suspended from their employment. It is intriguing that the various announced lesbian relational unions have been to a large extent between residential community, lower white collar class, non-English speaking ladies who are not associated with the LGBT movement.

In this context, the recognition of same-sex relational unions as valid under Indian individual marriage rules would be the most agreeable course of action to take. Marriage, advancement, and other life events are governed by distinct canons of the Hindu, Muslim, and Christian canons, respectively, in India. The Hindu Marriage Act, which is followed by Buddhists, Sikhs, and Jains in addition to Hindus, states that a marriage between any two Hindus can be legally recognized as valid. The name Arvind Narran. further specifies that the bridegroom should have completed the age of twenty-one, and that the woman of the hour should have completed the age of eighteen. According to the Christian Marriage Act, the minimum age for a man to marry is twenty-one, while the minimum age for a woman to marry is eighteen. Since Muslim relational partnerships are not managed by a statute, there is no official definition of marriage; rather, they are commonly regarded of as an agreement with the end purpose of reproduction because this is how the term is used in common parlance. It would appear that each and every one of India's laws views marriage as nothing more than a heterosexual union.

Under the particular laws of Hinduism, recognition of same-sex relational partnerships can be obtained by any of the preceding practices:

- interpreting that the LGBT community is a different group, the traditions of which enable same-sex relational unions;
- translating the current law such that it allows same-sex relational unions;

- modifying the Hindu Marriage Act, 1956 (the "Act") to permit same-sex connections, on the grounds that it would somehow or another be deemed unlawful; or
- perusing down the Hindu Marriage Act, 1956 (the "Act") to permit same-sex connections, on the grounds that it would somehow or another be rendered illegal.

It is possible to argue that same-sex couples can acquire their relational unions solemnized under the Act if one of them is depicted as the lady of the hour and the other as the prepare. This is because the Act is sexually unbiased save in the usage of the phrases "wife of the hour" and "husband of the hour." There have been cases of lesbian couples attempting this strategy, in which one partner would present herself as the lady of the hour and the other would take turns acting as the lady of the hour groom. It is indeed Flynn, Tom. 2004 cannot be used to support this assertion according to the principles of statutory translation since it both stretches the wording of the legislation and goes against the fundamental understanding of the terms "lady of the hour" and "prep." Elucidation further makes an effort to normalize same-sex relationships by comparing them to traditional kinds of marriage. This clarification will strengthen the traditional severe sex generalizations that sexual orientations are inherently different, that two people in a marriage have pre-set parts, and that even same-sex couples need to acknowledge traditional parts in order to get married. When connections between hetero life partners are re-designed to make them more equivalent, this elucidation will strengthen these traditional severe sex generalizations.

Same Sex marriage under Special Marriage Act

It is possible to look into amending the Special Marriage Act of 1954 (also known as the "SMA") in order to legalize same-sex relational partnerships. This is an option that should not incite religious tension. Boston Globe 2007 The SMA is a universal statute that encourages members of various religions or individuals who do not desire to be bound by their own laws to enter into relational partnerships with one another. A Marriage Officer is used to officially register the marriage rather than a religious ceremony. Since the SMA stipulates that the male partner must be at least twenty-one years old and the female partner must be at least eighteen years old, it would appear that the SMA is intended to apply only to heterosexual couples in its current form. However, the system of SMA may include same-sex relational partnerships, which does not make it a di religion. Smoak Ghoshal, It would only be necessary to modify Section 4(c) so that it reads that a gathering, if male, ought to have achieved the age of twenty-one years and if female, ought to have achieved the age of eighteen years, and to include a specific arrangement that same-sex relational unions are allowed. These changes would make it so that a gathering is required to have achieved these ages. Regardless of whether or not individual laws are changed to recognize same-sex relational unions, the SMA would need to be modified to accord a comparable acknowledgement to relationships between persons who have a place with different religions. This would be necessary regardless of whether or not individual laws are changed to recognize same-sex relational unions.

Even while making a change is undeniably the superior choice from an administrative standpoint, there is a possibility that it might spark religious conflict in light of the recent formation of a BJP administration. John Corvino's article from 2005 Although the Congress and the CPI(M) both included decriminalization in their announcements for the Lok Sabha decisions, the Bharatiya Janata Party (BJP) was explicit in its support of the ruling, with a gathering pioneer commenting that homosexuality is an unnatural manifestation that cannot be

accepted. The Rastriya Swayamsevak Sangh, the ideological father of the Bharatiya Janata Party (BJP), has stated more recently that while they are against lauding gay behaviour, it is far from being definitely true whether it ought to be criminalized. This is something that has come up more recently.

Restrictions Being Placed on the Special Marriage Act

The final option is to hunt for a court ruling that says the SMA must be interpreted as permitting same-sex relational unions since, otherwise, it would be oppressive toward same-sex couples and, as a result, illegal. The rationale for this approach is that the alternative would make the SMA illegal. This notion is supported by a few global sources of reference, which are listed below. The state supreme courts of Massachusetts, Connecticut, and Iowa in the United States have all reached the conclusion that a marriage legislation that did not permit same-sex couples to wed is unconstitutional. B.N. Sampath,..... Each of the three courts called for both due process and similar security requirements, and they pointed out that the privilege wed is an individual freedom right that also contains a section on uniformity in its formulation. A group of people cannot be denied the right to claim marriage that is granted to other people without a very compelling justification, which the court said did not exist in this case. This right cannot be denied to them.

The majority opinion of the United States Supreme Court, which led to the overturning of DOMA, did not consider same-sex relational partnerships to be a constitutionally protected right. In general, it bases its decisions on the constitutional structure that grants the states the authority to decide whether or not a couple should be allowed to continue their marriage. Carafano In any event, Justice Scalia mentioned in the dissenting opinion that the majority view prepares for a case that same-sex relational unions are a protected right. This is something that the main portion of the see does. In the event that DOMA unjustly deprived same-sex couples of "personhood and respect" in states that allow the training, as he indicated, citing the mood of the majority of the population, judges may find that legislation in states that are opposed to gay marriage should also be overturned. Undoubtedly, after the decision made by the Supreme Court, a New Jersey Superior Court came to the conclusion that the state government was violating New Jersey's Constitution when it refused to grant government benefits to same-sex couples and did not allow same-sex couples to marry.

CONCLUSION

The results presented here provide empirical evidence that same-sex marriage may be positively related to lesbian, gay, and bisexual people's psychological well-being and that same-sex marriage may also be related to the disparity in mental health between heterosexuals and lesbian, gay, and bisexual people. This discovery was made in spite of the fact that same-sex marriages in California and all other US states do not enjoy the same level of societal acceptance or government advantages that marriages between different sexes do. These results indicate that access to partnerships that offer higher degrees of social and legal recognition may eventually result in significant mental health advantages, given that same-sex marriage was a stronger predictor of psychological well-being than same-sex RDP. A greater sense of social inclusion associated with the social institution of marriage may contribute to the mental health advantages of same-sex marriage.

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