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Marriage Equality Around the World: A Myth or Reality

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Abstract: ***First comes love, then comes marriage, then comes the baby in the carriage." This children's riddle shows that the right to marry and start a family is granted to many, but not to all. The prominent Call for legalizing same-sex marriage is growing around the world, but whether and to what extent that acceptance will lead to amplified social acceptance of lesbian, gay, bisexual, and transgender (LGBT) people. As the relationship of lesbian and gay couples has been considered taboo for centuries. The legalization of same-sex unions, or marriage equality, has been a persistent global concern. The rights of the LGBT+ community have seen a considerable shift in recent years, with the legalization of same-sex marriages in many nations. By 2023, 34 nations have allowed same-sex Marriage; the Netherlands was the first to do so in 2001. Only one nation in Asia (Taiwan) and one nation in Africa (South Africa) permit same-sex unions, with the majority of these nations being in Europe and the Americas. The LGBT+ community still experiences prejudice and persecution in many nations where same-sex marriage is illegal. Even the death penalty is used as punishment for homosexuality in some nations. Despite this, the initiative for marriage equality is still flourishing, with more and more nations recognizing same-sex couples' legal rights to marry and getting the same protections and advantages as opposite-sex couples.***
Keywords: Homosexuality, Same-sex marriage, LGBT+, Marriage equality.

I. INTRODUCTION

Let's be the person of optimism in a society full of pessimists. It's time to celebrate the diversity. Diversity among ourselves. Diversity which makes us united. If we look into society, we will find tons of unsolved questions. But the basic question is who we are, what we want, who we desire. We can't change these basic requirements just to fit into society. These are not the things that we choose but these are way of living which is already within us. Its biological structure and preference which is not a wilful option. Is it a sin to be a part of LGBTQ Community? Why they have to pay the price without being held guilty. who is the culprit. The LGBTQ Community or the government or the society. we can't blame the People of LGBTQ Community. Because they are who they are. Somewhere the society and government both are liable for the condition of the community. Choosing a partner is the basic fundamental right, from which many people are deprived of. Forcing homosexual to be heterosexual is not something acceptable. It's the same scenario as we are asking a person change his/ her identity. The rainbow, the pride, the colourful identity will be colourless lifeless surface until and unless they get accepted and provided with the basic human rights and other rights: Right of Marriage insurance, mutual investment, mutual health insurance, family coverage by company[1].

It's really ironical.

The rights which are already given to heterosexual marriages, to acquire the same right the homosexual couples, the community fought years long battles. To reach to the ground it took centuries. Still there is a long way to go. There so many wars to be fought. The battle is just started.

It won't stop till they get the basic right[2]. Here the discussion does not come to an end. If right to marriage is given then also so many unanswered questions are left to be answered. The divorce law, adoption law, inheritance law, maintenance law succession law. So many areas of marriage law which is still untouched. The governments should look upon the laws of their countries. The homosexual marriages shouldn't be treated like second class citizens' marriages. The stereotypical thinking of society needs to be challenged. The world can't be perfect but it can be better. We should create a safe environment to live where every marriage irrespective of gender bias treated equally.

[1] Introduction to Same Sex Marriage, *available at:* https://www.toppr.com/guides/essays/same-sex-marriage-essay/ (Visited on March 5, 2023).
[2] Definition of homosexual, *available at:* https://apastyle.apa.org/style-grammar-guidelines/bias-free-language/ sexual-orientation (Visited on March 5, 2023).

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II. HISTORICAL BACKGROUND

Since the dawn of history, homosexuality has been a contentious topic. From ancient Greece to Rome to Egypt to China, each civilisation had a unique view of its own identity. Depending on the type of civilization, culture, moral conviction, or political will of a country, there are many attitudes about homosexuality. After the fall of the Roman Empire, Christianity dominated Europe for many centuries, strengthening the notion that sodomy is widespread and wicked. Sodomy is recognised as a violation of divine law or a crime against nature in cultures that have been influenced by Christianity and Islam[3]. The same notion is generally held in nations that have been affected by Buddhism and Hinduism. But eventually the social stigma of same sex relation is disappearing. And the world is moving towards a progressive view regarding same sex relationship[4]. The concept of marriage is historical and divine. In 2013[5]. "The same-sex marriage tradition has a particularly strong argumentative or affirmative component. Let us give it to the LGBTQ community as a part of a group effort to recover the past, which has been repressed and ignored. And we give it to the legal profession as a part of memoir who shout out the validation and legislation for the acceptance and marriage. same-sex unions have been a valuable institution for the majority of human history and in the majority of known civilizations. The history of same sex relationships is not recent storyline of 21st century rather it was the talk of ancient era[6].

Images of ladies hugging other women erotically and of men showing off their private parts can be found in the temples of Khajuraho. This has often been interpreted by scholars as an admission that people participate in gay behaviours. Similar imagery can be seen in Konark's Surya Devalaya Sun Temple from the thirteenth century in eastern Orissa. Explicit depictions of gay couples can also be seen in the temples of Tanjore and Puri. In Bhubaneswar's Rajrani Temple, there is a statue of two women having sexual acts[7].In the Buddhist monastery caves at Ajanta and Ellora. The paintings and sculptures display impressive architecture. In these artworks, men and women are shown engaging with the same sex. Shikhandini, the period's feminine or transgender warrior who was in charge of defeating Bhishma, is the subject of an intriguing tale in the Mahabharata. King Drupada's daughter. Her wife was horrified when she realised the truth. Divine intervention gave Shikhandini his manhood during the night[8].The renowned Manusmriti law code imposes penalties on homosexual men and women. According to Manusmriti, a girl who engages in sexual activity with another girl is subject to a fine of 200 coins and ten whippings[9].Manusmriti claims that sexual union between two men results in caste loss in the case of homosexual individuals. According to this the punishment as per the "Painful Heating Vow". The political book Arthashastra of Kautilya makes reference to homosexuality. However, the text demands that the king fight against the "social evil" and punish individuals who practise homosexuality[10].

III. OBJECTIVE

1) To Examine the legal status of marriage equality in various countries and regions.
2) To Explore the factors influencing acceptance or resistance to marriage equality across diverse populations.
3) To Explore variations in legal frameworks, social acceptance, and practical challenges faced by LGBTQ+ individuals and couples.
4) To Identify potential challenges and opportunities for advancing marriage equality on a global scale.

IV. STATEMENT OF PROBLEM

The research paper on marriage equality around the world aims to investigate the status of marriage equality, including the recognition of same-sex marriage, across different countries and regions. It addresses the legal and social disparities, cultural and religious factors, political and legal dynamics, human rights and social justice concerns, as well as intersectionality and inclusivity, to provide a comprehensive understanding of the complex issues related to marriage equality in different countries and regions. Marriage equality is not just a legal or political issue; it is also a matter of human rights and social justice.

[3]Historical Background of same sex marriage, available *at:* https://www.worldhistory.org/article/1790/lgbtq-in-the-ancient-world/ (Visited on March 5, 2023).
[4] Background study of same sex relation and acceptance journey, available *at:* https://daily.jstor.org/the-long_history_of-same-sex-marriage/ (Visited on 15th November ,2022)
[5] Gay Faulkner, Unco aulkner, "Uncovering a Homosexual Prering a Homosexual Presence in essence in Yoknapatawpha and Beyond Phillip Andrew", Gordon University of Mississippi, 1st January, 2013
[6] Historical Background of homosexuality in ancient India, *available at:* https://www.lawctopus.com/academike /history-of-homosexuality-in-India/ (Visited on March 5, 2023)
[7] Ruth Vanita and Saleem Kidwai (eds.), *Same-Sex Love in India: A Literary History* (Penguin India, Gurgaon, 2001)
[8] Ish Kumar and Magoo, *Law relating to sexual offences and homosexuality in India 26-54* (Capital Pub. House, Delhi, 2006)
[9] Arvind Narrain, *Queer: Despised Sexuality, Law, and Social Change* 67-89 (Books for change, Bangalore, 4th March 2004)
[10] Homosexuality and same sex marriage in ancient India, *available at:* https://en.wikipedia.org/wiki/Mohini (Visi ted on March 5, 2023).

The denial of marriage rights to same-sex couples can violate their human rights, including the right to equality, non-discrimination, and privacy. Social justice concerns related to marriage equality include addressing systemic inequalities, discrimination, and social exclusion faced by LGBTQ+ individuals and communities.

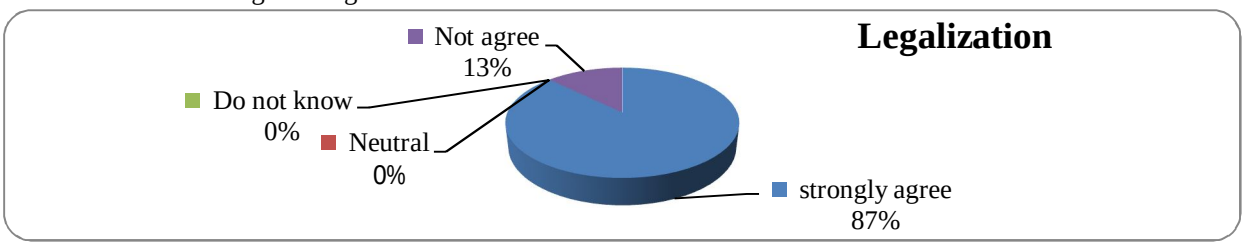
V. RESEARCH METHEDOLOGY

The research methodology in a research paper should be carefully designed to ensure rigor, validity, and reliability. Research paper on marriage equality around the world followed both doctrinal and empirical methods to collect and analyse the data. Conducting a thorough literature review to gather existing research, scholarly articles, reports, and legal documents related to marriage equality around the world. This would provide a comprehensive overview of the current state of research, identify research gaps, and help in formulating research questions and hypotheses. Then this research paper followed comparative analysis approach to compare and contrast the legal and social status of marriage equality in different countries and regions. This paper contains quantitative research to collect and analyze data related to marriage equality. By using questionnaires or survey of 55 people of different region collected data on attitudes, perceptions, and experiences of LGBTQ+ individuals and communities as well as statistical analysis to identify patterns, trends, and correlations related to marriage equality. And the data of survey analysed statistically.

VI. RESULTS

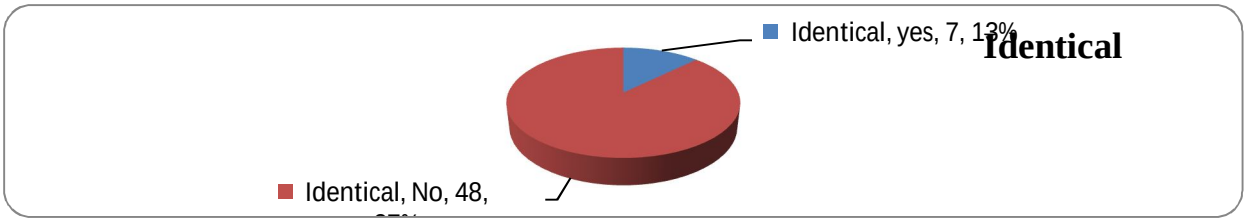
This research paper adopted empirical study to analyse data related to marriage equality around the world. There is total 55 respondents. The respondents belong to different part of world. There are 18 respondents are from Asia, 15 respondents are from Europe ,9 respondents from Africa, and 13 respondents from United States. There are four age group respondents are included in the data collection procedure. 15-25, 25-35,35-45 and 45+. The major group of respondents are from the age group 15-25 and 25-35 respectively.

1) Should homosexual marriages be legalized?



All The participants have strong opinion for legalization of same sex marriage. Whether they strongly show their support or they deny the concept of same sex marriage. The participants of age group of 15-35 mostly agree the idea of same sex marriage. But the age group above 45 shows dissatisfaction towards marriage equality[11]. Things like "marriage" have constant definitions. Social definitions differ as societies do, and likewise. Scientific definitions, which either don't change (like "triangle") or change infrequently (like "planet"), are different from social definitions. Social definitions are changed on a regular basis. The definition of voter, for instance. By not giving recognition to same sex marriage will stand discriminatory. Depriving the community from civil right and human right and treating the LGBTQ community as second-class citizen would be unfair and arbitrary. The concept of marriage has been evolving through time. The conventional definition of marriage between a man and woman also changing with the sphere of dynamic society[12].

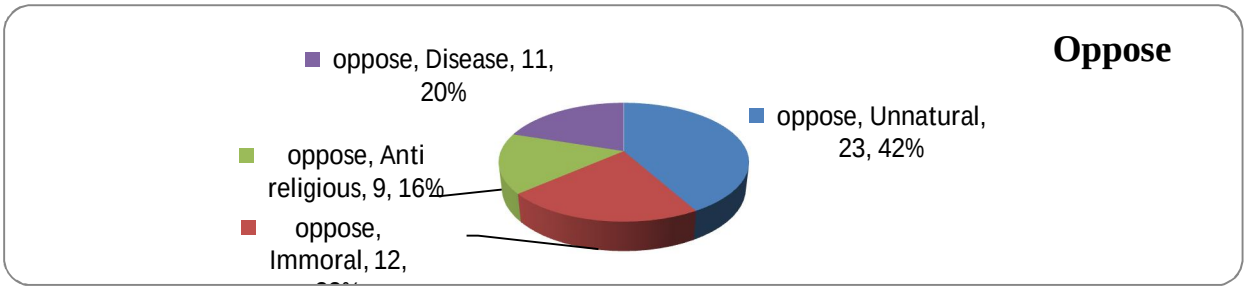
2) Do you think the concept of civil partnership and marriage is identical?



[11] Arvind Narain and Alok Gupta, *Law Like Love: Queer Perspectives on Law 56-75 (Yoda Press, New Delhi ,1st Dec 2011)*
[12] The definition of Marriage, *available at:* https://news.ubc.ca/2014/03/21/the-problem-with-same-sex-marriage/ (Visited on March 5, 2023).

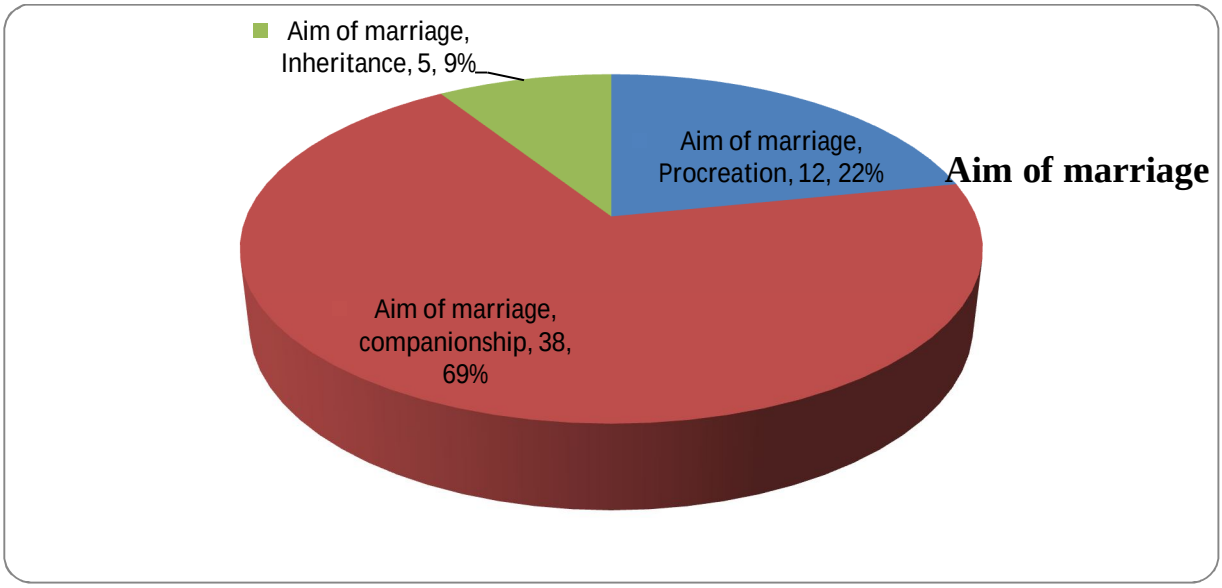
Here there are 87% of the participants considers that civil partnership and marriage are not identical. And marriage has its own norms and vows for the two individuals. On the contrary there are 13% people considers civil partnership and marriage is of same value[13].The idea of marriage will always have the higher standard. While the majority of the legal benefits of marriage were granted to same-sex couples through civil partnerships, the two are not seen as having an equal worth and status. While many people view marriage as the "gold standard" for celebrating the joy of love and devotion, a civil partnership is considered as a legal transaction. Marriage is acknowledged on a global scale for its symbolism, as well as its significance on a personal, cultural, and, in certain circumstances, religious level. Since a civil partnership is not the same as a marriage, people don't ask their partners, "Will you civil partner me[14]?"

3) What arguments are put out by those opposed to the acceptance of homosexuality?



According to the research, many people believe that homosexuality is an unnatural act. Men and women make form romantic relationships in society as a whole, but when same-sex couples are taken into account, social stigma and preconceived notions enter the picture. People have rejected the idea of same-sex marriage by labelling it as unnatural, immoral, diseased, or anti-religious because they believe it to be abnormal and unethical. Furthermore, religion is important. Islam, for example, rejects the concept of homosexuality outright. Some people have a terrible hatred for gay people because they mistakenly believe that homosexuality is a mental illness. Some individuals believe that homosexuality is a type of mental illness or sickness. Some people even believe that some medical procedures may "cure" homosexuality[15].

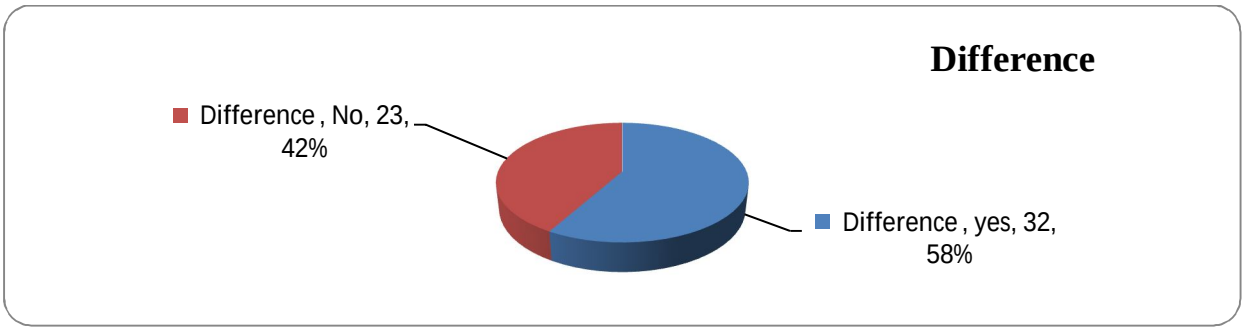
4) What do you believe to be the main goal of marriage?



[13] Gary J. Gate, *"Marriage and Family: LGBT Individuals and Same-Sex Couples"* 25 PU 67-87 (2015).
[14] Difference between same sex marriage and civil partnership, *available at:* https://www.citizensadvice.org.uk /scotland/family/living-together-marriage-and-civil-partnership-s/living-together-and-civil-partnership-legal-differe nces-s/: (Visited on March 5, 2023).
[15] L. T. Puig, *What Nature Intended: Six Factors Demonstrating Homosexuality to be a Dysfunction* 53-64 (Publish America, United States of America, 1st end, Oct 2009)

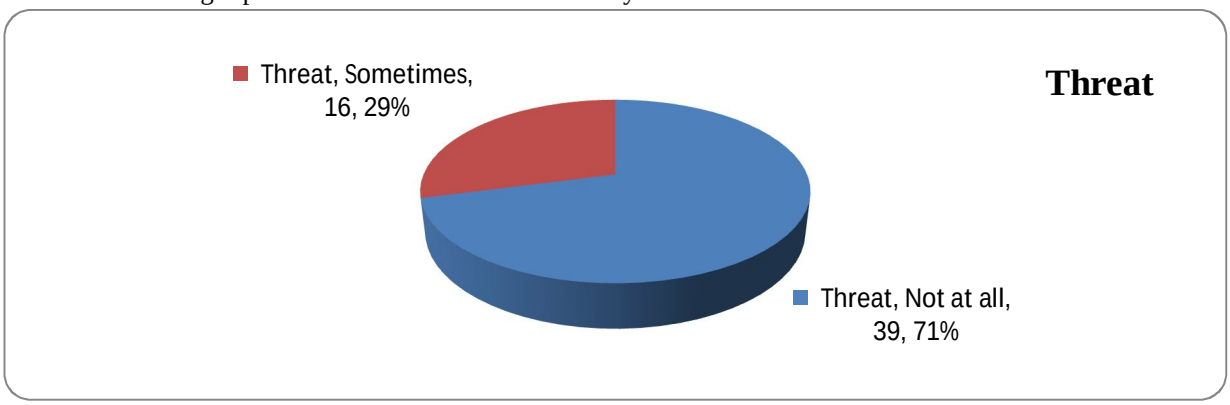
Aim of marriage considered to be companionship by most of the participants. But there are still participants who believe procreation and inheritance also be the reason of marriage in some case. The participants of the age group of 15-35 believe to be companionship is the reason of marriage[16].But the people of age group of 35-55 believe procreation and inheritance is the reason of marriage. Here 69% of the participants believes that companionship is the primary aim of the marriage and inheritance, procreation is coming as secondary objects.

5) Are same-sex marriages different from heterosexual marriages?



As the data shows the participants has mixed response in the question. here mostly people considered that heterosexual marriage and same sex marriages are the same. As society perceived marriage between male and female. but marriage is marriage whether it is between male and female or male and male or female and female[17]. Aside from the religious, moral, and cultural baggage, there is a crucial practical issue at play here that is fundamental to any society: heterosexual marriage exists so that parents can have children and nurture them in a more or less stable environment. It is found that same-sex committed relationships largely mirror heterosexual unions in terms of their psychological and social characteristics. Similar to heterosexual couples, same-sex relationships develop strong emotional bonds and commitments. The challenges that same-sex and heterosexual relationships have in terms of intimacy, love, devotion, and stability are addressed in very similar ways[18].

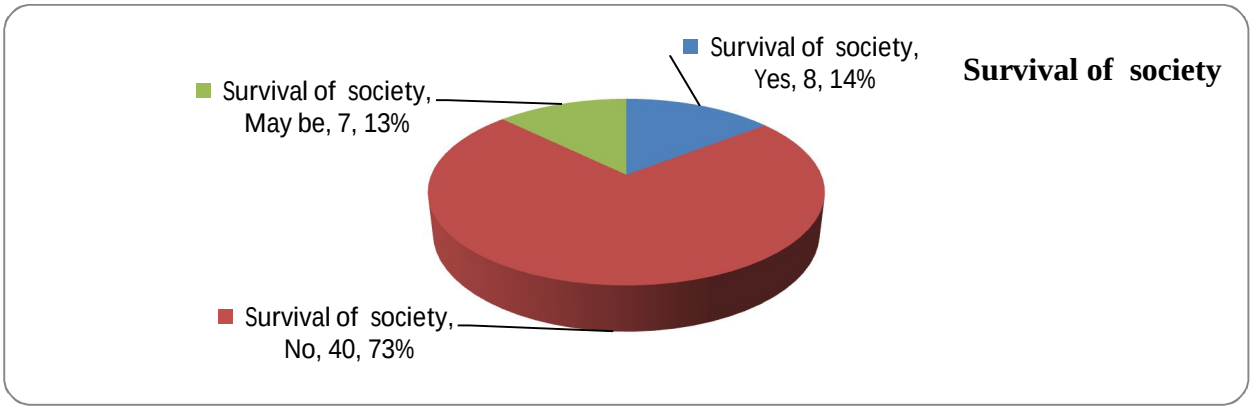
6) Do homosexual marriages pose a threat to the traditional family unit?



Here in the instance of threat of institution of family in the case of same sex marriage considered to be a threat by 29% of the participants. It is believed that, the institution of marriage is unique. It is the one institution that binds women and men together to form a family, and this serves broad societal purposes. But with time the concept of marriage and family evolves. And on the other side 71% of participants believed that same sex marriages do not threat the institution of family. Both heterosexual and same sex marriages can co-exist peacefully[19].

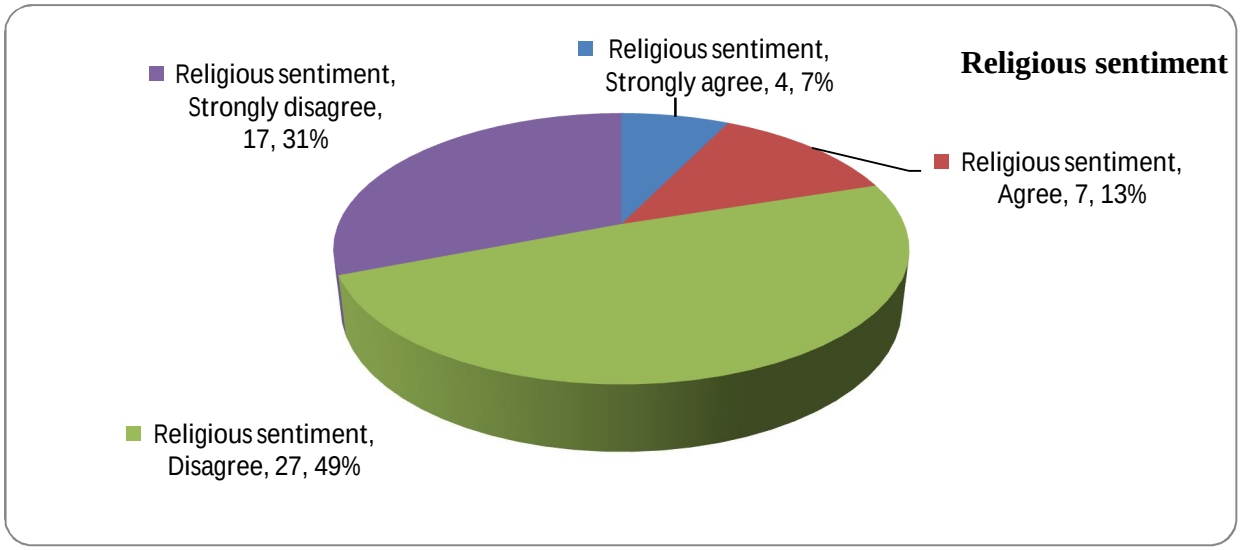
[16] Nan D. Hunter, "*The Future Impact of Same-Sex Marriage: More Questions than Answers 112*" 100Geo. L.J. 1855-1879 (2012)
[17] Carlos A. Bell, *From the closet to the Courtroom* 18-34 (Beacon press, Boston, May 2011)
[18]Difference between same sex marriage and hetero sexual marriage, *available at:* https://www.apa.org/topics /marriage-relationships/same-sex-marriage (Visited on March 5, 2023).
[19] Debra Umberson, Mieke Beth Thomeer, Rhiannon A. Kroeger, Amy Caroline Lodge, and Minle Xu, *Challenges and Opportunities for Research on Same-Sex Relationships* . 77(1) J Marriage Fam.96-111(Feb 2015)

7) Given their inability to procreate, do same sex marriages pose a threat to society's ability to survive?



According to 73% of survey respondents, homosexuality does not pose a threat to society's ability to survive. whether or not a person has children is unimportant to society. However, 14% of respondents believe that having a child and starting a new life is a blessing and essential for the survival of civilization. In terms of reproduction and its relationship to society, 13% of the participants fell somewhere in the middle, lacking a firm opinion on having children from marriage. The definitions of marriage's goals vary from person to person. The establishment of a family is essential for society's survival. However, having children is not the only method to start a family. According to one perspective, the goal of marriage is to facilitate childrearing and effective reproduction. In another, marriage serves as a fundamental building component of stable communities possibly "the" one—with procreation acting as an unintended by product. A third viewpoint claims that marriage is undesirable because it is a tool of societal dominance[20].

8) Does marriage equality affect religious sentiment?

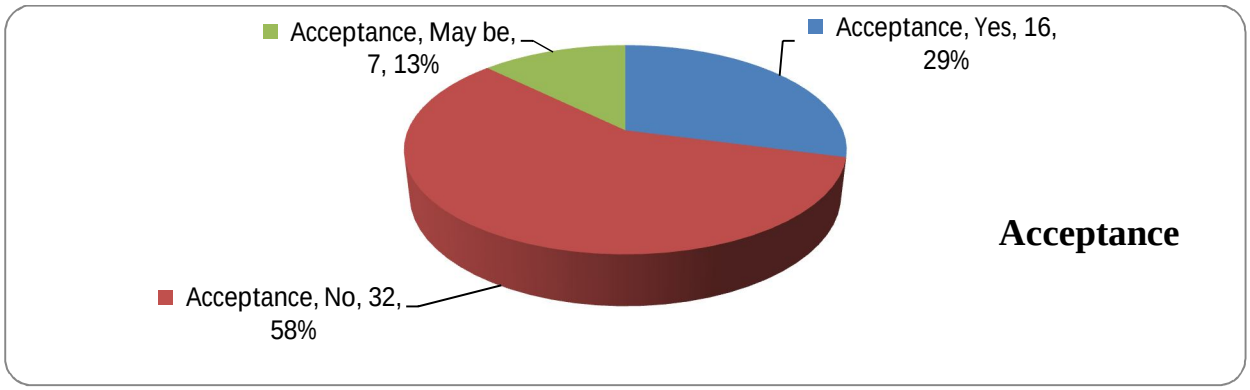


As mostly participants considered this to be a controversial question. Religion is part of life. There are certain religions which discard the idea of homo sexual marriage. result shows mostly participants think marriage equality in broader aspect would not affect religious sentiment. But 20% participants thinks that marriage equality can somewhere hurt religious sentiment[21]. As focus shifts to the tension between marriage equality and religious freedom, take into account marriage recognition for same-sex couples[22].

[20] Angie R. Wootton, MSW, Laurie A. Drabble, Ph.D., Ellen D.B. Riggle, PhD, Cindy B. Veldhuis, Ph.D., Caitlin Bitcon, MSW, Karen F. Trocki, Ph.D., and Tonda L. Hughes, PhD, RN, " Impacts of Marriage Legalization on the Experiences of Sexual Minority Women in Work and Community Contexts", PMC, Jan. 1,2020
[21] Survival of society and same sex marriage, available *at*: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC 6508647/ (Visited on March 5, 2023).
[22] Rachel Hope Cleves, *Charity and Sylvia* :A Same sex marriage in early America 55 (Oxford University Press ,England,2014) .

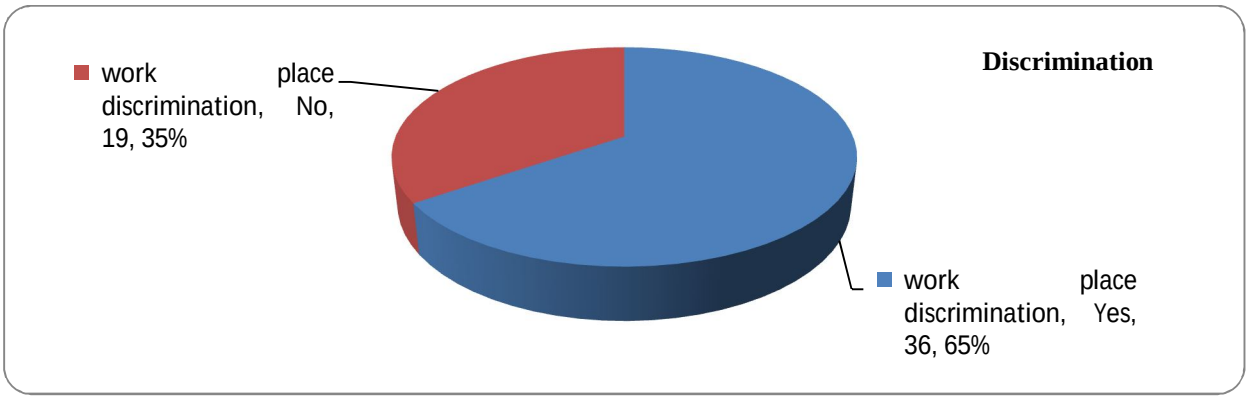
However, the conflict's fundamental causes are obscured by the great scrutiny given to religious freedom in particular in the context of same-sex marriage. While religious objections to such relationships predominate[23]. People who identify as religious and who are exposed to the treatment prime are more likely to say they support same-sex marriage Conclusion. Having that religious identification primed by an elite religious cue has a considerable and frequently dramatic effect on sentiments towards marriage equality, despite the fact that people of faith generally oppose marriage equality[24].

9) Do you think same sex couples are accepted by their family-members?



The majority of participants believe that families do not accept same-sex relationships. The results indicate a slightly lower acceptance rate. In this case, demographic factors also play a significant impact. The acceptance rate is a little lower in Asian countries than in Western ones. The acceptance rate is higher in European and American nations. Participants from western nations believe that family members approve of their homosexual relationships. Depending on cultural, religious, and individual beliefs, the acceptance of same-sex couples by their families differs significantly. Others may find it difficult to accept it, while some families may completely accept and support their loved ones regardless of their sexual orientation or gender identity. According to research, family acceptance is essential for LGBTQ+ people's wellbeing and emotional health. LGBTQ+ youth who encountered family rejection were more than eight times more likely to have attempted suicide than those whose families accepted them, according to a 2021 report by The Trevor Project[25]. Although there has been advancement in the acceptance of LGBTQ+ people, there is still much work to be done. While some families may take some time to come around, others might never completely accept having an LGBTQ+ family member.

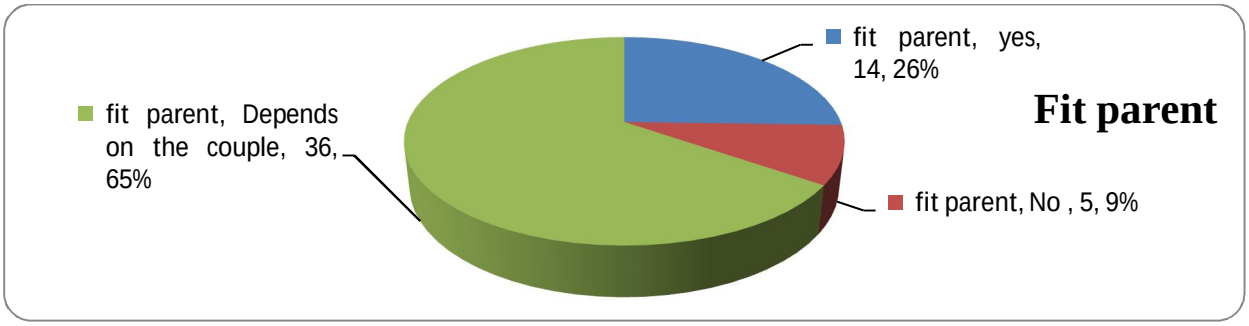
10) Would or wouldn't the legalisation of same-sex marriage ease stigmatizing encounters and experiences in social and workplace environments?



[23] Marriage equality and religious belief, *available at:* https://www.theguardian.com/politics /blog/2011/feb/14 /same-sex-marriage-heterosexual-marriages (Visited on March 5, 2023).
[24] Does marriage equality hamper religious sentiment, *available at:* https://www.jstor.org/stable/26612284 :(Visited on March 5, 2023).
[25]David A. Moskowitz, PhD, Gerulf Rieger, PhD, and Michael E. Roloff, PhD , "Heterosexual Attitudes towards Same-Sex Marriage"(PMC) PubMed Central, Oct 14,2016

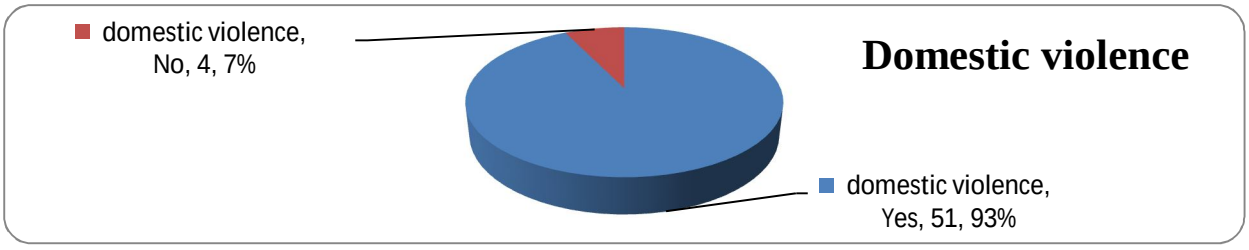
Acknowledged feeling optimistic that the legalization of marriage was an indication of growing LGBTQ acceptance and will advance acceptance. Analysis shows that employment discrimination against LGBT individuals is still pervasive and widespread, despite the criticism that legalising marriage did not always enhance daily encounters or reduce experiences of micro aggressions. According to research, homosexuals face discrimination and sexual harassment, are passed over for promotions, and are not employed because of their orientation. They experience harassment and discrimination at work, either actively or indirectly. Workers from the community in a workplace setting A rise in "hateful thoughts and opinions" has been observed. enduring ongoing stigma and prejudice despite the legalization of marriage. There is a strong fear about widespread absorption into hetero normative culture. Having concerns about lack of legal protections against workplace discrimination. There should be laws against workplace discrimination, to protect the people of LGBTQ community[26].

11) Do same-sex couples make fit parents?



Parenting is a very subjective question. As the research shows that it depends upon the couple and the upbringing of the children. 65% of the participants think parenting does not depend upon the gender but on individual. In consideration of the term “fit parent” gender aspect does not come in to picture. Whether it is same sex marriage or hetero sexual marriage the parental environment dependents upon individualism and upbringing. When it comes to children brought up by same sex couple, they are similar to children brought up by hetero sexual couple[27].

12) Whether domestic violence is a major issue of same sex marriage or not?



As the result shown domestic violence is one of the major issues in the same sex marriage. Although it is unknown whether the intensity of abuse is comparable between same sex partners and heterosexual partners, evidence suggests that both groups are equally likely to abuse their relationships. The risk factors and correlates of intimate partner abuse in heterosexual relationships are strikingly comparable to those of same-sex couples.

VII. CONCLUSION

Legalizing marriage is not the end goal; rather, it is achieving the objectives of marriage as a traditional heterosexual couple’s Gender-neutral marriage should be promoted in general.[28].The introduction of marriage equality around the world has been a significant milestone for the LGBTQ+ community.

[26]Work place discrimination towards LGBT Community, *available at:* https://www.hrw.org/report/2018/02/19/all-we-want-equality/religious-exemptions-and-discrimination-against-lgbt-people (Visited on March 5, 2023).

[27] Kevin Jennings and Patricia Gottlieb Shapiro**,** *Always My Child 82-87: A Parent’s guide to understanding your gay, lesbian, bisexual, transgendered, or questioning son or daughter"* (Touchstone, University of Michigan,2002)

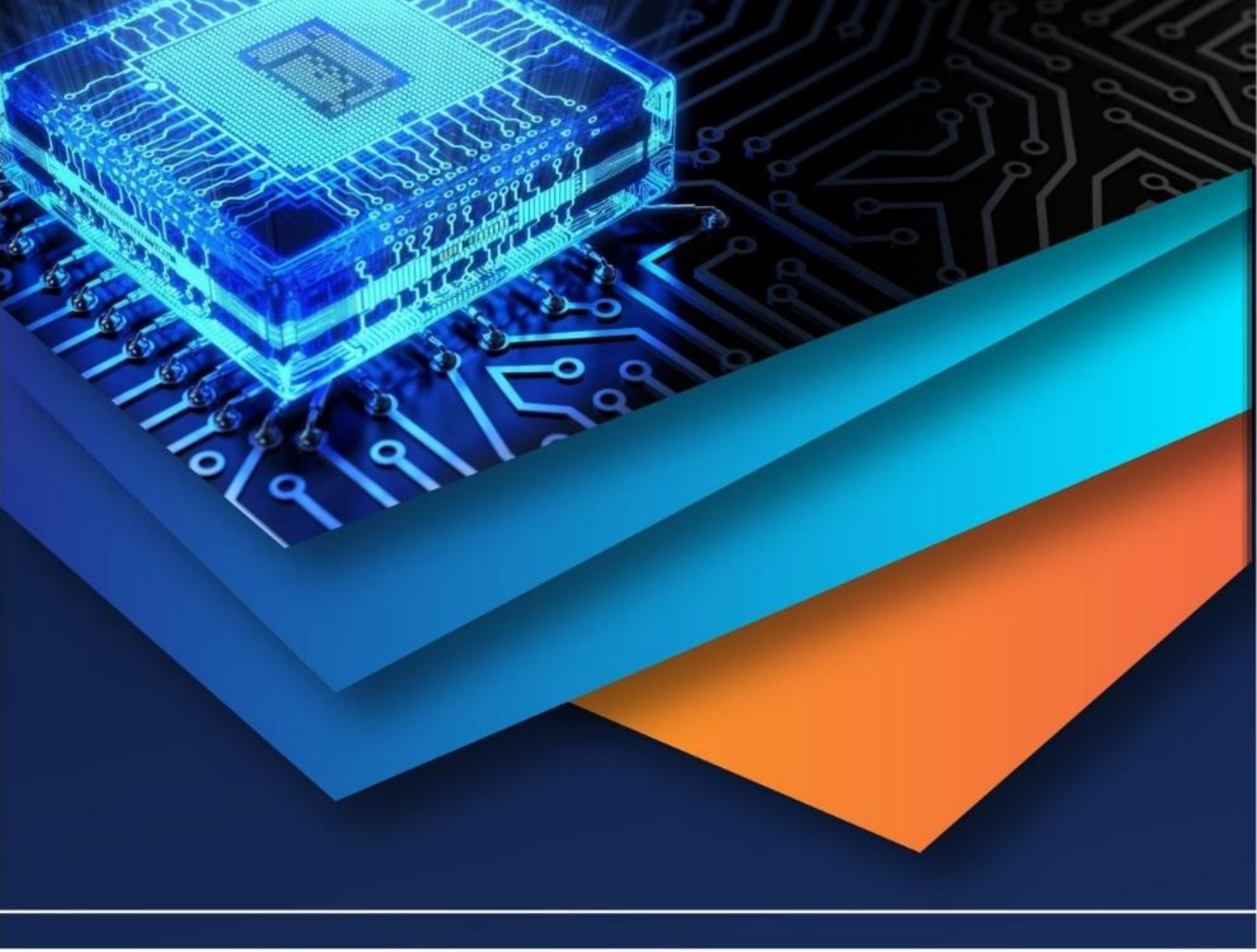
[28] Gender equality council, Helsinki Report: Conference on “Combating gender stereotypes in and through education”, (October 2014)

It represents recognition of their human rights, and a significant step towards achieving social and legal equality. While many countries have made significant strides towards recognizing same-sex marriage, there are still many places where discrimination and inequality persist[29].The introduction of marriage equality around the world has been a significant milestone for the LGBTQ+ community. It represents recognition of their human rights, and a significant step towards achieving social and legal equality. While many countries have made significant strides towards recognizing same-sex marriage, there are still many places where discrimination and inequality persist. However, the increasing number of countries recognizing same-sex marriage is a positive development, and serves as a beacon of hope for the global LGBTQ+ community. The struggle for marriage equality has helped to spark wider conversations around LGBTQ+ rights, and has inspired many people to stand up and fight for justice and equality. Overall, the introduction of marriage equality represents a positive shift towards a more just and equal world for all. Overall, the introduction of marriage equality represents a positive shift towards a more just and equal world for all. Legalizing marriage was "a great start," but it isn't enough. Divorce, adoption, inheritance, and old age homes for same-sex couples are some fundamental concerns that should be considered from a homosexual couple's point of view. As same-sex marriage is recognized in some countries, same-sex couples are not given any legal protection in other nations. In this case, same-sex marriage cannot currently be recognized internationally. This serves as an example. Due to the well-established worldwide legal framework for recognizing marriage, a Scottish same-sex marriage would be recognised in any other country that permitted same-sex marriage.

VIII. SUGGESTIONS

1) *Legal Reform:* Legal reform is crucial for ensuring that same-sex couples have equal access to marriage rights. Governments can work to repeal discriminatory laws and introduce legislation that recognizes same-sex marriages.
2) *International Cooperation:* International cooperation and collaboration are important for promoting marriage equality around the world. Countries can work together to share best practices and support each other in advancing LGBTQ+ rights.
3) *Public Advocacy:* Public advocacy is an effective way to promote marriage equality. Individuals and organizations can use social media, protests, and other public campaigns to raise awareness of the issue and advocate for change.
4) *Education and Awareness:* Education and awareness-raising initiatives are essential for creating a culture of acceptance and tolerance. Governments, non-governmental organizations, and community groups can work together to promote education and awareness on LGBTQ+ issues, including marriage equality. Support for LGBTQ+ individuals are critical for creating a more inclusive society. Governments, organizations, and individuals can provide support and resources to LGBTQ+ individuals, including counselling, healthcare, and legal aid.

[29] Gender equality council, Helsinki Report: Conference on “Combating gender stereotypes in and through education”, (October 2014)



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