

Each careful step:
The inclusion of same-sex couples
into Icelandic family policy

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- "I think that gay marriage should be between a man and a woman."
 - Governor Arnold Schwarzenegger, of California

THE SEQUENCE OF EVENTS

Icelandic Political Parties

- Independence Party (conservative/liberal)
- Progressive Party (liberal/farmers)
- People's Party/Social Democrats
- People's Alliance/Left-Green Party
- Various splinter-groups on both the left and the right

1940: Decriminalization

- Parties in power:
 - Progressive Party/Independence Party/Social Democrats
- Decriminalization of same-sex intercourse
 - No longer listed alongside bestiality
 - Did not entail any recognition
- Different ages of consent
 - 16 for heterosexual intercourse
 - 21/18 for same-sex intercourse

1985: Parliamentary resolution

- Parties in power:
 - Progressive Party/Independence Party
- The government should establish a committee to study the situation of gays and lesbians and to propose reforms
- The proposal was referred to a committee where it was buried

1992: Parliamentary resolution and the age of consent

- Parties in power:
 - Independence Party and Social Democrats
- Developments:
 - The government should establish a committee to study the situation of gays and lesbians and to propose reforms
 - The proposal was passed and the committee was established
 - In 1993 the prime minister accounted for delays in the appointment of the committee
 - The committee gave its report in 1994
 - The age of consent for same-sex and heterosexual intercourse set at the same age

1996: Registered partnerships and criminalization of discrimination

- Parties in power:
 - Independence Party/Progressive Party
- Laws on registered partnerships
 - In most things identical to heterosexual marriage
 - Only available if both partners were Icelandic citizens with permanent residence in Iceland
 - Only state could register partnership (not religious groups)
 - No adoption/step adoption/assisted fertilization
 - No cohabitation
- Change to the penal code
 - Discrimination on the grounds of sexual orientation criminalized
 - Burden of proof renders this largely symbolic

1997, 1998, and 1998: Proposed amendment to registered partnership

- Parties in power:
 - Independence Party/Progressive Party
- Proposal:
 - That people in registered partnerships should be allowed to adopt children over which their partners had custody
- The proposal was referred to a committee where it was buried

2000: Amendment to registered partnerships and laws on adoption.

- Parties in power
 - Independence Party/Progressive Party
- Developments:
 - Laws on adoption: The issue of same-sex couples was not addressed, but it was noted that registered partnerships were under review and adoption for same-sex couples would be addressed in that context
 - Registered partnership: People in registered partnerships were allowed to adopt children over which their partners had custody
 - Conditions of nationality reduced

2003: Parliamentary resolution

- Parties in power:
 - Independence Party and Social Democrats
- Developments:
 - The government should establish a committee to study the situation of gays and lesbians and to propose reforms
 - The proposal was passed and the committee was established

2006: Comprehensive reforms

- Parties in power
 - Independence Party/Progressive Party
- Comprehensive reform:
 - Adoption and assisted fertilization
 - Cohabitation
 - Elements of the tax code, insurance, pensions, inheritance, and other legislation that discriminated against registered partners vis-à-vis heterosexual couples were altered

2008: Civil and religious ceremonies

- Parties in power:
 - Independence Party/Social Democrats
- Religious groups allowed to decide for themselves whether to register partnerships

Extension of family rights: 1992-2008

	1992	1996	2000	2006	2008
Same-sex marriage					
Church ceremonies					x
Registered partnerships		x			
Cohabitation				x	
Adoption				x	
Step-adoption			x		
Shared custody		x			
Assisted fertilization				x	
Taxes				x	
Inheritance				x	
Insurance				x	
Pensions				x	
Conditions of citizenship			x		
Age of consent	x				

Q&A

Puzzles

- Why did this process start in the 1990s?
- Why did it take 16 years to get where we are?
- Why are there still a separate law for same-sex couples (registered partnership v. marriage)?
- Why weren't same-sex couples allowed to cohabit until 2006?
- What changed between 1999 and 2000 with respect to step-adoption?

Standard explanations

- Structural/functional explanations
 - Logic of industrialism
 - Demographics
- Conflict theories
 - Power resources
 - Working class mobilization/Activism
 - Political coalitions
- Institutional perspectives
- Culture
 - General attitudes
 - The normative nature of family policy

Emphasis and concerns

- Children's best interests
- Religious freedom
- Nordic cooperation
- Political consensus

A range of mechanisms: Initiating and sustaining the process

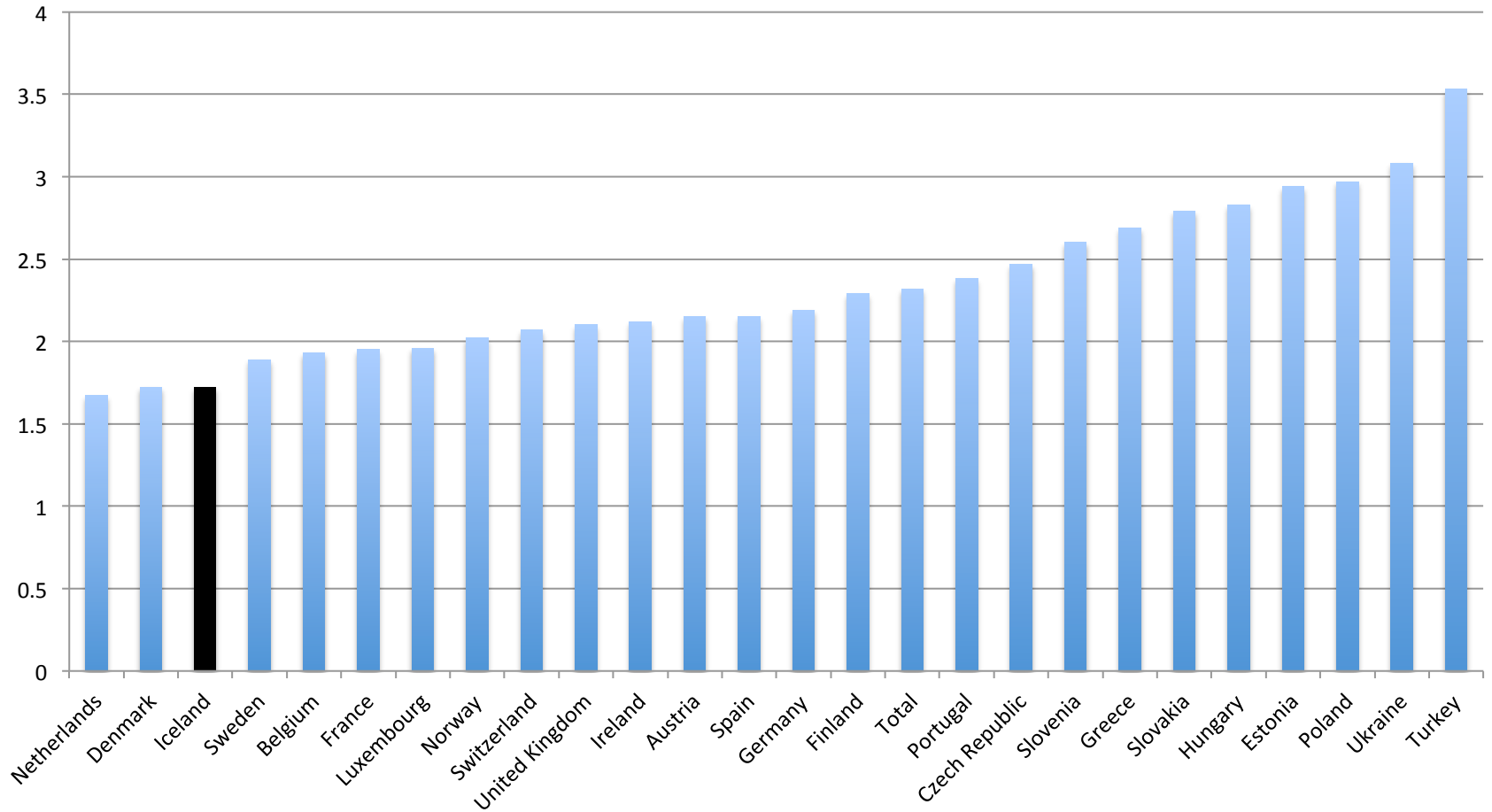
- International context:
 - Nordic and international cooperation put the issue on the agenda
- Normalization:
 - Strengthening the nuclear family
 - Privatization/familization of welfare (+/-)
- Agency and activism:
 - Strategic political action
 - Public opinion
- Broad political and popular support

1997: Parliamentary resolution of family policy

- Key points:
 - Well-being of the family rests on equality between men and women
 - Equality of **both parents** for household
 - Halt the dissolution of the nuclear family



Gays and lesbians should be free to live as they wish (agree/disagree) – European Social Survey 2004



A range of mechanisms: Slowing the process

- Overall:
 - Emphasis on consensus
 - Reason: Parliament should act symbolically
 - Consequence: Gives veto power to the skeptics
 - Nordic cooperation
- Specific issues:
 - Influence (integrity) of the state church
 - Concerns over children's well-being
 - Gay and lesbian parents
 - Society's reactions

Unanswered questions

- Why are there still a separate law for same-sex couples?
 - Not a broad enough consensus
- Why weren't same-sex couples allowed to cohabit until 2006?
 - Not sufficiently conformist
 - Fragmented reforms
- What changed between 1999 and 2000 with respect to step-adoption?
 - The opposition fought for reforms in 2000

Thank you