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INDEX

1. INTRODUCTION	4
2. LEGISLATION OF MARRIAGE AND PARTNERSHIP IN EU COUNTRIES	5
<i>2.1 Obstacles to the free movement of registered partners in Europe</i>	5
<i>2.2. The problems of redefining marriage in European countries today</i>	7
3. CULTURAL PATTERNS IN MARRIAGE AND PARTNERSHIPS	9
<i>3.1 Developments in opposite-sex marriage and partnerships</i>	9
3.1.1. Families throughout history in Norway, in an European context	9
3.1.2. Hetero Development: Marriage and Partnership	11
<i>3.2 Developments in same-sex relations: from acceptance, to partnership, to marriage</i>	12
3.2.1 What is the Equality Option? An Irish view	12
3.2.2 Registered Partnership in Germany	13
<i>3.3 Third country traditions in conflict with European tradition</i>	15
3.3.1 What is effect of the Danish legislation on marriage migration on transnational marriages?	15
3.3.2 Arranged marriages versus forced marriages	17
4. KEY DEBATES SUMMARIZED	18
5. ABSTRACT AND PERSPECTIVES	20

1. Introduction

The European Conference: *Families in Europe Today. Family, Marriage and Partnership: a Gap between Culture and Legislation* started off in 2008 as a reflection on gender and female roles after the “revolutionary” 1968 within the framework of EUNIC Brussels and the European Year of Intercultural Dialogue. Moving from the perennial debate on women’s emancipation, and even revolt against entrenched status quo, the concept of relevance of feminism in the wider context of changing societies forced an attention shift towards the equally relevant question of gender and culture.

Since then, the topic of the conference evolved in a slightly different direction. It became clear that the complexity surrounding these topics had many more subtle perspectives, as the discussions around the initial idea started to frame the issues of today.

When we talk about families in Europe today most mindsets seize the picture of a couple of opposite-sex with children living in a household together. The year 1968 did not alter this picture of a family while it created various acceptable *exceptional-isms*. It did mark a turning point that had somewhat of an impact on the cultural patterns on family structures repelling against old conformities and leading to new definitions of families that reflected the rising culture that went through Europe.

The culture however did not necessary always follow legislations on families and marriage or vice versa.

Today’s conference can be seen as a direct follow up on of these movements. Facing new challenges in an expanding Europe where mobility is increasing, the way we define marriage, partnership and families are perhaps yet again to be altered. At the same time it is necessary to discuss the cultural and legal consequences for families in an ever-accelerating globalization. Ultimately what is a family? And what makes a family legal and cultural “real” today? In some European countries same-sex marriages are already being recognized. While moving to another country same-sex marriage will not be recognized as legal. Some European states have legal restrictions on transnational marriages, while European cultures in most cases clashes with polygamous marriages. This creates various legal and practical implications, for example contradicting or limiting free movement of labour.

What is the basis for a co-operative legislation in Europe? How do we define marriage today? And what are the cultural and legal consequences of mobile families?

Taking statements from a wide variety of experts, philosophers, social researchers, LGBT organisations, gender researcher, ethnologists, policy makers, law professionals and migration experts, the conference focused on two major aspects: **Legislation** and **Culture**.

The opening statements concentrated on the legal and philosophical basis for a co-operative legislation. The following two parts presented development in opposite-sex relationships and

same-sex marriages and partnerships respectively. While the third part focused on third country traditions on families and marriages in Europe.

The key goals set for this conference were not to go into depth with all legal and scientific aspects of families and partnerships, but moreover to establish a platform for intercultural dialogue on many levels.

This report therefore mainly summarizes the key debates and questions raised by the speakers and audience at the conference, rather than focus on the conclusions only. Hopefully this can lead to further discussions and new intercultural perspectives on Europe's new families.

2. Legislation of Marriage and Partnership in EU countries

The opening keynote statements framed the conference by exploring European relations to family law and the basis for a future co-operative legalisation and change of consciousness.

2.1 Obstacles to the free movement of registered partners in Europe

First keynote speaker, **Tony Venables** started off the discussions with an update on the European Institutes in regards of the Lisbon Treaty.

With the Lisbon Treaty coming into force, the charter of fundamental rights will become legally binding. This means external recognition of human dignity and rights which will create an important context for the free movement rights that ECAS is representing. However a widespread euro-scepticism and a lack of tolerance internally can become considered barriers to this work.

Moving on to the general context of the present legislation Venables described how the term family is not a legal issue within the European Union. Families come in indirectly through one of the main basis of "The free movement of people", which in turn started with the free movement of workers and a very traditional view of the family.

This indirect route of addressing the family issue on a European level has characterized the process up until today. Giving further examples such as the basis of the Equal pay for Equal work and Equal Right, most of the basis's concerning family law in the European Union have derived from a national interest to a European level often with a different object of aim. Thus the law on equal pay for equal work did not come out of a genuine interest of equality among people, but started as economic conflicts on cheap labour. The European Union therefore mostly followed national laws rather than preceding them.

Tony Venables

- Director and Founder of ECAS, European Citizen Action Service
- Graduate from Cambridge University
- Webpage www.ecas.org

These basis have however all played a significant part in developing the European citizenship by making free movement one of its fundamental citizen rights, detached from economic and personal circumstances. Furthermore they have laid down a non-discrimination charter on Equal Treatment, stating that wherever you go in Europe you have the right to be treated equal to the citizens of that country. Venables emphasized this process as a shift in power going from the national state to the people. This is a process placing people in a very strong bargaining position vis a vis governments through the use of fundamental rights enshrined as EU principles.

The charter of non-discrimination though still faces obstacles, as the non-discrimination laws of free movement and equal treatment only includes economy, nationality and sex, but not for instance race, age, disabilities or sexual orientation.

On the basis of this irregularity an anti-discrimination clause was introduced. But giving the national reluctance to cede sovereignty to the European Court of Justice on key areas, decisions have to be taken by unanimity and as a result anti-discrimination can only be implemented through national legislation.

This means that the European non-discrimination clause is behind in many areas. But still free movement in Europe is at a low level. About 8 million people out of a population of 500 millions live and work in other countries compared to approximately three times as many people from third countries.

In addition to that Venables stated that it would not be possible to change the tables of national laws on families with the sole basis of free movement of people. As experienced with the Citizen Directive of 2004 where two clauses were passed on a. Recognition of partnership. b. Recognition of the partner as a family member.

It is clear that even progressive member states have trouble implementing these provisions caused by three major areas on which Venables ended the presentation.

1. Lack of mutual recognition of national laws. The problem of free movement of registered partners is not limited to one legal area.
2. Partners from third countries. There is a conflict of being progressive on partnerships and on the other hand wanted to control immigration.
3. Authorities in one country might issue the right documents, but it is not certain that they will be recognized in another country.

2.2. The problems of redefining marriage in European countries today

Second keynote speaker **Maria Szyszkowska** followed up on Venables initial remark on the Lisbon Treaty, by stating that the treaty gives very clear guidelines on economy, but not on family laws.

Following a more philosophical approach to family law, Szyszkowska stated this is important because legislation can produce a change in people's consciousness and awareness.

However in order to act out as a democracy and establish a basis to change the present legislation it is crucial to establish a clear distinction between legislation and any moral views such as religion or ideology. Democracy

must be based on a pluralism of worldviews and costumes otherwise it will resemble an element of totalitarian systems. In the current legal order in Europe a separation between law and moral is not respected.

It leads to conflicts when in Europe we have inherited one single concept of marriage based on various Christian denominations saying:

1. Marriage is a union between two people of opposite sexes.
2. Marriage is dissolvable
3. The purpose of marriage is to produce offspring

This concept of marriage leads to the discrimination of homosexuals or other minorities who do not fit into this particular moral order. The laws must guarantee the individual freedom and the freedom to choose an own moral view.

Redefining marriage based on a clear distinction between the state's moral and the legislation is not an easy task. In 2003 Szyszkowska submitted a draft to recognize same-sex partnership in Poland. Because of a strong alliance between the state and the Catholic Church the draft was prepared in secrecy and it was submitted to much prejudice from both the political left and right wing. And in the end, members of her own party dismissed the draft in order to honour the late pope of the Catholic Church.

Szyszkowska emphasised the interconnection between laws and religion that exists in today's society and the importance of keeping a clear distinction between those two areas. In order to do this Szyszkowska introduced the philosophic term "television democracy". She pointed out that it is only possible to talk about individual freedom, when public television gives airtime to all groups, who hold a moral view. Today only the so-called moral majority is

Maria Szyszkowska

- Professor of the Warsaw University, Poland in Law and Philosophy
- 2001-2005 Senator
- 1993 – 1997 Judge at the State Tribunal
- Author of more than 20 books on Law and Philosophy

given airtime. Society must be seen as a whole where anybody in theory can become a legislator.

Media therefore has a quick impact on awareness. Through media it is possible to change people's consciousness about that is "morally right" much faster than through education. Education to a higher awareness is a slow process.

Szyszkowska concluded in the end, that education through the media will require a legal directive otherwise it will never be achieved. Legislation is a way to abandon certain stereotypes and introduce new definitions of marriage, which would allow everybody to enter into registered partnership and marriage. Heterosexuality is not censured by moral and homosexuality should not either.

3. Cultural Patterns in Marriage and Partnerships

Following the opening statements the following three parts explored the developments in opposite-sex relationships, same-sex partnerships and marriages and third countries traditions on families that conflicts with the European traditions.

3.1 Developments in opposite-sex marriage and partnerships

3.1.1. Families throughout history in Norway, in an European context.

Tone Hellesund began her presentation by discussing the different legal definition of marriages in Europe making a point on the institution of marriage as a subject to historical transformation, cultural and personal negotiation.

Today national laws on marriages are mostly based on validating criteria such as, emotions, durability, fidelity, cohabitation, and sexual consummation that determine whether or not a marriage can be acknowledged as legal.

However in Norway, when marriage comes together with immigration additional three main conditions enters the definition.

1. The marriage must be formally legal
2. Cohabitation
3. The marriage must be "real".

The last point meaning that the marriage must be entered for more *worthy* reasons than only getting entrance to Norway.

Tone Hellesund

- Senior Researcher at Stein Rokkan Centre for Social Studies, Bergen, Norway.
- PhD in Ethnology and Cultural anthropology
- webpage www.rokkan.uni.no
- Currently involved in: "FEMCIT. Gendered Citizenship in Multicultural Europe" www.femcit.org

By looking back on history and what has historically made a "real" marriage Hellesund argued that some of the changes in the institution of marriage in the last 150 years have risen alongside the feminist movements and a new perception of women as full citizens.

Throughout history marriage has served as a strategically alliance between kinships and as a work unit.

The conception of love in connection to marriage is a relative new criterion beginning in the late 18th century. Before that happiness or love was not a condition to enter marriage, but an additional benefit if this should occur.

The change in focus towards love, at the same time changed the perception of what made a marriage "real" and moreover it shook the perception of marriage as something set and unchangeable.

Around 1900 in Scandinavia a liberal divorce law came into force, allowing mutual right to divorce each other if any of the partners should fail to for fill their marital obligations.

The argument was not to dissolve marriage as an institution. Rather to preserve marriage as a fundamental institution to society. The Nordic marriage reform stated that it was necessary to give married women a more independent and equal position to prevent them from turning their back on the institution of marriage. Women thereby became recognized as a partner in marriage.

The perception of marriage today has been strongly influenced by the feminist and LGBT movements. Challenging and redefining dominant conceptions.

However it can be argued that marriage is still a strong institution. In Norway many couples still marries when having one or more children. While same-sex partnerships more and more resemble opposite-sex relationships.

In addition to this, the sexual revolution could be seen as the result of the intervening state having included demands from sexual, social and political movements. This leading to a strengthen marriage institution and a possibility to govern within these groups.

It could therefore be argued that democratization of marriage has lead to a strengthening of the marriage institution rather than shaking it. But as Hellesund emphasized at the end of the presentation, even though marriage is a human right, it is important to stress that in the struggle for achieving equality for couples it can be problematic to let marriage and partnerships be an arena for granting citizenship rights.

Many questions remain as Hellesund asked in her final remarks: "Does marriage actually reflects the intimate lives of Europeans? Does marriage function as a mechanism of inclusion or exclusion? And in that case who does it include or exclude?"

3.1.2. Hetero Development: Marriage and Partnership

Sketching different research models for gender roles in relations, **Barbara Stiegler** presented a report on women's studies from a gender perspective arguing that the definition of family is based on a concept of gender relations that determines how we percept family structures. In gender policies it is stated that the division of resources must be equal. Men and women must have equal amount of work, money and power.

In order to achieve this it is necessary to:

1. Change the way we percept genders
2. Changes the structures, which forces people into certain gender roles in society

Stiegler thereby laid down a deconstructive approach to gender stated that gender is culturally and socially constructed. This meaning that the social framework such as education, work and family law determines what it is be to a man or a woman and thus what it is to be a family. In Gender research a three dimensional model of gender is operated on:

1. Sex
2. Sexuality
3. Social Gender.

Gender thereby viewed as a multidimensional term that constantly changes. In order to sketch this, two concepts of gender were presented: The traditional concept of gender versus the alternative concept of gender, which each are ascribed to different characteristic and qualities. Going through the research models Stiegler stated that these concepts of gender can be directly transferred to the concept of families and this affects our perception of how families are organised.

The concept of family can be viewed from both the traditional and alternative perspective. The traditional concept is based on a dual, polar and hierarchical notion of the family while the alternative concept is based on a multiple, complex and egalitarian notion of the family.

Stiegler ended the presentation by sketching the German perspective on gender roles today by stating that there is a process of decoupling the sexual act from the production of offspring. Love and marriage are once again being separated. Marriage and parenthood have been being separated. And there are an increasing number of dual carrier families, where both partners have a carrier.

The process must therefore be said to go towards the alternative form of families and culture having somewhat taken over the legislation at this point. However as Stiegler stated in her

Barbara Stiegler

- Head of the Department - Women and Gender 'Research", Friedrich-Ebert-Stiftung, Bonn, Germany
- PhD in Philosophy
- webpage: www.fes.de

final remark, many people think in an alternative form of families, but act in a traditional way and this behaviour is not limited to Germany.

3.2 Developments in same-sex relations: from acceptance, to partnership, to marriage

3.2.1 What is the Equality Option? An Irish view

Katherine Zappone reached back to the initial statement giving by Szyszkowska, following a political theoretical analysis of equality, human freedom and dignity in light of her legal case against the Irish state. Presenting the principles of equality and individual freedom, Zappone argued that the basis for being equal is acknowledging the individual equal moral worth. And in order to do this it is necessary to build societies that grant the individual freedom to live according to ones choosing, ultimately allowing them to be human beings. This means recognizing differences as oppose to forcefully unifying. Zappone stated that equality will only be achieved when we realise, and accept, our differences as humans.

Marriage is stated as a human right according to various declarations and constitutions. However a significant group of people is excluded from marrying and being legally recognized as married. Does this mean that those excluded are not qualified to be humans? To which Zappone asked: "Am I human or not?" It should be political practice to create systems that embrace different identities rather than design institutions that eliminate group differences.

In the case of marriage versus civil partnership in Ireland Zappone made the distinction clear. Registered in a public civil partnership some benefits can be obtained. However on the matter of children the law is virtual silent. It is not allowed to do joint adoption and children will not have constitutional protected family rights.

Civil partnership will therefore never be marriage. Moreover sexual minorities in Ireland are the only humans without the constitutional right to marry. Civil partnership must be considered the next best thing for second class citizens. This can be characterized as a modern form of segregation, which is unconstitutionally and will require a referendum.

Zappone ended the presentation by raising two questions:

Katherine Zappone

- Equality expert, Dublin, Ireland
- Member of the Irish Human Rights Commission
- Supported by MarriageEquality e.i. in her legal case Zappone & Gilligan vs. Ireland.
- webpage www.marriageequality.ie

1. Are there any rational justifications that can be put forward from the premise of social justice that it is acceptable to legally discriminate in the equal protection of fundamental human rights? When does such legal discrimination denigrate the essence of humanity?
2. Are the rights to dignity, freedom, founding a family and marrying fundamental human rights or are they privileges that can be granted by states or referendums granted by the majority of citizens?

3.2.2 Registered Partnership in Germany

Speaking from a background as a counsellor for LGBT immigrants in Germany **Yilmaz Koray-Günay** presented the act of registered partnerships in Germany. Koray-Yilmaz argued that the law is an act of segregation and second class marriage, because it is formed on the basis of restricted rights.

Yilmaz Koray-Günay

- Specialist and counsellor for LGBT immigrant to Germany, Berlin, Germany
- Project coordinator at GLADT

Looking back on the process towards the registered partnerships law in Germany Koray-Günay describe how it was a majority of votes which lead to this act, but it was not necessary the majority of LGBT individuals who voted against it. Today there is only approximately 22 % of same-sex couples in Germany who are said to have benefitted from this law. This relative small number could also be taken as a sign of its secondary range.

The main criticism of this act is that, it is the first law after homosexuality among men were decriminalized to constitute homosexuals as “other citizens”. This means that homosexuals have got their own separate law and own second class marriage.

The legal restrictions for registered partnerships include for instance age, child adoption and constitutional rights. While when marriage and immigrants come together there are extra regulations such as living space, economy and health insurance. This can differ if the partner has EU citizenship or not.

Otherwise most rights and duties are equal to heterosexual marriages. Social, employment and immigrant laws are the same. Especially in this context this makes a difference as most of the registered partnerships in Germany have a partner from a third country. However the registration can only take place in Germany and is not legally binding outside of Germany. As there is no tax reduction benefitted from entering registered partnership.

In an outside EU there are mange different legislations on same-sex partnerships causing different problems when same-sex couples move. Koray-Günay listed three possibilities.

1. The partnership is recognized
2. Re-registering in Germany. Only valid in Germany

3. If same-sex marriage is recognized and entered in the home country, when moving to Germany the marriage will be degraded to civil partnership.

Koray-Günay ended his presentation by stating that he himself not in favour of expanding marriage among same-sex couples. Marriage should not be combined with any privileges such as tax benefits or child adoption that cannot be granted to the individual. Today couples are above the individual and the question is then whether or not this is equality.

3.3 Third country traditions in conflict with European tradition

3.3.1 What is effect of the Danish legislation on marriage migration on transnational marriages?

In the third part **Garbi Schmidt** presented a new research report from Denmark. The report concludes on the marriage reunification regulations, most of which were introduced by the Danish Government in 2002.

These regulations were initiated in attempt to change attitudes towards transnational marriages among ethnic minority groups from third countries. Moreover it was an attempt to improve the conditions for education and employment level within this group.

The report examines how the legislation has affected marriages patterns among the largest minority groups in Denmark. Likewise it is a case study of state legislation affecting culture and regulating the intimate life of its subjects.

Garbi Schmidt

- Senior Researcher at SFI – The Danish National Centre for Social Research
- PhD in Islamic Studies
- webpage www.sfi.dk
- Link to English summary of the Danish report
<http://www.sfi.dk/Default.aspx?ID=4844&Action=1&NewsId=2362&PID=10056>

Following the research it was possible to conclude:

1. The marrying age has increased
2. The number of adults with non-western backgrounds that marry existing Danish residents or ethnic Danes have not changed significantly.
3. The number of adults with non-western backgrounds that marry somebody from abroad have decreased.
4. Arranged marriages are not necessarily transnational
5. Increasing number of couples with non-western background move to Sweden

Schmidt stated that in order to understand this development in the light of the Danish regulations it is necessary to acknowledge the “marriage marked” as not necessarily national. On the contrary the marriage marked is transnational.

In order to find a partner that matches in terms of education, employment, status, norms and values within their own ethnic group the marriage marked is not limited to national borders.

The research showed however that people’s motives for looking for a spouse outside Denmark vary according to their gender. For the men it was mostly a desire to get a wife that would act as a “real” woman and take care of the family. To the women the main argument was to find a partner that could equally match in terms of education and norms.

The conflicts between the culture and legislation are for the most part based on the fact that arranged marriages are perceived as transnational marriages.

As a consequence of the regulations new cultural patterns have evolved. Schmidt introduced the conception of “computer marriages”, where a couple are married, but stay separate in two different countries. The complication arises when the couple starts having children and are forced to travel back and forth.

Schmidt emphasised at the end that the marriage unification regulations have had no noticeable effect on education and employment rates among ethnic minorities, nor provable on a reduction of forced marriages. On the contrary it seems likely that the problem has shifted from one country to another when families instead send the children back to the home country to get married.

The change of legislation has therefore had no real effect on the intended social target areas, but still the regulations have had some effect on the cultural patterns. Schmidt concluded at the end that:

1. A change of attitude among minority groups towards marriage has been detected. An increasingly part of young people wants to find their partner themselves.
2. People marry later, but this has had no effect on education and employment.
3. People move to Sweden in order to live with their third country spouse.
4. New categories of transnational marriages have evolved.

3.3.2 Arranged marriages versus forced marriages

The cultural and legal definition of arranged marriages versus forced marriages was in the final statement discussed by **Madi Sharma**.

Sharma started the presentation with an advertisement for a husband. Stating that this in fact not where for her, but for her 22 year old daughter.

Sharma argued that arranged marriages are not about matching two people. The practice is all about matching families. Arranged marriages secure more equally matched spouses and less bad marriages and are arrangements that are clearly opposed to forced marriages.

Stating herself as very traditional according to the terms that have come up on the conference today, Sharma talked about marriage as a lifelong commitment. The perfect matched spouse being a long process of advertising, examine family backgrounds and finally paring family members with the future family-in-law at the engagement ceremony. First after the ceremony has taken place, the couple to be married starts to build their relationship.

This process is a way to compare and secure equality between the families in terms of economy, education, social, and future prospects. And the wedding rituals play a direct part in paring the two families and create a bond between the relations. And at the same time it is most importantly a process of choosing the right woman to rule the house in the future as the family make the social network. Marriage is a family to family business.

The result is fewer divorces, less children born out of wedlock and practical no teenage pregnancies.

Sharma emphasised that in arranged marriage processes, either side, whether it is the female or the male part have the choice to decline the wedding. Moreover that arranged marriages can be found in all societies and all religions through all times.

Sharma ended the presentation by stating that EU tolerance towards arranged marriages is an important issue, because of its significant role in many societies. This must be based on knowledge and research. For instance marriage among cousins is perfectly acceptable, despite that EU has forecasted it as forced marriage.

There should however be a low tolerance towards forced marriages, exchange of girls as gifts, rape within marriage and child marriages.

EU must protect the citizens of Europe and in addition protect those individuals coming in from the outside. At the same time EU must also accept and keep an open mind to the different cultures that they are bringing with them.

Madi Sharma

- UK member, Employers Group EESC – European Economic and Social Committee.
- Advisor to organizations globally
- webpage: www.eesc.europa.eu

4. Key debates summarized

The following are brief summaries of the key debates led by the speakers and the audience.

- ❖ **Moral and legislation.** Moral and law are two separate areas and must have a clear distinction between them. The question is how to process a clear separation? Is secularization between state and church enough to secure the two jurisdictions as separate? It is crucial to understand that legislation can change the consciousness and attitudes of people. Therefore it must be up to the legislators, which in turn are the people, to demand a distinction between the two areas.
- ❖ **Families and marriages.** Marriage as an institution is not static. It is a subject to historical transformation, cultural and personal negotiation that involves states and subjects throughout all times.
- ❖ **Gender roles.** Same-sex families are mostly perceived in a traditional way and expected to live according to traditional gender role with one male figure and one female figure. The way we think families are directed is linked to the perception of gender. In order to change attitudes it is therefore necessary to change our perception of genders.
- ❖ **Equality.** The question of equality is the question of acknowledging our differences as human beings. It is necessary to form a society and institution that embraces these differences instead of eliminating them. Recognition of same-sex marriages are recognition of sexual minorities as human beings.
- ❖ **Marriages versus partnership.** Marriage is a constitutional right, while partnership can be seen as restricted privileges that can be taken away from you. This makes registered partnership a second class marriage for second class citizens. It can be seen as crucial to design societies that can secure the individual freedom to live according to its own choosing without being classified as a second range citizen. However what effect would it have on “traditional marriages” if registered partnership were open to opposite-sex couples?
- ❖ **Individual rights versus partnerships rights.** Why are there giving certain rights to married couples that it is not giving to the individual? Instead of promoting marriage as equality in terms of adoption, taxes and inheritance these benefits should be given to the individual.
- ❖ **Citizenship.** The emphasis on individual duties and obligation in legislation as a citizen makes it crucial to shift the discussions from an individual level to a citizen level. Asking the question of what can be expected as you as a citizen and not as an immigrant, gay or lesbian.

- ❖ **Intimate citizenships.** There is a conflict in granting citizenship based on the intimate life of people.
- ❖ **First and second range marriages.** Registered partnerships are by many considered the “next best thing” for second class citizens. The system must be based on equality for all citizens.
- ❖ **Transnational marriage marked.** Transnational marriages are often arranged on the basis of locating an equal match partner. This search is not limited to national border, but expands to the transnational “marriage marked”. Especially minority women have trouble finding a spouse that matches both cultural and educational level within the national context.
- ❖ **Pluralism versus individualism.** Marriage within the EU is mostly based on an individual level, while in non-European countries marriages are related to a pluralistic entity such as the family. This can lead to conflict when these cultures meet, because the systems are based on different terms and norms. There must be an extended tolerance and knowledge of the different life forms and rituals that makes different societies.
- ❖ **The media.** In order to exercise democracy and abandoning main stereotypes in a society it is necessary to grant airtime to all groups of society. The media should be aware of the important role it plays in changing people’s consciousness.
- ❖ **Multiple identities.** Identities differ from one social context to another and can be percept differently by others. We have multiple identities. Legal and cultural aspect can change the way we look at ourselves and other percept us.
- ❖ **Same-sex parenthood.** Families with same-sex parents are not scientific proved to be lacking of either female or male role models. On the contrary it can be stated that same-sex adoptions happens on a genuine desire to create a family with children.
- ❖ **Arranged marriages.** Arranged marriages are mostly percept as forced marriages. Knowledge and research must undertake a new perception of arrange marriages as a cultural ritual to secure equality among families and partners. This must be supported by legislation.

5. Abstract and perspectives

The main narrative framing the conference can be said to be “equality” in terms of equal partners in marriage, citizenship, human worth, differences, cultural values and norms.

Listening to different perspective it has become clear that, even though marriage and families are still considered to be a traditional way of life, there is nothing traditional about the new families of Europe. Or differently put, the process of “traditionalizing” the present culture on families is still taken place. Marriage is not a static institution uninfluenced by social and cultural changes. The cultures and definition can change and have change radically in the last 150 years in Europe. Women have been acknowledged as equal partners in marriage. Arranged marriage has been abandoned and forecasted as inhuman and are currently been taking in to consideration with the influence of new citizens coming from third country cultures. And same-sex marriage has started the legal process of being recognized in a number of countries.

Research has shown that legal regulations can change people’s consciousness and awareness, though not always in the intended way. Legislation also creates new categories of marriages when people are forced to find solutions to national regulations in order to live according to their cultural norms.

The main conflict between culture and legislation was however pointed out to be the ongoing influence from the state’s moral leaving the laws to be the moral guardian of people. On European level the EU institutions are still following the national states legislation and thereby the morality, rather than preceding them. This means that the basis for a co-operative European legislation on families is depended of the European countries’ ability to recognize and participate in intercultural dialogues on this subject.

Likewise to discuss the use of marriage and the intimate life of people to grant citizenship, because as stated today, the cultural patterns on families in and outside Europe have risen from many different purposes. In Europe there is an insisting on romantic emotions in marriage while outside Europe marriage can be also be an arrangement that secure the social cohesion in societies and therefore is less depended on feelings.

But even though we have been across many aspects of equal living at this conference many questions were still left out spoken in the today’s debates. The cultural and legal consequences of same-sex child adoptions, transnational divorces, and father roles were only briefly touched. While areas such as child abductions, polygamous marriages, and trafficking of non-western wives to Europe only indirectly played a part in the discussions.

This however only shows the complexity and importance of debating these issues relating to families that in some way or another influence the lives of an increasing number of people all over Europe. There is a need for intercultural dialogue, respect for diversity and tolerance.

Partners:



**De Vice-Eerste minister,
minister van Werk en van Gelijke kansen**