

Same-sex marriage and same-sex adoption: Socio-political context of the rights of gay and lesbian people in Belgium

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Belgium is considered as being in the forefront of a number of rights for lesbian, gay, bisexual and transgender people (LGBT). In the 1990s, the law on legal cohabitation made it possible for same-sex couples to draw up cohabitation contracts. Belgium then became the second country in Europe to authorise marriage between same-sex partners in 2003, as well as opening up access to parenthood in 2006. The aim of this paper is to describe the changes that have taken place in Belgian legislation from traditional family law through to the opening up of marriage and parenthood to same-sex couples, analysing the arguments which have been put forward in support and against it, as well as the potential rationale behind shared agendas. It will also describe the emergence of the LGBT movement in Belgium, the various non-governmental organisations that are active in the country and the role they play. An overview of current events will be presented (changes in the number of marriages, divorces and adoptions in Belgium). Finally, the paper will discuss the issues concerning social acceptance of same-sex couples and families, and the challenges that LGBT people living in Belgium still have to face.

Keywords: LGBT psychology; family; same-sex marriage; same-sex parenting; anti-discrimination; attitudes; Belgium.

History of the institutions of family and marriage in Belgium

DEFINING FAMILY TODAY is no easy task, given the constant and rapid changes that the concept of family is undergoing, giving rise to a variety and multiplicity of different family compositions (D'Amore, 2010a). Independent of its form, however, the family remains the reference system in which its members continue to invest emotionally and within which they construct their own sense of identity (D'Amore, 2010b). Indeed, the family represents a root system, the first network to which a child belongs (Simon, 2007). It would seem that the need for a family, in terms of the need for identity and belonging, has never ceased to exist. Alongside this, however, a progressive transformation or even a structural differentiation can be seen to be taking place (D'Amore, 2010a). Thus,

new family structures have emerged (more publicly), such as single parent families, blended families, and same-sex parent families. Caillé (2010) proposes a distinction between the 'traditional family' and the 'affective constellation': 'affective constellations' have as fundamental components, the existence of intense emotional ties within the system and a parental relationship between adult and child, that are not necessarily linked to the biological tie. Moreover, compared to the traditional family, in those new constellations, the child acquires a central place, as its venue marks the creation of the family (Caillé, 2010).

In the 19th century in Belgium, the family was considered to be the first unit of the State, a monarchy in which the man was the sovereign. With the introduction of the