

Comparative Legal Research on Same-Sex Marriage between China and Ireland

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Abstract: The successful legalization of same-sex marriage in Ireland has provided a model for the legalization of same-sex marriage in China. The process of legalizing same-sex marriage in Ireland began in 1993 when Ireland decriminalized private and consensual sexual activity. It took 22 years for Ireland to achieve success in legalizing same-sex marriage through a nationwide referendum in 2015. Due to differences in history, culture, religious beliefs, and social systems, China may not be able to replicate the exact experience of legalizing same-sex marriage in Ireland. However, China can still learn from a comparative study and draw valuable lessons to protect the marriage rights of the homosexual population in China. China can benefit from these experiences by implementing similar initiatives to educate the public and promote LGBTQ+ rights. By raising awareness, dispelling stereotypes, and fostering dialogue, China can gradually overcome social stigmas and create a more inclusive environment for its LGBTQ+ community. Additionally, legal frameworks and protections can be established to ensure the equal treatment of same-sex couples. Irish legislation not only legalized same-sex marriage but also granted same-sex couples the same rights and benefits as heterosexual couples, including adoption and inheritance rights. China can examine these legal provisions and adapt them to its own context, working towards creating a fair and equitable legal framework for same-sex couples. Furthermore, engaging in international dialogue and cooperation can also be beneficial for China's path towards legalizing same-sex marriage. Learning from the experiences of other countries, including Ireland, and collaborating with international organizations can provide valuable insights and support. In conclusion,

while China may not be able to replicate Irish exact path to legalizing same-sex marriage, it can draw inspiration and learn from Irish experiences. By promoting awareness, fostering dialogue, enacting inclusive legal frameworks, and engaging in international cooperation, China can work towards protecting the marriage rights of its LGBTQ+ community and creating a more inclusive society.

Keywords: Same-Sex Marriage; Ireland; China; Comparative Legal Research

1. Introduction

1.1 Background and Rationale

1.1.1 Legal status of same-sex marriage in China

Chinese law does not explicitly recognize the legitimacy of same-sex marriage. However, the expression of "both male and female" often appears in the expression of marriage-related legal provisions, which shows that Chinese law delineates the marriage relationship as being solely between men and women. A recognized marital relationship cannot be obtained by members of the same sex. But there is indeed a lot of gay and same-sex marriages in China, and with the development of globalization, it is also a question whether legal same-sex marriage abroad can be recognized by Chinese law.

There are almost no records in Chinese history regarding "pure" homosexuality. Homosexuals also marry and have children, and they undertake the gender roles and family responsibilities assigned by traditional culture. Same-sex sexual behaviour is only a "spice" added to an otherwise traditional marriage but considered as a corrupt and immoral tendency under certain social norms. It has never had any impact on traditional culture and society, and even in China, homosexuals have never

shown any intention or attempt to fight for independence [1].

1.1.2 Legal evolution of same-sex marriage in Ireland

Ever since Ireland gained independence in 1922, marriage has been regarded as a Christian union between a man and a woman. However, no definition of marriage has been established by either the Irish Constitution of 1937 or any legal act [2].

Until the 1990s homosexual relationships in Ireland were strictly penalized by the Offences against the Person Act 1861 and the Criminal Law Amendment Act 1885 [2].

The *Norris v. Ireland* case brought about the first significant change, as Mr. Norris, a senator and English lecturer at Trinity College, Dublin, challenged Irish legislation that penalized same-sex relationships as he claimed this legislation violated his right to respect for his private life, as protected by Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms; the European Convention on Human Rights (ECHR) recognized him as a victim of the Irish legislation, finding it to be in violation of Article 8, and ordered Ireland to pay him legal costs and expenses[2].

In July 2010, the Civil Partnership Act 2010 was passed by the Oireachtas (Parliament) and subsequently signed into law by President Mary McAleese on July 19th of the same year [3].

After the Civil Partnership Act 2010 had been in effect for two years, the Irish Parliament convened a Constitutional Convention to deliberate and recommend an amendment to the Constitution with regards to same-sex marriages [4].

In 2015, Ireland became the first European country to legalize same-sex marriage through a referendum, with a record-high voter turnout of over 60.5% and a 62% majority in favor of the proposal on same-sex marriage. It has therefore taken a long time for Irish law to progress from not recognizing same-sex marriage to recognizing same-sex marriage.

Overall, Chinese law does not recognize same-sex marriage, but same-sex marriage and homosexuality exist in large numbers.

1.2. Aim and Objectives

Aim: to investigate attitudes of people in DIFC towards civil law regarding same-sex

marriage between China and Ireland. The objectives are following:

- (1) To explain and compare Chinese and Irish civil law regarding same-sex marriage.
- (2) To determine attitudes of people in DIFC about same-sex marriage.
- (3) To determine attitudes among people in DIFC of Irish civil law that legalizes same-sex marriage.

2. Literature Review

2.1 Introduction

In this part, I will first outline Chinese legislation on same-sex marriage. This section will comprise three subsections: The first will explain how Chinese civil law does not regulate the content of same-sex marriage; the second section will give feedback on a survey conducted in China on LGBT +people, while the third will provide an overview of public attitudes on same-sex marriage in China. Thereafter, I will explain the legislative situation regarding Irish same-sex marriage. This section will consist of two subsections: firstly, the historical evolution of Irish civil law regarding same-sex marriage; followed by an explanation of the reasons behind the success of Irish same-sex marriage referendum. Also, I will briefly summarize and compare the same-sex marriage legislation in Ireland with the legislation in China. Then, I will introduce the research results of Chinese scholars on same-sex marriage. This section will consist of five subsections: reasons why sexual relationships are no longer gender-specific; reasons why same-sex marriage cannot exist in traditional societies; functions of same-sex and same-sex marriage; the social significance of the legalization of same -sex marriage in China; and lastly, suggestions of Chinese scholars on same-sex marriage legislation.

2.2 Chinese Civil Law Regarding Same-Sex Marriage

In order to explore the differences between Irish and Chinese civil law regarding same-sex marriage, it is vital to know about the legislation, a conducted survey and public attitudes towards Chinese same-sex marriage.

2.2.1 Chinese civil law does not regulate the content of same-sex marriage

In 1957, the Supreme People's Court

considered same sex relations as voluntary rape between adults and regarded it as a moral issue and not a criminal offense as it was not defined as such by law at that time.

Zang Tiewei, the spokesperson for the Legislative Affairs Commission of the Standing Committee of the National People's Congress, said in August 2019 that since the majority of countries worldwide do not recognize same-sex marriage as legal, the Civil Code's Marriage and Family Section has retained the existing monogamous marriage between one man and one woman provision in the Marriage Law, in response to a question by a journalist regarding the legalization of same-sex marriage [5].

Overall, until now, Chinese civil law did not regulate same-sex marriage, as same sex marriage is not prohibited nor recognized.

2.2.2. The survey conducted in China on LGBT+ people

In Chinese society, the visibility of sexual minorities remains extremely low. Only about 5 percent of sexual minorities choose to disclose their sexual orientation, gender identity, or unique gender expressions in school, work, or religious communities. More people are coming out to close family members, but even this represents only 15% of sexual minorities. It is quite shocking that for Chinese LGBT+ people, the workplace is the place where they feel that life has become the most embarrassing and unsatisfactory after coming out [6].

The proportion of sexual minorities who openly express their sexual orientation, gender identity, or gender expression in schools, workplaces, and religious life is only about 5%, while the proportion is slightly higher in families, but still less than 15% [6].

Most respondents believe that sexual minorities should be treated equally and fully enjoy various social services. Most respondents also favor the development and implementation of specific policies that respect the status of LGBT+ people and protect them from discrimination [6].

2.2.3. Public attitudes on same-sex marriage in China

The opinion of the public varies with age, and it is evident that younger individuals are more receptive and tolerant towards sexual and gender diversity. As the age of the respondents decreases, there is a higher percentage of

people who reject negative attitudes towards homosexuality, such as stereotypes, gender binary ideas, and stigmatization related to HIV. Younger respondents are also more likely to accept their own children if they identify as LGBT+. Consequently, it is evident that the biggest potential for the social liberation of sexual and gender minorities in China lies in generational changes [6].

The survey results indicate that the majority of respondents are generally accepting and open towards sexual diversity. A large percentage, approximately 70%, reject the pathological view of homosexuality and prejudice against individuals who identify as LGBT+. The non-minority respondents are supportive of policies that promote equal rights for sexual and gender minorities, including access to social services and economic rights such as insurance benefits for same-sex partners. Furthermore, a significant majority, around 85%, supports the legalization of same-sex marriage. Additionally, over 80% of respondents believe that the law should explicitly state that the rights of sexual minorities are protected [6].

The survey results indicate that public opinion regarding sexual diversity is shifting, with a majority of respondents, particularly among the younger population, holding positive and open-minded attitudes. However, a significant portion of the population remains undecided and uncertain about their stance on the issue. This presents an important opportunity for the LGBT+ community and suggests that there is potential for rapid and significant change in society, particularly with guidance from civil society, policymakers, academia, the media, and the sexual and gender minority community themselves [6].

Overall, Chinese civil law has not yet stipulated same-sex marriage, but same-sex marriage does exist in society, and the people are tolerant of same-sex marriage, especially young people.

2.3 Irish Civil Law Regarding Same-Sex Marriage

In order to explore the differences between Irish and Chinese civil law regarding same-sex marriage, it is vital to know about the evolution and Reasons towards the same-sex marriage law in Ireland.

2.3.1 The historical evolution of Irish civil law

regarding same-sex marriage

Legislation passed in Ireland in 1993 decriminalized private and consensual sexual activity between homosexual males and led to the implementation of legal protections for the gay and lesbian community in the areas of insurance, employment, and access to goods and services [7].

On January 1, 2011, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 came into effect, providing legal recognition similar to marriage for same-sex couples and allowing them to establish their relationship legally [8].

On May 22, 2015, the 34th Amendment to the Irish Constitution was passed by a majority of voters, inserting a new article that guarantees the right to marry without discrimination based on gender, thereby allowing same-sex marriage.

2.3.2 Reasons behind the success of Irish same-sex marriage referendum

Following the independence of Ireland, the Catholic Church and the neglect of the Irish government in protecting citizens, especially women and LGBT+ individuals, were prevalent and documented in both explicit laws and implicit cultural practices, resulting in unequal treatment and marginalization of the latter group [9]. Due to their dominant control over key institutions of education and health, the historic collaboration between the Church and the Irish state appointed the Catholic Church as the moral guardian of Irish society, eventually leading to the decriminalization of homosexuality in 1993 and culminating in Ireland becoming the first country to provide constitutional protection for marriage equality after a popular vote in 2015 [10]. There is no doubt that the biggest factor in the success of the same-sex marriage referendum was the loss of moral authority by the Catholic Church following a series of priest abuse scandals in the early 2000s [11].

The national referendum was conducted to modify the definition of marriage in Ireland, 22 years subsequent to the decriminalization of homosexuality in the country [12], expressing Irish people's desire for social change [13].

Overall, same-sex marriage in Ireland has gone through a process of criminalization, decriminalization, and legalization. Same-sex marriage was at odds with the principles of the

Catholic Church, but due to the decline in its influence, the referendum on same-sex marriage took place in Ireland and same-sex marriage was legalized. Meanwhile, so far, same-sex marriage in China has only gone through the process of criminalization and decriminalization.

2.4 The Research Results of Chinese Scholars Regarding Same-Sex Marriage

Although Chinese civil law has not yet regulated same-sex marriage, Chinese scholars have conducted in-depth research on same-sex marriage and the implications thereof.

2.4.1 Reasons why sexual relationships are no longer gender-specific.

The evolution of sexual relations into pure relations has reduced the social significance of sex and weakened the rationality of society's control over sex [1]. Sexual issues are increasingly respecting individual choices and preferences.

The evolution of sexual relations into pure relations and the weakening of the social functions of marriage relations, as well as the resulting changes in social control of sex and marriage policies, have changed perspective on same-sex relations. The premise that same-sex relationships should be based on the traditional interpretation of social identity and the social function of marriage, seems increasingly outdated, and the social basis on which traditional views rest no longer exists [1].

2.4.2 Reasons why same-sex marriage cannot exist in traditional societies

In a traditional society, the functions of production organization, social organization, and mutual assistance of marriage are closely related to reproductive factors. Without children, the functions of labor supply in production, continuation of the family, and dependents for old age cannot be reflected. The same-sex relationship cannot solve the problem of childbearing and realize the social function of marriage. Therefore, the same-sex relationship cannot be valued in traditional society, and it is bound to be suppressed by the family and discriminated against by the society [1].

2.4.3 Functions of same-sex and same-sex marriage

The changes in sex and marriage under modern social conditions have provided a

social basis for same-sex marriage appeals, and only on this basis did the social premise of equal treatment between same-sex marriage and heterosexual marriage come into being for the first time [1].

Marriage is gradually disintegrating the gender-based universal proposition with its historical development, and thus fundamentally shaking the traditional marriage theory and orthodox marriage system [14].

In terms of marital functions, there is almost no difference between same-sex relationships and opposite-sex relationships in terms of mutual assistance and physiological and emotional satisfaction [1].

2.4.4 The social significance of the legalization of same-sex marriage in China

The recognition of same-sex marriage by law can help same-sex couples form and establish a more stable sexual relationship, alleviate the pressure on society caused by the confusion of sexual relationships, and address a series of social problems caused by the lack of emotional ties and relationship constraints in unstable relationships [1].

Bringing same-sex and cohabitation relationships into the realm of marriage is not only a matter of the rights and sexual control of homosexuals, but also a matter of social responsibility for same-sex relationships. This approach can not only more effectively meet the emotional and mutual assistance needs of individuals, but also solve the social problems caused by this, and reduce the burden on society in terms of personal survival security issues [1].

More tolerant attitudes and laws regarding same-sex marriage will help eliminate prejudices against promiscuity and cultural subversion. If same-sex couples cannot legally marry, their stable partner relationships will be undermined, and a secretive or even chaotic lifestyle will be encouraged [1].

2.4.5 Suggestions of Chinese scholars on same-sex marriage legislation

Most Chinese scholars believe that it is not appropriate for China to adopt the same-sex marriage model at present, but there is no specific explanation of the circumstances under which social conditions in China will be able to meet the requirements to legalize same-sex marriage [15].

Denying the legal principles on which traditional marriage is based, and granting

equal legal status to same-sex and heterosexual marriage is less practical and feasible than adopting a civil partnership system [16].

China could choose to learn from the civil mutual assistance contract model, because this model does not touch the marriage family, parent-child and legal inheritance systems at all, and maintains a clear distinction with marriage [17].

Same-sex relationships within the norm of cohabitation is a relatively safe option in China at present because this legislative model can not only effectively solve the practical problems facing the country regarding homosexuality but also reduce the differences and conflicts that may be caused by the sensitive topic of same-sex marriage [1].

Based on the Civil Code, China can adopt separate laws to supplement or make exceptions for some special issues. For example, the "Law on the Protection of the Rights and Interests of the Homosexual Group" can be established to provide for the lack of related rights and interests of the homosexual group [15].

Overall, many Chinese scholars suggest that based on the current situation in China, same-sex marriage cannot be fully recognized. Instead of same-sex marriage legislation, these Chinese scholars hope to view same-sex marriage as a civil partnership, cohabitation or civil mutual assistance contract. The legislative model embodied in these views are similar to Irish recognition of and tolerant attitudes toward same-sex marriage before the 2015 referendum. In addition, some scholars believe that China can legislate to protect the rights of homosexuals based on the Chinese Civil Code.

Overall, although Chinese scholars have generally held conservative views on same-sex marriage, I believe that this is an issue that Chinese legislation must confront. As more and more countries around the world recognize same-sex marriage, China has an opportunity to join this trend and promote equality between same-sex and heterosexual couples. From a legislative standpoint, all that is necessary is to remove restrictions on the gender of parties in a marriage relationship in the Civil Code. This change would send a powerful message of inclusivity and respect for diversity. It is time for China to take a bold

step forward on this issue and join the growing list of nations that have embraced marriage equality.

2.5 Conclusions

In conclusion, this chapter provided an overview of same-sex marriage legislation in China and Ireland, along with the attitudes and perceptions of the Chinese public. Chinese civil law currently lacks specific regulations regarding same-sex marriage, as it is neither prohibited nor recognized. However, societal tolerance towards same-sex marriage, particularly among young people, is evident. In contrast, Ireland has witnessed a historical evolution of civil law, from the decriminalization of homosexuality to the legalization of same-sex marriage through a national referendum. The success of the Irish referendum was influenced by factors such as the diminishing influence of the Catholic Church and societal desires for social change. Chinese scholars have conducted research on same-sex marriage, exploring reasons why sexual relationships are no longer gender-specific and the potential social significance of legalizing same-sex marriage. While many Chinese scholars suggest alternative legislative models such as civil partnerships or mutual assistance contracts, there is growing recognition that China should address the issue of same-sex marriage and promote equality between same-sex and heterosexual couples by removing gender restrictions in the Civil Code. By embracing marriage equality, China can join the global trend and demonstrate inclusivity and respect for diversity.

3. Methodology

3.1 Introduction

This chapter provides an overview of the methodology employed in this research, encompassing various aspects such as the approach taken, the sampling method, the data collection process, and the data analysis techniques utilized.

3.2 Approach

My research involves extensive textual comparative research and analysis of the same-sex marriage laws in China and Ireland. To achieve this goal, I have chosen to use

mainly qualitative research methods, as they provide flexibility to adjust research focus or research questions as new insights emerge during data collection. Additionally, qualitative research emphasizes the perspective of the participants, which is crucial for understanding the social and cultural context in which same-sex marriage occurs.

One advantage of qualitative research is that it allows researchers to collect rich, detailed data that can help to uncover complex social phenomena. However, conducting qualitative research on a controversial topic like same-sex marriage may raise ethical issues. Therefore, I will take great care to protect the privacy of participants throughout the research process.

On the other hand, quantitative methods can also provide valuable insights into same-sex marriage laws. However, given the limited quantity and quality of reference materials available on this topic, I have decided to focus primarily on qualitative methods. While qualitative research is subjective and relies on the interpretation of the researcher, I believe that the benefits of using this approach outweigh its potential limitations. By comparing the similarities and differences between the same-sex marriage laws in China and Ireland, my research can provide useful experience for the legalization of same-sex marriage in China.

3.3 Sampling

All DIFC (Dublin International Foundation College) students were the target population for this survey. The involved students from 10-20 countries. Non-random convenience sampling was used. Since the focus of this study was on the attitudes of DIFC students towards same-sex marriage, the conclusions drawn from the collected data may differ from previous research, because some of the participants are under 18 years old, that they may not understand same-sex marriage. Another reason for using this type of sampling is that, since DIFC is the school where I study, it was easy to conduct the survey and interviews with the help of my supervisor. Non-random sampling, compared to probability sampling, can collect data quickly and easily, with less time and economic cost, reducing additional research work and improving research efficiency.

On the other hand, it cannot be ignored that non-random convenience sampling also has some limitations. The most obvious one is that the small number of DIFC students may result in data that is not representative. In addition, students' understanding of same-sex marriage may not be mature, which may bias the research, especially among those who practice the Islamic faith, as they may have a different understanding of same-sex marriage, leading to sampling errors.

It is worth noting that since DIFC students are generally younger, there may be many minors who are unaware of what same-sex marriage entails. These minors may not be able to answer the questions in the survey accurately. If they do not respond, I will discard this data, reducing the already limited sample size. Most importantly, I will include a disclaimer informing the participants that the questionnaire is confidential.

3.4 Data Collection

During my research, the structured questionnaire created using Google Forms is the method I used to collect data. This allowed me to conveniently send the questionnaire link to the sample population and quickly collect the responses. Additionally, Google Forms automatically analysed the data, and I can reuse this data.

Of course, this data collection method has some limitations. First, the content of the survey questionnaire may not be comprehensive and may not fully reflect the participants' personal thoughts. Second, participants may not understand the content of the questionnaire because the sample population consists mostly of language learners with varying levels of English proficiency.

To reduce the impact of these limitations, before formally conducting the survey, I will send the questionnaire draft to six students for feedback and obtain their suggestions. Based on these suggestions, I will revise the questionnaire content to form the final questionnaire.

I will include 15-30 questions in the questionnaire, divided into two parts. The first part will be about participants' basic information, such as nationality, religion, age, gender, and sexual orientation. The second part will consist of open-ended questions

about participants' views on same-sex marriage, asking whether they support same-sex marriage and whether they support same-sex marriage groups enjoying the same legal rights and social benefits as same-sex marriage groups.

To avoid discrepancies in participants' responses to the questionnaire, I will try to keep the questions simple or provide detailed explanations and/or a contextualization. Since the survey questions involve participants' privacy and social ethics, I will ensure the anonymity of all responses in the questionnaire. After the questionnaire collection is complete, I will store the questionnaire on my computer in the form of a file password and destroy it after the dissertation is submitted.

3.5 Data Analysis

In this research, Google Forms is multi-functional. Apart from being used to make questionnaires, it can also automatically analyse data. In addition, I will also use Excel to make tables and pie charts.

4. Findings

4.1 Introduction

In this chapter, the profile of the participants is presented, with a majority being female and representing different countries. The first objective aims to compare Chinese and Irish civil law concerning same-sex marriage, predictably revealing a lack of knowledge among participants about same-sex marriage in China compared to their familiarity with the topic in Ireland. The second objective explores participant attitudes towards same-sex marriage, indicating that a significant majority support its legality. The third objective focuses on participant attitudes towards Irish civil law that legalizes same-sex marriage, with a majority recognizing its legality and viewing it positively. This chapter concludes by highlighting the data gathered and outlining the subsequent chapter's focus on discussing the research findings, providing recommendations, and acknowledging study limitations.

4.2 Profile of Participants

According to Figure 1 and Figure 2, more than half of the participants are female. They are

from different countries. Around half of the participant's age are from 18-29.

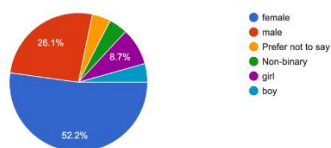


Figure 1. Gender

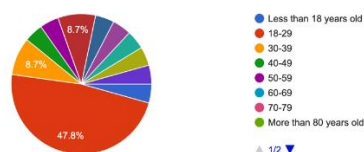


Figure 2. Age

4.3 First Objective

To explain and compare Chinese and Irish civil law regarding same-sex marriage. Participants were asked to answer if they have some knowledge of same-sex marriage between China and Ireland.

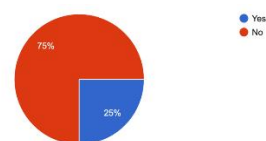


Figure 3. Knowledge Regarding Same-Sex Marriage Laws in China

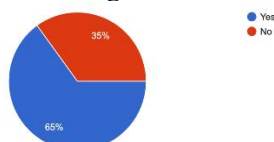


Figure 4. Knowledge Regarding Same-Sex Marriage Laws in Ireland

As it showed at the Figure 3 and Figure 4, participants generally lack knowledge about same-sex marriage on China, while they are well-informed on it in Ireland.

4.4 Second Objective

To Determine Attitudes of Participants in DIFC about Same-Sex Marriage. Participants were asked for attitude towards same-sex marriage.

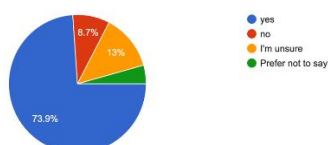


Figure 5. Support Same-Sex Marriage

According to Figure 5, Figure 6, Figure 7 and Figure 8, 73.9% of the participants support

same-sex marriage and 78.3% of them think that same-sex marriage should be legal. 25% of participants oppose same-sex marriage on account of their personal belief/religion. 10% of participants oppose same-sex marriage even if it was legal according to the laws of the country they live in.

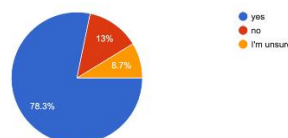


Figure 6. Legality and Illegality

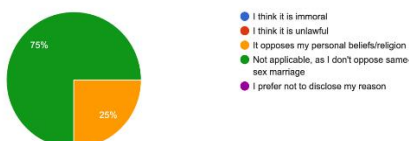


Figure 7. The Reason of Opposition

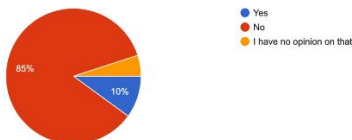


Figure 8. Opposing the Legality of Same-Sex Marriage

4.5 Third Objective

To determine attitudes among participants in DIFC of Irish civil law that legalizes same-sex marriage. Participants were asked for attitude towards Irish civil law that legalizes same-sex marriage.

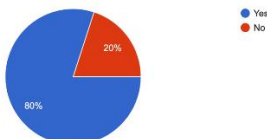


Figure 9. Legality of Same-Sex Marriage in Ireland

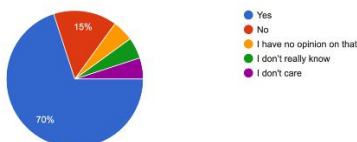


Figure 10. Attitudes Towards the Legalization of Same-Sex Marriage

According to Figure 9 and Figure 10, 80% of the participants know that same-sex marriage is legal in Ireland. 70% of the participants think that legalised same-sex marriage is a good law, which is beneficial to the wellbeing of the individual and society.

4.6 Conclusions

This chapter primarily presents and examines the data gathered via Google Forms questionnaires. The following chapter will centre on discussing the entire research, which includes summarizing and discussing the results, providing practical recommendations, and addressing the limitations of the study.

5. Discussion and Conclusions

5.1 Introduction

This chapter will examine and consolidate the status of same-sex marriage in China and Ireland, offering concrete recommendations for the prospective legalization of same-sex marriage within China's Civil Code. Furthermore, the chapter concludes by addressing the limitations of this paper and proposing avenues for future research.

5.2 Summary and Discussion of Results

5.2.1 Chinese and Irish civil law regarding same-sex marriage

The literature review provided a background on the legal status of same-sex marriage between China and Ireland. Chinese law does not explicitly recognize same-sex marriage, although there is a significant presence of same-sex marriages and homosexuality in China. On the other hand, Ireland has undergone a legal evolution, starting with the decriminalization of homosexual relationships in 1993, followed by the passing of the Civil Partnership Act in 2010, and ultimately legalizing same-sex marriage through a referendum in 2015.

The review of Chinese civil law revealed that it does not regulate the content of same-sex marriage. Chinese law retains the provision of monogamous marriage between one man and one woman, citing the majority of countries worldwide not recognizing same-sex marriage as a reason. However, surveys conducted in China showed that there is a growing acceptance and tolerance towards sexual and gender diversity, especially among younger individuals. The majority of respondents support the legalization of same-sex marriage and the protection of rights for sexual minorities.

In Ireland, the historical evolution of civil law regarding same-sex marriage was outlined. The decriminalization of private and

consensual homosexual activity in 1993 was followed by the implementation of legal protections for the gay and lesbian community. The Civil Partnership Act in 2010 provided legal recognition similar to marriage for same-sex couples. Finally, in 2015, Ireland became the first European country to legalize same-sex marriage through a referendum.

The success of the Irish same-sex marriage referendum was attributed to factors such as the loss of moral authority of the Catholic Church due to priest abuse scandals and the desire for social change among the Irish population.

Chinese scholars have conducted research on same-sex marriage, discussing reasons why sexual relationships are no longer gender-specific and why same-sex marriage cannot exist in traditional societies. They have also highlighted the functions of same-sex relationships and the social significance of legalizing same-sex marriage in China.

Based on the findings from the literature review, it can be concluded that attitudes towards same-sex marriage in China are gradually shifting, with greater acceptance among the younger generation. In Ireland, the legalization of same-sex marriage reflects a significant societal change and the declining influence of the Catholic Church.

5.2.2 Attitudes on same-sex marriage

The results of this research contribute to a better understanding of the attitudes of DIFC students towards civil law regarding same-sex marriage. The findings suggest that there may be a positive outlook towards same-sex marriage among DIFC students, aligning with the global trend of increasing acceptance and support for LGBTQ+ rights.

5.2.3 Attitudes among people on Irish civil law that legalizes same-sex marriage

As it shows in Figure 9 and Figure 10, most people think that same-sex marriage is legal and legalised same-sex marriage is a good law in Ireland. That is consistent with the view of the literature review.

These results could be interpreted as a reflection of the changing social norms and values in contemporary society, influenced by factors such as globalization, increased exposure to diverse cultures, and the advocacy efforts of LGBTQ+ rights organizations. The findings also highlight the importance of legal recognition and protection for sexual

minorities to ensure equality and social inclusion.

Overall, this research provides valuable insights into the attitudes towards same-sex marriage in the context of Chinese and Irish civil law. It sheds light on the potential for future legal developments and social change in both countries. The findings can inform policymakers and contribute to the ongoing discourse on LGBTQ+ rights and equality.

5.3 Practical Recommendations

In recent years, there has been increasing discourse surrounding the influence of same-sex marriage, with potential significance for the attitudes of international students towards this issue. Building upon the previous literature review and analysis of the gathered data, this chapter presents recommendations concerning marriage-related laws within China's Civil Code. The primary focus of this chapter is to discuss and summarize the research findings, offering practical suggestions for the legalization of same-sex marriage in China. Additionally, the chapter outlines the limitations of this study and provides recommendations for future research endeavours in this field. The implications of this research hold promise for advancing understanding and facilitating progress in the domain of same-sex marriage.

5.4 Limitations

In order to address the sensitive nature of the topic of same-sex marriage, and following the guidance of my supervisor, the primary source of data for my study was questionnaires. Consequently, the majority of my information was obtained through Google Forms. However, this sometimes posed inconveniences and could potentially disrupt the data collection process. Moreover, due to multiple revisions to the questionnaire content during the survey period, some individuals may have left incomplete responses, resulting in potential loss of information. Ultimately, a total of 23 valid questionnaires were retrieved, predominantly from young participants aged 18-29. Nevertheless, the limited sample size raises concerns about the representativeness of the findings and underscores the need for further research to expand the sample and ensure broader representation.

5.5 Suggestions for Further Research

Considering the limitations inherent in my study and the sensitive nature of the topic, I propose several suggestions for future researchers to enhance the comprehensiveness and representativeness of the data. Firstly, expanding the survey beyond the DIFC and including universities from other regions would ensure a broader representation of perspectives.

Additionally, investigating cultural variations in the practices surrounding same-sex marriage would provide valuable insights. Since my survey primarily focused on young unmarried individuals, it is recommended that future research incorporate the opinions of married same-sex couples, as participant differences can yield distinct results.

Lastly, there are aspects that I may not have addressed, such as the positive and negative impacts of same-sex marriage on societal development and the continuity of human civilization. Exploring these dimensions would contribute to a more comprehensive understanding of the topic.

5.6 Conclusions

In summary, this research explores the comparative legal aspects of same-sex marriage in China and Ireland. The differences in same-sex marriage laws between these two countries stem from various factors, including history, religion, culture, and politics. While Ireland has successfully legalized same-sex marriage, China recognizes same-sex unions but lacks legislation in this regard. Consequently, same-sex married couples in China do not enjoy the same rights as their heterosexual counterparts. Based on the analysis of previous and current research data, it is evident that a significant portion of the global population, particularly young individuals, support the legalization of same-sex marriage. Looking forward, it is anticipated that China's civil code can draw lessons from Ireland's legislative experience and work towards legalizing same-sex marriage in the future.

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