

2406156 Ako Uno ECAY6005 Assignment 1

Abstract

Same-sex marriage is legal in the UK, which is also a country with a relatively advanced understanding of sexual minorities. On the other hand, Japan still does not recognize same-sex marriage, and many people have various prejudices against same-sex couples. In particular, many older people assume that homosexuals have mental illness, which may prevent the legalization of same-sex marriage in Japan, where the birthrate is declining, and the population is ageing. In addition, various opinions have also been raised against same-sex couples having children in both the UK and Japan. While it is relatively common in the UK for same-sex couples to have children, in Japan it is unfamiliar for same-sex couples to bring up children, and this could be seen as a negative factor for same-sex marriage. Given the differences between the UK and Japan, this

section compares attitudes towards same-sex marriage in the two countries.

Same-sex marriage in the UK and Japan and its current status.

According to Falcetta, S. *et al.* (2021), with the enactment of the Marriage (Same-Sex Couples) Act 2013, same-sex couples in England and Wales have the same opportunities as different-sex couples to marry by way of a civil ceremony. However, only a small number of religious organizations and places of worship recognized same-sex marriages, which meant that same-sex couples were at a significant disadvantage compared to heterosexual couples. Prior to the MSSCA 2013, civil partnership is the only option for same-sex couples wishing to enter into a legal relationship, and this first became available in the UK in 2005 (Falcetta, S. *et al.* 2021). With regard to the introduction of civil partnerships, the way in which legal relationship recognition is concentrated on what form it should take to realize equal rights, with some opposing that it was merely an imitation of heterosexual patriarchal and heteronormative relationships (Hayfield, N. *et al.*, 2024). Also, according to Heaphy, B. (2015), some have positioned CPs as the same as marriage in order to emphasize the legitimacy of CPs, despite the differences between marriage and CPs in legal and social status and the UK Government's positioning of CPs as 'not marriage'. Others have described CP as inferior to marriage, possibly as an effect of

efforts to bring full equality of relationship status to same-sex partners (Jowett, A. and Peel, E., 2010). What are the advantages and disadvantages of same-sex marriage? According to Langbein and Yost (2009), Same-sex relationship policies have been found to have no effect on the rates of heterosexual marriages, divorces and abortions, or on the rate of children being born. Also, prior to the widespread legalization of marriage for same-sex couples, lack of legal and social recognition of same-sex couples was associated with worse mental health outcomes (Herdt and Kertzner, 2006). Furthermore, legal same-sex relationships have been shown to be associated with more positive mental health outcomes and reduced psychological distress for same-sex couples (Riggle, Rostosky, & Horne, 2010; Wight, LeBlanc, & Badgett, 2013). According to Bronwyn, W. (2020), locating same-sex marriage within the framework of a 'truly unremarkable married life' (Tomlinson 2020) can make homosexuality less 'icky' in the eyes of the state and society. However, legal recognition of same-sex marriage does not necessarily mean that same-sex marriage has been recognized in the true sense of the word, and treating 'icky' same-sex couples in the same way as heterosexual couples seem to be stabbing same-sex couples in the foot by making them mimic heterosexual couples. Hence, in England, Wales and Scotland, the Marriage (Same Sex Couples) Act 2013 (UK)³⁷ and the Marriage and Civil Partnership (Scotland) Act 2014 (UK) opened up marriage to same-

sex couples, opening up marriage to same-sex couples and also recognizing Registered partnerships (Scherpe, J. M., 2015). However, given that Registered partnership is not open to heterosexual couples and that the purpose of opening marriage to same-sex couples was to eliminate discrimination and bring equality to all couples, it could be considered unreasonable (Scherpe, J. M., 2015). The UK also allows same-sex couples to have children, and the welfare of children of same-sex couples is often questioned in the debate on marriage equality. With regard to same-sex couples having children, some argue that the well-being of the children is the well-being of the children of same-sex couples and not dependent on the sexual orientation of the parents (Herek, G. M., 2006). Also, according to Adoption UK([Search | Adoption UK Charity](#)), Same-sex couples can adopt children in the UK and since the Adoption and Children Act 2002 came into effect, same-sex couples who meet the adoption criteria can have the legal right to adopt collaboratively ([Search | Adoption UK Charity](#)). According to National Center for Lesbian Rights (2000), Social science research has shown that children raised by lesbian and gay parents are just as healthy and well-adjusted as those raised by heterosexual parents. Elsewhere, 75% of lesbians with children in the UK were reported to have been conceived through non-spousal artificial insemination (DI) (Millbank, 2003). However, negative views on same-sex couples having children also exist. Herek, G. M. (2006)

mentioned that some researchers believe that boys and girls who are not growing up with their own parents are particularly likely to be abused, perform poorly in school, abuse drugs and alcohol and get into legal trouble. Furthermore, it has been pointed out that the official recognition of same-sex marriages by the state includes the possibility of interfering with religious activities, as Christianity does not recognize same-sex marriages and may not offer adoption services to same-sex married couples based on its religious beliefs. (Iketani, K., 2014). Thus, although the UK recognizes same-sex marriage, there are various conflicting views on religious issues and having children. Therefore, we can argue that there should be more discussion on the ethical issues related to same-sex couples' future plans after marriage and having children.

In Japan, on the other hand, according to Amaki, Y. (2022), six of the G7 countries already recognize same-sex marriage or give equal protection rights to same-sex couples, but only Japan does not and this may be because Japan is not as multicultural a society as other G7 countries. Also, according to Marriage For All Japan (31 March 2020), since 2015, many Japanese companies and global companies operating in Japan have started accepting partnership certificates for the purpose of providing spousal benefits to their employees (Amaki, Y. 2022). Although legally binding civil partnerships are not recognized, there is a system in place in which local government authorities in Japan

recognize certain rights by recognizing same-sex couples and issuing them with certificates. However, the response of granting 'equal' legal protection fixes a hierarchy in which marriage is essentially heterosexual and homosexuality is a deviation (Park, I., 2024). Ando, H. (2023) therefore believes that the partnership system should remain in its existing form and newly legislate same-sex marriage. However, as of now, same-sex marriage is not recognized in Japan. A national survey in which the respondents in the national survey were asked about the reasons why they agreed or disagreed with same-sex marriage showed that on the one hand there was a positive view that 'if two people loved each other, they were no different from heterosexual couples', 'everyone had an equal right to marry' and 'gay and lesbian couples had the right to marry in many foreign countries, and so same-sex marriage should be recognized in Japan'. On the other hand, there were negative opinions that 'the tradition of family was being lost', 'same-sex marriage works in other countries, but is not compatible with Japanese society' (Ishida, H., 2016). It is also stated that while approximately 80% of all Japanese political parties are positive about the legalization of same-sex marriage, the Liberal Democratic Party, the largest party and the party in power, is negative towards same-sex marriage. According to a poll conducted in February 2023, the Liberal Democrats are negative towards same-sex marriage because they 'consider it necessary to promote a broad and

correct understanding of sexual minorities and to promote understanding in various aspects of society, including the community, schools and workplaces, in order to reduce difficulties in social life', 72% of respondents were in favor of same-sex marriage, significantly more than those opposed (Park, I. 2024). However, according to Amaki, Y. (2022), if a friend of the opposite sex came out to the respondents, the majority of the younger generations were more likely to be accepting of their friends' coming out than the older generations, and it seems that older generations were likely to be reluctant to accept a friend's coming out. In addition, Japan has a declining birthrate and an aging population that is so pronounced that it has become a social problem, with the number of elderly people outnumbering that of the young. This means that the views of young people are less likely to be reflected in politics. Therefore, we can argue that this may be one of the reasons why the legalization of same-sex marriage in Japan is not recognized. Furthermore, we now consider whether there is a relationship between not recognizing same-sex marriage and same-sex couples having children. According to Nakaso, H. (2015), The Windsor judgment held that restrictions on same-sex marriage would damage the self-esteem of children being raised by same-sex couples and make it more difficult for children to understand the soundness and closeness in families and to understand families in other societies. The Windsor judgment also held that other laws restricting

same-sex marriage deny same-sex couples recognition of the safety, predictability and dignity of their children (Nakaso, H., 2015). However, it is currently difficult for same-sex couples to have children in Japan. Yanagihara, Y. (2007) states that homosexual parenting would still be an unfamiliar practice for the Japanese. These can be seen to suggest that it is not easy for same-sex couples to have children in Japan and that there could be a lack of support systems in place to help same-sex couples raise their children. Nevertheless, there is a socially accepted belief in Japan that ‘women are on their own only when they have children’ and ‘giving birth makes them happy’, and this is thought to affect the same-sex couple parties for better or worse (Yamakawa, Y., 2019). With regard to raising children, the relationship between children and parents remains the same whether they are a same-sex couple or a heterosexual couple, each with their own form of family (Yamakawa, Y., 2019). However, Yanagihara, Y. (2007) states that in Japan, where the distinction between sex and gender in the concept of ‘sex’ is weak, sexual minorities are likely to be the subject of debate not only on their sexual orientation but also on their gender identity, and that the act of raising a child is likely to come under heavy criticism. From the above, it can be said that not recognizing same-sex marriage in Japan could also deny same-sex couples the right to have children. This could further exclude the sexual majority from society and lead to a lack of social recognition of same-

sex couples.

Comparing same-sex marriage in the UK and Japan.

The following section compares the attitudes to same-sex marriage in the UK and Japan. One of the most significant differences is that the UK recognizes same-sex marriage, while Japan has not legalized same-sex marriage. Registered partnerships are also recognized in the UK, and same-sex couples have the right to choose marriage or civil partnership. However, it could be argued that the attempt to grant equal rights to same-sex couples has instead led to an irrational result, as same-sex couples are granted registered partnerships, but opposite-sex couples are only allowed to have a relationship in the form of marriage. In the UK, same-sex couples are also allowed to have children through adoption or surrogacy, and many same-sex couples are in fact raising children. However, there are various critical views on same-sex couples having children, and there should be more discussion on whether it is ethical for them to have children, taking into account the possibility of some negative effects on the children of same-sex couples.

In Japan, on the other hand, same-sex marriages are not recognized and there are various restrictions on same-sex couples having children, so these are not common in Japan. However, Japan lacks a better understanding of sexual minorities than the UK, and there

is a lot of prejudice against same-sex couples, especially among older people, prior to the recognition of same-sex marriage. Considering, however, that understanding of same-sex couples and sexual minorities is spreading among the younger generation and that six of the G7 countries other than Japan have already recognized same-sex marriage, it may be necessary to take a positive stance towards legalizing same-sex marriage.

Conclusion

Unlike Japan, same-sex marriage is legal in the UK, but only a small number of religious organizations and places of worship recognize same-sex marriage. Also, registered partnerships are not open to heterosexual couples and not all couples are treated equally in a real sense. Furthermore, treating same-sex couples in the same way as heterosexual couples may also lead to a loss of identity for same-sex couples, as it seems to be an attempt to make them emulate heterosexual couples. In addition, as Christianity does not recognize same-sex marriage, legalization of same-sex marriage could lead to disruption of religious activities. All of this suggests that there is still a lot of controversy around the legalization of same-sex marriage and registered partnerships in the UK, and that it cannot be said that recognizing same-sex marriage is truly good for everyone. In Japan, understanding of same-sex marriage as well as sexual minorities is not widespread.

The prejudice of the elderly against same-sex couples, especially in Japan where the birthrate is declining and the population is ageing, is one of the major obstacles to the legalization of same-sex marriage. However, there is a growing understanding of sexual minorities among younger generations. Furthermore, there are opinions that not only heterosexual couples but also same-sex couples should be given the right to marry and that gender is irrelevant if they like each other, and it is thought that various moves towards the legalization of same-sex marriage will be seen more and more in the future. However, treating same-sex couples in the same way as heterosexual couples may not be truly good for sexual minorities. Rather than assuming that legalizing same-sex marriage is good for same-sex couples, we can argue that it may be necessary to have a system that respects individual opinions and the ideas of each couple. There are various forms of same-sex couples, and diverse forms of sexuality exist today. In both the UK and Japan, policies are needed that respect their way of life and enable more people to live their lives to the full. It is also necessary to create a world where each person is recognized as a person regardless of sex or gender.

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