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THE PERCEPTION OF YOUNG PEOPLE ABOUT THE CITIZENS' INITIATIVE TO REVISE THE CONSTITUTION FOR REDEFINING THE FAMILY

Case
Study

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Family,
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Abstract

The purpose of this research is to reveal the perception of young people about the citizens' initiative to revise the Constitution for redefining the family. The Citizens Initiative, which drew 3 million signatures, was submitted to the Parliament by the Coalition for the Family in order to change article no. 48 of the Romanian Constitution with the formula „Family is based on the freely agreed marriage between a man and a woman on their equality and the right and duty of parents to ensure the growth, education and training of children”. The research highlights the young people's knowledge about this initiative, the perceived activity of the stakeholders, and also their personal way of referring to this initiative as well as the concept itself.

SECULAR AND RELIGIOUS TERMINOLOGY

In general terms, marriage is a ritual and contractual union of unlimited or indefinite duration, recognized and supervised by a legal or a religious institution which determines its statute. The term refers to both the ritual ceremony as the union which results from it, and also to the institution defined by a set of rules. The marriage establishes the family structures in a society, but the forms of it can vary from one society to another, and sometimes within the same society, in different aspects regarding:

- the material consequences of marital engagement (spouses rights and obligations, divorce arrangements);
- the conditions that spouses have to fulfill to be married (including the possibility of same-sex marriage);
- the status that society offers (the possibility of adoption, the legal status);
- the marriage ritual;
- the associated symbolism (religious or civil marriage, free/arranged marriage, marriage arranged or *mariage blanc*, etc.);
- the social consequences of the union of spouses (family alliances).

Positive legal systems do not necessarily provide an explicit definition. This is the case of French legislation which lists only the conditions, effects and end of marriage. From an anthropological point of view, marriage was described by Claude Lévi-Strauss as the practical foundation of the family: „The family, based on a more or less sustainable but socially agreed union of two people of different gender who establishes a home, procreates and raise children” (Hénaff, 1991). The spouses are individuals of different gender and the relationship between the genders is never symmetrical (Lévi-Strauss, 1948).

The definition given to the marriage by the famous Larousse dictionary establishes the linguistic connotation of the term as a solemn act by which a man and a woman (or, in some countries, two persons of the same sex) establish a union between them, whose conditions, effects and dissolution are governed by the Civil Code (civil marriage) or religious laws - religious marriage (Larousse, 2017).

Serge Braudo's private law dictionary shows that in France, previous to the Law no.404 from 17th of May 2013, marriage was the institution through which a man and a woman joined to live together and to establish a family. The new act has established the right to same gender marriage. Sections 163 and 164 prohibit marriage between collateral relatives, whether they are same-gender marriages or different sexes. These people may

however obtain that the ban is lifted by a decision of the President of the Republic (Braudo, 2017).

Marriage is considered by the **Orthodox** Church to be the oldest institution of divine law, because it was instituted at the same time as the creation of Adam and Eve (Genesis 2:23, Holy Bible, 2008 Version). This union was related not only to a spiritual communion of the couple (man and woman) but also to an ability to ensure the continuity of the human race. That is why the marriage between a man and a woman blessed in heaven has become a Sacrament mentioned in the New Testament when Christ committed „His first sign” by changing the water into wine at the wedding of Cana Galileo, thus revealing His glory (John 2:11, Holy Bible, 2008 Version). The mystery of the indissoluble union (Ephesians 5:32, Holy Bible, 2008 Version) between a man and a woman is the image of the union between Christ and the Church (Basilica, 2016). According to the writings of the Apostle Paul (Romans 7: 2-3; Corinthians I 7: 12-15; 39, Holy Bible, 2008 Version), the Church has its own rules regarding conditions (gender differences, legal age, etc.) and impediments (blood or alliance relatives, spiritual affinity, the existence of a marriage, the difference of religion, etc.) in order to bless a marriage (Basilica, 2016).

The point of view of the **Catholic** Church is much more restrictive: „Christian marriage is a sacrament, through which two free people, men and women, unite for all their lives, and receive from God the grace of fulfilling with faith their debts until death” (Pal, 2008). Only for important reasons, church superiors may consent spouses to live separated, but they consider that they are still married, and none of them can marry again as long as the other lives (Pal, 2008). Although Pope Francis proclaims respect for any person, particularly referring to a homosexual person, whom he does not condemn, but always takes into consideration with pity, he clearly states that maintaining the family as an institution based on marriage between man and woman is not a political issue but a matter of "human ecology" because "children have the right to grow up in a family with a father and mother capable of creating an environment suitable for development and emotional maturity of the child "(The Catholic Church in Ireland, 2017). The Pope also replied to those who criticize him for not being more open to issues such as same-gender marriage, considering that this issue must be discussed in a certain context, and while "the teaching of the Church is well known , the context is less well known. This context is what he calls the „first proclamation”, which is *the heart of the message of Jesus Christ*, the good news of God's saving love, without which „moral and religious imperatives have a much

diminished sense” (The Catholic Church in Ireland, 2017).

As for **Protestant** churches, openness for same-gender marriages is growing. Recently, a great majority of members of the Synod decided on 11 April 2016 that the Norwegian Church (Evangelical Lutheran) would create a wedding sacrament for the same-gender couples, after the Conference of Bishops presented on October 2015 a proposal for such a decision at the General Council, where 88 of the 115 members of the council voting in favor of it. The Reunion of the Synod of the Church of Norway, which took place on January 2017, adopted the new liturgy (Church of Norway, 2017). A similar situation exists in the other Protestant majority countries; Sweden, Denmark, the Netherlands, Iceland.

In **Islamic** religion, marriage, called in Arabic *nikah*, is considered a contract between a man and a woman in order to form a family. The Union is considered a religious commitment, men being encouraged to marry as soon as they become financially stable. According to the Quran, the union between a Muslim and a non-Muslim is allowed as long as she is Christian or Jewish, but a marriage between a Muslim woman and a non-Muslim man is strictly forbidden. As far as polygamy is concerned, it is tolerated in Islam, so a man can marry, according to material possibilities and under certain conditions, one, two, three or at most four women simultaneously (Grigore, 2015).

In **Mosaic** religion there are no civil marriages, because the law establishes that Jewish personal status is set in accordance with Jewish Hebrew law. Even in cases where Jews marry under civil law in another country, for example "marriages in Cyprus", marriages are virtually null and do not imply any right or obligation related to the institution of marriage. The Rabbinic Tribunal is the only one authorized to deliberate on them (Wasserman Foundation, 2017).

Since 2001, twenty states have allowed civil marriages for same-gender couples throughout their territory, most of which are in Europe: the Netherlands, Belgium, Iceland, Norway, Portugal, Sweden, Denmark, France and Ireland. Other states that have agreed to this type of marriage are Canada, Argentina, Uruguay, Brazil, the Republic of South Africa and New Zealand. Other states have agreed marriage of same-gender couples in only part of their territory: Mexico City and Quintana Roo State in Mexico and Canberra in Australia. In the United Kingdom, they received Royal Assent on July 17, 2013 throughout England, Wales and Scotland, but the civil partnership has been available for all couples since 2004.

THE INSTITUTION OF MARRIAGE IN ROMANIA

The Constitution of Romania (as amended and supplemented by the Law on Revision of the Constitution of Romania, No. 429/2003), states in Article 48 that „the family is founded on the freely consented marriage between spouses, on their equality and on the right and duty of the parents to ensure the raising, education and training of the children ... Religious marriage can be celebrated only after the civil marriage”.

If constitutional provisions can give rise to interpretations, the Civil Code (Law no. 287/2009) is much more explicit: Article 259 provides: (1) "Marriage is the freely consented union between a man and a woman, completed under the law. (2) A man and a woman have the right to marry in order to found a family. Article 277: (1) It is forbidden the marriage between persons of the same gender. (2) Marriages of same gender concluded or contracted abroad either by Romanian citizens or by foreign citizens are not recognized in Romania. (3) Civil partnerships between persons of the opposite or same gender concluded or contracted abroad either by Romanian citizens or by foreign citizens are not recognized in Romania.

The history of this issue in Romania begins in September 1993, when the Council of Europe voted in favor of Romania's admission to the European forum, while imposing on the authorities in Bucharest „to stop the punishment of homosexuals”. The government led by Nicolae Văcăroiu gave this resolution only half, proposing that Parliament amend the article 200, paragraph 1 of the Penal Code, which stipulates that „same sex relationships are punished by imprisonment from 1 to 5 years”. Four years later, in Resolution 1123/1997 of the Council of Europe, by Article 14, the Assembly requested Romania „to amend those provisions of the Penal Code that are contrary to fundamental freedoms”. As a result, in 2001 homosexuality disappeared from the Penal Code through OUG 89 / 2001, during the social democratic government led by Adrian Năstase. The abrogation was one of the preconditions for joining the European Union, being also catalyzed by intensified media campaigns of various NGOs.

On the 13th of February 2008, an amendment to the Family Code proposed by the Romania Mare Political Party (PRM) was voted in the Senate of Romania to explicitly define marriage as being between a man and a woman. Previously the law used the phrase „between spouses”. The amendment was adopted by the Senate, but the Chamber of Deputies did not vote for the amendment, and afterwards at the end of the year when the Parliament was renewed, the law has been buried.

On the 23rd of February 2008, a senator from the Democratic Alliance of Hungarians in Romania Political Party (UDMR) proposed the legalization of civil partnerships granting the same number of rights to unmarried same-gender and opposite gender couples, but the project was abandoned by the Senate as a result of the turmoil created by the 2008 parliamentary elections. The law was again introduced to the Senate in February 2011 by a deputy from the Liberal Democratic Party (PDL), stipulating the granting marital rights to both same-gender couples and to the opposite gender couples. The project received a favorable opinion from the Legislative Commission of the Chamber of Deputies. However, the draft was rejected by the Parliament, since the Civil Code only recognized marriage between a man and a woman.

In May 2009, a new Civil Code was proposed by the Government. The Law Parliamentary Subcommittee amended the definition of marriage, mentioning the obligation for partners to be of the opposite sex. In the same vein, another amendment was passed, stipulating that the Romanian state will only recognize marriages between persons of opposite gender concluded abroad. The Government has assumed responsibility for the law, thus avoiding a vote in Parliament. On the 5th of June, 2013, the Parliamentary Committee on Constitutional Review voted to change the phrase „a consensual union between spouses” with a more restrictive form, „between a man and a woman”. Following the reactions of civil society and human rights organizations, such as Amnesty International and ACCEPT, the committee withdrew the amendment.

In the context of December 23, 2015, the Greek Government recognized same-gender unions in the second Christmas day on December 26, 2015, at the Metropolitan Cathedral from Timisoara, His Holiness John, Metropolitan Archbishop of Banat, a civic initiative on amending the Constitution (Article 48) has been launched, in the sense that the family in Romania is made up of a man and a woman. The reason given by the hierarch was certainly of a theological nature: "God, through his incarnation and the resurrection, has shown us that he does not want the earth to be the greatest anthropological cemetery in the universe. God wants this wonderful earth to be the place of His joy" (Juridical Corporate, 2017). As a result, a group of 23 NGOs united under the name of the Coalition for Family started a sign-up campaign to change Article 48, paragraph 1 of the Romanian Constitution, and submitted to the Senate a citizens' initiative, accompanied by three million signatures across the country. Following protests by organizations and personalities defending LGBT (lesbian, gay, bisexual, and transgender) rights, the leaders of the Coalition for the Family have submitted a press release stating that "this

campaign is not against homosexuals but for defending the traditional Romanian family”.

The revision of the Romanian Constitution can be done if it is supported by a minimum of 500,000 citizens with the right to vote, provided that the citizens initiating the revision come from at least half of Romania's counties, and in each of these counties or in Bucharest, at least 20,000 signatures in support of that initiative, gathered within 6 months. According to Article 151 of the Constitution, the draft or the revision proposal must be adopted by the Chamber of Deputies and the Senate by a majority of at least two thirds of the number of members of each Chamber. If the mediation procedure does not reach an agreement, the Chamber of Deputies and the Senate, in joint session, shall decide with the vote of at least three quarters of the number of deputies and senators. The referendum should be organized by the Government within 30 days of the date of adoption of the draft or the proposal. The Coalition for Family Initiative was adopted by the Chamber of Deputies in May 2017, with the Senate voting in its power of decision is still on hold.

THE PERCEPTION OF TEENAGERS REGARDING THE REDEFINITION OF „FAMILY” IN THE CONSTITUTION

Given the above presented context, we have performed a research on the perception of teenagers regarding the citizens' initiative to revise the constitution for redefining the family which stands for a long time on the public agenda. The two specific objectives targeted were to discover the positioning towards the citizen's initiative for the constitutional review, and on the other hand, the personal way to perceive and to interact with people from LGBT community.

The target group was made up of 320 teenagers (18-20 years old) who are enrolled in a bachelor program at a university from Bucharest. For several reasons, the research has focused only on young people: they have recently been given the right to vote (some of them will be facing their first chance to vote if the referendum will take place), the sources of information they use are more diverse, and also the general belief is that they are more open to change and non-conformism. In order to cover both traditional and modern influences, 66% of the students participating in the survey were living in an urban area and 34% in a rural space, given the fact that villages are the main places for preserving traditions. Because it is a religious issue, another criterion for choosing the questioned people was made according to their religion, keeping to a certain extent the religious structure of Romanian population (85% Orthodox, 3% Catholic, 3% Protestant, 2% Neo-Protestant, 1%

Moslem and 6% Atheist - even if according to the last national census the atheist were lower than 1%, we considered that a part of the students described the atheist as the person who does not attend religious services). The young people questioned, 41% never attend religious services, 17% attend them at important annual holidays (Christmas, Easter), while 28% attend monthly at least one religious service and while 13% attend weekly or even more often.

RESEARCH RESULTS

Although the initiative was popular and was signed by three million people, half of the students questioned heard about it, and moreover only 32% of them know its content. Interest in the topic in question (Figure No.1) is different from the level of knowledge, so the number of those who intend to vote is higher than those who knew the initiative at the time of the survey (36% vs. 32%). Moreover, although 47% say they are not interested, they do not exclude participation in a possible referendum. Involvement in pro/against propaganda of the questioned students is very modest (1%) while in the virtual environment, pro/against initiative is slightly more visible (3%), but also very low. At the two extremes are the signatories of the initiative (1%) and those who do not intend to vote, 13%.

Regarding the content of the initiative, 65% of the students coming from rural areas would vote in the sense of changing the definition of the family in the Constitution, and 57% of those from the urban environment, with no abstraction, all respondents have given an answer, in one sense or another. The formation of the respondents' opinion (Figure No. 2) is in some cases the result of the activity of several institutions, but 45.98% of the students say they have not been influenced from the outside, the decision being the fruit of their own thinking or beliefs. Mass media (31.03%), followed by Social media (25.29%) and the family as the environment that cultivated moral Christian values (22.99%) are among the opinion leaders. Political parties (6.32%), Romanian Orthodox Church (6.9%) and NGOs supporting LGBT rights (8.05%) are at the opposite side.

The perception of the involvement of the three institutions directly interested (Figure 3) in the studied issue, the Romanian Orthodox Church and the NGOs supporting the two divergent views, reveals that the pro-family NGOs are the most active, 85.63% of the respondents appreciating their involvement with positive ratings (medium, pretty much and very involved), while NGOs pro LGBTs cumulate 72.41% on the same categories of qualitative appreciation. The Romanian Orthodox Church recorded positive assessments in 52.30% of cases. It is noteworthy that the "very involved"

LGBT rights NGOs are perceived as the most involved (28.16%), while the Romanian Orthodox Church is the last with 12.64%. In terms of indirectly interested institutions (Figure 4), the perception of the highest involvement is positive for Social Media with positive ratings in 85.06% of cases, followed by Mass media by 82.76%. Political parties are not perceived as interested, the percentage of non-involvement or weak involvement being 49.43%. At the maximum rating, "very involved", the first position is occupied by the Mass Media by 25.86%.

Extending the research on the perception of respondents over the limit of rights and the manifestation of the LGBT phenomenon in Romania, confirms the majority traditionalist opinion of the students. Thus, 26.7% consider that the limit of rights is the ban on any occasion in public, while 25.29% places the limit to the non-legalization of marriages. More indulgent opinions consider that the limit is represented by civil marriages (10.92%), or the right to adopt children (18.39%). The most favorable opinion considers that LGBT rights should be the same as other citizens, with 17.24% agreeing to marriages concluded both by a government official and by a religious body. The majority of young people questioned did not see a LGBT couple in the public space (58.5%). Of the other respondents, 1.1% feel admiration, 16.1% are neutral, 12.6% feel discomfort and 11.5% disgust (Figure 5). The degree of acceptance of a LGBT person in the respondent's personal space shows tolerability inversely proportional to the degree of physical or emotional attachment. Thus, non-acceptance increases from 21.8% for neighbors, up to 29.3% for a friend and 37.9% for a colleague. Similarly, acceptability in the absence of LGBT events decreases from 34.5% for a neighbor, to 8.6% for a flat mate. Neutrality (indifference) also decreases with the degree of closeness, from 27.6% to 18.4% (Figure 6).

CONCLUSIONS

The initiative is known by 32% of the respondents, but the intention to vote was expressed by 36% of them, which means that the interest is obvious, some even deciding on the occasion of the survey. This interest is confirmed by the respondents who do not exclude the participation in the vote, although they have not heard of the initiative, which shows that they have a position on this issue. The popularization of the initiative did not follow a professional path, no information campaigns were organized among the voters in general and in particular of the young people, the communicators limiting themselves to a few online sites and short advertisements in the news media programs.

The fact that all respondents gave a response in one sense or another, of course, shows that the subject is of real interest. The traditionalist position has a significant gain on the total, 59.77%, as well as in each of the rural / urban student backgrounds. A possible motivation of the balance tilted towards traditionalism may be related to the fact that the innovative version over the interpretation of the family definition in the Constitution (referring to spouses in general terms) was inspired by the LGBT acceptance policy imposed from outside, conditional in the accession negotiations to the EU that generated the change in the Romanian Civil Code. It can be appreciated that there would be no such opposition if innovation came from a bottom-up process. It is interesting to note that the Romanian Orthodox Church (6.9%) is a weaker opinion-maker than NGOs supporting LGBT rights (8.05%), despite the initiative to collect signatures has been launched by the Church. NGOs supporting the traditional family and supporting the sign-up campaign had a slightly higher influence (18.54%), indicating a better communication than that of the Orthodox Church, which limited itself to its own radio and television stations, targeting the same audience from the church homily, with a very poor and weak message in the academic world and in the secular environments in general. The perception of the involvement of Orthodox Church and the two types of NGOs pro-family and pro-LGBT rights shows again that the Romanian Orthodox Church message does not reach students, 24% of respondents consider that the church is very poorly involved or not at all in promoting the referendum and 18.39% said it was "quite uninvolved". In this situation, the "fight" is at the level of the two types of NGOs, at the time of the survey the pro-family institutions have a slight advantage in perceiving their involvement. Indirectly interested institutions are perceived as active only referring to Mass Media and Social Media. Political parties, being far from the time of elections, are trying to wait for the issue, although they are the only decision-makers at the parliamentary and governmental level. Respondents' perception of the limitations of LGBT rights in Romania surprisingly reveals that the right to adopt a child is easier to accept than civil marriage. Traditionalist views form again a majority, with 51.73% of respondents not wanting recognition of any right for LGBT people, while favorable opinions of more tolerant limits (varying degrees) gather 46.55%. If the answers to the previous question were more balanced, the views of the LGBT couple are more convergent. The fact that the majority of the people interviewed did not see LGBT couples in public space shows that this phenomenon in Romania is still marginal, and the total favorability (admiration) is only 1.1%. The degree of acceptance of a LGBT person in the

respondent's personal space shows a tolerability degree inversely proportional to the degree of physical or affective proximity, and a straightforward acceptability or neutrality.

It is interesting to note that between 1 and 15 October 2017, at the command of the Coalition for the Family, the Center for Urban and Regional Sociology (CURS) carried out a nationwide survey on a sample of 1,067 respondents, 18 years and over, which addresses several topics related to the mentioned citizens' initiative. The results of the survey show that in the whole population, traditionalist opinion is much stronger, with only 9% of respondents agreeing to marriage as LGBT law (compared to 17% among students) and 8% to adoption versus 18% among students (Coaliția pentru familie, 2017).

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FIGURES

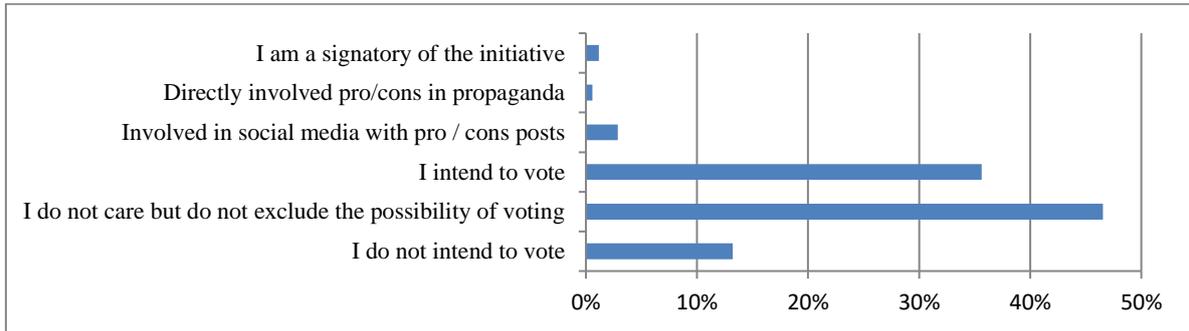


Figure No. 1: The degree of interest shown towards the initiative

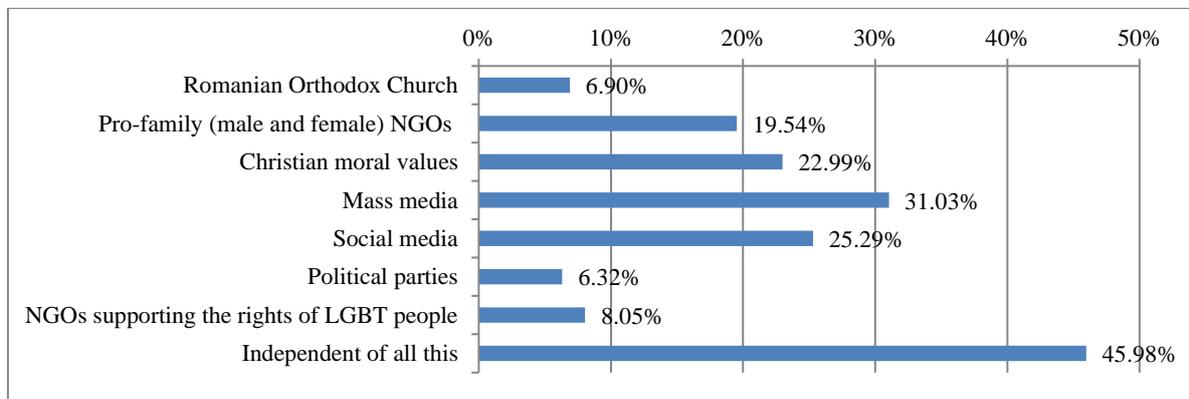


Figure No. 2: Institutions which contributed to the formation of opinion

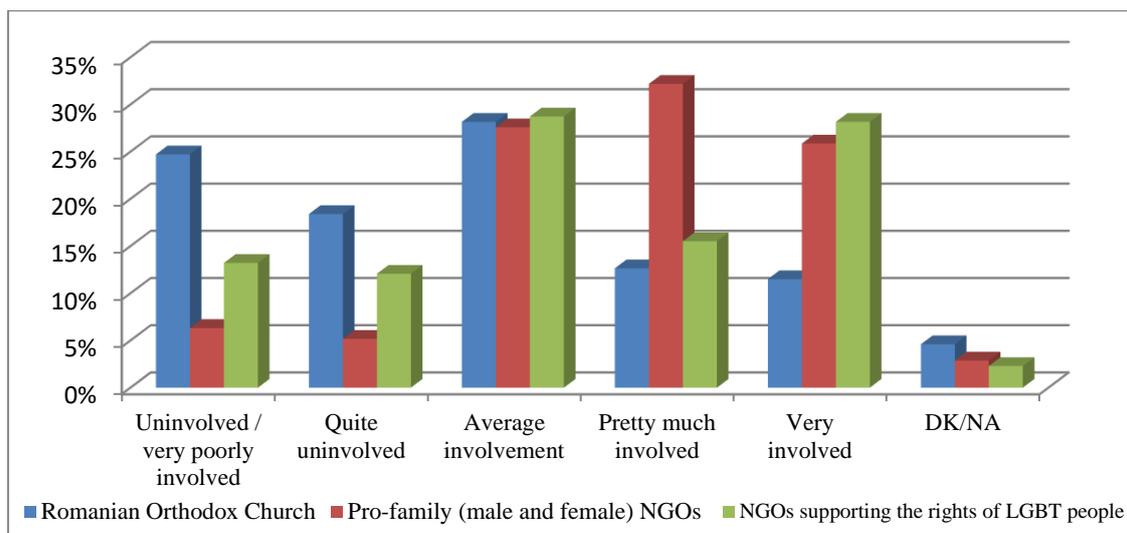


Figure No. 3: Perception of the degree of involvement of the institutions directly concerned

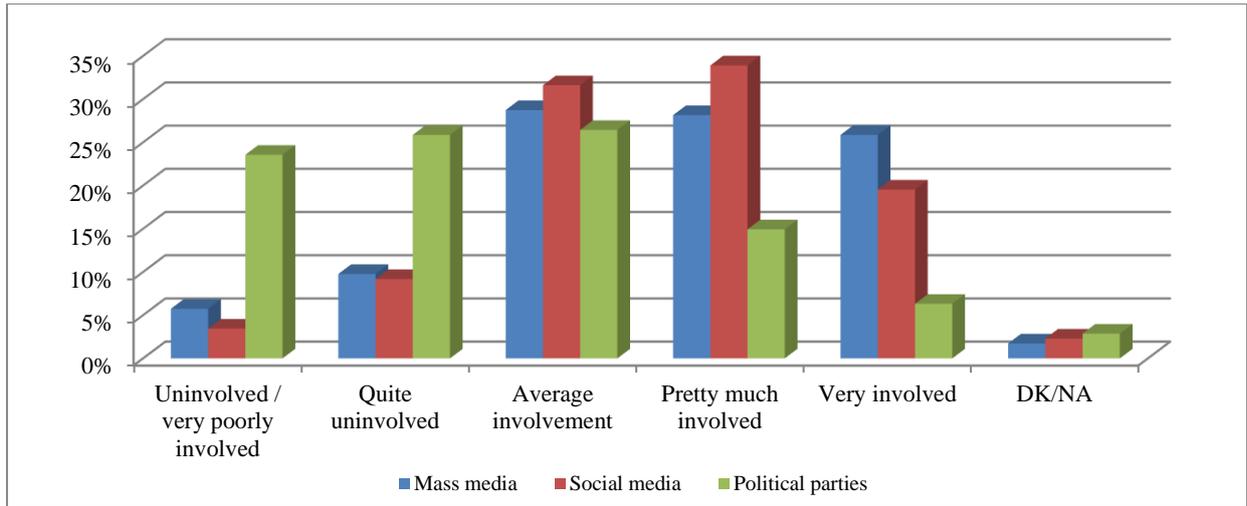


Figure no. 4: Perception of the degree of involvement of the institutions indirectly concerned

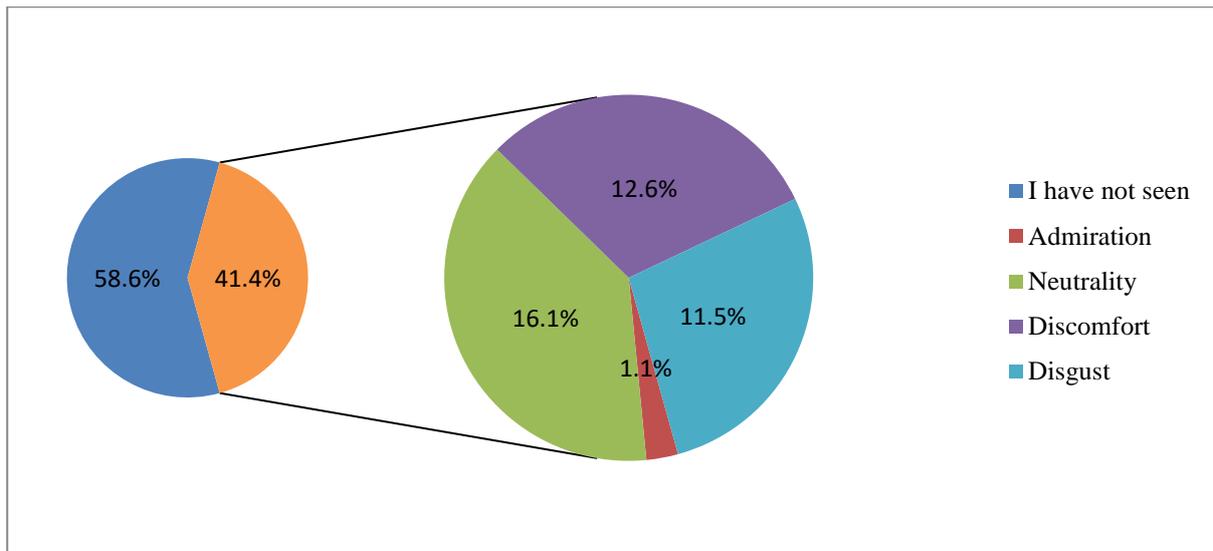


Figure No. 5: The sensation towards LGBT couples

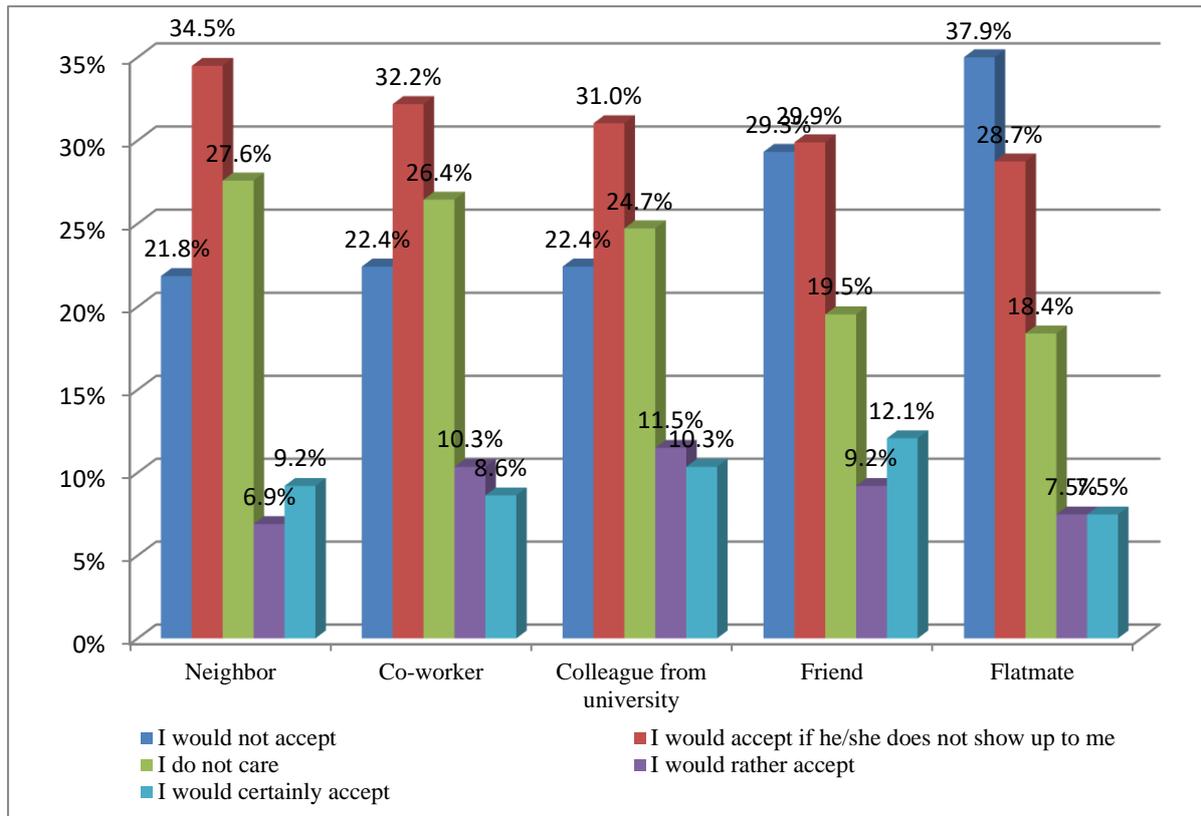


Figure no. 6: The degree of acceptance of a LGBT person