

# Contents

## **1 Emerging imaginaries: religion and nonreligion in same-sex marriage debates — 1**

Juan Marco Vaggione, Paula Montero, Lori Beaman

- 1.1 Introduction — **1**
- 1.2 The decentering of Christianity — **3**
- 1.3 Nonreligion — **8**
  - 1.3.1 Nonreligion as an academic agenda — **8**
  - 1.3.2 A diversified social world: modes of nonreligiosity and sexualities — **11**
- 1.4 Same sex marriage as a public controversy — **16**
  - 1.4.1 Some methodological notes: a flexible approach — **18**
  - 1.4.2 Some analytical notes: levels of nonreligion — **19**
    - 1.4.2.1 The distance between civil and religious marriage — **20**
    - 1.4.2.2 State laws and Christian heritages: nature and temporality — **24**

## **2 Sacred without sacrament: the regulation of same-sex marriage in Brazil — 31**

Paula Montero, Renata Nagamine, Camila Nicácio, Guilherme Borges

- 2.1 Introduction — **31**
- 2.2 Theoretical and methodological considerations — **35**
- 2.3 The debate — **38**
  - 2.3.1 Naming: homoaffective civil partnership or civil homoaffective partnership? — **38**
  - 2.3.2 Nature: An imagined audience and its effects on language — **39**
  - 2.3.3 History, judicial way of use. — **42**
    - 2.3.3.1 Changes in the legal conception of family — **42**
    - 2.3.3.2 The law and a changing world — **46**
    - 2.3.3.3 History as teleology — **51**
- 2.4 Final remarks — **54**

## **3 (De)Imbricating state law and catholic heritage: contesting same-sex marriage in Argentina — 59**

Guadalupe Allione Riba, Juan Marco Vaggione

- 3.1 Introductory remarks — **59**
- 3.2 Methodological aspects — **61**
- 3.3 Contextualization — **62**
- 3.4 Religious beliefs and nature during the parliamentary debate — **67**
  - 3.4.1 Religious beliefs and legislative process — **67**

- 3.4.2 The natural during the debate — **71**
- 3.4.2.1 Nature and homosexuality – laws of nature — **71**
- 3.4.2.2 The legal nature of marriage — **72**
- 3.5 History and temporality during the parliamentary debate — **75**
- 3.5.1 Change vs. unchangeability of the law — **76**
- 3.5.2 Christian roots of the legal system vs. the dechristianization of law — **79**
- 3.5.3 “Are we as a society prepared for these changes?” — **81**
- 3.6 Conclusions — **83**

#### **4 Same, same – but different? The road to same-sex marriage in Norway — 89**

Helge Årsheim, Stian Alexander Skandsen

- 4.1 Introduction — **89**
- 4.2 Historical backdrop — **89**
- 4.3 More human rights, less religion — **91**
- 4.4 Separate status: partnership — **93**
- 4.5 Equal status: marriage — **94**
- 4.5.1 The law proposal — **95**
- 4.5.2 The hearing — **98**
- 4.5.2.1 Actors — **99**
- 4.5.2.2 History — **100**
- 4.5.2.3 Nature and natural order — **102**
- 4.5.2.4 Human rights — **106**
- 4.5.3 The parliamentary debate — **108**
- 4.6 Different normative universes? — **111**
- 4.7 Conclusion — **112**

#### **5 “Something old and something new”: same-sex marriages at the intersection of the liberal self-image and imaginings on the People’s church of Denmark — 117**

Karoline Marie Donskov Dige, Lene Kühle

- 5.1 Introduction — **117**
- 5.2 Religion, politics, and law in Denmark — **120**
- 5.3 Material and methodology — **124**
- 5.4 History and temporalities; preserving the past and forming the future — **126**
- 5.4.1 Tradition and the state-church relationship — **129**
- 5.4.1.1 The High and Supreme Court cases — **131**
- 5.4.2 Language as a cornerstone of social cohesion — **134**
- 5.5 Natural law — **136**

5.6	Discussion —	139
5.6.1	Freedom of religion for pastors —	140
5.6.2	Different understandings of the church —	143
5.7	Conclusion —	144
<b>6</b>	<b>Rights, freedom, and nationhood: marriage equality in Australia —</b>	<b>149</b>
	Vanessa Warren, Rebecca Banham	
6.1	Introduction —	149
6.1.1	A note on terminology —	152
6.2	Background —	152
6.2.1	Marriage and religion in the construction of colonial Australia —	152
6.2.2	A federal definition of marriage and rising civil rights —	156
6.2.3	Towards marriage equality: from tipping points to inevitability? —	158
6.2.3.1	Marriage Amendment Bill 2004 —	159
6.2.3.2	Marriage Equality (same-sex) Act 2013 (ACT) —	159
6.2.4	2017: Australian Marriage Law Postal Survey —	161
6.3	Selected materials —	162
6.4	Discussion —	164
6.4.1	Constructing the universal: sublimating religion through transcendent nationhood —	165
6.4.2	Freedom and protection: from what, and for whom? —	170
6.5	Conclusion —	173
<b>7</b>	<b>“The Land of the Free”: freedom and same-sex marriage in the <i>Obergefell</i> United States Supreme Court decision —</b>	<b>181</b>
	Maximiliano Campana, Juan Marco Vaggione	
7.1	Introduction —	181
7.2	Same-sex marriage in the United States. The road to <i>Obergefell</i> —	184
7.2.1	Same-sex marriage litigation. From <i>Baker</i> (1972) to <i>Obergefell</i> (2015) —	186
7.3	<i>Obergefell v. Hodges</i> (2015) —	189
7.3.1	History: change and/or continuity —	191
7.3.2	The civil and/or religious marriage —	196
7.3.3	Clashes of freedoms —	199
7.4	Closing remarks —	204
<b>8</b>	<b>From christendom to pluralism in Canada: narratives of the past, imaging the future —</b>	<b>211</b>
	Lori G. Beaman, Cory Steele	
8.1	Marriage, divorce and the social context —	213

8.2	Methods —	<b>224</b>
8.3	Discussion —	<b>226</b>
8.3.1	Preserving the past: the natural order of things, transcendent authority and the consequences of change —	<b>227</b>
8.3.1.1	Histories —	<b>227</b>
8.3.1.2	Transcendence —	<b>230</b>
8.3.1.3	Biology and gender complementarity —	<b>232</b>
8.3.1.4	Social cohesion and the end of the world as we know it —	<b>235</b>
8.3.2	A different imaginary —	<b>237</b>
8.3.2.1	The secular and the plural —	<b>238</b>
8.3.2.2	Who is a citizen? —	<b>241</b>
8.3.2.3	The common good —	<b>245</b>
8.4	Conclusion —	<b>246</b>

<b>Index —</b>	<b>253</b>
----------------	------------