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# PHD THESIS

**Perceptions of the LGBT community members regarding the  
exercise of their rights and the quality of life in Romania.  
Case study: Bucharest (2000-2019)**

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## Abstract

Today, in Romania, the LGBTQ + community is still marginalized. Despite amendments to the 1996 Penal Code regarding homosexual behavior, members of the LGBTQ + community in Romania continue to be marginalized, being susceptible to discrimination based on sexual orientation and gender identity, compared to heterosexual people<sup>1</sup>. They frequently face verbal insults, harassment, stigmatization, unequal treatment in law and in some extreme cases, physical abuse, and systematic discrimination in other aspects of social life.<sup>2</sup>

For the LGBTQ + community members, the existence of situations of stigma and discrimination can have consequences. Those who do not fit into heterosexual "normality" risk being subjected to less pleasant treatments, intimidation or perhaps even to physical abuse. As a result, the majority of the LGBTQ + community members try to "fit" into the society's required norms, hiding their identity, pretending to be someone else, actions that can affect their life quality.

I use in this paper the LGBTQ + abbreviation, for it is an internationally recognized term, used in the dedicated literature, but I only refer to LGB people (lesbian, gay, bisexual). I also do not use the term LGBTQI +, which points to the whole non-heterosexual umbrella.

The subject of the PhD thesis, the LGBT community, is (still) insufficiently researched in the field of social sciences in Romania. He is present, but has been rather more descriptively treated, in a journalistic manner. This research aims to investigate the subject using the social sciences tools and thus to bring a better understanding to the situation of people in the LGBTQ + community.

Through this research I intend to analyze the perceptions of members of the LGBTQ + community in Romania regarding the exercise of their rights and the way in which their quality of life is affected. I am particularly exploring the question: « What impact would the legal recognition of gay couples' relationships have on the quality of life of the LGBTQ + community members and on Romanian society, as a whole? »

I start this study from the general premise according to which, in the context of democratization and Europeanization in Romania, the Romanian society still remains conservative and reluctant regarding the legal regulation of same-sex couples.

To the extent that this thesis also addresses the issue of LGBTQ + people rights, I also made an incursion into the LGBTQ + community rights in the European Union, the United States, Latin America and Australia - precisely for a better understanding of the subject and framing the topic in the international. Most LGBTQ + communities around the world are fighting for the recognition of a fundamental civil right, that of same-sex relationships. While the legal recognition of the union of

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<sup>1</sup> BONCIU, G. (2004), *Istoria dreptului românesc*, Ed. Cartea Universitară, Bucharest, p. 223,

<sup>2</sup> *Ibidem*, p. 231,

same-sex couples is widespread in the West since the early 1980s, with an increase in the quality of life of community members in those countries, in Romania, the issue of same-sex couples remains insufficiently addressed and developed at the level of civil society as well as at the level of the political scene after 1989. The idea of legal recognition of the union of same-sex couples was met with deep opposition by the society, thus registering a legal equality gap between same-sex couples and opposite-sex couples.

The aim of this thesis is to conduct a qualitative research on the LGBTQ + community in Romania, between 2000 and 2019, by identifying its members' perceptions of their quality of life in Romanian society, the factors that have a major impact on their quality of life and of how it may or may not be improved - in various ways, including legislative ones.

A first major objective of this study is to research the comparative situation from the legislative point of view of the LGBTQ + community in Romania with other legislative frameworks in Europe and in the world. For a qualitative understanding of the situation of LGBT people in Romania, it is also important to highlight the most important steps made towards the development of anti-discrimination legislation in Romania in recent decades.

Another important objective of the research is to analyze the perceptions of members of the LGBTQ + community of the impact of legislation on their rights as a minority and on their quality of life. The aim of this objective is to investigate perceptions of the impact of legislation, especially those regarding the same-sex partnerships, on the quality of their lives.

Also, a final objective of the research is the study and analysis of the perceptions of LGBTQ + people regarding the stigma associated with community members and how it affects their lives, including their couple life. Subsumed to this goal is the research of the relationship between social stigma and the process of *coming out of the closet* and how LGBTQ + people see the relationship between *coming out* and social acceptance.

I applied a specific conceptual apparatus for this study, using the work and creation of prestigious theorists in the field of political science, law and sociology. My study has an interdisciplinary dimension, starting from the concept of stigma proposed by Erving Goffman and the concept of internalized homophobia proposed by Meyer and Dean. I used the injustice frames theory developed by Gamson, in order to identify the activist spirit and how the people questioned and interviewed in this research relate to the LGBT phenomenon. In addition to this theory, I also turned to Queer<sup>3</sup> theory, because it seeks to maintain the distinctiveness of non-heterosexual relationships and the vision of the union of two people of the same sex, thus being very useful in this study.

I use and deepen in my PhD Thesis the application to the Romanian case of the framing theory. This theory is useful for understanding the way in which the thinking patterns are born in the

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<sup>3</sup> SULLIVAN, N., (2003), *A critical introduction to queer theory*, Edinburgh University Press, Edinburgh, p. 32,

Romanian society towards the LGBT community. In the field of LGBT rights, the focus on framing faces two competing frameworks in the public domain: traditional morality and egalitarianism<sup>4</sup>.

The main focus of the thesis is the issue of *human rights* and the concept of *quality of life*, because in the context of the contemporary world these are dominant debate topics that interest members of the LGBT community.

For a better understanding of the researched topic, I opted for investigating the incrimination of LGBT relations Romanian history, starting with the period of secularization. I conducted a research in the archives of the Romanian Constitutional Court, through which I analyzed primary data from the files that contained the points of view from national and international non-governmental institutions and organizations. These organizations responded to the Court's request and influenced the decision to repeal Article 200 of the Criminal Code in 1994. This research contributes to the understanding of the social, legislative and political atmosphere in which LGBT people in Romania live. To complete the knowledge on this subject I used a mapping of the history of legislative measures to combat discrimination at European level, an analysis of legislative measures to combat discrimination of the European Court of Human Rights (ECHR)<sup>5</sup>, a historical, qualitative analysis of the fight against discrimination of gay people in the United States and the situation of recognition of same-sex relationships in Europe, the United States, Latin America, Australia, as well as the current situation in Romania.

The thesis lies on two main parts: the theoretical part, consisting of three chapters, and the empirical part, being dedicated to the analysis of data collected using research tools: the questionnaire and the interview, and the conclusions, consisting of the final two chapters.

This paper is structured on five chapters. In the first chapter, called *Theoretical Highlights*, I will present some theories that I consider relevant for the research topic, starting with the Theory of Human Rights. This theory will help me demonstrate that the rights of LGBT people are inalienable rights, starting from the idea of universality, that is common to all human rights treaties today, as described by Shah Moeckli and Sivakumaran<sup>6</sup>. The rights that a person has and exercises in a society can influence its quality of life, because J.K. Galbraith believes that a society is perfect only when individual freedom, racial equality, well-being, ethnic equality are guaranteed. I believe that this

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<sup>4</sup> BREWER, R., (2003), „Values, Political Knowledge, and Public Opinion about Gay Rights: A Framing-Based Account” in *Public Opinion Quarterly*, 67(2), p. 189, available at <https://bit.ly/2EBpamu>, examined on 30.07.2020,

<sup>5</sup> I note that the ECHR does not adopt legislative measures, but the states adopt them as a consequence of ECHR case law

<sup>6</sup> MOECKLI, S.; SIVAKUMARAN, (2014), „International Human Rights Law” in *Oxford*, 2nd edition, Oxford University Press, p. 21,

theory, as both Fyers and Machin suggest <sup>7</sup>, will help me understand the perceptions LGBT people have on their life, depending on the context of the culture and value systems in Romanian society.

Being different, individuals in the LGBT community discover, build and identify their sexual orientation in order to relate to relationships with other members of society.

I will thus present the particularities of the *Queer Theory*, in order to try not only to demonstrate the existence of a wider spectrum of possible sexual identities <sup>8</sup>, identities within the Romanian society, but also of several types of non-heteronormative relations between individuals. Later, following the theoretical path developed by Erving Goffman, I will use the theory of stigmatization to understand how homosexuality is perceived and accepted in Romania, as well as how the action of exposure of same-sex couples in society is perceived by those from the LGBT community and if there is *internalized homophobia* within the LGBT community. Finally, I will analyze the methods and means in which certain ideas about the LGBT community can be transmitted using *framing theory* as conceptualized by Gamson.

Chapter Two, entitled *Historical Overview of the Legal Recognition of Same-Sex Relationships in the 19th and 20th Centuries*, presents the situation of some member states of the European Union, the United States of America, Australia and some Latin American, states that have adopted different forms of legal recognition of same-sex relationships, such as civil partnership or marriage, as well as the means by which the recognition and legitimation of the union of same-sex couples was reached.

The third chapter of the thesis, entitled *The statute of LGBTQ + people in Romania*, presents a diachronic analysis of the legal framework of the LGBTQ + phenomenon in Inter-war Romania up to date, with particular emphasis on Article 200 of the Criminal Code of 1968 until its repeal, an article that criminalizes sexual relations between people of same sex. At the end of the chapter, I present the proposal of the draft law on the civil partnership of the deputy Remus Cernea, as well as general aspects of the society opposition regarding this legislative proposal.

The research methodology is included in chapter four, *Methodological landmarks for the study of the situation of LGBTQ + people in Romania*, where the preliminary question, the general premise and the chosen research methods are widely presented: content analysis method, sociological survey method based on questionnaire and interview. The data collected in the field is analyzed and

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<sup>7</sup> FAYERS, P. M; MACHIN, D., (2000), *Quality of life: The assessment, Analysis and Interpretation of Patient-reported Outcomes*, NJ: John Wiley & Sons, p. 45,

<sup>8</sup> BUTLER, J., (2004), *Gender Trouble, Undoing Gender*, Routledge Press, New York,

presented, after the process of transcribing from audio format to document format, using the two research tools: online questionnaire and interview.

The last chapter, chapter 5, presents the research *Conclusions*, passed through the theoretical filter, helps to validate or refute the research hypothesis, as well as verify the set objectives.

\*

Over all, this study aims to provide a contribution to the literature on LGBTQ + studies, achieving the following: 1.) an overview of the development of LGBT rights in Romania, seen in an international context, and 2.) exploring the perceptions of members of the LGBT community in Romania (study case on Bucharest) on the exercise of their present and future rights, as well as 3.) exploring the perceptions of LGBTQ + people on the impact of exercising these rights and how their life quality could be improved by more rights. The study highlights how people in the LGBT community relate to their rights, how they form perceptions, challenge and / or affirm the need for new rights, and whether or how their quality of life would improve.

The phenomenon of the widespread legal recognition of same-sex couples has spread and increased in Europe. In Romania too, it has become a unique topic, both from Romanian citizen's point of view and from a sociological research approach. As I have shown in the present research, the topic of civil partnership for same sex couples is currently not well received by the Romanian society, being addressed rather from a journalistic point of view, lacking scientific basis.

As previously mentioned, this study examines the perception of the LGBT community members on the rights they have or those that they could be conferred, as well as the impact of exercising these rights and how they could increase their life quality. Among the results of the research, I will mention here the main original conclusions. Young couples, consisting of gay and bisexual citizens aged between 20-29 years old, are the ones who perceive the exercise of rights in a superficial matter and consider that a measure such as the legal recognition of same-sex relationships would help increasing their life quality directly, considering this measure more as an acceleration of the way the relationship develops or as a forced means of demonstrating love for the partner. Thus, for these couples, the civil partnership can be understood as a strategy for setting limits on the responsibility of adult life and a measure to increase the quality of life from an advanced age, especially regarding certain civil, legal, etc. benefits.

For couples aged between 30-39 years old and 40+, the exercise of the civil right for entering a civil partnership seems to be perceived as a final stage in their evolution as LGBTQ + people, as well as individuals within the society, as the legal recognition of the relationship could offer them certain advantages. They also believe that extending their rights will increase the quality of life, as they would enjoy the benefits of legal recognition of their relationships, as well as the fact that they

would be included in society without being discriminated against and stigmatized. It can be seen that the desire to be perceived as "normal", to be assimilated by society, being "normalized", are factors perceived as guaranties in increasing the quality of life. This result contradicts the conceptual basis of *the Queer Theory*, by which the LGBTQ + community is perceived as different. Thus, even the civil partnership which, as we mentioned in the *Theoretical Landmarks* chapter, was initially perceived as a strange or different measure and instrument, ends up being normalized. However, there are some of the participants in the research who mainly retain the anti-assimilation specificity of the *Queer Theory*, those being mostly bisexual people. The latter identify themselves only as sexually flexible, trying to deconstruct the prospects of a monosexual relationship and are not interested in social assimilation. Thus, their behavior falls within the predictions of *the Queer Theory*. This behavior of bisexual people seems to be one caused by the impossibility of identifying and / or belonging to one of the groups formed either by heterosexual people or people from the LGBTQ + community, as Stephanie Fairyington also demonstrates in her research<sup>9</sup>. Moreover, she states that bisexual people experience disapproval not only from the dominant, heterosexual society, but also from the gay and lesbian community, because the latter are reluctant towards a bisexual person and do not want a serious relationship, considering that a bisexual could always want a relationship with a person of the opposite sex<sup>10</sup>. This is also confirmed in this research, because the bisexual people participating in the study state that they do not want the legal recognition of their present relationship as they could not give up dating people from the opposite sex. I also believe that from the point of view of the specificity of the *Queer Theory*, bisexuality seems to be perceived as a neutral, undefined, strange and non-belonging area, but in a continuous process of integration in one of the heterosexual and homosexual extremes.

Another conclusion is that the legal recognition of same-sex couples, seen as an antidote to stigma, does not seem to be perceived as a beneficial measure with direct effects on respondents and interviewees. They believe that such a measure would have an effect on the way the LGBT community as a whole is viewed. Thus, with the help of this conclusion, the initial research question is answered: What impact would the legal recognition of the civil partnership have on the quality of life of the LGBTQ + community members and also on the Romanian society as a whole? Most subjects stressed that the civil partnership would not make them feel more "legitimate", individually speaking. The subjects of the enquiry believe that although it would not be a great benefit for them, such a measure would benefit the LGBTQ + community, because it would start a process of acceptance of people with a different sexual orientation than heterosexuality by Romanian society.

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<sup>9</sup> FAIRYINGTON, S., (2005), „Bisexuality and the case against dualism” în *The Gay & Lesbian Review*, No. 12(4), pp. 32–34., available at <https://www.tandfonline.com/doi/abs/10.1080/15299710802501876?scroll=top&needAccess=true&journalCode=wjbi20>, link examined on 01.08.2020,

<sup>10</sup> *Ibidem*, p. 34,

Thus, the general assumption of this research that the more civil, social and economic rights are conferred and exercised by members of the LGBTQ + community, the higher their quality of life is, is validated. Recognition and conferral of rights by the legislature on sexual minorities in Romania would increase their life quality, as the effects of laws would increase the acceptance rate of LGBTQ + people in society, decrease the rate of discrimination, stigmatization and other negative treatments.

One last conclusion of this research is perhaps also the most important for the field of political science. Generally, the interviewed and interviewed persons do not want to claim their civil rights, which indicates a lack of civic spirit. In the present research I have shown that this result is a specificity of people resorting from LGBT communities in Central and Eastern Europe and that the main cause that leads to disinterest in civic spirit are the lack of education and the religious influence of the church.