

M. V. LEE BADGETT

WHEN GAY PEOPLE GET MARRIED

1273

"Will marriage change gay men and lesbians? Will lesbians and gay men change marriage? Others can speculate and pontificate, but M.V. Lee Badgett has the data. Her careful cross-national study of this extraordinary moment in the history of Western marriage—the moment when a few countries have gender-neutralized

their laws of marriage and partnership recognition—is a unique and essential contribution to the discussion about same-sex pairs." **E.J. GRAFF**, author of *What Is Marriage For?*

"This is the best analysis of same-sex marriage to date. In *When Gay People Get Married* Badgett examines all sides of this issue—from how same sex couples decide whether to embrace marriage to legitimate their relationships, to the controversial nature of marriage in the gay and lesbian community, to the implications of same sex marriage for heterosexual marriage as an institution, to how marriage has the potential to change fundamentally gay and lesbian identity and community. A brilliant book, it is a must read for scholars and students in the fields of sexuality, politics, social movements, and the family."

**VERTA TAYLOR**, co-author of *Drag Queens at the 801 Cabaret*

"Badgett methodically and fluidly marshals stories and data from several countries, making a persuasive case for ending the exclusion of same-sex couples from marriage. The book is a mine of information, crystal clear, and rock solid, and an authoritative analysis of why the freedom to marry movement is prevailing over fear and discrimination." **EVAN WOLFSON**, author of *Why Marriage Matters*



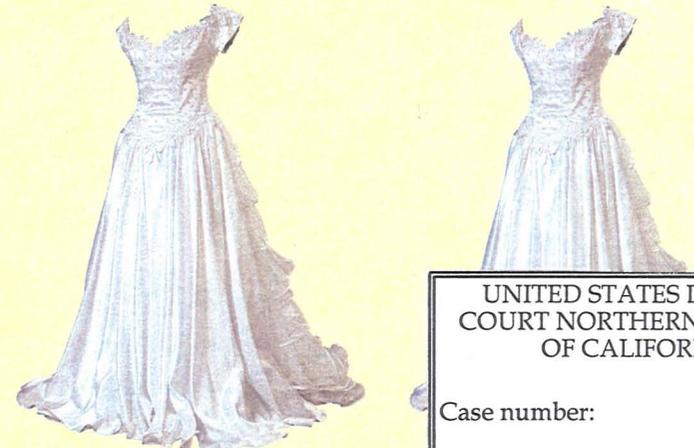
NEW YORK UNIVERSITY PRESS  
Washington Square  
New York, NY 10003  
www.nyupress.org



Gay & Lesbian Studies / Law

# WHEN GAY PEOPLE GET MARRIED

## What Happens When Societies Legalize Same-Sex Marriage



M. V. LEE BA

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
Case number:	
PLTF/DEFT EXHIBIT NO.	1273
Date admitted:	_____
By:	_____

the world around us, and that is universal, for marriage equality opponents and proponents alike. The value of including stories of marriage in the context of real people—those of the Dutch couples I interviewed and even my own story—is to add a layer of knowledge that has been largely missing in the debate. The personal stories link the broad abstract numbers and the powerful cultural institution to the individual lives affected by the law.

Those personal perspectives are most likely to be a problem in research when we are not aware of their influence. My training and practice as an economist over the past twenty years have instilled in me values that include a willingness to question my own assumptions and to rethink and revise after putting my ideas before the careful scrutiny of other scholars. The give and take between researchers generates debate and constructive criticism, and I believe my own ideas and conclusions here are the better for having gone through that process.

To be honest, though, I did feel an effect from the other direction while working on this project. My opinions about marriage and my personal decision about marrying were greatly affected by what I heard from the people I interviewed and by the things that I read and thought about as I participated in the public debate. Listening, thinking, and debating are powerful forces for change for individual people and for societies. I invite readers to think through these important questions with me in the context of this book.

Note on terminology: The Dutch are quick to say, “There is no gay marriage here—it’s just the same marriage for everybody.” And it’s obvious when you think about it. The legal status is the same for same-sex couples and different-sex couples, so there is no need for a separate term like “gay marriage” or “same-sex marriage.” A better term for the subject of this book would be something like “equal access to marriage for same-sex couples.” But, while that is clearly correct, in this book I often use the term “same-sex marriage” to avoid unwieldy sentence constructions. Also, here I mostly talk about same-sex marriage as relevant to lesbian and gay people. Although bisexual people might well marry or want to marry a same-sex partner, recent research shows that they usually marry different-sex partners.<sup>23</sup>

## 2

### Why Marry?

#### *The Value of Marriage*

Picture a moonlit night on a bridge in Amsterdam, a city with canals so charming that some spots have become famous for romantic marriage proposals. On one such bridge, Liz nervously proposed to her partner, Pauline—but then immediately got cold feet and backed out.

“I think that actually the first time I asked you, you said yes and that freaked me out,” Liz recalled to Pauline when I visited them in their cozy suburban home several years later. “She said yes, and then I was like, ‘Oh my God, no!’” The romantic moment quickly cooled in the face of Liz’s sudden reversal.

Pauline remembered the emotional roller coaster of that scene. At first, she recalled, “I was so scared to say yes, but just following my heart I said yes. But that was interesting because I was always the kind of person who never commit[s] to anything. . . . But then when I said yes, she was just begging out of it. So I was like, ‘Oh you know, this is so stupid. Why did I even say yes?’”

Once Liz recovered from her shock and indecision, she later tried again to convince Pauline to marry her. The next time, though, Pauline turned her down.

Why did Pauline say no? “I think in the start I had the feeling that it was more like a practical statement [from Liz], so I didn’t want it,” she recalled.

“That was only because I phrased it as a tax thing,” Liz acknowledged somewhat sheepishly.

“Yeah,” Pauline agreed, laughing.

“That was my mistake because she wouldn’t say yes for a long time after that,” admitted Liz.

Pauline was looking for a romantic statement: “If I [would] marry, then of course [it’s] because you love each other, but that was clear to me. I knew that was really OK . . . but still it has to be something really romantic—I mean something hopefully that you do just once!”

The third proposal was a success, but it took another year for Liz to convince Pauline that Liz was in it for the right reasons. At that point, Pauline finally said yes.

I got the sense from talking to Pauline and Liz that they were still a bit relieved that they finally got married after this initial clash of head and heart. Pauline's romantic view of marriage conflicted with her anxiety about making a commitment. Her view of marriage did not match Liz's more practical perspective, even though they had a relationship that was already on solid ground. Because they saw marriage differently, the couple had to navigate a difficult situation in their relationship, each being attentive not just to her own emotions and goals but also to the other person's.

While this story might sound familiar or even ordinary to those of us who have known heterosexual couples struggling with the same kind of uncertainty about marriage, grappling with marriage is a remarkable experience for same-sex couples that is far from mundane. The decision to marry a same-sex partner is one that, until quite recently, most lesbians and gay men never expected to have to make. But looking at why—and whether—same-sex couples decide to marry gets us quickly to weighty questions at the heart of the public debate about same-sex marriage. What is marriage in the twenty-first century? Do gay couples think about marriage and marrying in the same way that heterosexual couples do? Do same-sex couples really want and need to be able to marry?

So far we have practically no data to answer those questions with respect to same-sex couples, other than some simple numbers. More than 8,000 same-sex couples out of an estimated 53,000 same-sex couples in the Netherlands have married, and another 10% or so have registered as partners to receive almost the same rights and responsibilities.<sup>1</sup> Adding the two legal statuses together, we find that only about 25% of same-sex couples are in a legally recognized relationship, as opposed to 80% of Dutch heterosexual couples. Official statistical agencies in other countries also report that relatively small numbers of same-sex couples are marrying or registering as partners.<sup>2</sup>

After the political debates are over and same-sex couples are free to marry, we could look at personal decisions about marrying as a sort of referendum on marriage in the gay, lesbian, and bisexual (GLB) community. Some commentators have noticed that relatively few couples have married or registered as partners in the Netherlands and Scandinavia, and they have interpreted the statistics as evidence that same-sex couples

are disdainful of marriage or opposed to it for ideological reasons.<sup>3</sup> Or maybe, they argue, same-sex couples want to marry for the “wrong” reasons: “just for the benefits.” Since tangible benefits are few in the Dutch and Scandinavian contexts, we might then reasonably expect few same-sex couples to marry. A careful look at the reasons couples marry will reveal how couples view the institution of marriage and might begin to suggest how both the institution and the couples might change as they interact.

Since numbers alone cannot tell us why couples marry or not, I went directly to the source, finding Dutch same-sex couples who were willing to speak with me about marriage.<sup>4</sup> The couples I interviewed included some people from nonnative Dutch ethnic groups, so to some extent I will see whether gay marriage is an important issue across ethnic groups.<sup>5</sup> The nineteen same-sex couples I interviewed told funny, amazing, and moving stories of how their relationships evolved, from the accidents of fate that brought them together through discussions about marriage and on up to the present day. Since same-sex couples had felt like outsiders for so long, the path to a decision about marriage involved more than the usual soul-searching and negotiations that heterosexual couples experience. When a gay or lesbian couple decided to marry, the partners sometimes experienced more changes than simply a change of legal status.

As noted earlier, Dutch couples have an unusual bounty of relationship options to choose from, and the couples I spoke with reflect all of those possible choices. Four couples were registered partners, nine couples had married, one couple was planning a wedding to take place a few months after our interview, and two couples were “living apart together.” Since marriage was not an option for same-sex couples until three years after registered partnerships became possible, three of the four registered partner couples probably would have married had that option been available at the time. Because of those similarities, I lump them together with the legally married couples in this chapter. In the next chapter, I explore further why couples might choose to marry instead of registering as partners. The five couples who were not married (or not yet married) saw their relationships as no less meaningful and worthy of social recognition than married relationships, however. Understanding why the two sets of couples differ in terms of their legal status is, therefore, not a simple matter. In the end, my own view of the numbers shifted considerably after I interviewed these couples, and maybe the more appropriate question is why so many same-sex couples have chosen to marry.

## The Importance of Choice

To learn something from the choices same-sex couples make vis-à-vis marriage, I had to first sort out “choice” in its various meanings in relation to marriage, since so many aspects of choice emerge in the public debate and in my discussions with same-sex couples. For instance, *having a choice* means one thing; *making a choice* means something else. Opening up marriage to same-sex couples meant that they had a choice. In this chapter I focus mainly on the actual personal choices made by nineteen couples. However, in the interviews I heard the word “choice” used in so many different ways that I have decided to begin here by briefly putting the personal elements of choice in the historical and social context experienced by the Dutch couples.

Historically, the debate about same-sex marriage reflects a *political choice* on the part of the gay rights movement. Most, if not all, European and North American countries have (or had) active political efforts to win the right to marry for same-sex couples led by GLB organizations. In all of these countries, some parts of the GLB community have taken issue with a political goal of the right to marry for the movement, a subject I discuss further in chapters 7 and 9.

Anneke and Isabelle, who have not married, were part of a group of feminists in the 1980s that had a different choice in mind—what Anneke called “the division between the political and the private choice.” “We were against marriage,” her partner, Isabelle, said. “You can fight for gay marriage, but it’s better to fight against all marriages—down with the idea of marriage.” Once abolishing marriage seemed to be out of the question, though, Isabelle shifted her perspective: “It also has to be a choice for gay people who want to marry. So we didn’t change our mind for ourselves, but we will fight for the right for gay people to have the option.” Every person I interviewed believed that same-sex couples should have that option, even if they themselves did not want to marry and even if winning the right to marry was not their own political priority.

The result of this political choice and political victory for the GLB movement is that same-sex couples have the same *right to choose* as heterosexuals in the Netherlands. This right to choose itself can have an important effect, regardless of the personal choices made by individual couples. Jan, a gay man who was among the first to marry another man in his town, observed the larger significance of this right to choose: “Even if you do not get married, you’ve got the choice to get married, and that gives me

the feeling that our relationship is the same as straight relationships. It’s on the same level. It’s got the same importance.”

Another significant aspect of choice in the Dutch setting is that there are, in fact, at least four *legal options* for state recognition of either a same-sex couple or a different-sex couple. Just about the only way a couple can avoid some degree of legal recognition is to live apart. Once the couple lives together for a period of time, the government recognizes that they are a unit for certain purposes. The couple can add onto that set of default rights and responsibilities by signing wills and a “*samenlevingscontract*,” or cohabitation agreement. Even without the contract, cohabiting couples get three-quarters of the rights and responsibilities of marriage with respect to taxes, parenting, immigration, and other areas.<sup>6</sup> The biggest difference between cohabitation and marriage comes if the relationship ends. People in informal relationships have no automatic inheritance rights, and the division of joint property or alimony is not set out by law for unmarried couples unless the cohabitation agreement includes such matters.

“Registered partnership” was born in 1998 as a compromise position to give same-sex couples something close to marriage rights.<sup>7</sup> Both same-sex and different-sex couples can register as partners and get almost all of the rights and responsibilities of marriage. Registered partnerships are easier to get out of than marriages, and some citizenship and parenting rights in such relationships are different from those that attach to marriage. But the two statuses are close enough that at least one person in three out of the four registered partner couples I interviewed thinks of himself or herself as married.<sup>8</sup>

Finally, since April 2001, same-sex couples have had access to marriage. The only remaining difference is that a child born to a married woman in a different-sex marriage is presumed to be the legal child of the husband, while that same presumption is not made for same-sex couples. This wide range of choices for same-sex couples (and different-sex couples), as well as a default status that involves some recognition, is unique to the Netherlands and creates the context within which these nineteen couples make decisions about marriage.

The unusual number of choices also reflects the fact that, in the Netherlands and elsewhere in Europe and North America, marriage is *a matter of personal choice instead of a social obligation* to achieve adulthood, parenthood, or full citizenship. Several people I interviewed noted that the old days of getting married because “you’re supposed to” are over. Couples have a choice on the cultural level as well as the legal level. Ironically, for Rachel and Marianne, two of the youngest people I interviewed, this

change in social expectations and the accompanying changes in legal status actually made it psychologically easier for them to marry. Rachel explained: “There is no big difference between marrying or not marrying, and the fact that you don’t need to marry makes it even more a choice you can make. Because when you were supposed to marry, I think we wouldn’t have done it.”

Yet another way people used the term “choice” reflected the personal and social significance of making a *choice to marry a particular person*. For Lin, having a choice and making the choice to marry Martha was the whole point:

I want to be able to stand up, just you know, basically just like my brother, just like my sister did and say, “This is the gal.” In my family it’s kind of an important thing to be able to do—to stand up and say, “This is my choice.” And that I had that choice, and that I was able to make that choice as freely and as possibly as my brother had done twenty years earlier and my sister had done twenty-five years earlier—this was for me perfect. It was like, this is it. This is finally the way things should be.

Declaring her choice of Martha through marriage was a way for Lin to tell her family that Martha was now one of them.

In the rest of this chapter, I focus on a somewhat different perspective than is embedded in these other meanings of “choice.” Given the same politically granted right to marry, specific legal options, a particular social and cultural context, and a personal relationship with another individual, why do some couples choose to marry whereas others do not? I argue that that decision—that *individual and collective choice*—reveals important information about the meaning of marriage for the gay community and the larger society above and beyond the other kinds of “choice” experienced by these couples.

### Making a Decision

I visited Rachel and Marianne in their apartment in one of the oldest parts of Amsterdam. They made me an espresso with one of their wedding gifts and told me about their wedding.

Marianne created a four-sided wedding invitation that they sent to as many friends and family members as their apartment could hold. The first

side of the invitation displayed the question “Guess what?” Below, the answer in small letters was “Marianne and Rachel are getting married.” The second side asked, “Guess where?” and listed the location. The third side, “Guess when?” included the time and date. The question on the fourth side, with no answer, simply invited more questions: “Guess why?”

The invitation provoked a lot of discussion about why they were marrying. “People just couldn’t stop asking us,” Marianne remembered. But they weren’t being coy. Rachel noted, “I think you made this invitation also because we weren’t really sure about why.”

How can we tell why people choose to marry or not, especially when they might not be sure themselves? One obvious way is to ask them directly, which Rachel and Marianne’s friends did, and I did the same thing early in each interview. The direct answers I heard were informative and probably captured a big part of couples’ thinking about marriage and why they chose to marry or not. In addition to those explicit answers, I also looked at what they said about marriage—the idea or cultural construct—in other parts of the interview, since those statements confirmed, supplemented, or even contradicted what the respondents had said earlier related to their own decision about whether to marry. Finally, I also assessed the life experiences of the couples to look for conditions that might have influenced their decisions, such as having children together, being in a family that particularly valued marriage, or needing some legal protection as a couple.

The usual approach of social scientists is to filter information from interviews through a theory. Economists argue that people make a conscious rational choice to marry to improve their sense of well-being, mainly in material terms. A committed relationship, sealed by a legal marriage, lets couples divide labor in the household more efficiently to better provide the things in family life that people care about, such as meals, goods, or children. The legal status might also come with incentives, that is, rewards, for getting married that enhance the attractiveness of marriage. The predominant framing of the same-sex marriage issue in the United States is the need for equal access to a host of legal and financial benefits, suggesting that economists might not be far off the mark in arguing that financial well-being and other practical matters loom large in couples’ decisions.

Aside from economists’ theories, it turns out to be difficult to find a theory of why an individual couple chooses to marry or not. Some sociologists see the decision to marry as part of the “script” for a relationship that defines the stages that relationships go through. Anthropologists focus on cultural constraints and rules that shape marriage behavior. Same-sex

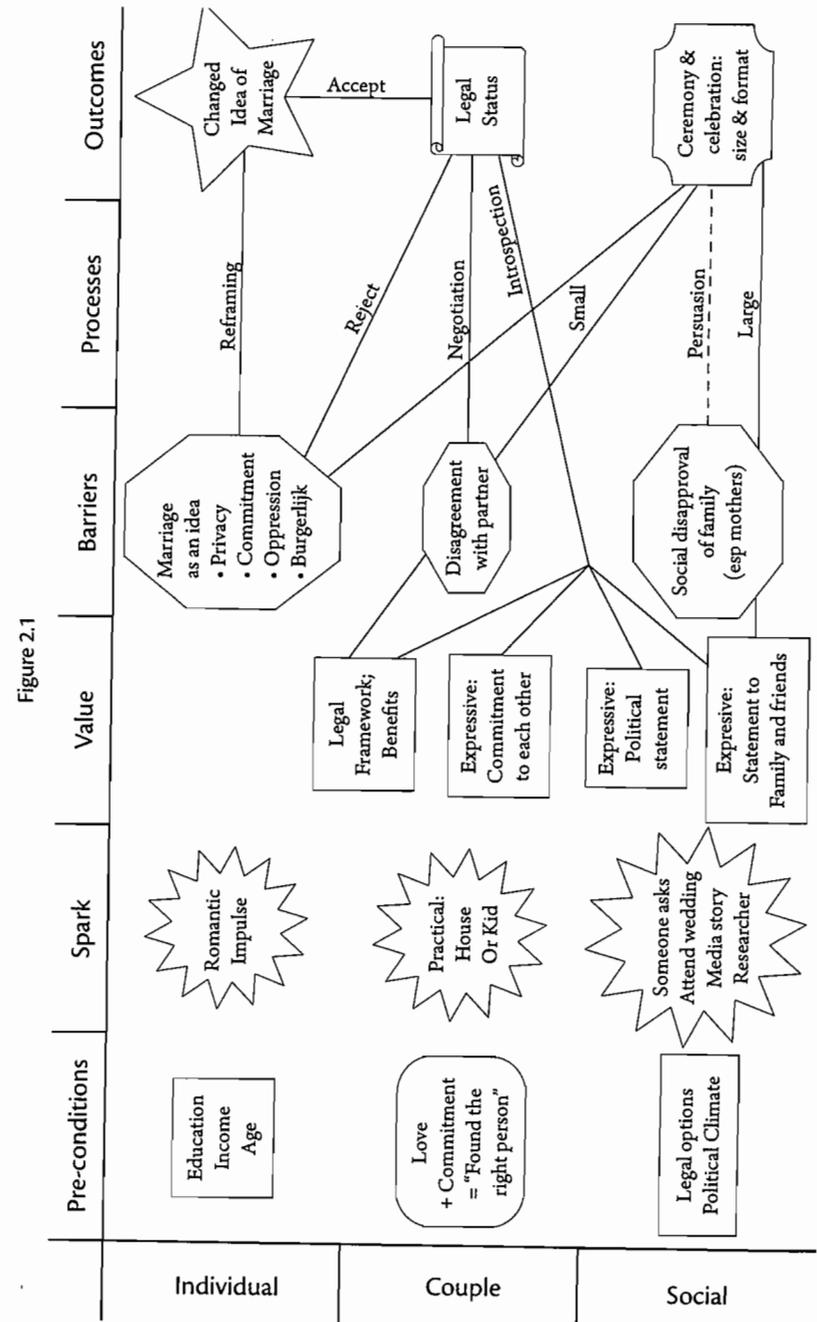
couples might marry to tap into the social approval that married couples traditionally experience or because it's seen as the next stage of the relationship, especially if the couple plans to have children. All of these perspectives suggest plausible social or cultural pressures on couples to marry, but these perspectives do little to explain why a particular long-term, committed couple might decide not to marry in spite of those pressures.

Demographers look at the differences between couples who marry and those that live together outside marriage. Several studies show differences in certain characteristics between people in the United States who cohabit and those who marry. These studies find that people are more likely to marry than cohabit if they are religious and not politically liberal, as well as if they have strong intentions to have children, have traditional ideas about gender roles, and do not value their individual freedom highly.<sup>9</sup> The demographer Kathleen Kiernan concludes that the choice to cohabit may involve a conscious decision to avoid an undesirable status:

Cohabitation may symbolise, particularly for women, the avoidance of the notion of dependency that is typically implicit in the marriage contract. Women may be anxious that the legal contract may alter the balance of power in their partnership arrangements and make the relationship less equitable. On the other hand, for some cohabitation may be a response to insecurity. For example, rising divorce rates may well have increased the perceived risks of investing in marriage and the emergence of cohabitation may have been a logical response to this uncertainty.<sup>10</sup>

Couples may decide to marry, then, if marriage matches their intentions about children and their beliefs about commitment and interdependence without conflicting with their beliefs about gender roles and the likely stability of their relationship.

The social science theories and studies are at least a good starting point for questions related to same-sex couples, even though they all come from studies of different-sex couples. In my conversations with same-sex couples, I observed an intricate, layered process in choosing whether to marry that involved factors from all the social sciences. Figure 2.1 presents the different pieces of that process. I would expect different-sex couples' decision-making process to be at least somewhat similar, given the overlap of my approach and that of other social scientists, but some of the factors involved here are much more relevant to gay and lesbian couples.



The couples I interviewed shared important *pre-conditions*, such as personal characteristics. As I discuss further later, almost all of these relationships are also committed, loving relationships of several years' or more duration. To get to the point of making an explicit choice about marriage, something has to happen. That *spark* to think through or rethink the possibility of marriage can be romantic or practical. The fact that the couples share the pre-conditions and potential motivations to marry but differ in their actual legal statuses means that other factors must influence the decision about marriage, however.

The next three parts of the decision-making process suggest why some similar-appearing couples will choose to marry and some will not. As an economist, I am tempted to portray this process as a weighing of the benefits of marriage against its costs in financial, social, and emotional terms. However, both the benefits and the costs are different from those usually considered by economists. Once motivated, couples consider the *value* that marriage might have for them, whether practical (as in legal and material benefits), emotional, expressive, or political, and the value varies from couple to couple and from person to person. Couples often face nonfinancial *barriers* to marriage, such as their own political beliefs, a disagreement with a partner about the desirability of marriage, or parental disapproval of the idea of their marriage. Those barriers are not insurmountable, though. Individuals and couples can, either consciously or unconsciously, use certain *processes* to get over those barriers: reframing, negotiating, and persuading.

Marital status is the most obvious *outcome* that I'm trying to explain. I also observed two other outcomes related to this process. Sometimes the contradiction apparent when someone who held antimarriage principles got married was resolved by the person's reframing the idea of "marriage." For couples who married, the form of the marriage—the ceremony and celebration—also reflected the value of marriage as well as the individual's or couple's ideological beliefs.

By pulling apart the pieces of a process for making choices about marriage in this way, I do not mean to imply that each piece is a distinct step that every couple goes through to make a careful, conscious decision. Some of the people I spoke with had a clear idea of why they had married or not and how they had gotten to that point; some did not. Nor does decision making happen only once. Some of the people I spoke with continue to engage in either joking or serious conversations about marriage with their partners on a regular basis. Instead, I offer this framework to organize and tell the revealing stories that I want to share. It can also

highlight some interesting and important but largely unexplored dynamics that help explain how marriage and GLB people might change as the institution opens to same-sex couples.

### Pre-Conditions: Finding the Right Person

Most of my couples share what I would call basic *pre-conditions* that influence their decision. They all live in the Netherlands in the same legal and political climate. The Netherlands is known for its history of tolerance for minorities, but that country is also now the site of an intense debate about the assimilation of immigrants from Muslim countries and immigrants' ability to accept Dutch values of equal treatment for women and for gay men and lesbians. The law allowing same-sex couples to marry is considered to be a particularly difficult policy for some conservative Muslims to accept.

Probably because I drew on my own social networks to find couples to interview, the couples share other relevant *pre-conditions*, too.<sup>11</sup> They are mostly university educated, middle class, and middle aged, as I am.<sup>12</sup> These characteristics might influence how and why couples make decisions. As Rob pointed out, because he was well educated and has a good income, he can sort out—or can pay someone to sort out—the complicated legal differences among cohabitation contracts, registered partnership, and marriage. More customized arrangements require the help of a lawyer, so marriage or registered partnership might be more accessible to those who want a legal relationship but have lower incomes, a group not represented in this study even though undoubtedly there are lesbians and gay men and same-sex couples with low incomes. It is possible that lower income couples would make different decisions and use a decision-making process different from the one I outline here, since they have different economic pre-conditions, but I strongly suspect that some of the same factors come into play regardless of income.<sup>13</sup>

Beyond these basics, before getting married was even potentially on the table, the partners had to reach a stage in their relationship that was characterized by love, some degree of commitment, and some expectation of a continuing relationship. Martha had long considered the prospect of marriage, stating, "I thought that if I found the right person that it would be something that I would do, that it would be fun." Recall that for Pauline, "[i]t has to be romantic. Love must be [there] in the first place."

All of the couples that I interviewed had been together in a romantic, intimate relationship for several years. Despite that similarity across

couples, the crucial importance of finding the right person before marriage can be an option comes through in two ways.

First, there was some variation in how long the partners had been together before they married. Two couples that were not married expressed doubts about the long-term sustainability of their relationships, and that doubt clearly guided their decisions. Paul explained why he had chosen registered partnership over marriage in his relationship with Javier, who had immigrated to the Netherlands to live with Paul: "Because he is much younger, and I never thought I would be sure of the future with him. . . . I don't see it as a relation[ship] for long. I never did from the start." Because of his doubts, Paul chose registered partnership, a legal status that achieved a practical goal—giving Javier citizenship rights—without sending the social message implied by marriage.

Nancy and Joan were also finding it difficult to be together as a binational couple. Taking the step of marriage seemed premature to Joan in view of the other challenges that they faced. She still lived in the United States and had not successfully found a job in the Netherlands. Nancy was raising a child, working part-time, and still living with her ex-partner. Joan worried that marriage would not get them what they needed at this stage of their relationship, which was a practical way to be together in one place.

A second way to see the importance of the stage of relationship came from the histories of each relationship that couples gave me. Most of the couples I interviewed were living together and sharing financial responsibility for the household. Two couples were "living apart together," as demographers put it, but spent nights, meals, and much of their daily lives together. All spoke of love and a desire and expectation to continue the relationship into the foreseeable future (other than Paul). All of the married couples had reached this point before they took the plunge.

Many couples had already made a personal commitment to their relationship before marriage became an option. For Pauline, that commitment point came long before her wedding. "I think for me the big commitment was when she came over from the States, giving up her job and giving up everything . . . to live with me," she recalled. "So I think that was the moment . . . for both of us that really felt like commitment. . . . So getting married was very special, very romantic, and I'm really happy that we did it. But my real commitment was way before that."

Although reaching a stage of commitment and love appeared *necessary* for couples to marry, it is important to point out that this stage was not *sufficient* to move couples toward marriage. All of the nonmarried couples

I interviewed had also reached this point. Something more had to happen for couples to decide to marry.

### The Spark

To get a couple to consider marriage, some kind of spark had to ignite a discussion and push the couple into a decision-making mode. The motivation to decide was sometimes seemingly random, sometimes not. In some cases, the push came from practical concerns, often related to another decision, such as to buy a house or to have a child together. In other cases, the spark was an impulse, usually a romantic one. For other couples, some prompting from friends or family motivated thinking about marriage.

#### A Practical Push

When I asked Marta and Tineke why they had decided to marry, they didn't stop to think. "Children," Marta responded quickly, and Tineke agreed. Marriage to Marta, their son Albert's birth mother, gave Tineke "parental authority" to make decisions for Albert. Eventually, Tineke would be able to legally adopt Albert and have full parental rights. Notably, all five couples who had or were planning to have children together were married or registered partners.

Similarly, Laura and Ria registered as partners for practical reasons when they bought an apartment together. According to Laura,

It seemed like a very easy way to organize our lives legally and financially so that if anything happened to either one of us, at least it would be clear that we had had essentially a marriage, and that she would have access to any assets I had, and vice versa. . . . Everyone seemed to suggest to us that this was probably the best thing to do in terms of making our life financially one.

Practical motivations moved Laura and Ria to act twice, in fact. When I interviewed them, they had recently found out that Ria was pregnant, and they were about to convert their registered partnership into a marriage to ensure the same parental authority for Laura that Marta and Tineke had sought.<sup>14</sup>

The importance of the practical side of marriage comes through in the interviews with unmarried couples, too. Anna and Joke (pronounced YO-kah) just didn't see a good reason for them to marry, but they also noted that they had not experienced one of the common conditions that make

marriage practical. As Anna put it when I asked her why they had not married, “Difficult question, because as long as you just live together, it is not necessary in any way—as long as you don’t want children, of course, which we don’t. I guess that it would really become a conscious choice the moment we buy a house together.”

But a practical need is a tricky reason to propose marriage, as Pauline’s resistance to Liz’s practical proposal showed earlier in this chapter. A “paradox of practicality” showed up in several couples’ discussions. Erik and James did not have wills or a cohabitation contract when I spoke with Erik, even though they had been discussing the need to formalize their relationship in some way for more than a year. “I don’t want to get married just to arrange the financial side of my relationship, but to arrange the financial side of my relationship I consider getting married. It’s a strange Catch-22,” Erik astutely observed.

Pauline and Liz got around this Catch-22 by consciously moving away from a discussion of the practical implications and instead focusing on the romantic and political side of marriage. As long as marriage is not *just* to arrange the financial side but also affirms a loving and committed relationship, then practical needs can be an important motivator of marriage. This paradox suggests that same-sex marriage opponents who criticize gay couples for seeking only the practical benefits of marriage are misguided, since the practical piece exists alongside an existing emotional commitment.

#### A Romantic Impulse

Romantic feelings also motivate marriage, not surprisingly. The appearance of intense romantic feelings is often unexpected, though. As we sat at her sunny dining room table in Amsterdam, Ellen recalled how another sunny day had led to her impending wedding with Saskia. Ellen and a friend were on a motorcycle trip through the Dutch countryside. To her amazement, the relaxing trip generated a romantic surge from out of the blue: “And so I was sitting there in this beautiful May sun in the countryside in Friesland and I had this vision, this picture that I want . . . to ask Saskia to marry me. So this was very surprising for me,” Ellen laughed in amazement.

#### Social Pressure

Social prompting took any number of forms for the couples I interviewed. Walking by a bridal shop, hearing a news story, or attending a wedding prompted a discussion (either serious or not so serious) about marriage for some couples. Even my request for an interview prompted

some unmarried couples to revisit their decisions about marrying. We often hear about unmarried heterosexual people who get pushed to marry by their parents, friends, or other family members. What about same-sex couples? Lin joked, “There’s no pressure on us to marry!” But, in fact, all of the unmarried same-sex couples reported some questions, encouragement, or even pressure to marry from friends or family.<sup>15</sup>

Marianne first thought that maybe it was the media discussion that had put the marriage idea in her head when I asked her why she and Rachel had gotten married. But Rachel reminded her, “Actually, your grandfather brought it up. We had dinner with your grandparents, and then her grandfather said to us, ‘Why don’t you get married? This is possible now, so why wouldn’t you?’”

“He talked about it the whole night,” Marianne continued. “He had all these questions: ‘Well, you two love each other and why not? And ‘It’s possible now, and it’s the best thing you could do!’ So we got really convinced.”

#### Making a Decision

Once the romantic, practical, or social spark motivated at least one member of the couple to consider marriage, that person had to engage in more active decision making that involved individual contemplation and negotiation with his or her partner. And sometimes this process got repeated for couples who chose not to marry at one or more points in time and ended only when the couple married.

#### The Value of Marriage

Identifying the value of marriage was a key part of this process for couples and individuals. Tangible material benefits generally did not play a role in couples’ decisions, though, mainly because of the legal recognition granted to unmarried Dutch couples for many purposes. Strikingly, only one couple could name a material benefit that it had received as a result of marriage. Willem was employed by an airline that gave flight benefits to Gert because they were registered partners. For most couples, as noted earlier, the practical value of marriage came not from monetary benefits but from access to a legal framework that was both broader and simpler than a set of individual legal documents like a cohabitation agreement or a will. The practical value of the legal framework was most evident for couples who had or planned to have children. All of those couples were married or registered as

partners. As noted earlier, marriage gave the nonbiological parent joint authority for children and perhaps eased the way for adoption. Those couples who simply want something practical have other legal options, at least in the Netherlands. A larger survey of couples found that both same-sex and different-sex couples in the Netherlands share practical motives for considering the formalization of their relationships, such as those related to having children or buying a house, although practical reasons were more important for those registering a partnership than for those marrying.<sup>16</sup>

Couples saw other benefits to marrying that were at least as important—and often more important—than the practical value. Couples considered the emotional and expressive value of marriage to be its most important element, because they wanted to express their commitment.<sup>17</sup> On one level, marriage is a statement to one's partner, as Martha pointed out: "The idea of marriage for me is that . . . you make a commitment . . . so it's like a *drempel*." "A threshold," Lin translated. Martha continued, "Like a threshold that you cross." Gert noted that marriage is a statement both to a partner and to the rest of the world: "But the thing to get [registered] is just to tell each other and the outside world that you're gonna be there for the rest of your life. You're committed to each other."

This statement of commitment to each other and to others has value to the people getting married. "It gives some extra dimension to the relationship," noted Marianne. "That it's not just you say you love each other, but you will stay together. And not just with someone but this particular person. And I think it does for me feel different than just living together and saying things just to each other. And now everybody knows. So I think for me it's a little extra."

Even the dyed-in-the-wool antimarriage feminists recognized the power of the statement. Anna has no intention of marrying, but she admits, "Well, the commitment and the public commitment, I think—there is something beautiful about it. I won't deny that."

In some ways, the state-sanctioned public statement is so powerful that some couples worried that marriage could overwhelm the relationships they had constructed before marriage was an option. Isabelle worried that marriage would diminish the value of the earlier part of their relationship. If she married Anneke after living with her for sixteen years, the marriage might be mistaken as marking the moment that a serious relationship began. "It's a little bit stupid to marry tomorrow, and then over four or five years [later] we will celebrate that we were married for five years," Isabelle protested. "No! It's not honest to the former period."

Similarly, Ria was ambivalent about the public part of marriage: "But I wouldn't mind a ritual where everybody who I love would be . . . a witness of our commitment. But it's clear—so clear—for everyone that we are committed." Ria argued that she and Laura would have to be careful to avoid invalidating that commitment. "We would come up with different reasons than getting married if we do a party. A party—our life together, celebrate our life together, and share it with friends."

I saw one vivid example of the power of marriage's social statement for one couple actively struggling with the decision-making process when I interviewed them. During my conversation with Nancy and Joan, Nancy had difficulty explaining why she had proposed to Joan, who still had not given Nancy an answer. After we finished the formal interview, Joan and I chatted about developments in San Francisco, where the mayor was then allowing same-sex couples to marry. When Joan mentioned the emotional power of those marriages, which were likely to be (and were eventually) legally annulled, Nancy suddenly spoke up with an urgency missing from her earlier statements.

"Well, maybe that emotional part," Nancy began. Joan agreed, "That's a lot of it."

Nancy went on, "If we would get married right now—I mean [it] probably wouldn't make any sense, because we're not even living in the same country, but. . ." Joan finished for her, "But we would know."

Then Nancy alluded to her earlier discussion about her family and friends wanting her to find a girlfriend who already lived in the Netherlands. I asked her, "So what do you think it would mean in that context if you got married?"

Nancy answered, "That they would see, like, oh, so it is serious or something real. Yeah," she added emphatically. "Getting married and not even living together, I mean. You can do that." And that would make their relationship "real" to her family and friends, even while Joan lived in another country. Marriage, even without cohabitation, has the power to define a relationship that others might not understand. Couples can use marriage to express to others what their relationship means and how it should be treated.

Another kind of statement that some couples wanted to make was a political one. This statement could be about gender roles, drawing a contrast between Dutch equality and American inequality, or the state's acceptance of the equivalence of gay and straight relationships. For Liz, "It has a different impact to say you're married than to say that you have a . . . registered

partnership or something, especially when you're saying it to people from the U.S. Like to say, 'No, really I'm married'—that is a real statement to it, because it means the state agreed to it. And then we have the same rights as heterosexual couples." Similarly, for Ellen's partner, Saskia, equality is the message: "And so for her she wanted this to be also a symbol for my parents that it's really the same—that we have exactly the same relationship as they have as [a] heterosexual couple."

For those making a political statement, however, context is everything. The fact that they lived in a tolerant social and legal climate dulled the political point of marriage in the Netherlands, according to some couples. But, even then, they sometimes admitted that their opinions and actions might be different if they lived in another country. Rob generally opposed the idea of marriage, but, to my surprise, he noted, "I think if I lived in the [United] States at this time I would get married maybe." He valued the right to marry, even though he did not choose to marry.

The reasons for marrying mattered in another way, as well. I saw a striking link between the size of the ceremony and the particular benefit of marriage perceived by the couple. Couples who were driven to marry by the practical value of marriage had small ceremonies, with the legally required witnesses and perhaps another bystander or two. Those couples went out for coffee or a small meal after the ceremonies and then went on about their normal daily lives.

In contrast, the couples who wanted to marry to express their commitment before the world had larger ceremonies that were sometimes quite elaborate. One couple arrived on horseback at their town hall. Two dancers married on stage before a large crowd of family and friends after performing in a piece about a wedding. One couple planned an around-the-world theme for their wedding, inviting their many guests to contribute to their honeymoon travel fund. Other couples organized large parties to celebrate the occasion. Finally, none of the couples expressed a religious reason for marrying, and none held a ceremony in a church after the legally required city hall ceremony, unlike roughly half of heterosexual Dutch couples who have married since 1950, who married with a church blessing.<sup>18</sup> This clear association between the value of marriage and the ceremonial trappings chosen confirms that motives matter in the choices that couples make about marriage.

For some couples, a spark in the presence of the right fuel led to a burning desire to marry. In those cases, recognition of the practical or expressive value of marriage was enough to send a couple relatively smoothly to

the wedding room at city hall. Most couples had to contend with factors standing in their way, however.

### Roadblocks and Detours on the Way to a Wedding

Potential roadblocks on the route to a wedding had nothing to do with financial disincentives to marry, although a few couples were vaguely aware of and mentioned some potential downsides to marrying. Instead, the barriers cut across the three layers of analysis. On an internal, personal level, concerns about making a commitment slowed or stopped individuals. Also, sometimes the prospect of marrying clashed with an individual's political principles and ways of thinking about marriage.

Other barriers were external. Sometimes one partner wanted to marry but the other did not or was uncertain. The story of Pauline and Liz shows how complicated the interactions between partners can be. Both wanted to marry, but they disagreed about why—and the "why" mattered because marriage is expressive. Another social barrier was the reaction of friends and family. Family members did not always approve of marriage involving a same-sex couple. Friends who held antimarriage views pressured some couples considering marriage.

For some couples, these barriers led to detours to marriage, as they used strategies of reframing, negotiating, and persuasion to address the barriers. In other cases, these barriers firmly blocked off the option of marriage.

#### Concerns About Commitment

As I noted earlier, Paul and Javier had registered as partners because Paul did not expect their relationship to last. Marriage, for Paul, would have meant a commitment that he was not willing to make. "I see marriage as something for your life, which you choose for your life, and I'm not sure with him," he explained. Paul and Javier simply did not have the essential pre-condition for marriage: a long-term commitment.

Even long-term couples sometimes did not want to make a legally sanctioned pledge of commitment to each other. Their concerns suggest that couples take the traditional lifelong promise seriously and are not willing or able to make that promise. Erik described the concerns that he and his partner, James, had: "And we both feel a little bit awkward about the supposed vow for loyalty forever, thinking, you know, we can't guarantee it. Of course, we want to and the feeling now is great and everything. But I don't know how we'll feel in five years. And why

should I decide now that I can never do that again or can never change my mind?"

Erik's concerns highlight the very realistic views of modern marriage held by the same-sex couples I spoke with. In theory, the commitment is lifelong; in practice, marriages often end. Marriages in many Western countries are as likely to end in divorce as in death.<sup>19</sup> Ending a marriage might be more legally and emotionally complicated than ending an unmarried relationship, as several couples pointed out. Tellingly, couples with doubts about marriage were just as likely to refer to unhappy marriages as to unhappy divorces in their social and family networks. Both Erik and James had seen firsthand marriages involving apparently unhappily married couples who had stayed together. After visiting those couples, Erik recalled, "[W]e look at each other and think, 'Why are these people married?'" Thus, an interesting twist: some fear that their marriages will end in divorce despite the "til death do you part" promise, while others fear that the marriage might *not* end in divorce when it should, simply because of the promise.

But it was clear that couples distinguished between commitment and the legal promise. As we sat in the garden of their lovely home in a small northern village, Isabelle tried to explain why she did not want to make a legal commitment to Anneke, her partner of sixteen years. "And I still like the idea of not promis[ing] to any institution to stay together for the rest of your life. I can't promise, but in the meantime—in the meanwhile, I see how I'm living and how I am intending never to leave Anneke. It's theory and practice," she laughed. "In practice, I won't leave her. But I don't think it's necessary to promise it down on the paper." Intentions to stay together were enough—a promise would make no practical difference but would violate her ideals.

#### Political Opposition to the Idea of Marriage

Although they had concerns about pledging to stay together, Isabelle and Anneke's decision to not marry resulted mainly from their deeply rooted political objection to marriage. My stories in the first chapter demonstrate that feminist suspicion of marriage, in particular, is common in the Netherlands, as it is in many European countries and even in the United States.<sup>20</sup> Many feminists have argued that, as Laura put it in our discussion, "Marriage is like slavery to men." The history of marriage certainly shows that the legal institution placed women in a position subordinate to that of men in many places and times.<sup>21</sup> Many lesbians in the

United States and Western Europe came out in the midst of fervent feminist critiques of marriage and other sexist institutions in the 1960s and 1970s, and these lesbians often retain a critique of marriage that remains a formidable personal barrier to marriage.

Most of the women I interviewed referred to themselves as feminists or expressed feminist values. Anna strongly objected to marriage, stating forcefully, "What I hate most about marriage is the whole political and religious history of the institution. I see it as an instrument of patriarchy and capitalism and you name it. So that's one of the reasons I certainly would not want to bless it by my presence."

A similar critique of marriage by Anneke and Isabelle came from their background as active feminists. They believed that marriage can still be an oppressive institution. Anneke explained, "It's much better than it used to be. Lots of regulations that are attached to marriage are still oppressive—not to women but to individuals. I think people who live alone have a disadvantage compared to couples." They both continue to feel strongly about the need to give women, in particular, the ability to live on their own outside a marriage.

Rob had a similar ideological objection to marriage, although it was not rooted in feminism. As Rob put it, "I think it is better to organize society on an individualist point of view, where people can choose what sort of relation they have, with how many people, and with whom they want. That is a better way to organize than to put everybody in a couple."

Some people rejected marriage because it involves the state in a private or personal relationship. Privacy was important to some individuals, whether on a personal or a political level. Even some people who married or registered as partners did not like this aspect of marriage. Margriet resisted giving into the state's authority: "I don't need an official somebody who says, 'OK, you are married now, and for the rest of your life, and better or worse.' . . . [I]t's my thing to think or to do, and not for someone else to tell me to do." Similarly, Laura always saw the state's role as problematic: "It got the state involved in the regulation of personal life in a way that just seemed sort of odious to me."

#### Getting Around the Political Barrier

These political ideas about marriage potentially raised a major barrier for some couples. Because of their individual opposition to marriage, these couples could take advantage of other ways of organizing the practical sides of their relationship, such as cohabitation agreements, which cut

down on the possibility of a conflicting push toward marriage. For others, however, a strong romantic impulse collided head on with principles.

Recall Ellen's relaxing vacation and sudden "vision" about marrying her partner, Saskia. Ellen had long opposed the idea of marriage as a patriarchal institution designed for heterosexuals, and she had even refused to participate in weddings of her friends in the past. So, after her "vision", she had a personal crisis.

"And then for me it was like—what is this? It is totally not acceptable!" Ellen remembered thinking. "So I had to convince my feminist part in me that maybe it's worth[while] to consider. It is not for nothing I had this feeling . . . this romantic feeling actually."

Ultimately, after three months of internal angst, Ellen reconciled her romantic desire to marry with her strong antimarriage beliefs and history by consciously *reframing* her marriage as a politically important act. She believed that marrying both honored the past political effort to win the right to marry and contributed to the current struggle against increasingly visible and powerful conservative forces that oppose letting same-sex couples marry. "So on the one hand it was that we are living in an historical phase where it is possible, so let's value that and use it," she concluded. "And the second thing is as a statement in these times where things are getting worse."

Others with feminist beliefs reframed marriage in a different way. Miryam was familiar with the feminist argument against marriage, but she did not find the idea of her marrying another woman to be in conflict with feminism. Same-sex couples could help make marriage more equal for women. She argued, "Well, the way to change [marriage] is to marry us to a woman as homosexuals. . . . I don't think I would have ever married when I was with a guy. . . . It would be too traditional—but now you are breaking a tradition as well."

Couples used a similar kind of reframing to get around their view that "marriage is *burgerlijk*," as quite a few people noted in the interviews. They translated "*burgerlijk*" for me as square, old-fashioned, traditional, tacky, or bourgeois. This concern did not seem to be a major obstacle to marriage for couples (unlike the political objections), but the uncomfortable tension between wanting to marry and seeing marriage as bourgeois required some resolution.

The government official who was going to marry Rachel and Marianne helped them get over this feeling. Rachel told the official, "I think gay marriage is tacky." But the official was ready for that argument and countered,

"Well, it is just like tiger prints on your clothes. That's tacky, too, but not when I am wearing it!" We all laughed when Rachel told this story, but the official's comments showed a way out of a serious internal conflict. Making marriage a personal statement and personalizing the details—especially the choice of a same-sex partner—turns marriage for a same-sex couple into something that is not tacky or square. In the Netherlands, Rachel and Marianne were able to give traditionalism a twist, since Dutch couples commonly live together without marrying: "In these days it's even more alternative to get married than not."

#### Disagreement With a Partner

Making a decision was relatively easy for couples when both wanted the same thing. But sometimes one partner wanted to marry, while the other did not. After Ellen had convinced herself to marry, she had to work several more months to convince Saskia, her partner, to overcome her own objections. Since both partners have to agree—and they must literally agree to the marriage in front of a government official—one partner's disagreement is obviously enough to block the couple from marrying.

I saw enough examples of disagreement among the nineteen couples to think of them as "mixed marriages," a term used in the United States mainly for interracial or interfaith marriages but obviously used here ironically. The antimarriage partner often based his or her point of view in feminist ideology. In each couple, the difference of opinion was openly discussed, and the antimarriage partner made a point of acknowledging that the pro-marriage partner's opinion did matter. The couples' primary strategy for addressing this barrier was *negotiation*.

The bargaining over marriage, whether explicit or implicit, seemed to favor the person with more intense beliefs. For example, even though Joke did not share Anna's ideological opposition to marriage, Joke had no strong desire to marry that had pushed them to the point of needing to reconcile conflicting desires vis-à-vis marriage. But the potential for disagreement simmered near the surface. When I asked them whether they could imagine any circumstances under which they would marry, the following exchange clearly suggests a tension—although a playful one—between their beliefs:

ANNA: I can't think of something that would make me change my mind.

JOKE: No?

ANNA: No, I don't really think so.

JOKE: You would say "no"? [smiling and leaning slightly toward Anna]

ANNA: I'm just hoping that you won't ask me—because I'd have a hard time saying no.

Anna's stronger feelings seemed to keep them in the default position of being legally single at this point in their relationship. At some point in the future, a practical need arising from the purchase of a house, for instance, might get Joke to try to push Anna more forcefully toward marriage. (Recently, Anna wrote to me to tell me that they had bought a house but chose to sign a cohabitation agreement rather than marry.)

Erik had a similar story. "I think if it was only up to me, we would have gotten married a while ago. Because then it's the weird thing with my relationship with James, but I actually knew in the first week that . . . I was his completely forever, and that feeling has never changed," Erik explained. "So I think, yeah, he's more against it, or he is more reluctant towards it than I am. But at the same time I must say it's never been an issue so important that I was frustrated at all that it didn't happen."

Sometimes both partners have strong opinions. In those situations, I saw a process similar to the *reframing* process discussed earlier as a way to reconcile internal contradictions. Like Ellen and some of the other feminists I spoke with, Laura shared a dislike of marriage that influenced her decision about marrying. She explained, "I really came of age in the 1970s in the second wave of the feminist movement, and to me marriage . . . just represented the subjugation of women, and it was about property. . . . So I never in my life thought that I wanted to be married, even if it had been possible." However, Laura's partner, Ria, did not share that political analysis of marriage. "It's just not really the sort of thing I'm really bothered with," she stated simply but emphatically. Laura observed that Ria "also views [marriage] a bit more sentimentally, and more romantically. And she would love to get married and have a big party, and I have a problem with it. . . . Who knows, we may get to that point someday, but I'm not there yet."

The complexity of Laura's internal reframing process is perhaps best illustrated by the fact that she seems to be saying that she and Ria are not married. But, in fact, as I noted earlier, they had been registered partners for several years and were preparing to convert their partnership into a marriage the week after this interview. When I asked about the conversion, Laura admitted, "I don't really think it makes any difference, so I

don't think I could really say why we're doing this, except I think that Ria wants to say that we're married." We all laughed. Ria shot back, "I say that already!" The registered partnership gave both what they needed, in that Ria could say they were married while Laura could think they were not.

The undeniable fact of the impending conversion to a legal marriage was harder to reconcile, though. In her reframing of the conversion's meaning, Laura focused on an aspect of traditional marriage that she could still reject—the formal, public celebration. By forgoing that public piece, they could be married in Ria's eyes while not traditionally married in Laura's eyes. This use of the celebration and ceremonial aspects of marriage also turned out to be helpful for other couples who faced resistance from friends or family, discussed next.

#### "What If You Get Rejected?"

Same-sex couples can legally marry in the Netherlands, but that does not mean that these marriages are always warmly received at a cultural level. In a later chapter, I look in more detail at the reactions of heterosexual family and friends to see how they view the marriages of same-sex couples. Here I am more interested in how the prospect or reality of disapproval affects the decisions of same-sex couples. Martha noted the risk for same-sex couples: "I think another reason . . . that it's hard for gays and lesbians to marry is what if you get rejected? You know, what if the people in your life say, 'No, I don't think this is appropriate,' or you know, 'I'm against [it]?'"

Most of the couples reported no reaction or a positive reaction from friends and family, but some individuals faced active opposition. A child's relationship and marriage plans sometimes conflicted with parents' own ideas about marriage. Mothers, in particular, seemed to have a difficult time hearing that their son or daughter was planning to legally marry a same-sex partner.

Ellen's mother reacted negatively to Ellen and Saskia's plans. "She said, 'How can you imagine that you can get married, since marriage is for starting a family and you are not going to start a family?' So that was her thinking: it is not the same thing. She had difficulties in that she accepts Saskia absolutely as my partner, as my lover, but then the step to make an official thing of the relationship—that is difficult."

Ellen's mother's objections were not the end of the story, though. Ellen reported her mother's eventual change of heart related to the upcoming wedding once she got used to the idea: "She is coming, and she is

contributing financially, and she is excited and asking questions.” Strategies of *persuasion* like Ellen’s might involve direct discussions or even the strategic use of time to give parents the space they need to adjust to the idea.

Other situations were not resolved so happily, though. Willem’s mother hurt him by objecting to his marriage to Gert, even though she had attended a same-sex wedding of a relative earlier. He described the conflict: “And she also asked [a] couple months in advance, ‘Why do you get married? Is it necessary?’ I thought, why are you asking? Why are you asking? I am not a kid anymore, and I was really surprised. I was really surprised by that. That she couldn’t be happy for me.” Because of her reaction, Willem did not invite her to the wedding and had not had any contact with her for three years.

No one cited parental disapproval as a reason for not marrying. But negative parental reactions did affect the couple’s choices about the size and format of the ceremony and celebration. Earlier I mentioned that couples reframed marriage and the role of the celebration as a way to reconcile conflicting feelings about whether to marry. Similarly, couples often made up guest lists that responded to the barrier of social disapproval. Willem refused to invite his mother because of her opposition. In the same way, other couples left out parents or other relatives who might have expressed opposition or discomfort that would have interfered with the ceremony or the planning of the couple.

### Have These Same-Sex Couples Changed Marriage?

As same-sex couples maneuver around the barriers or even stop once they bump up against an insurmountable barrier, the legal end points take on a simple shape: some couples get married, some register as partners, and others remain legally unmarried. But while they appear to end up at the same place as some other couples, the routes to that point vary across couples. Whether and how they get to be married depends on the complex interplay of life conditions, their views on the value of marriage, barriers to marriage, and the processes of accepting or avoiding those barriers.

For those who marry, their reasoning sounds familiar, and it parallels the reasoning we hear from heterosexual couples. Same-sex couples in my study chose *to marry* (the verb) because they had a child, because they had some practical needs, or because they wanted to affirm and express their commitment to each other and to the world. Although they had the option to register as partners and gain most of the same legal benefits of

marriage, all but one of the couples who had a choice rejected registration and instead chose to marry. Likewise, these gay and lesbian couples’ Dutch heterosexual peers have similar views of marriage, as Anna Korteweg’s research on unmarried Dutch people shows.<sup>22</sup> Heterosexual couples aren’t always sure marriage will make a difference in their lives, but they see some practical circumstances that favor marriage (especially when having children). Most importantly, Korteweg’s research suggests that marriage serves as an emotional barometer, with discussions about marriage revealing how committed partners are to a relationship.

The 2006 survey of Dutch married and registered partner couples by Boele-Woelki and colleagues also finds that same-sex couples are motivated in similar ways as different-sex couples.<sup>23</sup> Roughly 60% of gay and heterosexual married couples report primarily emotional reasons for choosing marriage, and about 40% of each group also report that practical reasons encouraged them to consider formalizing their relationships. Similarly, gay and heterosexual couples who choose to register as partners report the same main reasons for choosing registered partnerships: practical reasons for formalization but concerns about marriage as an institution.

The same-sex couples I interviewed who have not married also sound like their heterosexual counterparts. A growing number of Dutch different-sex couples choose not to marry. Roughly a third of all 30-39-year-old Dutch people live with an unmarried partner, and almost half of them do not expect to marry their partners.<sup>24</sup> Overall, demographers estimate that a third of Dutch people will never marry, although most of that third will live with a partner.<sup>25</sup> Dutch same-sex couples and different-sex couples give very similar reasons for not wanting or expecting to marry. A survey of cohabiting heterosexual couples who do not expect to marry found that three-quarters reject marriage because it “would not add anything to their relationship,” suggesting that they do not need the practical, emotional, or cultural benefits of marriage.<sup>26</sup> Smaller numbers of those heterosexual couples gave other reasons that also sound familiar from my interviews (fewer than 20% for each reason): they oppose marriage; their partners do not want to marry; they do not want to make the commitment; or they do not plan to have children.

My interviews with Dutch same-sex couples uncover some internal personal tinkering with marriage, though, and I suspect that these adjustments may be more common for gay couples. In particular, the couple’s legal status was not the only thing that changed in the process of making a choice—their own ideas about marriage sometimes changed, too. The changes that I observed were primarily reframings of the political meaning of marriage.

The lesbians and gay men I spoke with were intensely aware of the political nature of marriage, especially as it related to women or to gay men and lesbians. These couples had lived through the political efforts to open up marriage to same-sex couples in Holland and elsewhere in the world, and now they see the issue of same-sex marriage caught up in Dutch political debates about the assimilation of immigrants from Islamic countries.

Furthermore, feminists often objected to entering an institution so historically associated with the loss of rights for women. But feminists sometimes had to reconcile these ideological beliefs with conflicting feelings and needs related to marriage, especially when a partner did not share those political beliefs. The political context allowed some feminists to reframe the act of marrying as a progressive political statement and to view the idea of marriage as a feminist one. In these reframings, marriages of two women or two men undermined old-fashioned gendered roles for husbands and wives.

The idea that marriage is "*burgerlijk*," or old-fashioned and square, was an idea that same-sex couples seemed to have absorbed from their heterosexual siblings and friends. This idea stood in the way of their choosing marriage, but many same-sex couples found their own ways around it. An individual marriage, conducted in an authentic and personal way, seemed to be the antidote to this concern. Marriage might be tacky for a younger, hip (and heterosexual) cohort, as Rachel once believed, but in the Dutch context her own choice to marry was "even more alternative."

Finally, same-sex couples sometimes adjusted the cultural trappings of marriage, mainly the wedding ceremony and celebration, to reconcile differing views of marriage within the couple or to respond to social disapproval, perhaps hinting at some other potential changes to marriage as a cultural institution. However, the variation in ceremonies of same-sex couples mostly mirrored the diversity of Dutch heterosexual weddings. The same-sex couples' weddings had three potential differences, however. First, none of the nine married couples I interviewed were married with a church blessing. Second, some lesbian couples used their ceremonies to express feminist political principles related to marriage. Third, same-sex couples were perhaps more selective in whom they invited; bad reactions of family members sometimes led to their exclusion from weddings. But that strategy was adopted to ensure a happy and relatively stress-free wedding day for the couple.

Overall, the similarities between the process that same-sex couples engage in as they decide whether to marry and actually marry and the process followed by different-sex couples are more striking than the differences. In

chapter 4 I return to the question of how the idea or meaning of marriage might have changed in the larger culture as a result of same-sex marriage.

### Relevance for the U.S. Debate

At this point, it seems reasonable to ask what the experiences of these Dutch couples can tell us about the debate over same-sex marriage in the United States. One obvious reason they are likely to apply to the American experience is that six of the thirty-four people I spoke with were from the United States. Gay and lesbian binational couples are particularly vulnerable in many countries because a same-sex partner does not qualify for the more favorable immigration status that foreign spouses get in the United States, leading some same-sex couples into "love exile" in places like the Netherlands, as some of the couples I interviewed termed it.

More important, over the years several scholars have studied same-sex commitment ceremonies in the United States, and one recent study examines same-sex couples who have married in Massachusetts. While most of the commitment ceremonies had no legal meaning until recently, these studies have found that U.S. couples had similar motives and faced similar barriers as same-sex couples in other countries, and some of the same factors appear to be important in other countries, too. Same-sex couples held commitment ceremonies to express their sense of commitment to each other and to express the seriousness of their relationships to friends and families.<sup>27</sup>

The legal and material benefits of marriage play an important role in the decision to marry in Massachusetts and in couples' stated desire to marry when marriage is not a legal option.<sup>28</sup> Highlighting the importance of material benefits sets American couples off a bit from the Dutch couples, who gain much less financially, if anything at all, by marrying. As I observed in the Netherlands and as others have seen in Denmark, Norway, and Sweden, the practical value of benefits such as immigration rights appear to play a role for some couples.<sup>29</sup> The other legal benefits, which I would interpret as the legal framework for organizing a couple's life together, as the Dutch put it, appear to be attractions of marriage in both countries. Political factors other than feminism appear to be relatively unimportant in most American couples' decisions to marry, although studies by Gretchen Stiers and Ellen Lewin reveal the complicated process by which political messages and political resistance emerge in American commitment ceremonies. As with Dutch couples, the choice to marry did not necessarily

mean a capitulation to conformity or tradition in the United States or in other countries with partner registration.<sup>30</sup>

Some similar barriers stop same-sex couples from marrying or from wanting to marry in the United States and other countries, mainly the feminist argument that marriage is a patriarchal institution. Schecter and her colleagues report that some Massachusetts couples chose not to marry for that reason, and Eskridge and Spedale heard similar arguments in Denmark.<sup>31</sup> Furthermore, U.S. couples do not always agree in their ideas about marriage and its trappings, which could stand in the way of deciding to marry.<sup>32</sup> For those couples that have been together and have made emotional and other “investments” in their relationships, as most who held commitment ceremonies in the United States have done, marriage can seem socially or economically unnecessary.<sup>33</sup>

Dutch and American couples have faced some similar challenges despite having somewhat different choices to make. My study addresses more directly than other studies how couples in the Netherlands found their way around barriers at the individual level and at the couple level in the context of an actual legal option to marry. At least at a general level, couples understood the legal rights and obligations that come with marriage, distinguishing marrying from simply living together or holding a commitment ceremony. But the similarities across countries in the decision to marry or to hold a commitment ceremony add to the sense emerging from other studies that ceremonies are significant markers of commitment and meaning, even when they do not come with legal recognition.

Overall, while these nineteen couples represent only some of the thousands of same-sex couples who have married in the Netherlands and who will or would marry in the United States, the range of experiences provides a starting point for understanding the kinds of factors that might be important for couples, even though I cannot use the interviews to say how *common* those factors are among same-sex couples. However, many of my findings track closely a larger survey of Dutch couples, and the close-up view provided by my interviews provides guidance for future research designed to better understand the decision-making process at work.<sup>34</sup>

### 3

## Forsaking All Other Options

The complexity of couples’ stories and decisions as related in the preceding chapter provides a context for interpreting the numbers that describe gay couples’ choices to marry. Fairly soon after countries started offering legal recognition to same-sex couples, European scholars noticed that the number of couples registering as partners seemed surprisingly low. For instance, after sixteen years, 2,641 Danish couples had registered; 1,808 couples registered in Norway from 1993 to 2004; Sweden saw just over 4,000 couples register in ten years.<sup>1</sup> Almost 10,700 Dutch same-sex couples had married as of 2007;<sup>2</sup> if we add in the couples that have registered as partners, we find that at least 22% of Dutch couples have formalized their relationships as of 2005.<sup>3</sup> After thirteen months, 18,000 couples in the United Kingdom had entered civil partnerships by the end of 2006, or also about 22% of roughly 80,000 same-sex couples.<sup>4</sup>

Maggie Gallagher, an American gay marriage opponent, and Joshua Baker tallied up the numbers of same-sex couples that married and compared their findings to estimates of the number of lesbians and gay men in each country (or state, for Massachusetts). Gallagher and Baker pronounced the marriage rates, which ranged from 1% to 17% of the gay population, “small,” although they professed to draw no other conclusions from those low rates.<sup>5</sup> Other commentators, however, seized on their report to interpret the low rates as evidence that gay people don’t really want or need the right to marry.<sup>6</sup>

Not surprisingly, not everyone agrees that the rates measured by Gallagher and others are unusually low. Expecting gay people to go from zero to 54 (the percentage of Americans over 18 who were currently married in 2006) right out of the marriage gate is probably unrealistic.<sup>7</sup> The pent-up demand for marriage among gay couples might take several years to resolve, and in the first few years the couples that do marry are likely to be committed couples of long standing, so year-to-year changes in rates are not typical of later annual rates of marriage.

My colleague Gary Gates argues that the annual rate of marriages among unmarried heterosexuals is also quite low each year and that the rates for gay couples do not look low from that perspective. He assumes that the numbers of same-sex marriages will not drop off too sharply after the pent-up demand has been exhausted, however. Over time, as couples marry, the pool of single gay people will shrink, so the percentage of unmarried gay people marrying each year will increase. This controversy suggests that some caution is in order when comparing rates of gay marriage to common markers of heterosexual marriage.

Nevertheless, the rates are important data in the policy debate over same-sex marriage, since they seem to reflect gay couples' opinions of marriage. However, it is just as likely that different marriage rates across countries reflect some other considerations. Looking at the rates in context can tell us more about why couples marry or not, so in the first part of this chapter I compare rates across several countries to various measures of the potential reasons for marrying. These comparisons suggest that the rates across different countries, whether high *or* low, are difficult to explain with current theories about why people might marry, so they don't provide a very useful referendum on beliefs about marriage.

In the second half of the chapter, I suggest that we focus on a different angle that will tell us more about the meaning and position of marriage by how often couples choose either marriage or registered partnership. In the Netherlands, same-sex and different-sex couples alike choose between these two different legal statuses, so the choice of one or the other reflects the relative perceived social, cultural, or personal value of marriage. As both the numbers and the comments of the Dutch same-sex couples show, marriage comes out on top every time in the emerging menu of relationship options for same-sex and different-sex couples.

### Why Don't More Same-Sex Couples Marry?

The close-up perspective on individual decisions in chapter 2 gives us some new potential answers to the questions raised by the numbers. My interviews with Dutch couples as described in that chapter suggest that the reasons for the low rates of marriage are complex and probably interrelated:

- Couples that have been together a long time have created alternatives through legal documents and social support that reduce the practical value of marriage.

- Cohabiting same-sex couples get some of the rights and responsibilities of marriage in the Netherlands (and in many other European countries), and the state picks up some of the social insurance functions that marriage might otherwise provide, again reducing the practical value of marriage.
- Same-sex couples are probably less likely to have children than different-sex couples, reducing demand for marriage for that reason.
- Couples have worked hard to achieve informal recognition by friends and family of their relationship, and marriage might debase the meaning of that prior work and the value of the premarriage relationship years.
- Some lesbians and gay men have political objections to the concept of marriage related to their historic exclusion and to other ideological beliefs about the institution of marriage.

The (apparently) low marriage rates are likely a result of a combination of these forces, some of which are specific to or stronger for lesbian and gay couples than for heterosexual couples. Although different-sex couples might face some of the same pressures, for same-sex couples the newness of the right to marry and many years of creating their own relationships on their own may have amplified the effects.

Beyond the ingredients that go into making a decision, the actual process of decision making is one that can take a while, even for existing committed couples. As my interviews demonstrate, two sets of complicated motivations and ideas go into any one couple's decision about marriage, so the existence of even a small proportion of marriage skeptics could delay or block many weddings. After conducting these interviews, I could easily conclude that the rates of marriage and partnership are actually *higher* than I might expect given the context and barriers that lesbian and gay couples face.

The early numbers have generated enormous speculation, though. Our understanding of the reasons behind the statistics should improve over time, but I find some of the reasons suggested by others to be unsatisfying. Several writers, including Dale Carpenter, Paul Varnell, William Eskridge, and Darren Spedale, have all argued that gay men and lesbians might be less likely than heterosexuals to form committed couples at this point in history given the lack of legal and institutional support for gay relationships.<sup>8</sup> We do not have good data on the coupling rates for gay people in European countries, but in the United States most recent studies suggest

that 25% to 50% of lesbians and gay men are in committed relationships.<sup>9</sup> Even if this pattern is also true for the Netherlands and other European countries, it does not explain low rates of registration and marriage among *actual* same-sex couples. In the Netherlands, 22% of same-sex couples have married or registered, as have 80% of heterosexual couples.

Some of these writers have argued that the low rates reflect the novelty of marriage as an aspect of gay relationships.<sup>10</sup> While that argument seems plausible, it does not completely take into account the childhood visions and expectations of marriage that many gay men and lesbians I spoke with recalled. Those trying to explain the low rates point to the higher uptake of marriage among same-sex couples in Massachusetts as evidence that a country's "marriage culture" matters, since the marriage culture is stronger in the United States than in Europe.<sup>11</sup> But rates of marriage and registration in the United States among same-sex couples are still lower than those for heterosexual couples there. And the Scandinavian couples have had many years to think about the decision, but we have not seen the dramatic surge in couples registering that we might have expected as new relationships form and blossom.

They also propose other possible reasons that are similar to the factors I found relevant, such as opposition to the idea of marriage.<sup>12</sup> But, to really understand why ideological barriers matter, we have to also consider the fact that some couples are eventually able to get around that barrier to marriage, as some couples I spoke with did. Another plausible explanation that Varnell and Eskridge and Spedale raise is that fear of social stigma and discrimination keeps couples in the closet and out of the public registries. However, the couples I spoke with who did not marry or register were quite open in their work and family lives about their relationships, so the closet alone is an insufficient explanation for some couples' decisions to remain unmarried. The one lesbian I interviewed who was not out to her family had married anyway and found that fact no more difficult to conceal than the fact that she is a lesbian.

The difficulty of isolating a particular factor that reduces marriage rates also shows up if we make a more detailed comparison of same-sex partnership or marriage rates across countries instead of relying on data from interviews with a relatively small number of couples. Here I look for patterns by comparing rates of partnership across countries to measures of the practical and cultural value of marriage. Are partnership rates lower where the practical value of marriage is low? Or are they lower in countries that see marriage as outdated? If such patterns emerge, then we

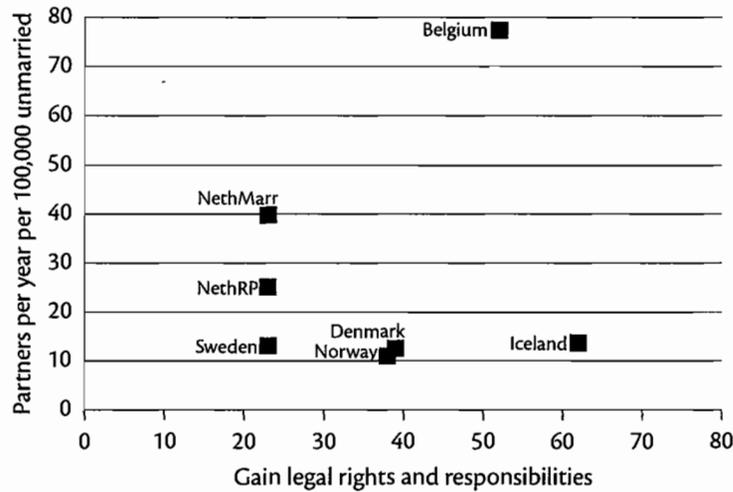
might think that same-sex couples' rates of marriage are low because they perceive little benefit from marriage or do not like the institution.

Measuring partnership rates require careful construction and a few adjustments. I added up all of the couples that entered partnerships by country in Denmark, Sweden, Norway, Iceland, the Netherlands, and Belgium. (France does not separate out the numbers of same-sex and different-sex couples entering a PACS [*Pacte Civil de Solidarité*]. Germany and Finland apparently do not publish these figures.) Then I created a measure that adjusts for differences in laws and sizes of countries. To account for the fact that couples marry over time and that some countries have had these laws longer than others, I calculated the average number of registered partners or same-sex married couples per year that the status was available. Next, I divided that figure by the number of unmarried people over the age of fifteen in each country in 2004 to take into account the fact that some countries have larger populations of potential same-sex couples than others. The adjusted rates of registered partners (or marriages) per year per 100,000 unmarried people are: Denmark, 12.5; Iceland, 13.7; Norway, 10.9; Sweden, 13.0; Netherlands (registered partnerships), 25.0; Netherlands (marriage), 39.8; and Belgium (marriage), 77.3.

Next, I plotted each of these adjusted partnership rates on a graph against several factors that might influence marriage or partnership for same-sex couples. If a given factor is closely related to marriage rates, then we should see a clear pattern on the graph: countries that have high same-sex marriage rates will also have high (or low) values of the particular factor we're considering. I also tested the correlations between partnership or marriage rates and the factor for statistical significance.

Unfortunately but perhaps unsurprisingly, the picture that emerges from these comparisons is that no single factor explains much about why couples do or do not marry or register. Consider first the practical consequences of marriage. The legal scholar Kees Waaldijk and his colleagues in Europe created measures of the "level of legal consequences" of marriage and partnership. In the nine countries that granted rights to same-sex couples in 2003, the lawyers compared the rights and responsibilities of legal marriage for different-sex couples on dimensions of parenting, taxation, property division, inheritance, health insurance, pensions, and other factors to those same rights for cohabiting, registered, or married same-sex couples.<sup>13</sup> When I compared partnership ratios to the gain in rights and responsibilities that same-sex couples experienced in marrying or

Figure 3.1  
Partnership Rates by Legal Gain



registering compared with simply living together, no relationship emerges (see Figure 3.1). The points on the graph appear randomly scattered.

Another comparison that did not pan out looked at social protection spending in each country. Higher levels of social spending did not go with lower rates of partnership registration (see Figure 3.2) (a slight negative correlation was not statistically significant). These two comparisons suggest that a low practical value of marriage does not lead to lower marriage rates in Europe, at any rate.

Another way to assess the value of marriage is to compare same-sex couples' behavior to heterosexual couples' marriage decisions. This comparison gets at the "marriage culture" explanation offered by some commentators. Two good measures are the heterosexual cohabitation rate (see Figure 3.3) and the heterosexual marriage rate (see Figure 3.4).<sup>14</sup> If we leave out Belgium, which has a high same-sex marriage rate but a low cohabitation rate and a low marriage rate, there is no obvious link between the heterosexual couples' cohabitation rate or marriage rate and the rate of registration or marriage among same-sex couples. (Even if we include Belgium, the relationship is not statistically significant, but it comes close for the cohabitation rate.) In other words, the data show no evidence of a link between lack of enthusiasm for marriage among different-sex couples and the registration or marriage rates for same-sex couples.

Figure 3.2  
Partnership Rates by Social Protection Spending

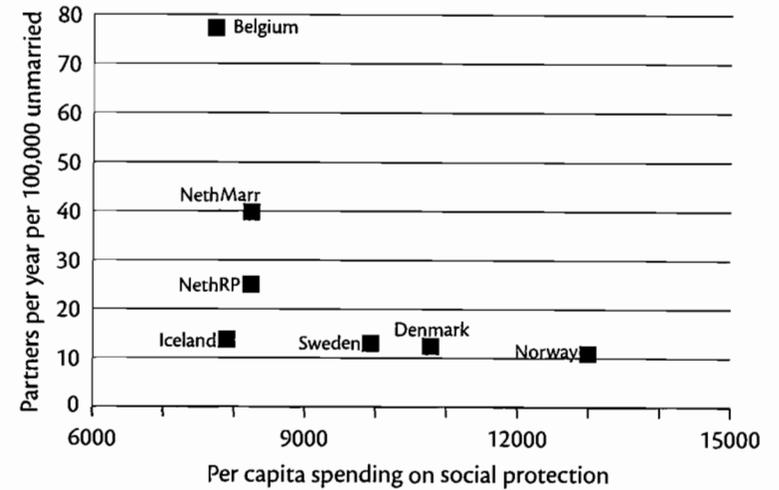


Figure 3.3  
Partnership Rates by Cohabitation Rate

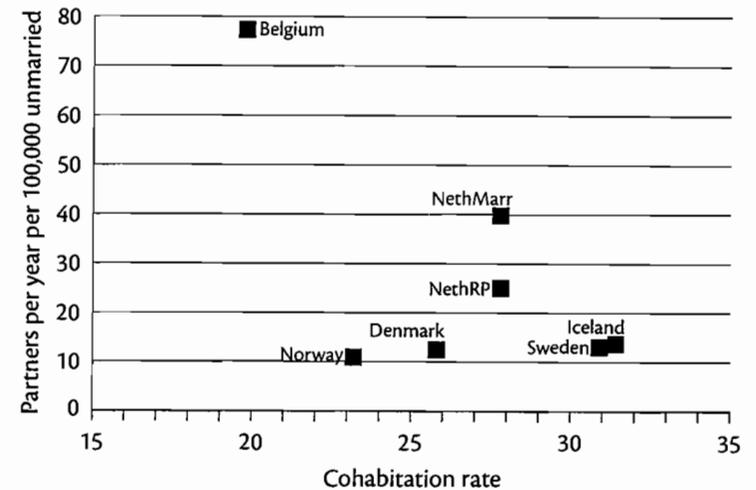
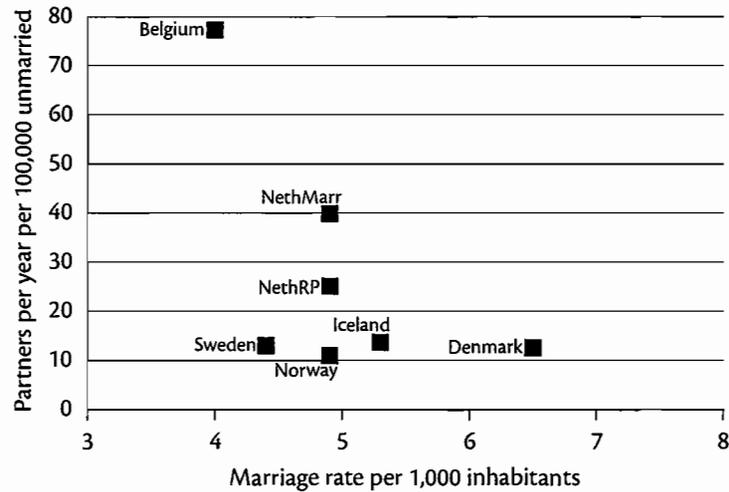


Figure 3.4  
Partnership Rates vs. Marriage Rate



However, I did find one intriguing and strong relationship between partnership rates and beliefs about marriage. The World Values Survey asks respondents in many countries whether they believe marriage is an outdated institution. (I look in more detail at these data in chapter 4.) We might reasonably expect to see lower marriage rates in countries where many people see marriage as outdated. Not surprisingly, Figure 3.5 suggests that heterosexual marriage rates are lower in countries where more people believe marriage to be outdated, although the negative correlation is not statistically significant.

What's more surprising is that the pattern for same-sex couples in Figure 3.6 shows just the opposite—their registration or marriage rates are higher in countries where the belief that marriage is outdated is pervasive! Maybe this relationship captures the twist noted by Rachel in chapter 2. Marriage might be square (*“burgerlijk”*) for different-sex couples, but same-sex couples find it easier to overlook that given the different political context for their marriages or registered partnerships. Or perhaps same-sex couples are less likely to take these rights for granted than are different-sex couples, given the political battle necessary to win those rights.

One final angle on the numbers confirms the potential importance of beliefs about marriage. Early on in the registration or marriage process in Denmark, Norway, Sweden, Belgium, and the Netherlands, male couples

Figure 3.5  
Heterosexual Marriage Rate vs. Belief That Marriage Is Outdated

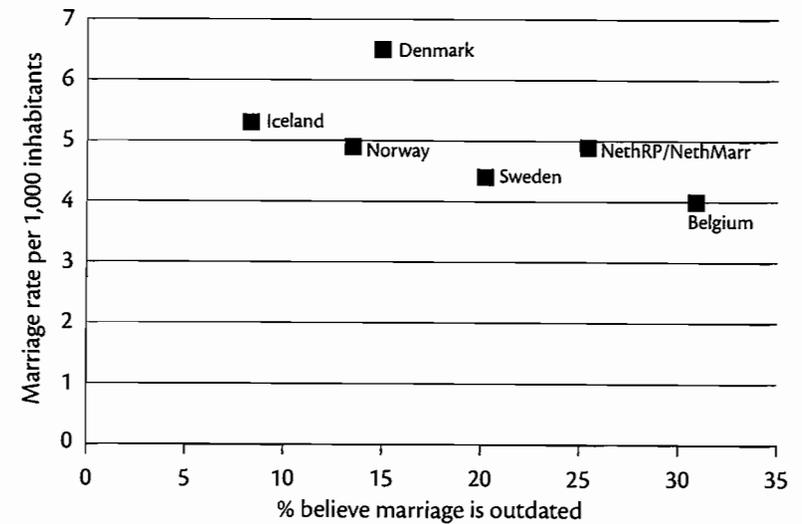
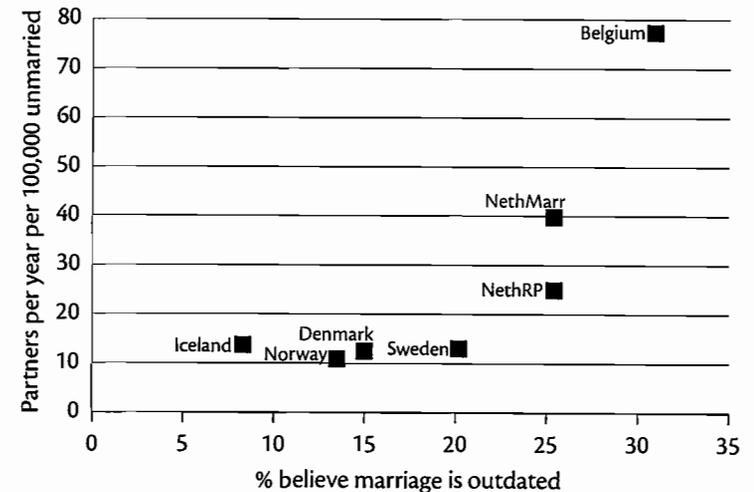


Figure 3.6  
Partnership Rates vs. Belief That Marriage Is Outdated



greatly outregistered female couples. Over time, though, women started catching up, and now the numbers of male-couple and female-couple registrations each year are similar. This pattern fits the findings from interviews with Dutch couples, which revealed that certain ideas about marriage act as a barrier to making that choice. The ideological barriers were particularly high for many lesbians to start with, as my interviews found. The big picture suggests that, over time, either women's ideas about marriage shifted or their particular needs changed to make marriage a better option in their lives.

A comparison of GLB people's interest in marriage in Europe and in the United States highlights the potential importance of tangible benefits in the marriage decision. American couples appear more interested in marriage than do European gay couples. In the early 1990s, Gretchen Stiers asked ninety lesbians and gay men in Massachusetts (78% of whom were in relationships) whether they would marry if they could, and 58% said yes. Other evidence suggests that interest in marriage has grown since then in the United States:

- A 2003 online survey of 748 LGB adults by Harris Interactive and Witeck-Combs Communications found that 78% said they would want to get legally married if they were in a committed relationship. Younger and less-educated people were even more likely to say yes than the average gay person.<sup>15</sup>
- A 2001 survey of 405 lesbian, gay, and bisexual Americans in twelve major urban areas found that 74% would like to marry someday.<sup>16</sup>
- A recent survey of LGB teens in the New York area also found enthusiasm for marriage, with 61% of young men and 78% of young women reporting that they are very likely to marry a same-sex partner.<sup>17</sup>

When given the opportunity, same-sex couples in the United States appear to be much more likely to marry or register than do those in Europe. The American Community Survey, conducted by the U.S. Census Bureau, also provides better data on the number of same-sex couples, which is a more appropriate baseline for comparison.<sup>18</sup> In Vermont, 51% of same-sex couples entered civil unions from 2000 to 2007.<sup>19</sup> In Massachusetts, more than 10,385 same-sex couples married in the first three years that marriage was an option, constituting 44% of same-sex couples living in that state. More than 44% of California's same-sex couples entered domestic partnerships before the state briefly opened marriage to gay couples in 2008.

However, heterosexual couples are still more likely than gay or lesbian couples to marry, since 91% of different-sex couples in the United States are married. As the numbers continue to increase for same-sex couples, it is still possible that they will catch up at some point. And, in the United States, female couples are more likely than male couples to marry and to register—just the opposite of the pattern in Europe—suggesting the possible importance of the practical value of marriage related to childrearing. More lesbian than gay male couples are caring for children in their homes in the United States, and the rates of childrearing are higher among U.S. same-sex couples than among same-sex couples in the Netherlands and in Scandinavia.

This chapter suggests some reasons that same-sex couples in the United States are more likely to marry than those in the Netherlands, where only a quarter of same-sex couples are estimated to have married or registered:

- Marriage comes with more benefits in the U.S. than in the Netherlands, such as health insurance through employers.
- Same-sex couples get no clear rights or responsibilities simply by living together in the United States, unlike the Netherlands.
- Same-sex couples in the United States are more likely to be raising children. Roughly one in five male same-sex couples and one in three female same-sex couples are raising children in their homes, according to the U.S. Census. Comparable Dutch data shows that only 9% of same-sex couples have children living at home.<sup>20</sup>
- Marriage rates are higher in the United States, probably because of greater levels of religiousness and other values (see the discussion in chapter 4), which changes the cultural context in which same-sex couples (and heterosexual couples) make decisions.

Overall, the evidence from the Netherlands and from studies of same-sex couples in the United States suggests that the decision not to marry does not reflect disdain for or outright rejection of the institution of marriage. To the contrary, Dutch and American same-sex couples view marriage as a serious step and do not undertake it without feeling a commitment to their partner and an intention to stay together. For many, the decision to have children is linked to marriage through important legal and cultural ties. Those who choose not to marry sometimes disagree with aspects of the institution, but those ideas are malleable and appear to change over time, as I mentioned in chapter 2 and discuss further in chapter 5. The complexity of factors influencing couples' decisions and the

variation in the legal and social context in which couples make decisions undoubtedly help to explain the lower rates of marriage so far among gay than among heterosexual couples.

### Choosing Among Alternatives to Marriage: “The Real Thing” vs. “a Bit of Nothing”

One obvious way to capture same-sex couples’ decisions is to look at the percentage of gay couples that marry or register, but, as this chapter shows so far, it’s certainly not equivalent to a referendum on beliefs about marriage. A different perspective on choice is more revealing about gay couples’ views on the general value of marriage, in my view. In the Netherlands, all couples have a variety of choices about whether and how to formalize their relationships, as I mentioned in chapter 2. In the second half of this chapter, I look at how gay and heterosexual couples view marriage as compared to its alternatives. Both stories and numbers clearly reveal that marriage ranks highest among formal legal options for couples.

All Dutch couples won the right to register as partners in 1998 as the result of a political compromise that gave same-sex couples most of the rights and responsibilities of marriage without calling it “marriage.” Most of the same-sex couples I interviewed were aware of some legal differences between marriage and registered partnership, but they saw those differences as minor. (Interestingly, as noted earlier, they saw the legal and practical differences between cohabiting and marrying as relatively minor, as well.) Most also supported the idea that both gay and heterosexual couples should be allowed to choose between marriage or registered partnership. Nevertheless, almost everyone, regardless of legal status, expressed disdain for registered partnership. They clearly viewed that status as socially and culturally second-rate when compared with marriage.

All four of the couples I interviewed who were registered partners entered that status before marriage was legally available. Of the four, only one couple, Paul and Javier, preferred registered partnership to marriage. Paul was quite clear about why he had made this decision, as noted in chapter 2. “I see marriage as something for your life which you choose for your life and I’m not sure with him,” he explained. “And that’s for me immediately a reason not to get married.” Permanence is a cultural ideal of marriage, not a legal one, and having a different option without that cultural expectation was useful for Paul.

The statements of the other three registered partner couples suggest that they believe that marriage is not just different but is a *better* status in some way. Gert and Willem refer to their registered partnership (and ceremony) as a marriage. They had an elaborate weekend-long wedding celebration to note the occasion, followed by an around-the-world honeymoon sponsored by their wedding guests. These men did not officially convert their partnership to a marriage because the time and the expense (hundreds of euros) of the conversion outweighed the meager legal gains they would achieve, in their view. Laura and Ria were about to convert their partnership to a marriage the week after our discussion. And Ineke and Diana implied that they would have chosen marriage if it had been available because registered partnership “was not the real thing . . . it was to have the Christian parties happy.”

Not surprisingly, the couples that had married were the least supportive of registered partnership. They had faced an explicit choice and opted for marriage. But even the couples that were neither married nor registered said that registered partnership was much less desirable to them. In both of these groups of couples, the views of registered partnership ranged from contempt to a more positively stated belief that marriage is superior. “Registered partnership I found really shit. It’s really CDA [the Dutch Christian Democratic Party], it’s a bit of nothing,” according to Margriet, who had married her partner, Miriyam, shortly after they had a child. Rob opposed marriage because he preferred that society be organized around individuals rather than couples, but he still thought that registered partnership was “even more absurd” than marriage.

The dryness of the “registered partner” status contrasts sharply with the rich emotional meaning of marriage: “I thought it was OK as a step forward towards marriage for everybody, so in that way I supported it,” recalled Anneke, who was neither registered nor married. “But on a private level I thought, well [I] don’t want to get registered—it sounds like the result of an accountant’s report: ‘I got registered.’”

Otto and Bram’s decision to marry was an emotional and spiritual one that did not fit registered partnership, and Otto had little good to say about that alternative: “Because the decision of marriage was really something emotional—I wouldn’t say spiritual but it turned out to be very spiritual, but it was something that we decided emotionally—and I think a registered partnership—already [the] name sounds very practical. You write, and you count, and you balance.”

Indeed, the 2006 survey by Boele-Woelki et al. supports the idea that registered partnership means something very different to couples that have a choice. The couples they surveyed who had a registered partnership were more likely to have referred to the practical reasons for formalizing their relationships than did the couples that had chosen to marry. Married couples reported more emotional and symbolic reasons for choosing marriage.

Most of the Dutch couples I interviewed found registered partnership to be a good step toward equality in its historical context but believed that marriage was simply better. Either marriage was a more complete legal status or it represented complete legal equality. Ellen and Saskia had considered registered partnership when they began thinking about getting married. But they decided that they wanted the “real thing” that heterosexuals got. “We are exactly the same,” Ellen stated forcefully. “We don’t do it for less.”

Many Dutch couples saw marriage as better because it had an additional social meaning that registered partnership, as a recent political invention, lacked. Martha and Lin chose marriage over registered partnership because marriage “had substance.” To Lin, marrying said “This is the woman that I’ve chosen to be with for the rest of my life,” just as it did when her brother married and when her sister married. Registered partnership could not send the same kind of message.

And not only does marriage send a unique signal, but that signal is understood by those who receive it.<sup>21</sup> “One of the amazing things about marriage is people understand it, you know,” Martha pointed out. “Two-year-olds understand it. It’s a social context, and everyone knows what it means.” Other couples pointed out that other countries accept the meaning of marriage, unlike registered partnerships, and in some cases recognize the marriages of Dutch same-sex couples but not registered partnerships.

Although the Netherlands is unique in offering such a wide range of legal options to couples, similar negative feelings about statuses that stop short of marriage may explain the low registration rates in other countries. Eskridge and Spedale dismiss the idea that the low rates of partnership registration in Denmark stem from the fact that it’s not a “real” marriage. They argue that Danish couples see the decision to register a partnership as marrying, and registered partnerships are treated as marriages on a social level. But same-sex couples do not have the option of marriage in Denmark (and different-sex couples cannot choose registered partnership), so we have no way to know if the current option would be seen as second-best were marriage available.

In some places, the cultural and political trappings of statuses that are not marriage send a very clear message of difference and inferiority to gay and lesbian couples. The alternatives to marriage generally lack ceremony and are not embedded in cultural or social life in Europe or North America. They do not have cultural rituals or understandings to enhance their meaning, other than in relation to marriage. While gay couples have been resourceful in creating their own ceremonies to honor commitment, the inequality between marriage and informal or lesser legal commitments remains clear.<sup>22</sup> Couples clearly—and accurately—perceive that the alternatives to marriage open to same-sex couples are designed to be inferior to marriage.

To marry in France, for instance, a different-sex couple goes to the town hall with witnesses.<sup>23</sup> The couple waits outside the special room for weddings with other soon-to-be-married couples. When their turn comes, the two exchange vows before the mayor or an appointed deputy. In sharp contrast, the members of a same-sex couple registering a PACS—the strongest form of legal recognition for a same-sex couple in France—go without witnesses to the “tribunal d’instance” to register their pact in the office of the court clerk, with no ritual or special trappings to note the occasion. While waiting to register, the couple might share a waiting room with other people seeking the court’s attention on matters related to debts or disputes with landlords. The anthropologist Wilfried Rault calls these reminders of second-class status “symbolic violence.” Same-sex couples clearly perceive their inferior position, so they do their best to compensate by dressing up, bringing friends and relatives (who must wait outside the clerk’s office), and organizing private ceremonies or celebrations to take place afterward.

Even egalitarian Sweden differentiates between registering a partnership and marrying. Jens Rydström argues that the relatively small differences in the civil ceremonies for marriage and for partnership reinforce a symbolic inequality. For instance, the civil servant who presides “declares” a different-sex couple married, while he or she “informs” a same-sex couple that they are registered: “This gives the partnership more the character of a business agreement, whereas the matrimony transforms the two into one flesh with an almost magic formula.”<sup>24</sup> The marriage ceremony affirms heterosexual couples’ “responsibility unto coming generations,” a role absent and therefore symbolically denied to registered partners.

As the experiences of European couples suggest, without the ability to marry, alternatives to marriage take on some symbolic and expressive meaning as merely the next best thing. In 2008, the California Supreme

Court noted these deficiencies in domestic partnership: when compared to marriage, domestic partnerships may become a mark of second-class citizenship and are less understood socially.<sup>25</sup> In practice, these legal alternatives to marriage are limited because they do not map onto a well-developed social institution that gives the act of marrying its social and cultural meaning. Once marriage is possible, the position on the symbolic ladder is clear: marriage trumps its alternatives for same-sex couples.

### The Emerging Ranking of Options

We can also assess the relative value of marriage and registered partnership to couples by comparing the numbers of couples that choose each legal status. Only the Netherlands offers all couples two formal options, plus the options of cohabiting with or without an explicit cohabitation contract (*samenlevingscontract*). In fact, looking at the broader picture painted by international and U.S. statistics reveals a decided lack of enthusiasm for the alternatives, just as we saw in the Dutch couple interviews. Same-sex couples are more willing to use the new legal statuses than are different-sex couples, but that is probably because they want the closest status to marriage that is open to them.

In the Netherlands, 10,401 same-sex couples registered as partners between 1998 and 2007, or 1,040 per year. But, in the much shorter time period that marriage was open to them (2001-2007), almost 10,700 same-sex couples have married, or 1,528 per year. More tellingly, the number of registered partnerships dropped off dramatically, from between 1,500 and 3,000 per year until 2001 to around 500 to 700 per year after 2001, while the number of same-sex couples that married was twice that number, suggesting a strong preference for marriage among gay couples.

When Dutch lawmakers opened marriage to same-sex couples, in 2001, they realized that some same-sex couples who were registered partners might want to marry, so the new law included a conversion process to allow registered partnerships to become marriages and vice versa. We don't know how many partnerships were converted to marriages, so there might be some double-counting in the totals here. The demographer Liesbeth Steenhof uses Dutch population registries (which distinguish between partnerships and marriage) to estimate that by 2005 about 12% of same-sex couples in the Netherlands had married and another 10% were registered partners.<sup>26</sup> So the range of same-sex couples taking up marriage and something almost identical to marriage is at least 22%.

Different-sex couples also vote for marriage. By 2007, only about 37,500 Dutch different-sex couples had registered as new partners in seven years (about 3,700 per year), a fairly small number when compared to the 70,000 to 80,000 marriages that took place each year and in light of the 700,000 cohabiting different-sex couples in Holland.<sup>27</sup> Since there are 3.5 million married Dutch couples, plus the 700,000 unmarried couples, we can calculate a "take-up rate" of registered partnership of only 5.3% for unmarried different-sex couples, or 0.9% of all different-sex couples, whether married or not.

An interesting footnote to the registered partnership alternative for heterosexual couples comes from a curious new phenomenon related to the registered-partner-to-marriage conversion process. To policymakers' surprise, in addition to the 37,000 or so new registered partnerships by heterosexual couples through 2007, 28,567 different-sex married couples converted their marriage into a partnership. Most of those conversions were quickly dissolved in a "flash annulment," or streamlined administrative dissolution that is possible only for registered partners.<sup>28</sup> These flash annulments were an unintended effect of the law that gave same-sex couples the right to marry. However, Dutch demographers note that the number of divorces decreased by more than the number of these flash annulments after 2001,<sup>29</sup> so these registered partnership conversions did not increase the number of marriages that ended—they just changed *how* they ended.

Of course, many Dutch heterosexual couples do not bother to marry or register. In the Netherlands, 700,000 couples (presumably mostly different-sex couples) lived together outside marriage in 2003, about 17% of all couples. About half of those couples have a cohabitation contract. In other words, about 8.5% of Dutch couples (the vast majority of which are different-sex couples) opt for a cohabitation contract instead of marriage or registered partnership to legally organize their relationship. Judging from the same-sex couples I interviewed, cohabitation contracts are important for getting mortgages and seeking benefits for cohabiting couples, which explains the surprisingly high rate of cohabitation agreements.

From the perspective of heterosexual couples, marriage is clearly the top choice for legally organizing a relationship, followed by cohabitation with and without private cohabitation agreements. Registered partnerships occupy a distant fourth place. Like their heterosexual counterparts, gay and lesbian couples choose marriage when they decide to formalize their relationships, although so far more same-sex couples have opted to

simply cohabit without a formal legal status. Again, the similarities between same-sex and different-sex couples' attitudes toward marriage are striking.

No other country provides the same effective referendum on marriage. France and Belgium come closest, with statuses carved out for same-sex couples that are also open to different-sex couples. Unfortunately, we do not have statistics on different-sex couples who became "Pacséed" in France or on legal cohabitants in Belgium. French law does not even allow the state to track or report the breakdown of PACS into same-sex and different-sex partners.<sup>30</sup>

In the United States, roughly a quarter of gay and lesbian couples have a choice of some kind of legal recognition at the state level. American same-sex couples are most enthusiastic about marriage and statuses very close to marriage in rights and responsibilities. As noted earlier, gay and lesbian couples in Massachusetts have married at an impressive pace, with 37% of couples marrying in the first year.<sup>31</sup> In contrast, only 12% of same-sex couples entered civil unions in the first year their states (Vermont, New Jersey, and Connecticut) offered that status, and only 10% entered domestic partnerships in the first year in states that offer that option (California, Washington, New Jersey, Maine, and the District of Columbia). Another view compares the proportion of couples that signed up in the first year for statuses with all or almost all of the rights of marriage (mainly marriage and civil unions) to the proportion that signed up for statuses offering more limited rights. The marriage and near-marriage statuses attracted 21% of couples in year one, while the limited statuses attracted only 10% of couples in the first year.

In California and New Jersey, older heterosexual couples are also allowed to register as domestic partners, and their actions confirm that most couples prefer marriage.<sup>32</sup> Very few have taken advantage of this option. Only 5% to 6% of registered domestic partners in California are different-sex partners,<sup>33</sup> although at least one partner must be sixty-two or older to register, limiting the eligible pool. Census 2000 data for California suggests that this figure accounts for only about 6% of eligible different-sex couples in that age group, leaving 94% or so unregistered and unmarried. In New Jersey, only 90 of the 4,111 couples that registered as domestic partners from July 2004 to May 2006 were different-sex couples.<sup>34</sup> Comparing that figure to the estimated 3400 age-eligible different-sex unmarried couples in New Jersey gives a very low take-up rate of 2.7%. Elsewhere in the United States, another study found that only about 10% of partners registering in

domestic partner registries in college towns were different-sex couples,<sup>35</sup> which also implies a very low level of interest among different-sex couples in something other than marriage.

Interestingly, these small numbers of registration contrast sharply with the experience of U.S. employers that offer benefits to domestic partners. Different-sex partners far outnumber same-sex partners in those situations,<sup>36</sup> although they are a tiny minority in registration systems. Perhaps either the symbolism of these alternative statuses is less meaningful for different-sex couples that can marry when they want full legal and social recognition as a couple, or perhaps the obligations of registration are less desirable and the benefits less tempting for different-sex couples.

Overall, the experience to date with alternative legal statuses for couples in Europe and the United States suggests several conclusions:

- Same-sex couples want their relationships to be legally recognized and prefer the option closest to marriage.
- Both same-sex couples and different-sex couples prefer marriage over other legal forms.
- Very few unmarried different-sex couples take advantage of alternative legal recognition statuses.

As in the preceding chapter, the picture of same-sex couples' decision to marry that emerges here is one of familiarity, not of something radically new. Although the percentage of gay couples choosing to marry in the Netherlands and the United States seems low to some observers, the rates look high to me given the historical and social circumstances. Just like heterosexual couples, Dutch gay couples put marriage at the top of a range of choices for organizing and formalizing their relationships, and we see some evidence that the same thing is happening in the United States. A look across a broader range of countries provides some evidence that gay couples might even be bucking the heterosexual trend of increasing skepticism about marriage.

The next chapter explores more directly the possible links between the marriage choices of gay couples and the decisions about marriage made by heterosexual couples.

## The Impact of Gay Marriage on Heterosexuals

Dutch winters are notorious for being gloomy, with low gray clouds pressing down from the sky. But January 1, 1998, was a happy winter day for same-sex couples in the Netherlands, who could finally register their partnerships and receive almost all of the rights and responsibilities of marriage. A little more than three years later, the Dutch parliament had opened up full-fledged marriage to same-sex couples. Did the low Dutch skies drop a bit in response to giving gay couples access to a marriage?

Letting gay and lesbian people marry someone of the same sex obviously changes the gender combinations in married couples by opening up the rules about who may marry whom. In the two preceding chapters, I showed that same-sex couples approach the existing institution of marriage carefully as they consider whether to marry, displaying respect for the institution's social power and for its potential personal influence. What would happen to the institution of marriage if same-sex couples were allowed to marry everywhere? Some have argued that one good reason to slow down or stop the movement toward marriage equality is the possibility that this change will have a long-lasting negative influence on different-sex couples' decisions about marrying or on the institution of marriage. In other words, some people fear changes in what marriage means in a larger cultural sense. In particular, they worry that opening up marriage poses a threat to children by diminishing heterosexual couples' desire to marry, thereby reducing parents' commitment and attention to childrearing.

One of the most influential writers promoting this view in the United States is the conservative commentator Stanley Kurtz, whose argument is rooted in the assumption that the primary purpose of marriage is to have children. He points to the drop-off in marriage rates over time, the rise in heterosexual cohabitation without marriage, and the rapid increase in nonmarital births in Scandinavian countries and in the Netherlands, the countries that first allowed same-sex couples to register as partners, to bolster his claim that marriage and parenthood have become further separated in the minds of heterosexual people as a result of gay marriage. He

concludes that "gay marriage is both an effect and a cause of the increasing separation between marriage and parenthood" because it accelerates the separation process that had already begun as a result of other causes.<sup>1</sup> His conclusion about the long-term consequence of giving marriage rights to same-sex couples is potentially devastating: "Marriage itself has almost entirely disappeared"; "Marriage has become a minority phenomenon"; "We are witnessing no less than the end of marriage itself in Scandinavia."<sup>2</sup> Kurtz warns that this trend is disastrous for children because of higher rates of break-up among cohabitators and worse outcomes for children raised by unmarried parents.

In many ways, Stanley Kurtz defined what came to be conventional wisdom among conservative opponents of marriage rights for gay couples. Kurtz is an avid reader of demographic research and has assembled a detailed argument based on demographic statistics and on his reading of cultural trends in Scandinavia and in the Netherlands. Over the past few years, I have jostled with Kurtz online and in print on whether the demographic trends truly line up with policy changes, as have other writers and scholars.<sup>3</sup> His perspective is an important one to consider, although I argue that his conclusions are terribly wrong.

Others have piled onto the Kurtz bandwagon, attesting to his influence. The Senate debate on the Federal Marriage Amendment in 2006 showcased charts displayed by several senators that illustrated variations on themes developed by Kurtz.<sup>4</sup> Researchers at the conservative Heritage Foundation argued that demographic data show that "same-sex marriage has not strengthened the family but may have accelerated its decline."<sup>5</sup> In 2004, a group of Dutch scholars who study law and other fields rather distantly related to family studies issued a "statement" that made an argument strikingly similar to that of Kurtz:

In light of the intense debate elsewhere about the pros and cons of legalizing same-sex marriage it must be observed that there is as yet no definitive scientific evidence to suggest that the long campaign for the legalization of same-sex marriage contributed to these harmful trends. However, there are good reasons to believe that the decline in Dutch marriage may be connected to the successful public campaign for the opening of marriage to same-sex couples.<sup>6</sup>

The Dutch demographers and other social scientists I have spoken with do not agree with this view and tell me that this is a decidedly minority

opinion among Dutch scholars. Nevertheless, this statement seems to add to the weight of opinion behind Kurtz's point.

With such a clear-cut assumption about the crucial connection between marriage and procreation—marriage should come first, then children—Kurtz and others can easily point to evidence that ideas about marriage have changed by identifying visible or important people who express a view that marriage is about love, commitment, or anything else—that is, *anything other than procreation*. They argue that the smoking gun in the same-sex marriage debate is a sharp change in the public understanding of marriage that emerged during the debate about rights for gay couples. The public debate in those countries, they argue, provided a highly visible launching pad for ideas about marriage from politicians, academics, clergy, and the media and that these ideas landed in the minds, homes, social institutions, and decisions of heterosexual people. If those potential opinion shapers described marriage as an institution rooted in anything other than procreation, then Kurtz accuses them of contributing to the demise of marriage.<sup>7</sup>

One response from historians and other social scientists is to note that the view of marriage promoted by Kurtz and company is a narrow and incomplete one. The historian Stephanie Coontz shows that marriage has served many other purposes for modern and past cultures beyond simple procreation.<sup>8</sup> She argues that marriage was mainly a way to link families into larger social units. Legal marriage formalized property arrangements that cemented these links. Not until recently did marriage become more about love than about property and in-laws. In the twentieth century, as people have lived longer and spent less of their coupled lives raising children and as economic forces have made both spouses' paid labor increasingly essential, family life and family law have also adapted.

Another possible response is to point to recent demographic research showing that same-sex couples themselves are more involved with procreation than some would expect. In the United States, about one-third of lesbian couples are raising children, and almost one in five gay male couples is raising children.<sup>9</sup> At least 9% of Dutch couples are raising children, while one in six Danish registered partner couples have children.<sup>10</sup> Although we do not know how many of those children were born into the same-sex relationship, clearly same-sex couples are involved in the reproduction of new human beings at some stage of the childrearing process. In chapter 3, we saw that some Dutch same-sex couples married because they were planning to have children, and Eskridge and Spedale report a similar connection for some Danish same-sex couples who registered as

partners. In chapter 5, I explore in more detail the possibility that same-sex couples have unorthodox ideas about marriage that might lead to a larger cultural shift, but here I just note that this conservative view of marriage expressed by Kurtz et al. assumes that *heterosexual* people are the only ones who have the capacity to reproduce, when in fact statistics show otherwise, given the variety of ways children can be conceived or raised.

However, the most direct way to respond to the challenge of those who see the "experiment" with same-sex marriage in Europe as a disaster is to look more closely at the evidence on what heterosexuals do with respect to marrying and having children. What has happened to the marriage decisions of heterosexual couples in European countries when they share marriage or marriage-like rights with same-sex couples? Since we see the current meaning of the institution of marriage in both marriage behavior and ideas about marriage, I look at both what people think and what they do about marriage. I use the same data that Kurtz uses (along with some additional sources) but apply some simple but powerful standards to assess Kurtz's argument:

1. Do the trends in family behavior (marriage, divorce, cohabitation and non-marital births) line up with the timing of policies allowing partnership or marriage for gay couples?
2. Do the countries with partnership recognition look different from those without partnership rights for same-sex couples?
3. Is there a logical connection between the policy debate and heterosexual behavior and attitudes toward marriage?

All evidence points to a response of "no" to each question. As a result, my conclusions about the trends and their connection to the issue of marriage rights for gay couples are quite different: what heterosexuals do and think suggests that marriage is still a relevant institution in the lives of most heterosexuals, even though it looks quite different from marriage several decades ago and even though gay couples get similar or identical marriage rights.

### Tracking Trends in Marriage and Divorce

Let's start with the basics. One way to assess changes in the meaning of marriage for heterosexuals is to ask whether their willingness to marry or their desire to divorce changed once same-sex couples got partnership or

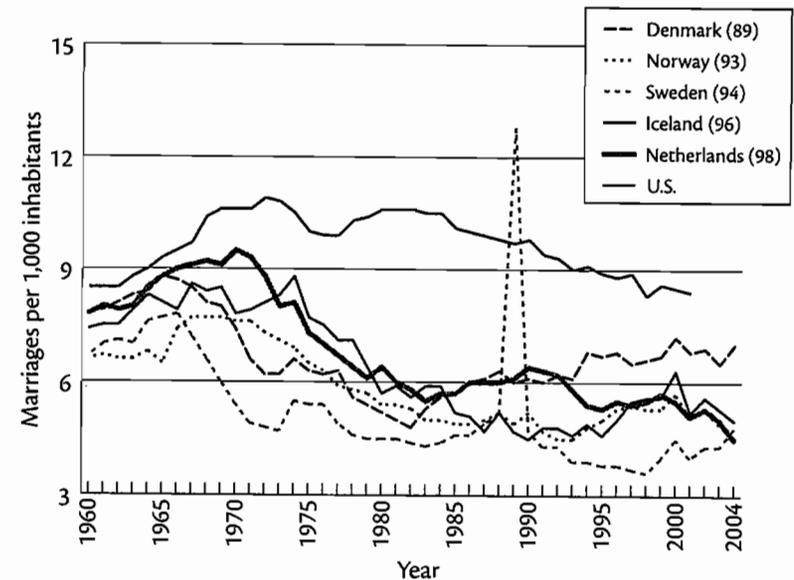
marriage rights. These individual decisions among heterosexuals might have changed if the cultural context for defining marriage or encouraging people to marry changed in some significant way.

We would not necessarily expect such changes to happen quickly, though. Cultures do not change overnight, so it makes the most sense to look at the countries with the longest history of giving rights to same-sex couples. The first five such countries were Denmark, in 1989; Norway, in 1993; Sweden, in 1994; Iceland, in 1996; and the Netherlands, in 1998 (registered partnership) and 2001 (marriage). In those countries, same-sex couples have had rights long enough to allow negative heterosexual behaviors to emerge.

In fact, the numbers do not show any obvious change in marriage behavior once gay couples got partnership or marriage rights. Figure 4.1 tracks the annual number of marriages per thousand residents since 1960 for each of those countries, along with rates for the United States for comparison purposes. The first thing to notice is that the highest marriage rates came in the late 1960s or early 1970s for these countries, followed by a decade or more of falling marriage rates, meaning that marriages became less common. A second oddity is the spike in Sweden's marriage rate, which skyrocketed in 1989 because of a change in the law that abolished widow pensions for couples not married by the end of 1989—a reminder that policy can matter sometimes in marriage decisions, although in the Swedish case the policy change that created such a striking incentive for marriage was a one-time occurrence.<sup>11</sup>

Although the heated rhetoric of the marriage debate might lead one to expect a similar sharp change when same-sex couples can marry or register, clearly we do not see such a dramatic outcome. The big question here is what happened to marriage after same-sex couples received rights. In Denmark, the lowest marriage rates came in the early 1980s, and by 1989—the year of Denmark's pioneering decision to give same-sex couples the right to register their partnerships—the marriage rate had risen to six marriages per one thousand residents. Since that year, the marriage rate has risen and held fairly steady at about seven marriages per thousand residents, the highest marriage rates in the past three decades. The same pattern occurred in Norway and Sweden. The marriage rates reached their historic low points about the time that same-sex couples got their rights, and after that point marriage rates rose. Iceland looks slightly different, with an increase in the marriage rate followed by a return to the level that prevailed before same-sex couples had the right to register.

Figure 4.1  
Marriage Rate Comparison



Some writers, such as the legal scholar William Eskridge, point to the rising recent marriage rates in some countries, especially Denmark, as evidence that giving gay couples rights might have actually resuscitated marriage among heterosexuals.<sup>12</sup> A look at the figure should also inject a note of caution into this interpretation, since the increase in the Danish marriage rates was also under way before that country created registered partnerships.

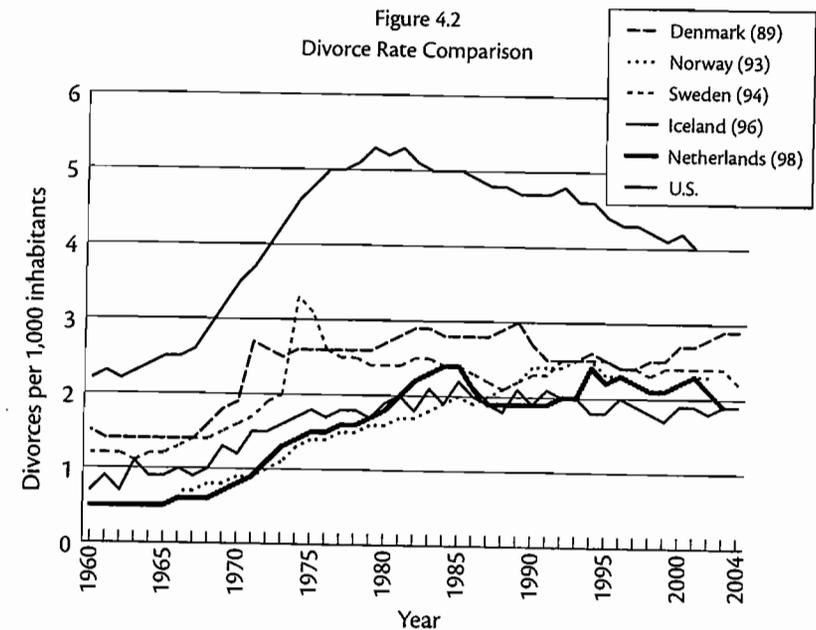
Stanley Kurtz argues that marriage rates are not a good measure, since many marriages are remarriages, not first marriages. The available data do not allow much exploration of this issue. However, data from Sweden suggests that the proportion of first-time marriages has held steady since the late 1970s at about two-thirds of marriages, although the number of first-time marriages per thousand residents of Sweden did not level off until after 1990 because of the odd spike in marriages related to the change in pension policy in 1989. Since 1986, 70% to 75% of Norwegian marriages are between two people who have never married.<sup>13</sup> So the increase in the Swedish and Norwegian marriage rate over the past several years includes a healthy share of first marriages, not just remarriages.

Only the Netherlands shows a somewhat different trend in marriage rates, with a fairly steady decrease since the early 1970s that continued unchanged after same-sex couples were given marriage rights, in 1998. Local Dutch demographers told me that they do not blame the changing recognition of same-sex couples for the drop in marriage, though. Jan Laten argues that the dip since 2001 is the result of a recession-induced cut-back on weddings, and Joop Garssen points out that marriages now follow births and that births fell during the recession.<sup>14</sup> A long-term perspective shows that recent Dutch figures reflect mainly a longer-term drop in marriages, whatever the reasons for short-term fluctuations.

One big change in family behavior that is particularly noticeable in Europe is that more heterosexual couples live together without getting married. Marriage rates have declined over the past few decades at least partly because couples are more likely to cohabit. Unfortunately, it is harder to keep track of these less formal family arrangements than it is to track marriage and divorce, but a few countries provide data that give us an idea of the change. In Denmark in 1994, 21.0% of different-sex couples were unmarried; by 2004, 22.1% of couples were unmarried, a very small change. In Iceland, 20% of couples were living together without being married in 2004, about the same percentage as in 1997. The Dutch context was changing more quickly, though. In 1995, 13.1% of different-sex couples were unmarried, and this figure rose to 17.5% in 2004.<sup>15</sup> Some of these cohabiting couples eventually marry, especially when they have children, but not all do. Although we do not have a long series of cohabitation rates to compare for the periods before and after these countries gave rights to same-sex couples, my cross-country comparisons, presented in chapter 9, show that the increase in cohabitation rates for countries that recognize same-sex partners predates the legal change.

Divorce rates also showed little change after same-sex couples began registering, providing no evidence of harm to heterosexual marriage. Figure 4.2 presents “crude divorce rates,” or the number of divorces per thousand residents. Divorce rates have not changed much at all in Scandinavian countries or in the Netherlands over the past two decades. Interestingly, Danish demographers have even found that marriages in the early 1990s appear to have been more stable than those in the 1980s, since the proportion of marriages that ended in divorce within five years decreased.<sup>16</sup>

Because some demographic studies have shown that cohabiting couples are more likely to break up than married couples are to divorce,<sup>17</sup> Stanley Kurtz argues that the rise of cohabitation means that the divorce rate



understates the full extent of the dissolution of relationships. As a result, we might miss increasing instability in relationships with this measure, which is an important caveat when looking at divorce rates.

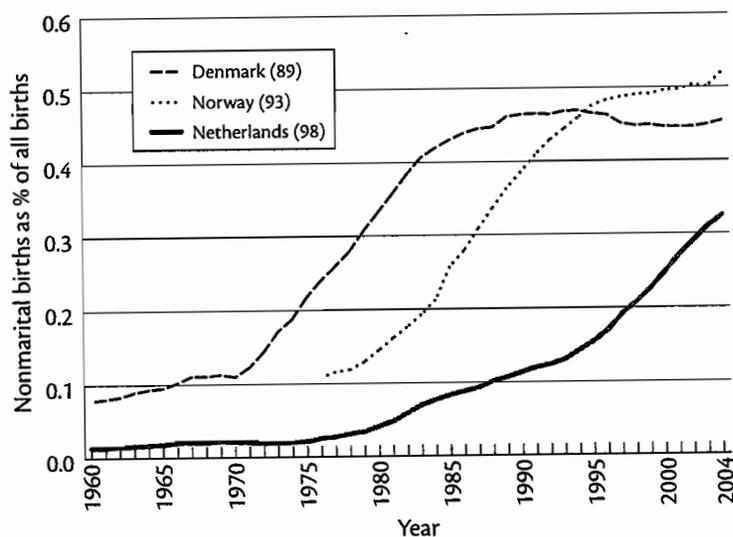
Given the scarcity of annual data on cohabitators, it is hard to examine that claim closely. We have one example from Iceland, however, which actually collects and publishes the number of dissolutions of cohabiting couples along with the divorce rate. By combining divorces of married couples and dissolutions of cohabiting couples, we can get a total break-up rate for couples in Iceland. From 1991 to 1996, when registered partnerships began, the yearly break-up rate for couples averaged 4.6 per thousand Icelanders. From 1997 to 2004, the average was 4.7 per thousand couples—not a meaningful difference. Also, a recent study by Michael Svarer finds that couples who live together before marriage in Sweden are now *less* likely to divorce if they marry than if they go straight into marriage.<sup>18</sup> The old assumptions about the stability of cohabiting heterosexual relationships are changing in Scandinavia, increasing doubts about the harm that cohabitation might inflict on European children, regardless of the relationship between trends in cohabitation and marriage rights for gay couples.

## Concerns About Children

Setting aside the impact of marriage and divorce on the well-being of adults, most critics of giving gay couples the right to marry worry most about the risks for children. The two big concerns that have emerged relate to the possibility that couples with children will be more likely to divorce if they marry—an outcome that has not materialized in the European countries with partnership recognition—or that the parents will never marry to begin with.

The main measure that critics like Stanley Kurtz point to as evidence of the decline of marriage is the proportion of births to unmarried women, or the nonmarital birth rate. The Scandinavian countries have had high and rising rates of nonmarital births since the 1970s, with roughly half of all babies born to unmarried mothers. Figure 4.3 presents nonmarital birth rates over time for Denmark, Norway, and the Netherlands. In this case, one chart is worth at least a few hundred words. Clearly, the trends were already in place long before these countries gave same-sex couples partnership or marriage rights beginning in 1989, as was true for changes in marriage and divorce. Those rights cannot logically be blamed for high nonmarital birth rates that already existed.

Figure 4.3  
Nonmarital Birth Rates



But Kurtz also makes the subtler claim that registered partnerships “*further undermined the institution*” (italics in the original) and that “*gay marriage has widened the separation*” between marriage and parenthood.<sup>19</sup> In other words, things were already bad, but gay marriage made them worse. However, this argument does not hold up, either, because the nonmarital birth rate began rising in Scandinavian countries in the 1970s, long before any legal recognition of same-sex couples took place, and it has actually slowed down in Scandinavia in recent years.<sup>20</sup>

For example, from 1970 to 1980, a full decade before Denmark adopted its partner registration law, in 1989, the Danish nonmarital birth rate tripled, rising from 11% to 33%. It rose again in the following decade, but by a much smaller amount, to 46% in 1990, before ending its climb. After passage of its partnership law in 1989, Denmark’s nonmarital birth rate did not increase at all.<sup>21</sup> In fact, the rate actually decreased somewhat after that date.

Norway’s big surge in nonmarital births also occurred well before the passage of its registered partnership law in 1993. In the 1980s, the percentage of births to unmarried parents rose from 16% to 39%.<sup>22</sup> In the first half of the 1990s, the nonmarital birth rate rose more slowly, leveling off at 50% in the mid-1990s.

As I discuss later in this chapter, a focus on the mother’s marital status at birth gives a misleading view of the relationship between marriage and parenthood in these countries, since most babies born to an unmarried mother go home to both parents. For example, 91% of Dutch families with children are headed by a couple, either married or unmarried. Also, most of these couples marry when they start having children.

Kurtz claims, though, that the main impact of partner registration laws in Norway was to discourage couples from marrying after the birth of their first child. But the numbers for second, third, and later babies born to unmarried parents tell the same story as the overall trend. In 1985, 10% of second and later babies had unmarried parents, a number that had already tripled to 31% by 1993, when Norway passed its registered partnership law.<sup>23</sup> Over the next ten years, from 1994 to 2003, that figure rose only to 41%, where it appears to have leveled off. The percentage of first births to unmarried parents did not increase at all from 1994 to 2003. If the partnership law had further discouraged parents from marrying even after their first child, as Kurtz has argued, then these rates should have increased faster after 1993, but in fact the rate of increase slowed down considerably (for second and later births) or stopped completely (for first births).

In an attempt to salvage his argument for the Scandinavian countries, Kurtz claims that the leveling off of the nonmarital birth rate is necessary as the shifting culture runs into “the final and toughest pockets of cultural support for marriage.”<sup>24</sup> He has no concrete evidence for this, however. He draws heavily on a theory of stages of cohabitation developed by the demographer Kathleen Kiernan, and he simply asserts that Norway is bursting through to the final stages. Mainly he points to nonmarital birth rates that are higher in liberal northern counties in Norway than in more conservative southern counties as further evidence of the correlation between acceptance of gay couples and nonmarital births. The more conservative counties supposedly constituted the cultural wall that once slowed down the rate of nonmarital births but is now crumbling under the onslaught of gay marriage, bringing rising rates of nonmarital births in those counties.

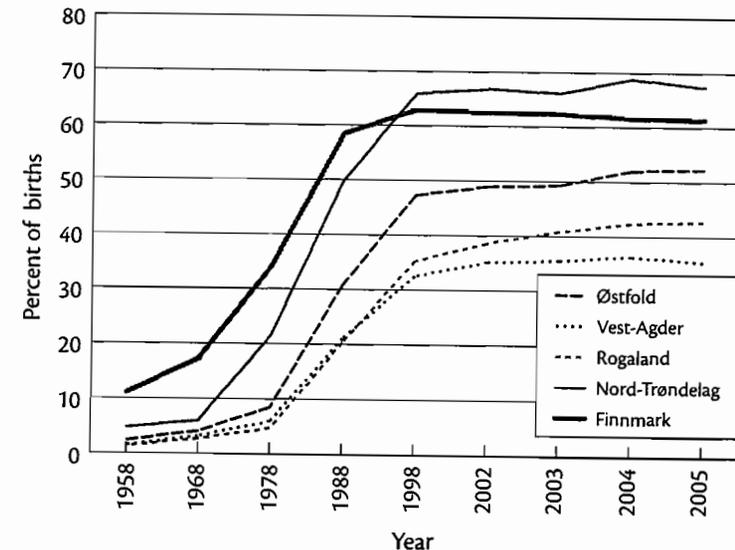
At the risk of sounding repetitive, however, a look at the Norwegian county data shows that the increase in the numbers of babies born to unmarried parents in more conservative counties would have occurred even if gay couples had gotten no rights whatsoever. Figure 4.4 presents nonmarital birth rates for five representative counties going back to 1958, along with more recent annual data. Several now familiar points pop out of the trends for all counties over time:

- First, some counties have always had higher or lower than average nonmarital birth rates, and the relative rankings across county have not changed much for fifty years.
- Second, the big growth in nonmarital births occurred between 1978 and 1988 in every county in Norway. Growth continued in the next decade, the decade in which Norway granted the right of registered partnerships to gay couples (1994). Since then, the trends are similar, with a flattening out in recent years in almost all counties, and, with the possible exception of one county (Aust-Agder), the pace of change has slowed tremendously. If we project the 2002-2005 data into the future, we find nothing like the rate of growth seen in the two prior decades.
- Third, several counties in the south still have rates below 50%, which seems to be a milestone for Kurtz. Any conservative counties that have passed over Kurtz’s imaginary threshold were well on their way before 1994, as were the other Norwegian counties that started catching up with their fellow counties.

These patterns simply do not support Kurtz’s hypothesis that gay partnerships had different effects across conservative and liberal counties in Norway. Whether the counties started off with relatively high rates or low rates, the later patterns were the same, with the rapid increase occurring well before the registered partnership law was passed and a slowing down since.

The Netherlands shows a slightly different pattern from the Scandinavian countries, but here, too, I can see no correlation between recognition of same-sex partnerships and rising rates of nonmarital births, much less a causal link. Despite high rates of cohabitation, the Dutch have traditionally been much less likely than Scandinavians to have babies before marriage, with fewer than one in ten births occurring to unmarried parents before 1988.<sup>25</sup> Kurtz argues that legal recognition for same-sex couples kicked Holland into the Scandinavian league with respect to nonmarital parenting.<sup>26</sup> As Figure 4.3 shows, the Dutch nonmarital birth rate has been rising steadily since the 1980s, and sometime in the early 1990s the nonmarital birth rate started increasing at a somewhat faster rate. But that acceleration was clear by 1995, well before the Netherlands implemented registered partnerships in 1998, and gave same-sex couples the right to marry in 2001. The trends are also virtually identical for first births and for second and later births.

Figure 4.4  
Norwegian Counties’ Nonmarital Birth Rate



Perhaps because his argument for the Scandinavian countries is so weak, Kurtz has focused his attention on timing of demographic and policy changes: “[I]ntroducing gay marriage to a country with low out-of-wedlock births could kick off a much more rapid rise in the rate. That is exactly what has happened in the Netherlands.”<sup>27</sup> However, the timing argument does not work in this case, either. If we place a ruler alongside the data from 1984 to 1994, we see a steady increase in the nonmarital birth rate. The rates after 1995 or 1996 require that we make the ruler’s angle a little bit steeper to track the later points, suggesting that rates are rising faster. (Regressions confirm that things changed around 1995.) Since in any given year about three-quarters of babies born were conceived in the prior year, most of these “extra” babies born to unmarried mothers (actually, mostly to two cohabiting parents who will eventually marry) were conceived in 1994 and 1995, or years before the parliament passed registered partnerships in 1997.

Overall, the most basic elements of the sky-is-falling argument fail these simple tests of plausibility. The timing in measured trends in heterosexual behavior does not line up with the timing of changes in policies that recognized same-sex couples’ right to marry or to register a partnership. The trends were well established in the 1970s and 1980s, and no adverse changes have occurred since countries recognized rights for same-sex couples: marriage rates are up, divorce rates are down, and (mostly) nonmarital birth rates are not rising in comparison to rates for the years before gay couples could register. In the Netherlands, nonmarital birth rates continue to rise, but the recent trend was clear years before gay couples could register as partners or marry.

For one last check for a connection between same-sex partnership laws and nonmarital births, I compared trends of those countries that had a partner registration law by 2000 with those that did not. If legal recognition of gay partnerships in fact leads to an increase in nonmarital births, then we should see a bigger increase in such births in countries with those laws than in countries without them. That outcome did not happen. In fact, during the 1990s, the eight countries that recognized registered partners at some point in that decade saw an increase in the average nonmarital birth rate from 36% in 1991 to 44% in 2000, for an eight-percentage-point increase,<sup>28</sup> while in the EU countries (plus Switzerland) that did not recognize registered partners, the average rate rose from 15% to 23%, also an eight-percentage-point increase. In other words, the average change in rates was exactly the same in countries that adopted partner registration

laws and in those that did not, demonstrating that partner registration laws do not lead to greater increases in nonmarital birth rates.

Even if we distinguish two kinds of countries—separating out those, like the Netherlands, that have traditionally lower nonmarital birth rates from those, like Norway, that have traditionally high rates—we see no connection between partnership recognition and an increase in nonmarital births. The same rapid rise in nonmarital births in the Netherlands (from 12% in 1990 to 29% in 2002) also occurred in other European countries that initially had low nonmarital birth rates. For example, during the 1990s, nonmarital birth rates rose in Ireland (from 17% in 1990 to 31% in 2002), Luxembourg (from 12% to 23%), Hungary (from 14% to 32%), Lithuania (from 7% to 28%), Slovakia (from 9% to 22%), and several other eastern European countries—all countries that do not (or did not until after 2000) allow same-sex couples to marry or register.

Kurtz protests that economic modernization, sexual liberalization, and the lack of access to birth control have combined to raise nonmarital births in those comparison countries but that these factors are not relevant for explaining changes in the Netherlands in the 1990s. Furthermore, he argues that the usual explanations for rising cohabitation rates and nonmarital birth rates, such as the availability of abortion, the entrance of women into the work force, a decline in religiosity, the growth of welfare programs, legal recognition of cohabiting couples, and increasing individualism, do not match up with the timing of the Netherlands’ accelerating rate of nonmarital births. Since those usual suspects cannot take the blame for the mid-1990s surge in nonmarital births, he argues, gay marriage is the only other logical explanation.

Argument by process of elimination is not persuasive in this case, however. The complex interplay of cultural forces that has contributed to changes in marriage behavior is not likely to produce a tidy connection in time between cultural change and change in behavior. Controlling for all of these possible causes to dismiss some explanations and to isolate others—the usual social science approach—is not possible with such a small number of countries to compare. All we know is what we see, which is that the Netherlands appears to be following the Scandinavian S-shaped pattern a decade or so later, as are some other countries. Perhaps in time we’ll see the Dutch nonmarital birth rate flatten out, too. The bottom line, though, is that the alleged changes in heterosexual behavior in the Netherlands predate the granting of registered partnership rights to same-sex couples.

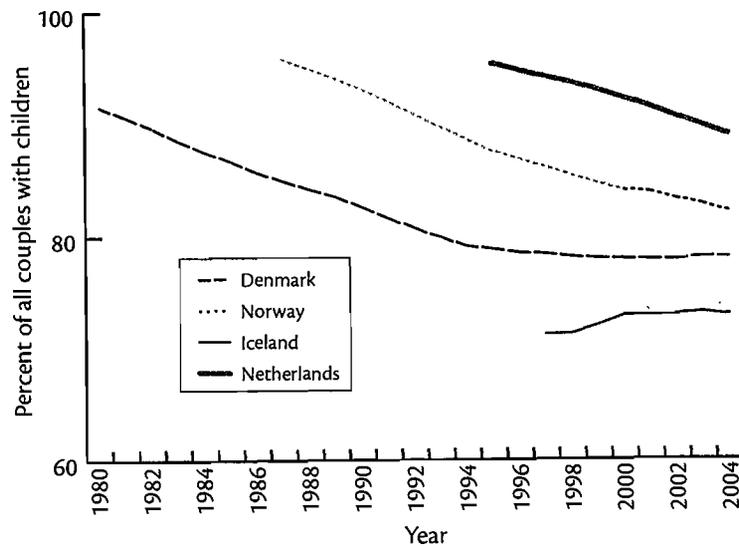
The detailed debates over the trends are exciting for those of us who want to understand the numbers, but the debate can obscure some of the implications. What do these numbers mean for the well-being of children in those countries, anyway? As I mentioned earlier, the mother's marital status is not a good marker of the strength of children's families in Scandinavia and the Netherlands, for several reasons:

- *Most unmarried mothers who give birth in these countries are living with the father of their children.* For instance, Statistics Norway reports that 48% of Norwegian babies were born to married parents in 2005, and another 42% were born to unmarried cohabiting parents. Statistics Denmark reports that 92% of Danish babies born in 2005 lived with their married or cohabiting parents in 2006, with most (57%) living with married parents. (Statistics Denmark reports that 46% of babies born in 2006 had an unmarried mother, so clearly some married over the course of the year.)
- *Most cohabiting heterosexual couples marry after they start having children.*<sup>29</sup> In Sweden, for example, 70% of cohabiters marry after the birth of the first child, most of them within five years. In the Netherlands, while 30% of children are born outside marriage, only 21% of children under age one live with unmarried parents, and by age five, only 11% live with unmarried parents.<sup>30</sup> In other words, by the time the child is five, two-thirds of unmarried parents have married.
- *The majority of families with children in Scandinavia and in the Netherlands are still headed by married parents.* In 2000, 78% of Danish couples with children were married couples.<sup>31</sup> If we also include single-parent families in the denominator, almost two-thirds of families with children were headed by a married couple. In Norway, 77% of couples with children are married, and 61% of all families with children are headed by married parents.<sup>32</sup> And 79% of Dutch families with children under 17 include married couples.<sup>33</sup> Although the proportion of married couples with children fell in the 1980s or early 1990s in these countries, the drop obviously predates the changes in partnership laws, as Figure 4.5 summarizes. By comparison, 72% of families with children are headed by married couples in the United States.<sup>34</sup> Figure 4.5 shows the proportion of childrearing couples that are married, documenting a decline over time but still suggesting fairly high rates along with a recent leveling off in Denmark.

- *Cohabiting parents who later marry form stable families.* Research shows that unmarried Scandinavian cohabiters' unions are more likely to dissolve than are marriages, as noted earlier, even when the couple has children, although that pattern appears to be changing toward greater stability. But when cohabiting parents marry in Scandinavian countries—as most eventually do—they are not more likely to divorce than are couples who were married when their children were born.<sup>35</sup>
- *Children in Scandinavian countries still spend most of their lives with their parents living together.*<sup>36</sup> In fact, they spend more time living with both parents than kids in the United States do. Gunnar Andersson has calculated how much time the average child spent living with both parents in the same household in the 1980s,<sup>37</sup> the most recent period that allows comparisons across countries.<sup>38</sup> Of the countries he examined, the lowest average was found in the United States, where the time spent with both parents was 67%. The highest was in Italy, where it was 97%. In Sweden, the average was 81%; in Norway, it was 89%; and in Finland, it was 88%. In other words, combining the time that parents are cohabiting and married demonstrates that children are spending the vast majority of their young lives with their parents in the Scandinavian countries.
- *Other policies in these countries appear to be more important for influencing the well-being of children.* If these children are being hurt by higher rates of cohabitation in Scandinavia, the harm is not evident in standard measures of child well-being. Using Sweden as an example, we see that youth suicide rates, homicide deaths, and childhood injury deaths are lower for young people in Sweden than in the United States. Test scores and immunization rates are higher in Sweden than in the United States.<sup>39</sup>

Marriage is not dead in Scandinavia and the Netherlands, so marriage or partnership rights for same-sex couples cannot have killed it. Contrary to some claims in the media, marriage and parenthood are still connected in Scandinavia and the Netherlands, although in a different order than in earlier times. Changes that have occurred in the relationship between marriage and parenthood were already well under way before same-sex couples got rights, though. Stanley Kurtz and I agree that this cultural change probably facilitated the opening up of marriage to gay and lesbian couples, but that does not mean that this opening up has itself changed heterosexual behavior.

Figure 4.5  
Percentage of Parent Couples That Are Married



### The Missing Logical Link

The final problem with the sky-is-falling argument concerns the actual mechanism that links marriage rights for same-sex couples to changes in heterosexual behavior. The five Dutch scholars who criticized gay marriage, along with Kurtz, propose that the political debate itself was the main culprit that led to the redefinition of marriage in the minds of the larger population. The debates about same-sex couples have been widely covered in the news media wherever the issue has been considered seriously. In this view, gay organizations and their political and cultural allies who favor opening marriage to same-sex couples contribute to widening the already noticeable gap between marriage and procreation created by increasing access to contraception, individualization, and economic freedom for women.

These critics overexplain cultural change, however. First of all, we have no way of knowing the actual—not hypothetical—impact of a wide variety of conflicting statements about marriage that get broadcast throughout the news media and other cultural institutions. Did Dutch twenty-somethings hear their members of parliament proclaim that marriage is about

love (not procreation) and then decide to have babies without marrying? Did young Norwegians have a second child before marrying because favorable media treatment of gay couples meant that marriage and procreation are not linked? Aside from the many issues around the timing of changes that I've already explored, it's clear that different influences send conflicting messages about the seriousness and purpose of marriage.

In the United States context, imagine a time when same-sex couples have the right to marry. Someone is bound to point to some apparent change in marriage-related behavior in the United States that seemed to start around 2003 and to blame it on the debate about same-sex marriage that surrounded events in Massachusetts and San Francisco. They'll mention gay characters on TV shows. They'll quote Congressman Barney Frank and other prominent politicians speaking on C-SPAN about the need to give same-sex couples equal marriage rights. They'll find some academics who predict that giving gay couples marriage rights will not have a harmful effect on heterosexual marriages, and they're sure to find a few gay radicals who would like to abolish marriage altogether.

What they probably won't mention are Britney Spears's momentary marriage or television shows like *The Bachelor* or *Who Wants to Marry a Multimillionaire*—all cultural events that are likely to be far more influential than what a relative handful of same-sex couples might or might not represent. Picking out a few cultural influences in any country that allegedly "explain" a subtle demographic change that started years earlier while ignoring the rest of what went on at that time is not a convincing causal argument, especially when there is no clear behavioral evidence that something big changed.

Oddly enough, focusing on the cultural debate suggests that the political outcome itself would not even matter. Even when gay couples lose votes or court decisions, as Dutch gay marriage advocates did in the early 1990s, people like Kurtz argue that gays still exert the same cultural pressure as long as they have some prominent allies, a visible media campaign, and some minor public victories.<sup>40</sup> If the debates are all that matter, though, then the cat is out of the bag in the United States as well, and those of us involved in the debate about the impact of gay marriage can all go home.

William Eskridge and Darren Spedale point out another big logical flaw in efforts to link gay marriage rights to heterosexual behavior. They argue that same-sex partnership policies are far weaker signals of the separation of marriage and procreation than are childless different-sex marriages,

especially since the earliest laws in the Scandinavian countries actually clearly distinguished partnerships from marriage and procreation by not allowing partners to adopt children.<sup>41</sup> The actual factors behind the decline in marriage, the two legal scholars argue, relate to an expansion of choices for couples that developed through the liberalization of laws related to divorce, sexuality, cohabitation, and contraception.<sup>42</sup> All of those changes had expanded heterosexual couples' options and changed their choices long before countries opened eligibility to marriage or a marriage-like status to gay couples. The idea that conservatives could shore up marriage by maintaining a restriction on eligibility—keeping same-sex couples out—rather than by reversing the legal liberalization of marriage and related laws strikes Eskridge and Spedale (and myself) as completely illogical.

#### Looking for Cultural Change in What People Think About Marriage

Setting aside the illogic of the specific claims by Kurtz and company, it is still possible that looking at individual decisions or political debates might not give us the whole story about cultural changes rooted in changing policies toward same-sex couples. As I noted earlier, the research problem is that we can easily see potential markers of cultural change, like changes in media coverage or politicians' opinions, but usually we see too many of them. Out of the swirl of conflicting and contradictory messages that might appear about marriage, which ones will stick? Which ones are the harbingers of future change at an individual level?

One way to predict the future is to look at what people think about marriage in survey data on attitudes or beliefs about marriage. The World Values Survey has asked thousands of people in selected countries about whether they agree that "marriage is an outdated institution." By comparing what people say at different points in time, we can ask whether the opinions of people in countries with registered partner laws differ from those of people in countries without such laws. A cultural change that makes marriage seem less attractive or relevant to people's lives should show up in their answers to this question.

The World Values Survey has been conducted four times. The 1990 and 1999 surveys nicely bracket the introduction of registered partnership laws in Europe. If we include Denmark, even though technically its law was passed in 1989, six countries (Belgium, Denmark, France, Iceland, the Netherlands, and Sweden) passed such laws between 1990 and 1999

Figure 4.6  
Prevalence of Belief That Marriage Is Outdated, by Country in 1990 and 1999

Marriage outdated	1990 % Agree	1999 % Agree	Change
<b>First Partnership Wave</b>			
France	29.1%	34.8%	5.6%
Netherlands	21.1%	25.3%	4.2%
Denmark	18.0%	15.0%	-3.0%
Belgium	23.2%	30.9%	7.7%
Sweden	14.1%	20.2%	6.2%
Iceland	6.3%	8.3%	2.0%
Average			3.8%
<b>Second Partnership Wave</b>			
Germany	14.6%	20.2%	5.6%
United Kingdom	17.8%	27.2%	9.5%
Spain	16.0%	20.9%	5.0%
Canada	12.4%	22.9%	10.5%
Finland	12.5%	19.1%	6.5%
Czech	10.5%	10.4%	-0.2%
Average			6.1%
<b>No Partnership</b>			
Italy	14.1%	17.0%	2.9%
Ireland	9.9%	20.5%	10.7%
Hungary	11.4%	16.2%	4.8%
Poland	7.5%	9.1%	1.6%
Slovenia	17.6%	27.4%	9.8%
Bulgaria	10.5%	17.1%	6.6%
Romania	8.6%	12.5%	3.9%
Portugal	21.9%	24.6%	2.7%
Austria	11.9%	19.0%	7.0%
Russia	14.5%	20.6%	6.1%
Slovakia	8.6%	11.5%	2.9%
Average			5.4%
United States	8.0%	10.0%	2.0%
Turkey	11.3%	8.5%	-2.8%
Japan	7.0%	10.4%	3.4%
Mexico	16.9%	19.8%	2.9%
Average			1.4%
Average all nonpartnership countries			4.8%
Average all nonpartnerhip countries (European)			5.3%

and were surveyed in both years. (Recall that the Netherlands passed its partnership law in 1998, three years before the Dutch opened marriage to same-sex couples.) Sixteen other European countries were surveyed in both years but did not pass partnership laws. Just for comparison purposes, I also analyzed data from the United States, Turkey, Japan, and Mexico.

Figure 4.6 shows how many people in these twenty-six countries agree that marriage is outdated.<sup>43</sup> Maybe the most surprising thing to notice is how few agree, given the obvious changes in marriage behavior discussed earlier. The French are the biggest marriage skeptics, according to this survey. In 1990, 29.1% of the French agreed that marriage was outdated. The other thing to note in Figure 4.6 is that the proportion of people agreeing that marriage is outdated has been rising over time in most countries.<sup>44</sup> In 1999, 34.8% of French people agreed, suggesting that 5.7% of French people had changed their opinion about marriage's current relevance since 1990.

If giving rights to same-sex couples undermines the relevance and attractiveness of marriage, then the proportion of respondents who see marriage as outdated should *increase more* in countries with such laws than in countries without them. The first block of countries in Figure 4.6 lists those with partnership laws. In those six countries, the proportion that believed marriage was outdated rose by 3.8 percentage points on average. The countries without partnerships saw a faster rise in the proportion of those who saw marriage as outdated, though. The average change within that group of countries was 5.3 percentage points between 1990 and 1999. Beliefs about marriage changed faster in the countries without registered partnership laws. In other words, the belief that marriage is outdated was becoming relatively *less* common in countries that recognized same-sex partners than in other European countries that did not. This finding contradicts the prediction that recognizing same-sex couples will somehow undermine marriage in the minds of heterosexual people.

As a check on this simple comparison, I also used statistical procedures designed to take into account other factors that predict opinions about marriage. Because questions included in each country's survey varied from year to year and from country to country, I was able to adjust for a limited set of individual characteristics: age, frequent attendance at religious services (at least once a month), sex, and marital status, along with the country of each respondent. Women, religious people, married people, and older people tend to disagree that marriage is outdated more

often than men, infrequent church-goers, currently unmarried people, and young people. On average, people surveyed in 1999 were more likely to agree that marriage is outdated than people surveyed in 1990, and people in registered partnership countries were more likely to agree in 1999 than people not in partnership countries. Even after taking those factors into account, though, agreement in the registered partnership countries rose significantly less between 1990 and 1999 than in the nonpartnership countries.

Another revealing angle on these surveys comes from focusing on the countries in the survey that passed partnership or same-sex marriage laws after 1999. Those six "second-wave" countries (Germany, the United Kingdom, Spain, Canada, Finland, and the Czech Republic) were different both from the first wave of partnership countries and the countries that have still not passed such laws. Opinions about marriage held by people living in the second-wave countries changed much more than opinions in either the first-wave countries or the no-partnership-yet countries. On average, 6.1% more people living in the second-wave countries said that marriage was outdated in 1999 than in 1990. That change was much bigger than in the first-wave countries (3.8% more residents) and the not-yet countries (5.4% more residents). Perhaps the increasing numbers of people who viewed marriage as outdated and old-fashioned were also more likely to support proposals giving partnership or marriage rights to same-sex couples. This possibility links beliefs as a cause of later policy change, though, rather than suggesting that the change in beliefs was an effect of policy changes.

Overall, whether we look at marriage behavior or marriage beliefs, none of the data convincingly link the recognition of same-sex partners to either fewer marriages or a declining belief in the current relevance of marriage. The findings from survey data, demographic trends, and logical analysis in this chapter all fail to support the idea that policy change led to cultural change in the meaning of marriage. In chapter 9, I come back to the possibility of a political link between changes in marriage behavior and beliefs and openness to same-sex couples' demand for recognition. But that is a very different kind of link from the sky-is-falling claim of same-sex marriage critics in the United States and other countries.

## Conclusion

### *Marriage Under Renovation?*

The old parts of Amsterdam are crammed with charming canal houses tilting toward soggy spots in the moist Dutch soil. Fortunately, over the centuries the houses have been propped up and maintained by loving attention and increasing engineering knowledge. During my sabbatical year, we lived on the top floor of such a house built on the Prinsengracht in the mid-1700s, one of the newer houses in the semicircles radiating outward from Central Station to the Singelgracht.

Our Dutch friends told us stories of the decline of the old houses in the postwar period, which eventually led to threats of demolition and redevelopment. Artists, squatters, and other young Dutch people refused to let the city planners and developers have their way, even mounting blockades and protests to preserve the beautiful buildings.<sup>1</sup> As a result of their efforts, many streets have retained their timeless quality, and I can easily match up existing buildings to century-old photos taken by the Dutch painter George Hendrik Breitner.

A walk along the canals at night literally gives outsiders a window into modern Dutch life in the old houses. The practice of having open curtains on big picture windows is said to come either from the passion for light in a northern climate or from the Dutch Calvinist tradition of showing that the residents have nothing to hide. A glance into most of those windows now reveals not the dark, historically accurate furnishings of an earlier era, though, but innovative interior designs, modern art, and the latest technology. Sneaking into little alleys and courtyards allows a glimpse behind the buildings, where modern additions of rooms and skylights meld into the brick and sky to infuse new life into the old structures. The blending of old and new gives Amsterdam a sense of history *and* modernity, preservation and transformation, respect for the past and an acknowledgment of change.

These architectural images are my hopeful metaphor for marriage at the start of the twenty-first century. Marriage itself is an ancient institution

that has weathered many changes. For centuries, marriage has linked men with women, linked families with each other, and linked the past to the future. Historians tell us that the details of what marriage means and does have varied over time and culture, though. Most obvious from our current historical vantage point are the dramatic changes in marriage over the past century as the old institution has been reshaped to accommodate the changing position of women, economic pressures that increase demands on the family, and even medical advances that prolong the life of married couples long past important milestones.<sup>2</sup> Changes in divorce law, the elimination of most restrictions on who may marry whom, the move toward gender neutrality, the changes in when people marry (if they marry)—all of these changes reflect some addition or renovation to the underlying structure and meaning of marriage in Europe and the United States. Those changes have been essential to maintain the relevance and usefulness of the institution in modern life.

The latest new consideration for marriage is whether to let same-sex couples in. In the historical context, maybe the biggest surprise in the culture war over same-sex marriage is that the debate itself demonstrates the continuing relevance of marriage. This point is different from claiming that gay and lesbian couples will destroy marriage, or revitalize marriage, or inspire more marriages. While some see the issue as a political struggle over the social position and moral worth of gay, lesbian, and bisexual people—and it is also that, especially for many LGB activists and allies—the other, equally important practical side is that many same-sex couples want to marry. That fairly recent turn of events arises from a historical process of increasing visibility and acceptance of the gay community, a process that has intersected with a concept of marriage that is more open and appealing to gay people.<sup>3</sup> In the context of changing family configurations, marriage will retain its relevance only by evolving, including being open to those family newcomers, like same-sex couples who want to marry.

Not everyone sees change as a good thing. Is marriage an adaptable, resilient institution, able to meet the challenges of a market-driven, secularizing world? Or is marriage brittle, already weakened so that the entrance of gay couples would be the final insult leading to total collapse? History suggests the former—that marriage has adapted when necessary. But those who do not like the changing patterns of married couples' lives, or higher divorce rates, or delays in marriage, worry that marriage by gay couples will “lock in and reinforce” the troublesome trends, in the words of Stanley Kurtz and David Blankenhorn. While I side with the historians

in seeing change as necessary adaptability, this book is not really arguing that point. Instead, I have argued here that even a less adaptable, more fragile sort of marriage would not be significantly rocked by the entrance of same-sex couples. Marriage poses more of a challenge to gay people than gay people do to marriage.

### Will Gay People Change Marriage?

We can answer the key questions raised in the American debate over gay marriage by looking to the experience of the Netherlands and other European countries that have given gay couples the right to marry or access to a parallel institution like registered partnership. My answer to the big question guiding this book is “No”—gay people will not change marriage in any significant way on their own. I come to this conclusion from four directions: gay and lesbian couples’ decisions to marry (the verb), the ideas about marriage (the noun) held by gay and lesbian people, the marriage choices made by heterosexual couples, and heterosexuals’ opinions about gay couples’ marriages.

The actions of same-sex couples in the Netherlands suggest that gay people are interested in marriage for the same reasons that heterosexual couples marry. Gay couples chose *to marry* because they wanted to have a child, because they had some practical needs, or because they wanted to affirm and express their commitment to each other and to the world. Whether and how gay couples get to be married depends on the complex interplay of life conditions, the cultural and practical value of marriage, the barriers to marriage, and the processes of accepting or overcoming the barriers.

The marriage and registration rates for gay couples are still low in comparison with those of heterosexual couples, though, which remains a source of concern for some people in the debate. Almost one-quarter (and counting) of Dutch same-sex couples have either registered their partnerships or married, whereas more than 80% of different-sex couples have done so. Greater proportions of same-sex couples have sought a legal status in the United States, with 51% of Vermont’s same-sex couples entering civil unions and 44% of Massachusetts’s gay couples marrying so far, although in both cases the rate will take time to catch up with the 90% of American different-sex couples who are married.

Obviously, it is far too early to conclude that gay people have voted with their feet *against* marriage, since it will take time for couples to get

through the decision-making process. Furthermore, gay couples have absorbed some of the same concerns about marriage that stop heterosexual couples from marrying: some believe that marriage would add nothing to their relationship on a practical or emotional level or that marriage is old-fashioned and conservative, and some couples simply cannot agree. Gay culture was built on a foundation of legal inequality, and defensive critiques of marriage by some lesbians and gay men at least partly reflect their exclusion from the institution. Those critiques remain a barrier for some people who might otherwise contemplate marriage. However, the Dutch experience suggests that ideological opposition to marriage is likely to fade in importance as new couples form and younger GLB people grow up in a time when marriage is possible and encouraged. Add to the ideological concerns the fact that it takes only one partner who adamantly opposes marriage to keep a couple from entering into that status, and I would argue that the rate of gay marriage should probably be seen as remarkably high rather than low under the circumstances.

The many options for couples in the Netherlands provide clear evidence that marriage stills occupies the preferred status for committed couples. Like heterosexual people, gay people choose marriage over other legal statuses. In the Netherlands, marriage is far more popular than registered partnership for gay and straight couples alike. Dutch couples got the political point of registered partnerships—to make a statement about the inferiority of gay people generally—and have reacted with disdain for that new status now that marriage is an option, calling registered partnership “a bit of nothing.” The rejection of registered partnership is the true referendum that we see in the Netherlands, in my view, as same-sex couples reject the dry, accounting-like connotation of “registered partnership” and opt instead for the rich cultural meaning and emotional value of marriage. As Martha described the unique advantage of marriage over registered partnership, “Two-year-olds understand [marriage]. It’s a social context, and everyone knows what it means.” Registered partnerships may offer a useful political compromise, but they will never be seen as more than a consolation prize, not a valuable alternative to marriage and marriage equality in either the Netherlands or the United States.

We can see the relative value of marriage and its alternatives only when couples have both options. For same-sex couples, marriage is also more popular in the Netherlands than registered partnership is in other countries. Gay couples in other European countries appear to be registering at lower rates than Dutch couples. In the United States, gay couples in

Massachusetts (and probably California) are marrying at rates far greater than the rates at which same-sex couples in Connecticut and New Jersey are entering civil unions, the compromise status that has been more acceptable to state legislatures. When Vermont became the first state to give same-sex couples civil unions, in 2000, civil unions were the only game in town and drew in most of Vermont's gay couples and thousands of same-sex couples from other states. Now that gay men and lesbians in the United States see their Massachusetts and Connecticut gay friends marrying, civil unions will never be greeted as warmly as they were in 2000.

Contrary to the fears expressed by opponents of marriage equality, the marriage patterns of heterosexuals have not been knocked off course once gay couples have the same or similar rights. In Europe, the timing of events makes it fairly easy to distinguish cause and effect. Giving gay couples rights did not lead the sky to fall on marriage. The only reason that some countries had high rates of unmarried cohabitation and nonmarital births after gay couples won rights is that those countries had high rates long *before* gay marriage or registered partnership was a politically viable prospect. In fact, the same marriage trends are evident in countries without legal recognition of same-sex couples, kicking gay marriage off the list of possible causes for changing heterosexual marriage and fertility patterns. However, cultural comfort with family diversity and political changes in the treatment of unmarried couples probably made it more likely that same-sex couples would win marriage equality in the Netherlands, as well as in the other European pioneers in giving gay couples rights, as I showed in chapter 9.

If we turn from choices to marry to ideas about marriage, we find additional evidence that same-sex couples will not significantly change marriage. For the most part, lesbians and gay men share ideas about the meaning of marriage with their heterosexual peers, as my interviews and survey data show in the Netherlands and the United States. Of course, on another level, gay people are just as critical of the old-fashioned ideas about marriage as younger heterosexual people are. Children do not alone define a successful marriage. Mutual respect and understanding, as well as a willingness to cooperate and share family labor, define the new roles for married men and women. We can see gay couples putting ideas about marriage into practice in their decision making about whether to marry, as well as in their wedding ceremonies and their own views of marriage.

One important outcome of gay couples' decision-making process is sometimes a reconsideration of what marriage means to one or both partners. I saw people in same-sex couples identify the aspects of marriage that

they did not like and then peel away the objectionable parts of the cultural idea of "marriage" to accommodate a partner's desire to marry or to reconcile ideas with more pressing needs or feelings. In particular, feminists were hesitant to enter an institution that had long treated women as subordinate to their husbands. Even though the legal institution of marriage has stripped out the formal inequality, lingering doubts about the social meaning of marriage continue to trouble lesbian feminists. And yet, some feminists overcame those doubts by reframing what it means to marry as a political act that counters the assumption that spouses will take on traditional roles assigned to men and women. For Miriyam, a Dutch lesbian feminist, the way to change marriage was for women to marry other women. Dutch couples sometimes incorporated such explicit feminist messages in their wedding ceremonies.

However, I do not think that this kind of individual rethinking of the meaning of marriage will lead to widespread cultural change. For one thing, the number of same-sex couples is relatively small to begin with, and the number who marry is even smaller. More important, same-sex couples are largely reflecting the same doubts about the organization of marriage and married lives that heterosexual couples have expressed over the past decades. In the Netherlands, the rising labor force participation rates of married women and more gender egalitarian views about marriage among heterosexuals suggest that it's gay people who have the anachronistic view of marriage if they equate marriage with a rigid traditional division of labor between men and women.

Gay couples' other unfamiliar ideas about marriage reflect gay people's unique vantage point on the institution. Clearly, for gay couples, marriage is political, and that awareness might make some heterosexuals nervous. Seeing marriage as a political institution clashes with the view of some gay marriage opponents that marriage is an unchanging social and religious institution that was always and everywhere designed solely to bring a man and a woman together to produce children.

Gay people didn't make marriage political, though. Throughout history, governments and other authorities have made decisions about who could marry whom and what marriage legally entailed. Those were political decisions influenced by, in some cases, religious beliefs and dogma (which also change), as well as by culturally defined roles for husbands and wives. But there have been differing opinions and interests that led to political struggle over those decisions, such as the treatment of women's property, marital rape, child custody issues, and decisions about who may marry

whom. Certainly, the issue of marriage equality for gay couples is one of the hottest political issues of the twenty-first century in the United States and elsewhere, but marriage is no stranger to controversy.

Heterosexual reactions in the Netherlands also reveal how easily gay people have been integrated into marriage as an institution. Just as gay people recognize marriage as a desirable and useful option, gay couples report that heterosexual families and peers recognize them as marriageable and married. Heterosexual friends and family members encourage gay and lesbian couples to marry and offer unsolicited words and deeds that acknowledge the importance of a gay couple's wedding. Heterosexuals even police the cultural markers of marriage, making sure that gay couples use the proper terms like "husband" and "wife" and that they mark anniversaries. The reactions remind married gay couples that they have entered into an institution that has a public meaning, as well as a personal one.

But heterosexual reactions in the Netherlands also reveal that tensions and even discomfort with change exist among some Dutch people, just as we see in the United States debate. Not all family members react with joy at the news of an impending wedding by a gay son or lesbian daughter. Whether this discomfort reflects a lack of acceptance by a mother, in particular, with the relationship or her embarrassment at having to "come out" as a parent of a gay child in announcing a same-sex marriage, a negative reaction signals the need for some negotiation and adaptation. Parents' eventual reconciliation with the idea of marriage probably reflects a shift more in how they view their gay child's relationship than in how the parents view marriage, although more research will be necessary to fully explore this dynamic.

Overall, marriage appears to fit the lives of gay and lesbian couples, and others in the couple's larger social world appear to agree. The fact that same-sex couples are willing to take on the social status and obligations of being married is not surprising, given the similar ideas about marriage that gay couples share with their heterosexual peers. Heterosexual people are already moving in the same direction of change that gay and lesbian people seem to want to take marriage. Both behavior and ideas suggest that gay couples will not change marriage in any negative way.

### Will Marriage Change Gay People?

At least some of the debate about marriage equality focuses on what gay men and lesbians lose by not having access to marriage, or conversely, what they might gain if allowed to marry. Gay relationships have gained

cultural recognition from families and communities through a process of negotiation, confrontation, and time. In a sense, gay couples built their own relationships by "being together" and demonstrating commitment in real time rather than through a cultural and legal ritual.

Will marriage improve or transform these relationships? Research on heterosexual marriage suggests that married people are healthier, live longer, and are wealthier than single people, among other advantages. While some social scientists have argued that same-sex couples might reap similar gains, others imply that the declining institutional force of marriage might diminish the opportunity for gain among same-sex couples. From that perspective, letting same-sex couples marry would provide a natural experiment by which to assess the continuing power of marriage as a social institution.

The evidence from Dutch couples suggests that couples clearly gain in several ways. At an individual level, some of the advantages stem from reducing the social exclusion of gay men and lesbians. Exclusion makes LGB people angry and alienated, regardless of their desires or intentions related to marriage. Equal access to marriage made everyone I spoke with feel more accepted by society. Gains from inclusion could include improvements in the mental and physical health of gay people by reducing "minority stress" and increasing social support for gay couples.

Other positive effects of marriage per se found in the social science literature will take more time to emerge, but the immediate effects are moving in the right direction. Many individuals who married reported feeling different, more responsible, or more special with regard to their relationships as a result of marriage, and those effects might well translate into healthier, longer-lasting relationships. No one I spoke with reported any other major changes in labor force participation or the distribution of household chores as a result of marriage, which at least partly reflects differences in the expectations of what a husband or wife should do in the context of a marriage of a same-sex couple.

Some gay critics of marriage argue that any gains experienced by gay couples will come at the expense of giving in to state regulation of relationships and giving up individual autonomy. However, the potential for tradeoffs is limited in at least a couple of ways. Marriage creates new zones of privacy for couples, and marriage no longer means trading in one's individuality for a wedding ring. Today's marriage means a partnership of individuals, rather than accepting older models that subsume a wife's identity into her husband's.

Other worries about the effects of marriage focus on the costs to the GLB community as a whole. Removing the bonds of inequality that helped create and hold together a diverse gay community could mean big changes ahead for gay people and gay culture. Any large-scale change will take many years to play out, but, in the short run, Dutch gay people have not abandoned their identities. If anything, marriage has made gay people more visible, as they have new opportunities and reasons to come out as gay when discussing their marriages. The example of the Netherlands also shows that formal marriage equality does not immediately guarantee fully equal treatment. The most obvious issue is the fact that gay couples' marriages are accepted as valid in only the handful of countries that recognize them, as well as other evidence that antigay bias persists in Dutch culture.

The GLB activists who have dissented from the movement for marriage rights worry most about losing distinctive and positive aspects of gay culture, though. The specter of assimilation looms large for the dissidents, who do not want gay people to adopt wholesale what they see as the flawed institutions of heterosexuality. As noted earlier, feminists have the biggest issues with marriage, but the Dutch couples suggest that there is little reason to expect same-sex couples to adhere to rigid expectations about spousal roles.

From the perspective of some American marriage dissidents, the most troubling political aspect of the campaign for marriage is that it diverts resources—time and money—from causes or issues that they consider more important. The political fallout of the marriage movement, with its political compromises and the resulting political backlash, might also limit options for expanding support for all kinds of family structures, not just the two-person couple or nuclear family.

On the basis of my reading of the evidence, though, I believe that the marriage movement resources are dwarfed by the resources being poured into health care reform and other social justice issues. An instant redirection of the marriage resources would barely be noticed at the political level. More important, political activism is not necessarily a zero-sum game. States that allow same-sex couples to marry or register as partners or enter into civil unions, including Massachusetts, California, Vermont, and Connecticut, are among the states that have made the most progress toward realizing liberal goals, such as expanding health insurance coverage to all residents.

One very likely impact of eliminating political effort to recognize same-sex couples, however, would be the end of progress toward marriage

equality. The European countries that have enacted policies of equality have done so as the direct result of enormous effort by the gay political movement in each country. As I showed in chapter 9, activists in those countries did not simply ride a demographic wave to legislative victory. Abandoning the efforts to win equal rights for gay couples would also hurt unmarried heterosexual couples in the United States, far more of whom have gained from gay efforts to encourage the provision of domestic partners health benefits.

Dissidents' opposition to the marriage equality movement might well be related less to these more rational claims (as suspect as I think the claims are on an empirical level) and more to a fundamentally emotional concern about the effect of marriage on the gay community. If marriage pulls the two spouses deeper into their relationship and farther from relationships with friends and other family members—in other words, if marriage is “greedy,” as some have called it—then that inward pull could devastate relationships built up over the years within the community and lead to isolation and stigmatization of single GLB people and others who do not want to marry.

It's hard to counter an emotional point with facts, especially when the fear has at least some foundation. One constructive response might be for same-sex couples to do as some of the Dutch couples did when they consciously involved their friends and family members in their weddings, symbolizing a wider notion of family than a limited focus on the nuclear family. In the end, maybe the best antidote to these fears and concerns will be time, as same-sex married couples find themselves facing the same challenges faced by GLB single people and heterosexual married people alike and responding in ways that expand rather than contract their social possibilities.

### Do We Need Alternatives to Marriage?

The civil union or registered partnership option for same-sex couples has become a convenient compromise position for policymakers who want to give same-sex couples the same rights and responsibilities as married couples without calling that relationship “marriage.” This desire to reserve the famous label for heterosexual couples has led some to argue that maybe a substitute is sufficient and that we might even want to consider a fuller range of legal options beyond marriage for couples and other family structures. Looking for alternatives has also been a major task for the gay

marriage dissidents, many of whom would prefer to get rid of marriage entirely.

The case for alternatives gets trickier in the political context. Strategic opponents of gay rights reframe the debate to move away from a comparison between married different-sex couples and committed same-sex couples and instead compare same-sex couples with just about any other kind of family *except* married couples. As they roll down this “slippery equity slope,” as I called it in chapter 8, the conservatives offer new alternatives to deflect legislative attention from proposals that move same-sex couples closer to marriage. They use these alternatives, such as creating a limited “reciprocal beneficiary” status, to counteract comprehensive domestic partnership bills or civil unions that give all of the state-granted rights of marriage to gay couples. The alternatives to civil unions would broaden the group covered by moving farther away from marriage, usually by including other twosomes who are not allowed to marry (like a brother and a sister or an aunt and a nephew). In the end, such alternatives seem more likely to be a dead end than a short-term compromise, since adding significant new rights and responsibilities could be unattractive to people in any nonmarriage-like relationships that are included.

The bottom line, in my view, is that wanting to do right by all family forms and actually pulling that goal off is very hard for policymakers. Equity is not a clear enough guide, since applying that principle can block the path to marriage equality for same-sex couples. For many same-sex couples, civil unions alone will never be enough, since that new invention does not come with the rich social and cultural meaning of marriage. We see a clear preference for marriage in the higher rates of marriage than of registered partnership or civil union in the countries and states that offer both. And, for the other kinds of families, the needs and desires are not so clear. Very few have used the limited opportunities that have emerged out of the gay marriage debate, suggesting that policymakers need to craft a status that is better tailored to the specific needs of those families rather than grafting them onto the effort of same-sex couples to win the right to marry.

### Are We Moving Too Fast?

In practice, alternatives serve primarily one important purpose: slowing down the pace of change. Opponents of marriage equality who blame “activist judges” who pushed the issue before the public was ready for those

developments are (at least partly) expressing anxiety about the pace of change. Although some gay people have advocated for the right to marry for decades, the goal of marriage equality did not seem particularly realistic until Hawaii came close to allowing gay couples to marry, in the 1990s, or less than twenty years ago. Vermont gave same-sex couples something very close to marriage in 2000, and, four years later, gay couples began to marry in Massachusetts. It took four more years for Connecticut and (briefly) California to open up marriage to gay couples.

Assessing the appropriate speed for changes in policy is a tricky proposition. Change can't come fast enough for same-sex couples who are ready to head to city hall for a marriage license at a moment's notice. (In 2004, thousands of same-sex couples from forty-six states and several countries flocked to San Francisco during the brief one-month window during which the mayor allowed gay couples to marry.) On the other side, any change is too much, too fast for opponents of gay marriage. That leaves us needing another perspective on the time issue.

Using the European timeline to measure the pace of change in the United States might help us understand why things happened here when they did. In 1989, Denmark created registered partnerships for gay couples, and a steady stream of countries has adopted similar policies or even full marriage equality. Was what happened in these countries so different from what has happened here at roughly the same rate?

Looking at the factors that characterize the first-wave policy innovators of the 1990s, we see several key similarities: low religiousness, high tolerance of homosexuality, and high levels of cohabitation. In addition to those three characteristics, all first-wave countries also had either a high gay business index or a high gay organization index, and most had high levels of social expenditures. These common factors imply that policymakers were responding both to the practical needs of visible gay populations and to the relative political strength of gay people and their political allies.

Over time, the expanding set of countries that recognize gay couples has started to look a little different. Tolerance of homosexuality and relatively high levels of cohabitation continue to be important, but more religious countries like Canada and Spain have just opened up marriage to same-sex couples. As more countries offer equality to gay couples, the barriers to other countries appear to be falling faster.

The same necessary conditions for change are present in nine of the ten states that have given gay couples rights in the United States so far. We see

similar characteristics in several other states that may soon act. So my answer to this section's question is, "No, we're moving at the rate predicted by the experiences of other countries." The liberal states are moving faster than the conservative ones, the ones with more diverse families are changing faster, and the states where there is more religious opposition are moving more slowly.

In my view, another implication of this perspective on the timing of change is that the United States cannot hide behind the "American exceptionalism" banner to separate itself from policy developments in other parts of the world. Yes, its "marriage culture" is different from that in some parts of Europe. On average, Americans are more religious and more likely to marry (both gay and straight couples alike), but that marriage culture is probably also a response to the very different set of economic and social incentives to marry. Instead of saying, "We're different, so we don't have to pay attention to the rest of the world," Americans should be saying, "Let's look to the rest of the world to help us understand what will happen if we give gay couples the right to marry."

### Structural Renovation or Cosmetic Redecoration?

The evidence from the Netherlands, as well as comparisons with other European countries and the United States, demonstrates that same-sex marriage is more of a cosmetic makeover of the old institution of marriage than a structural reconstruction. Even so, anyone who's lived through a renovation of a home knows that redecorating is messy and stressful, displacing families and disrupting lives. Planning carefully can sometimes help, but even the best imagination and planning can't completely relieve the stress of seeing a familiar and beloved home's wiring ripped out or its kitchen stripped bare. In the end, not everyone is satisfied with the outcome, but the hope is that an old structure has been made more usable, up to date, and appealing in the process.

Like many people, I've gone through home renovations and lived to tell about it. While writing this book, I've also lived through most of the changes discussed here: deciding whether to marry, responding to positive and negative reactions, planning a wedding, creating a meaningful ceremony, coming out as a woman who has a female wife, and addressing the social and legal implications of a new status. My relatives treat my wife differently, my employer extends benefits to her, and we feel more committed to each other—all outcomes that help me easily overlook the fact

that my taxes have risen. I've seen firsthand that we're all living through a time of great cultural, social, and economic change, and so much change can feel threatening and stressful. Is it reasonable to add to that stress by questioning the restrictions on gay couples' ability to marry?

Here a little perspective can be particularly helpful for interpreting the findings in this book. From the perspective of same-sex couples, the potential gains to marriage equality are large in terms of stronger families and the benefits of greater inclusion in society. The social debate and the lived experiences of gay men and lesbians who can finally marry their partners all suggest that the institution of marriage retains the power to shelter, shape, and serve the lives of couples who marry. From the perspective of heterosexuals, the changing composition of couples lining up for marriage licenses will barely be noticeable directly. What marriage means to heterosexuals has already changed, and its current form is a good fit for the interests of gay men and lesbians. From the perspective of the social institution of marriage, all the evidence shows no sign of damage. Opening up marriage to same-sex couples is just the latest step toward renewing marriage's continuing relevance in the twenty-first century.

