



SEPARATE IS NOT EQUAL:

OVERVIEW OF NEW RESEARCH FINDINGS ON MARRIAGE FOR SAME-SEX COUPLES

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Three new research studies support the desire for marriage among same-sex couples, show that the negative messages so prominent in states in which marriage amendments are on ballots have real impacts on lesbian, gay, and bisexual persons, and reveal fears and uncertainty about the future among lesbian and gay persons—both single and coupled—who reside in states that do not legally recognize same-sex relationships.

There now exists a sizable body of literature supporting the positive outcomes of marriage among heterosexual adults: married persons generally experience better physical and mental health than do unmarried persons. Even cohabiting couples do not experience the same levels of health and well-being as married couples. Several authors have reported that these health consequences derive, at least in part, from the tangible resources and protections offered to spouses by society (some of the 1,138 statutory provisions in which marital status is a factor in determining or receiving federal benefits, rights and privileges—see Herek, 2006). Clearly, society favors marriage over other forms of intimate relationships.

Lesbians and gay persons similarly prefer marriage. In the research of Gary Gates, Lee Badgett and Deborah Ho, it was reported that 37% of same-sex couples in Massachusetts married during the first year that marriage was offered—this is compared with the 12% of same-sex couples having entered in civil unions and 10% having entered domestic partnerships during the first year in which states have offered these forms of recognition. Importantly, the relative lack of enthusiasm for non-marital forms of recognition is also true among different-sex couples; in states that allow different-sex couples to enter non-marital forms of recognition, the registration rate has been less than 6% of eligible couples.

In the absence of marriage rights, more than 40% of same-sex couples have entered into civil unions or

registered their domestic partnership at the state level as evidence of, and in an effort to, formalize their commitment to each other. Part of this commitment may be seen in the completion and execution of legal documents (such as advance directives) to ensure wishes are respected and care is appropriately delivered when the need arises. In the absence of marriage, the wishes and choices of committed same-sex couples are not necessarily or automatically respected. This knowledge is likely associated with the higher completion rates of living wills among the lesbians and gay men in the study of Brian de Vries, Anne Mason, Jean Quam and Kim Acquaviva relative to national samples of presumably heterosexual adults of comparable age: there is a necessity for gay men and lesbians to prepare in ways that are less evident among heterosexuals. This necessity may also translate into greater anxiety and fear, given the socially contested nature of the legitimacy of their union; gay men and lesbians report fears and concerns for the future in proportions that again far exceed national averages.

These fears are even more pronounced in those states in which same-sex relationships are not formally or legally recognized, as de Vries and his colleagues have shown. In those states, gay men and lesbians were even more likely to have created a will and living will. And, they were even more likely to report fearing a death in pain and fear discrimination at the end of their lives because of their sexual orientation. These effects were evident for both coupled and single gay men and lesbians—this is an important finding highlighting the role that relationship recognition has on one’s sense of well-being as lesbian or gay person whether or not one is in a relationship. The absence of recognition of same-sex relationships conveys a sense of second-class citizenship and a stress associated with such an unwelcomed status.

Such messages become even more pronounced during state elections in which there is voting on constitutional amendments restricting marriage rights. The research by Ellen Riggle, Sharon Rostosky and Sharon Horne chronicles that, during such elections, lesbian, gay and bisexual persons report higher levels of exposure to negative message about lesbian and gay issues with associated higher levels of reported negative affect, stress and depressive symptoms. Marriage restriction initiatives as well as anti-gay and lesbian initiatives have a negative impact on the well-being of lesbian, gay and bisexual state residents. At the

same time, such residents report increased political participation and increased voting behaviors, although the prior passage of a marriage restriction amendment was associated with a lower voting rate in one state and feeling of political alienation in all states.

The impact of policy debates and policy outcomes merits greater attention. The outcomes of marriage amendment votes may have an impact beyond just restrictive legislation; the outcomes may serve to alienate persons from democratic participation and may serve to impair public health. Such health effects are noted beyond the times of the elections for gay men and lesbians and manifest in fears and concerns about the future, both stimulating action to guard against discrimination and unmet wishes and worrying about the circumstances and conditions of the final days.

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FINDINGS SUMMARY:

MARRIAGE, REGISTRATION AND DISSOLUTION BY SAME-SEX COUPLES IN THE U.S.

GARY J GATES, M.V. LEE BADGETT, AND DEBORAH HO

Since 1997, ten states and the District of Columbia have granted some form of state-wide recognition to same-sex couples. Although the rights, benefits and obligations that come with these legal statuses vary considerably across the states, the accumulating numbers of same-sex couples having entered into and dissolving these statuses has the potential to answer several questions relevant the ongoing public discussion about legal recognition for same-sex couples. These data are analyzed in this report.

Key Findings

- In states that provide legal recognition, more than 40% of same-sex couples have married, entered into a civil union, or registered their relationship. Marriage is preferred over civil unions or domestic partnerships: 37% of same-sex couples in Massachusetts married during the first year that marriage was offered, whereas 12% of same-sex couples have entered in civil unions and 10% have entered domestic partnerships during the first year in which states have offered these forms of recognition.
- Importantly, the relative lack of enthusiasm for non-marital forms of recognition is also true among different-sex couples; in states that allow different-sex couples to enter non-marital forms of recognition, the registration rate has been less than 6% of eligible couples.
- Same-sex couples who have sought legal recognition are generally younger than different-sex married couples.
- About 20% of individuals in same-sex couples who marry or register have previously been married to a different-sex partner; this is comparable to the rate at which individuals in different-sex married couples have been previously married. Similarly, the percent of same-sex couples who dissolve their relationships each year closely matches the figure for different-sex couples (about 2%).

Implications

These data demonstrate that same-sex (and different-sex) couples prefer marriage over civil unions or domestic partnerships. Beyond having the legal rights and obligations associated with marriage, the name “marriage” matters for couples. As a result, it may be that in states that have recently extended non-marital forms of recognition to same-sex couples, some couples are waiting to register in the hope that marriage will someday be available or recognized in their state.

FINDINGS SUMMARY:

STATE RECOGNITION OF SAME-SEX RELATIONSHIPS AND PREPARATIONS FOR END OF LIFE AMONG LESBIAN AND GAY BOOMERS

BRIAN DE VRIES, ANNE MASON, JEAN QUAM, AND KIM ACQUAVIVA

Civil Unions, domestic partnerships or marriages for same-sex couples are currently recognized in ten states and the District of Columbia. The impact of state recognition on lesbian and gay persons has not been well-examined; its role in planning for later life is explored in this study. This study reports on a national cross-sectional online survey of 797 non-heterosexual baby boomers (age range 40-61) conducted in February, 2006. Comparisons were made based on relationship status (single or partnered) and the state in which they lived (legally recognizing same-sex relationships or not legally recognizing same-sex relationships at the time of the survey).

Key Findings

- Being in a relationship, independent of State recognition, is associated with a greater likelihood of having a will, living will, and/or durable power of attorney; living in a state that does not legally recognizes same-sex relationships, independent of relationship status, is associated with a greater likelihood of having a will, living will, and/or durable power of attorney. The absence of recognition may spur individuals to action, but there are costs: individuals in these states also report lesser disclosure of their sexual orientation—perhaps associated with minority stress.
- Single gay men and lesbian boomers were more likely to report that, relative to partnered persons, they were getting affairs in order and have tried to talk about their death with other people; single gay men and lesbians were also more likely to report higher fears about dying alone. At the same time, single gay men and lesbians living in states that do not legally recognizes same-sex relationships are somewhat more likely to report being unsure who would be their primary caregiver should the need arise.
- Gay men and lesbians living in states that do not legally recognize same-sex relationships report greater fears of sexual orientation discrimination in later life. Gay men and lesbians living in states that do not legally recognize same-sex relationships also report greater fears of dying in pain.

Implications

It is important to note that State recognition of the unions of its citizens has an impact on both single and partnered persons; moreover, this impact extends beyond current quality of life, but also to future plans and emotional responses to the same. A lack of legal recognition at several levels requires non-heterosexuals to take greater action to anticipate their futures and ensure that their wishes are carried out, and may also lead to greater fears about later age.

FINDINGS SUMMARY:

MARRIAGE AMENDMENTS AND LESBIAN, GAY AND BISEXUAL CITIZENS IN THE 2006 ELECTION

ELLEN D.B. RIGGLE, SHARON S. ROSTOSKY, AND SHARON HORNE

Over half of U.S. states have passed amendments to their constitutions effectively barring recognition of same-sex marriages. The impact of these ballot initiatives and debates on lesbian, gay, and bisexual (LGB) citizens is little understood. This study reports on a national cross-sectional online survey of 1849 LGB participants at least 18 years of age conducted post-election in November, 2006. Comparisons were made between participants who lived in eight states with a marriage amendment on the ballot and those who lived in states where either a ballot measure had passed in a previous election or where there was no such amendment.

Key Findings

- Participants in this survey who lived in states with marriage amendments on the ballot in November 2006 reported higher levels of exposure to negative messages about lesbian and gay issues. No previous research has empirically established LGB individuals' perceptions of exposure to negative and positive messages during marriage amendment or gay rights initiatives.
- These findings document reports of higher levels of negative affect, stress, and depressive symptoms by LGB residents of states with marriage amendments on the ballot; anti-gay and marriage restriction initiatives have a negative impact on the well-being of LGB citizens.
- Having a marriage amendment on the ballot was associated with increased political participation and voting by LGB citizens in a state. Prior passage of an amendment, however, was associated with a lower voting rate in one state and feelings of political alienation in all states.

Implications

We need to explore and consider the impact of policy debates as well as policy outcomes on the citizens most affected. The outcomes of marriage amendment votes may have an impact beyond just restrictive legislation, impairing public health and increasing alienation from democratic participation and citizenry.