



## The Longest “Legal” U.S. Same-Sex Couples Reflect on Their Relationships

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*Vermont was the first U.S. state to create a legal status for same-sex couples (civil unions). Same-sex couples who entered into civil unions during the first year of availability were asked to reflect on their relationship 3 years later. Written essays from 452 members of civil union couples were analyzed via thematic analysis. Most couple members considered the civil union to be highly significant, providing increased benefits and legitimacy. Some couple members did not consider the civil union to be as significant; they mentioned that civil unions were not the same as marriage, did not reflect the longevity of their relationship, or that their family of origin was still unsupportive. Some couple members got involved in political action to legalize their relationship and some had since gotten married in Canada, Massachusetts, or elsewhere. The implications of these findings for understanding minority stress, relationship investment, and future directions are discussed.*

Vermont was the first U.S. state to create a legal status for same-sex relationships (before any province of Canada). Act 91, An Act Relating to Civil Unions (Moats, 2004), was signed by Governor Howard Dean in June 2000,

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allowing same-sex couples to be united in civil unions beginning on July 1, 2000 (Hollingdale, 2002). Excited by the new legislation, over 2,000 same-sex couples traveled to Vermont for civil unions, despite the fact that these civil unions were not recognized by their own state. We, too, were excited by the opportunity to survey these “pioneers” coming to our state (at the time we were all either students or faculty members at the University of Vermont). Additionally, Vermont state legislators were bombarded with questions by gay rights activists and policymakers from around the United States, who wanted to know demographic characteristics of civil union couples. So we decided to conduct a study that would provide a demographic and relationship profile of civil union couples.

Our study compared couples who had civil unions in Vermont during the first year of that new legislation (July 2000–June 2001) with same-sex couples in their friendship circles, who had not had civil unions, and with heterosexual married siblings (Solomon, Rothblum & Balsam, 2004, 2005). We focused on demographic factors, length of relationship, social support from family and friends, contact with families of origin, social and political activities, degree of “outness,” and division of housework, childcare, and finances. This was the first study to examine same-sex couples recruited from a population instead of a convenience sample, because civil unions are a matter of public record.

In 2004–2005, we conducted the 3-year follow-up study of these couples, again focusing on quantitative measures (Balsam, Rothblum, Beauchaine & Solomon, 2008). In addition, we asked couple members to describe their relationship over time in their own words, and that is the focus of the present article. Couples in civil unions represent the longest same-sex couples in “legal” relationships. How do couple members think about their relationship over time and what kind of impact has it had on them? It is possible that major themes for couple members may be entirely different from the standardized questions we selected.

The present article presents the results of analyses of these written comments by same-sex couple members in civil unions. Qualitative research lends itself to this topic; although our surveys included numerous quantitative measures, we could not predict all the ways in which same-sex couples in legal relationships would change or view their relationship over time. Secondly, these same-sex couples in civil unions represent the longest “legal” cohort of same-sex couples in North America, and so analyzing their accounts of their relationships over time is important. The purpose of qualitative research is to increase one’s understanding and interpretation of how research participants construct the world around them (see Mason, 2005, for a review).

This article will not be focusing on written comments by same-sex couple members who did not have civil unions or by heterosexual married siblings and spouses. Although all three types of couples were asked to reflect on their relationship over the past 3 years, this was just an arbitrary time period for the two types of comparison couples. Thus, they wrote about what was going on with

their relationship, jobs, children, health, aging parents, etc., whereas for the civil union couples this time period constituted the length of their civil union and they reflected on that.

A couple of theoretical principles guided our investigation of couple members' experiences in a civil union. First, the relationship investment theory (Rusbult, 1997) posits that individuals form and stay in relationships that provide them with satisfying outcomes and that barriers to exiting the relationship can increase commitment. We were interested in examining the extent to which civil unions created barriers and whether they increased a sense of stability within the relationship. We also wanted to better understand whether the civil union—a type of relationship that is more “legal” than cohabitation yet less so than marriage—would be viewed by couple members as equivalent to marriage. Second, our analysis was influenced by Meyer's (2003) conceptualization of minority stress, which suggests that experiences of stigma and prejudice, concealment of sexual orientation, and expectations of rejection faced by lesbians, gay men, and bisexuals (LGBs) may lead to stress and distress. To what extent does a civil union indicate acceptance into mainstream society thereby lessening the presence and effect of minority stress?

## Method

### *Participants*

Of the 2,475 same-sex couples who had civil unions during that first year, only 21% were from Vermont, and the remaining 79% were from 48 other U.S. states, the District of Columbia, and 15 other countries. When we sent letters to all these same-sex couples, 42% agreed to participate in the study. Of the 800 questionnaires sent to both members of 400 civil union couples, we received back 659 (82%). [We also surveyed heterosexual married siblings and same-sex couples who did not have civil unions. These data are not relevant to the present study and are not presented herein. See Solomon et al. (2004) and Solomon et al. (2005) for further information about comparisons with these groups.] At the 3-year follow-up, we contacted all couples where at least one member of the couple had sent back a completed questionnaire at Time 1. We received back completed questionnaires from 452 individuals who had had civil unions.

Demographic information for women and men in same-sex civil unions is presented in Table 1. [For additional analyses of the demographics and data collected, see Henehan, Rothblum, Solomon, and Balsam (2007), Solomon et al. (2004, 2005), and Todosijevic, Rothblum, and Solomon (2005).] Below, in referring to participants' responses, we provide the sex of each respondent; however, information, such as age and ethnicity, is withheld to avoid compromising the anonymity of respondents.

**Table 1.** Characteristics of Male and Female Civil Unions

Variable	Women in civil unions (N = 212)	Men in civil unions (N = 123)
Age	42.74 (8.57)	44.03 (9.71)
Race/ethnicity		
African-American/Black	1.0%	0.8%
Asian-American/Pacific Islander	1.0%	2.5%
Latino	2.9%	1.6%
Native American/American-Indian	1.0%	0.0%
European-American/White	91.9%	93.4%
Other	0.5%	0.8%
Biracial	1.9%	0.8%
Years of education	15.93 (1.59)	15.90 (1.46)
Individual income	\$55,518 (79,201)	\$65,847 (51,380)
Religion while growing up		
Buddhist	0.5%	0.0%
Catholic	37.3%	39.8%
Jewish	7.7%	6.5%
Protestant	46.9%	43.9%
None	5.3%	2.4%
Spiritual beliefs do not fit formal religion	1.0%	3.3%
Other	1.4%	4.1%
Religion now		
Buddhist	1.5%	0.8%
Catholic	5.9%	7.5%
Jewish	7.8%	5.0%
Protestant	27.8%	29.2%
None	15.6%	30.8%
Spiritual beliefs do not fit formal religion	39.0%	23.3%
Other	2.4%	3.3%
Relationship:		
# Years known partner	10.93 (7.58)	13.16 (9.35)
# Years since dating	9.46 (7.06)	12.75 (9.07)
# Years living together	8.87 (6.90)	12.12 (8.91)
Children:		
Have children	34.0%	17.9%
Mean age of children	12.88 (10.26)	16.14 (10.59)

*Note.* Percentages are given for categorical variables. Means, followed by standard deviations (in parentheses), are given for continuous variables. For the purposes of this table, civil union couples were sent questionnaires labeled A and B, and we always used data from the couple member who happened to complete questionnaire A.

### *Procedure*

At both time periods, couples were sent two questionnaires and two postage-paid envelopes attached to the letter. Reminders were sent out via e-mail (if available) and mail.

### *Measures*

Our questionnaire was adapted from the survey used by Blumstein and Schwartz (1983) in their American Couples project, and included sections about demographics, their relationship, children, contact with family of origin, perceived social support from friends and family, leisure activities, level of outness, sexual behavior, division of finances, division of household tasks, and conflict.

The 3-year follow-up questionnaire began by asking couple members to reflect on their relationship over the past 3 years in their own words. The instructions for civil union couple members were:

“Before we ask you to rate specific items, we would be most interested to find out how you have seen your relationship develop in the past three years. Please focus on your civil union partner of 2001; if you are no longer in that relationship, let us know about the break-up. We would be interested in your own experiences about the relationship. If you have children, how has the relationship affected them? How do people perceive you now as a couple? These are just suggestions—we are looking forward to reading about your relationship in your own words!”

## **Results**

The results were interpreted using thematic analysis and aimed to provide a descriptive account of participants' experiences regarding their civil union. This article will focus on five common themes and subthemes. One major theme was that couple members considered the civil union to be highly significant, providing increased psychological benefits, tangible benefits, legitimacy by family of origin, or legitimacy by religious organizations. Another theme came from a number of couples who had a child since the civil union or were trying to have a child; these couples discussed the impact of legal relationship on their child-related decisions. A third theme emerged from the sense of some individuals that the civil union was not significant. These individuals mentioned that the civil union was not the same as marriage, it did not reflect the longevity of their relationship, or that their family of origin was still unsupportive. The fourth major theme emerged from couple members who got involved in political action to legalize their relationship. Finally, some couples who had been able to get married in Canada, Massachusetts, or elsewhere since having the civil union, commented on the differences between civil unions and marriage.

*Couple Members Considered the Civil Union to be Highly Significant*

*Increased psychological benefits.* For many people, the civil union was more important than they had expected. They described increased legitimacy, security, stability, and commitment, and viewed the union as a legal barrier to breaking up. For example, one female respondent wrote:

“After the civil union we definitely felt a strengthening of our relationship bond. Beyond the giddy feeling of flying in the face of societal restrictions, I definitely felt a sense of the more room, more space in our relationship. I think the rest of the country has no clue how restrictive the cultural disapproval or ignorance can feel. The Union said, ‘We are valid! We belong!’ in a way that we had not experienced.”

A male respondent explained the psychological impact on his relationship:

“We would stay together, no doubt, for all the rest of our lives. Without the legal connection of civil union or domestic partnership-but there is an additional strength I feel in our partnership with it, a societal blessing in my head, that approves what I value so immensely, which is my commitment to my beloved.”

Couple members felt wonderful to be part of “the mainstream,” even in just one state. Many participants referred to their partner as “wife,” “husband,” or “spouse.” One woman wrote:

“This July we will celebrate our civil union anniversary. How splendid! What an honor to live in a progressive state that validates love, relationships, and same gendered couples. What a thrill to refer to my partner as ‘my wife’ and for people to casually say, ‘I can’t imagine living in a state that didn’t have civil unions.’ We feel validated, embraced, recognized, legitimate, supported, and loved.”

Couple members also perceived the legality of the civil union as a barrier to breaking up. As one woman stated: “In the past few years it’s seemed as if it was O.K. to have some separate interests. I feel that after our civil union it proved to my partner that she didn’t have to worry if I was gone playing tennis, golf, or whatever with someone else.” Another woman explained: “Having a civil union has been good for us. Relationships can be hard at times and having at least one formal barrier helps make you think about splitting up.”

*Increased tangible benefits.* As a result of the civil union, couples made out wills, integrated their finances, bought a house together, or came out at work. Those couples who lived in Vermont enjoyed legal benefits, such as filing state taxes jointly or getting a joint car insurance policy. When one partner was ill, the other was able to visit in the hospital. A female respondent wrote: “While we had both wanted to have one earlier, neither one of us was energized to organize and plan the celebration. Then my partner lost her health insurance and had to be added to mine, we suddenly became energized!”

But even out-of-state couples were surprised to find that some institutions recognized their civil union in tangible ways. In general, these tangible benefits were obvious soon after the civil union, and so we described some of these at Time 1 (cf. Solomon et al., 2004). Nevertheless, this continued to be a theme 3 years later. A woman wrote:

“After eight years together I adopted (my partner’s) biological child. On the birth certificate they put my name in place of father. Court papers read ‘maternal mother’ for both of us. Really quite an accomplishment for Illinois. Lucky for us the lawyer representing us was a retired judge and wrote up the paper work to read as such.”

Another woman’s bank recognized her civil union for a mortgage:

“We were initially denied a home loan because (my partner) would be staying in (our old state) for a few months to continue to work at her high paying job while I started school. The lender said, ‘Six hours is too far to commute.’ I said that married couples did this all the time and he said, ‘yeah, but you’re not married!’ I told him of our civil union and after I defined it for him he told me to fax him a copy of the document. I did and because of it, we were able to secure a transitional loan and buy our first house. It never occurred to me that within two months of being married the trip to Vermont would actually pay off!”

*Increased legitimacy by family of origin.* Quantitative scales in the survey focused on contact with and perceived social support from family of origin; however the qualitative question portrayed these experiences in more depth. Same-sex couples had less contact and perceived less support from their family than did heterosexual married siblings (Solomon et al., 2004), yet it was very important for civil union couples that their parents and relatives view them as a couple. As one woman wrote: “My family has actually become more accepting since our civil union. I think they can now see the commitment and it’s made a big difference with them. That’s why this antimarriage (stuff) is such a crock.”

*Increased legitimacy by religious community.* Some couples were surprised to discover that their religious leader or institution recognized and supported their civil union. A number of studies have found LGBs to be less religious than heterosexual siblings (e.g., Rothblum, Balsam, & Mickey, 2004), including our Time 1 civil union study (Solomon et al., 2004). This was not surprising, given that LGBs are often not welcome in mainstream religions. Yet having a supportive religion and religious leader is important to same-sex couples, as demonstrated by the following quote from a man: “Our rabbi and cantor did a traditional Jewish wedding ceremony complete with all elements had by heterosexual couples. Ours is a mainstream, Reform Jewish Synagogue not an exclusively gay temple, though it is very gay-friendly with a gay rabbi!”

### *Couple Members Had a Child (or are Trying to Have a Child) Since the Civil Union*

At Time 1, only about one-third of female civil union couples and 18% of male civil union couples had children, compared with 80% of heterosexual married siblings. A number of civil union couples had a child (or wanted one) as the result of the civil union. As one man stated: "By April we had signed with a surrogacy agency and by 2002 we were pregnant with twins. They were born in March 2003, a boy and a girl. More than anything, they've transformed our lives and our relationship." A woman explained a similar impact:

"The primary focus of our relationship in the last three years has been creating a child! Our daughter was born in 2003 after my partner, her birth mother, had endured four miscarriages. Her presence in our lives has enriched us personally as well as a couple. The influence of being in a civil union with my partner has created a greater sense of security as a family. Seeing my name on our daughter's birth certificate was outstanding. In a much different way, it felt right and good to see our names in our Town Record of births in 2003. It is affirming to have this legal standing and all that it represents knowing that there is scorn and opposition regarding same-sex relationships and families."

### *Couples Did Not Consider the Civil Union to be that Significant*

*Civil union is not marriage or does not reflect the longevity of the relationship.* Although many couples commented on the ways in which their civil union positively impacted their relationship, some couples also emphasized the fact that a civil union was not that important. Some of these couples explained they had been together for many years, so the civil union did not reflect the longevity of their relationship; others commented that the civil union was not marriage. A woman stated: "We are more in love than ever! But we strongly wish our civil union has meant something more with regard to legal protections." Another woman commented: "the civil union was a rather perfunctory exercise and more of a political statement than a bona fide ceremony ritual. The 'marriage' that binds us as a couple took place in our church with the minister, family and friends gathered."

*Family of origin or others still not supportive.* In some cases, couples were disappointed that the civil union was not given respect or support by their family of origin. A man wrote: "Marriage had made me feel more like a legitimate couple than the civil union. I feel more legally substantial. [But] it has brought back some feelings that family members still consider us less whole than they are." Another man stated:

"Professionally I've been challenged at work with my new marital status, not by my colleagues, but by our local bishop. Working for a Catholic college has been a delicate balance between representing the mission of the college and being true to myself. He has

made it clear that he is gravely concerned and may in the near future make it a public issue. I say bring it on!”

### *Couple Members Got Involved in Political Action to Legalize Their Relationship*

Civil union couples saw themselves as pioneers in a new form of partnership and made sure to speak out or engage in activism to further legalize same-sex relationships, including marriage. As one woman stated:

“In the last three years I have taken a more visible and active role in regards to diversity in my corporation. This makes us the ‘token’ lesbian couple for many people in my corporation, church, community and school. We are not a political couple, but we are very visible. This seems to make a big difference in people’s lives every day.”

Another woman explained that the civil union did not change her relationship, but was a political statement: “We did it as an advocacy action to show people in Arizona that there is a state in the United States that acknowledges us as a united couple.” And a male respondent explained:

“Again we thank the people of the state of Vermont for doing the right thing when they created the civil union statutes. We wish the rest of the nation (including our home state Utah) could and would be so compassionate. We feel that our civil union has strengthened the institution of marriage.”

### *Couples Got Married Since the Civil Union*

By the time of our follow-up study, marriage for same-sex couples had been legalized in several locations in North America. By 2003, eight of Canada’s ten provinces had marriage rights for same-sex couples, and this was followed by marriage rights for same-sex couples at the national level in Canada in 2005. Massachusetts became the first U.S. state to legalize marriage for same-sex couples in May 2004, although for a few years this was permitted only for residents of that state. The city of San Francisco allowed marriage for same-sex couples for 1 month in February 2004, and a few municipalities have briefly permitted same-sex marriage, including Portland, Oregon; however, these marriages were not recognized by the state in which they were performed.

Not surprisingly, a number of civil union couples got married if they could. One man wrote:

“We are mutually dependent on each other and this ‘traditional’ union is fine with both of us most of the time. We avoided the San Francisco wedding fiasco and instead started following the Canadian marriage issue. When we planned our trip to Canada, we . . . actually didn’t accept the idea until a few days before crossing the border. Everything just kind of fell into place and we had a simple ceremony. It turned out to be very meaningful and emotional and we also felt good about seeing it as a ‘slap in the face’ at U.S. intolerance. All this steamrolled into us deciding to retire in five years to Canada and buying a house. So that really solidified our relationship far into the future. I would characterize our friends

and relatives' reaction to our surprise announcement as ho-hum to moderately interested. Straights seemed more supportive than gays. Now we aren't sure which anniversary to celebrate."

Although same-sex couples have a right to civil marriage in Canada, another woman related a story about being married and then having that nullified:

"Our civil union was just the first of our weddings! We had the big family and friends gathering at our home in Oregon; even my partner's right-wing parents attended (and her dad had danced with her to our Marimba band). It was VERY joyful. In 2004 we married in Portland, Oregon, with the 3,000 other couples whose legal marriages were just now invalidated by the Oregon Supreme Court. (It's not over yet. . .) I feel that these expressions and occasions have helped to deepen and define our love, and our ties to our communities of friends."

### Discussion

Although it is not possible to be a little bit pregnant, it is certainly the case that same-sex couples in the United States who legalize their relationship are a little bit married. At the same time that some U.S. states are authorizing same-sex marriage, civil unions, or domestic partnerships, other states are prohibiting or taking those rights away. For same-sex couples, this means that their rights cannot be taken for granted.

As of December 2010, 43 U.S. states have passed legislation that effectively bars the recognition of marriages of same-sex couples performed in other states. This has important consequences for those same-sex couples that move geographically. There is always the threat that, as the result of a break-up, a partner can move out of state so that the legalized relationship or even the co-adoption of children may not be recognized in a new state of residence. There have been ballot initiatives restricting the legal rights of LGB individuals (see Fingerhut, Riggle & Rostosky, 2011; Maisel & Fingerhut, 2011). Also, most benefits of marriage are at the federal level (e.g., inheritance, retirement, social security, sponsoring a partner from another country for U.S. immigration, filing joint income tax; Cahill & Tobias, 2006), so same-sex couples can only make use of the very limited benefits at the state level. Not surprisingly, comments from the civil union couples in our sample indicated that they wanted to be married, often did not see the civil union as equivalent to marriage, and were politically active to make changes happen. We will continue to survey the cohort in our present sample about whether and where they have gotten married during subsequent years.

At the same time, same-sex couples perceived the civil union itself to be important, often more so than they had expected. Though not marriage, its legality was validating, to themselves and others (see also Badgett, 2011; Frost, 2011; Lannutti, 2011), and was perceived by couples as a barrier to breaking up. The civil union allowed them tangible benefits (e.g., obtaining health benefits through a partner's job) as well as less tangible benefits (e.g., increased support

from their family and religious institutions and leaders). In line with Rusbult's (1997) relational investment model, civil unions facilitated investment and created a barrier to leaving. A number of couples had children, or were trying to get pregnant or adopt children, since their civil union. Respondents referred to the civil union as providing the security, legality, and society acceptance to make this feasible.

Couples who did not perceive the civil union as significant tended to focus on how long they had been together, and, consequently, the fact that the civil union did not change their feelings of love and commitment. Others emphasized the fact that a civil union was not as important as their commitment ceremony or religious union, or wished they could have real marriage.

This study adds support to Meyer's (2003) minority stress theory. Legal recognition of the civil union by family, co-workers, and institutions resulted in an increased sense of stability, commitment and security. This made discrimination seem less likely and alleviated some prejudice. Nevertheless, couples were aware that civil unions were not equivalent to heterosexual marriage and were often engaged in political activism to legalize same-sex marriage. Couples were aware of the discrimination in the lack of marriage rights in many states and by the federal government. Their political activism was an attempt to "cope" with that discrimination in a positive way.

Few researchers have commented on the gender difference in couples who choose to legalize their relationship. Waaldijk (2001) examined the numbers of same-sex partnerships in Denmark, Norway, Sweden, Iceland, and the Netherlands, all countries that have same-sex marriage or registered domestic partnerships at the national level, for each year since the legislation began. In all of these countries male couples predominated, usually in a ratio of three to one. In contrast, in U.S. states that have legalized relationships, female couples predominate, usually in a ratio of two to one (e.g., Rothblum, Balsam, & Solomon, 2008; Solomon et al., 2004). It is unclear why this is the case and is open to future study.

In sum, same-sex couples face a separate-but-not-equal status even when they legalize their relationship as a civil union, domestic partnership, or same-sex marriage at the state level. In a fluid and impermanent environment, any prospect for social change and civil rights is possible. It will be essential to follow these pioneers to keep their stories at the forefront. Because this is a national sample, some couples will be living in U.S. states that legalize same-sex marriage in the future and others will not, allowing for comparison research. In addition, research has examined the negative effects of anti-gay ballot initiatives on the well-being of same-sex couples (see Maisel & Fingerhut, 2011). Thus, future research on civil union couples should also inquire how couple members perceive both pro- and anti-gay initiatives at the local, state, and national level and how this affects their own and their partner's mental health (see Rostosky, Riggle, Horne, & Miller, 2009; Russell, 2000). The next years will be crucial in determining whether

same-sex couples in the United States will have equal rights, and the civil union study will continue to assess the impact of laws affecting same-sex couples.

Since these data were collected, Vermont has legalized marriage for same-sex couples, and so have Massachusetts, Connecticut, New Hampshire, Iowa, and the District of Columbia. Same-sex marriage at the federal level has also been legalized in Argentina, Belgium, Canada, Iceland, the Netherlands, Norway, Portugal, South Africa, Spain, and Sweden, as well as some cities or regions in other countries (e.g., Mexico, Venezuela). At the same time, a number of countries have legalized same-sex relationships at the federal level, referred to by a variety of names including civil pacts and registered domestic partnerships (i.e., they are not called “marriage”). These countries include Andorra, Austria, Czech Republic, Denmark, Finland, France, Germany, Greenland, Hungary, Luxembourg, New Zealand, Slovenia, Switzerland, United Kingdom, and Uruguay. There has been relatively little research examining the effects of same-sex marriage in other nations (cf. van Zyl, 2011, for a study of perceptions of same-sex marriage in South Africa), comparing the effects of same-sex marriage across nations (cf. Badgett, 2011, for a recent comparison between same-sex marriage in Massachusetts and the Netherlands), or even comparing nations with same-sex marriage to those with other forms of legalized relationships. Future studies will be important to determining the effects of same-sex marriage versus other legal status recognitions on same-sex couples both in the United States and in other countries.

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