

What Difference Does a Civil Union Make? Changing Public Policies and the Experiences of Same-Sex Couples: Comment on Solomon, Rothblum, and Balsam (2004)

Charlotte J. Patterson
University of Virginia

When Vermont became the first state in the United States to legalize civil unions for same-sex couples, it marked an important milestone in lesbian and gay Americans' struggle for equal rights. Against this background, S. E. Solomon, E. D. Rothblum, and K. F. Balsam's (2004) study, the first to examine experiences of same-sex couples who have undertaken civil unions, is a significant effort. The study provides valuable data about these couples, yet much remains to be learned. Further study of the impact of changing legal landscapes on experiences of same-sex couples and their families has the potential to add significantly to knowledge about contemporary family lives.

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When Vermont became the first state in the United States to legalize civil unions for same-sex couples, it marked an important milestone in lesbian and gay Americans' struggle for equal rights (Strasser, 2002). In 1999, the Vermont Supreme Court ruled that same-sex couples must be allowed access to the same benefits and protections that are currently available to heterosexual couples through marriage. The legislature carried out this decision by creating civil unions to allow same-sex couples the rights and responsibilities of marriage under state law, but without allowing access to marriage itself. Signed into law by former Vermont Governor Howard Dean, the civil union law went into effect on July 1, 2000 (Strasser, 2002). Especially given that most states still had laws on the books that specifically barred access to marriage for same-sex couples, and that no other state had legalized civil unions, the steps taken in Vermont are notable.

Against this background, Solomon, Rothblum, and Balsam's (2004) study, which is the first to examine the circumstances and experiences of same-sex couples who have undertaken civil unions, is a significant effort. Apart from being the first of its kind, the study is admirable in many other ways as well. For example, the study was based on the entire population of those who had undertaken civil unions in Vermont during the first year after legalization; this approach effectively minimized many possible selection biases. Another strong point of the study was use of married heterosexual siblings as a comparison group for the same-sex couples; this method of recruiting heterosexual couples effectively controlled for many possible variations in the

backgrounds of participants. Overall, the study provides an interesting cross-sectional portrait of hundreds of same-sex couples who have been among the first to undertake civil unions in the United States.

How important is civil union status in shaping the experiences of same-sex couples? In particular, how does civil union status compare with gender and sexual orientation as a predictor of couples' experiences? The data collected by Solomon et al. (2004) are particularly interesting in that they allow comparisons among gender, sexual orientation, and civil union status. By examining the associations among all three variables and various couple outcomes of interest, one can begin to estimate the impact civil unions may have on the experiences of same-sex couples.

In general, Solomon et al.'s (2004) results suggest that sexual orientation was related to many more aspects of experience, both for lesbian women and for gay men, than was civil union status. Regardless of civil union status, lesbian and gay couples reported fewer years together, fewer children, and less of a tendency to describe their spiritual beliefs as consistent with formal religions than did their heterosexual married siblings. Regardless of civil union status, same-sex couples also reported more mutual friends than did their heterosexual married siblings. Regardless of civil union status, lesbian women were more likely to report sharing child care equally than were their married heterosexual sisters. Regardless of civil union status, lesbian women reported feeling less social support from parents than did their heterosexual married sisters. Regardless of civil union status, gay men were more likely than their heterosexual brothers to live in large cities. In all these ways, the experiences of same-sex couples were associated primarily with sexual orientation.

These findings on the importance of sexual orientation in shaping couple experience are consistent with and also

Correspondence concerning this article should be addressed to Charlotte J. Patterson, Department of Psychology, P.O. Box 400400, University of Virginia, Charlottesville, VA 22904. E-mail: cjp@virginia.edu

extend the results of earlier research (Garnets & Kimmel, 2003; Patterson, 2000; Patterson & D'Augelli, 1998). For example, the finding that lesbian couples were more likely than heterosexual couples to share childcare evenly both confirms the results of earlier studies (e.g., Chan, Brooks, Raboy, & Patterson, 1998) and extends them for the first time to couples who have undertaken civil unions. Likewise, the finding that gay men were more likely than their heterosexual married brothers to live in large urban centers both replicates earlier findings (e.g., Black, Gates, Sanders & Taylor, 2000) and suggests that the pattern is true also of those who have undertaken civil unions. In other words, when same-sex couples undertake civil unions, their experiences are still shaped in important ways by gender and by sexual orientation.

Solomon et al.'s (2004) findings did reveal some differences between civil union and non-civil union lesbian and gay couples. Lesbian women who had undertaken civil unions reported being more open about their sexual orientation than did those not in civil unions; however, this did not hold true for men. Gay men who had undertaken civil unions reported that their fathers made them feel more welcome in the family than did those who had not undertaken civil unions; however, this pattern did not hold true for lesbian women. Also among gay men, those in civil unions had more mutual friends as a couple than did those not in civil unions; however, this did not hold true for lesbian women. Overall, on the variables measured by Solomon et al. (2004), there were remarkably few differences between members of same-sex couples who did versus did not undertake civil unions.

It remains unclear whether observed differences between same-sex couples who did versus did not undertake civil unions are causes or consequences of civil union status. Did lesbian women who were more open about their sexual orientation feel more willing to undertake civil unions? Or did the reality of having undertaken a civil union have the effect of making lesbian women feel more open about their sexual identities? Given the cross-sectional design of the Solomon et al. (2004) study, its results cannot be used to address such questions. Certainly, as the authors point out, there is much yet to be learned about how the experiences of civil union versus non-civil union couples change over time.

This being the first study of its kind, some of the differences one might expect between civil union and non-civil union couples have yet to be systematically studied. For example, as civil union couples begin to enjoy economic benefits afforded by their new legal status (e.g., more favorable insurance and mortgage rates), one might expect their financial standing to improve. This, in turn, might be expected to relieve or at least offset some of the stresses that lesbian and gay couples otherwise experience (Meyer, 2003). These and other protections afforded by their legal status should redound to the benefit of children with lesbian and gay parents, just as those afforded by marriage do in families headed by heterosexual parents. Over time, it will become possible to measure changes in these and other qualities of couple relationships among same-sex couples

who have or have not undertaken civil unions. As benefits associated with their status accumulate over time for civil union couples, these may be expected to have a positive impact on the well-being of same-sex couples and their children, just as they do on the well-being of heterosexual couples and their children. Thus, even though Solomon et al.'s (2004) findings provide relatively little evidence of any impact, it is much too early to dismiss the notion that civil unions will affect the experiences of same-sex couples in important ways.

In addition to clear-cut economic benefits, much of the impact of undertaking a civil union is likely to be intangible. One of the participants in Solomon et al.'s (2004) study alluded to this kind of effect when she said, in reference to her and her partner's civil union experience, "We were both very surprised at how emotional it was for us" (Solomon et al., 2004, p. 285). When a couple decides to declare their mutual commitment and love for one another in public, and when the government sanctions this declaration, emotional responses can be intense. To what degree do same-sex couples who undertake civil unions undergo psychological changes as a result? To what degree do such changes, if any, also characterize members of the couple's nuclear and extended family?

To learn more about such questions, the study of civil union and non-civil union couples over time should include assessments of psychological dimensions of their experience. For example, how will civil union status affect stresses and supports for same-sex couples? How will these affect cohesion, conflict, and relationship satisfaction among same-sex couples? So as to provide a full picture, such research should focus on family members and friends as well as on members of the couple itself. Through studies of these kinds, we can expect to learn more about the impact of policy change on same-sex couples and their families and friends.

As significant as legal changes in Vermont have been, the civil union law does not provide same-sex couples with access to marriage. Subsequent to the legalization of civil unions in Vermont, the Supreme Judicial Court of Massachusetts held, late in 2003, that the rights and responsibilities of marriage must be open to all citizens of the Commonwealth of Massachusetts, including same-sex couples who wish to marry (*Goodridge v. Department of Health*, 2003). At the time of this writing, decisions about how best to implement this ruling are before the Massachusetts legislature. In New Jersey, early in 2004, the state legislature voted, and the governor signed into law Assembly Bill 3743, giving many legal rights to same-sex couples who register as domestic partners (Mansnerus, 2004). At the same time, a challenge to the New Jersey ban on same-sex marriage remains in the courts (*Lewis et al. v. Harris et al.*, 2003). Thus, in many parts of the United States, the legal situation of same-sex couples appears to be in flux.

Although, at the time of this writing, no jurisdiction in the United States allows same-sex couples to undertake legal marriages, this is no longer true in other parts of the world. In Belgium, in parts of Canada, and in the Netherlands, same-sex couples already have access to legal marriage

(Human Rights Campaign, 2004b). Many other countries (e.g., Denmark, France, Germany, Iceland, Norway, and Sweden) provide some form of legal recognition for same-sex partnerships (Human Rights Campaign, 2004a). It has thus become possible to imagine that same-sex couples in the United States will one day gain full access to legal marriage.

For researchers interested in the impact of public policy on families today, legal changes affecting lesbian and gay Americans would seem to provide a wonderful opportunity. The legal landscapes inhabited by lesbian and gay Americans are shifting, and this situation affords an unusual chance for researchers to learn more about how law and human behavior interact under changing conditions. If one asks what difference a civil union makes to couples who undertake it, the evidence available today does not yet reveal much impact. Clearly, however, many issues remain to be studied, and different answers seem likely to emerge over time.

In the end, however, the questions suggested by the advent of civil unions are likely to be more fundamental. To determine how basic such questions may be, one has only to imagine that lesbian and gay Americans will one day gain equal access to civil marriage. What would result from this? Will the inclusion of same-sex couples in the institution of marriage alter the nature of marriage itself? Or will same-sex couples who marry themselves be transformed through their participation in this institution? Or both? Research addressing such questions would certainly add to our knowledge of the nature and role of marriage in the contemporary world. Indeed, one result of such research might well be a deeper understanding of marriage itself.

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