

Same-Sex Marriage: A New Social Phenomenon

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SAME-SEX MARRIAGE (SSM)—marriage between two persons of the same sex—is a new social phenomenon, leading to a new type of family formation. In modern times SSM did not exist until the twenty-first century when an increasing number of countries began permitting same-sex couples to marry legally. In addition, beginning in the late twentieth century there has been a growing global movement to regard marriage as a fundamental human right to be extended to same-sex couples (Moumneh 2009; Human Rights Watch 2009; Adam, Duyvendak, and Krouwel 1999). These events are extraordinary given that even during most of the twentieth century, homosexuals were closeted and the concept of same-sex marriage was inconceivable, perceived by nearly all as an oxymoron.¹

As a result of successful legal challenges and related social and policy developments, SSM is generating a combination of elation, controversy, and opposition in many countries around the world, notably in the United States (Masci 2009; Angus-Reid 2009; Eskridge and Spedale 2006). Indeed, the legal recognition of same-sex marriage has emerged as one of the most socially, politically, and legally divisive issues of the day. While most reactions to this new form of marriage and family formation have been intense and vocal, many commentators as well as the general public have little factual knowledge about same-sex marriage. All too often, public opinion and attitudes concerning SSM are based on apprehension, misconception, and hearsay.

The major aim of this study is to present recent statistical and related information on SSM for countries worldwide, with particular focus on the situation in the United States, where the status of SSM is in flux and has become a major political, religious, and legal issue. In addition to examining

available national and state data on levels and trends, we examine differentials in SSM by age and sex. Also, taking into account public sentiments about same-sex partnerships, we discuss some of the major arguments and concerns related to SSM as well as likely changes in laws and policies that may occur in the near future.

Previous research

It is widely recognized that the institutions of marriage and the family have been undergoing transformation, especially during the second half of the twentieth century (Cherlin 2004). In addition, a variety of nontraditional arrangements, such as cohabitation, nonmarital childbearing, and interracial and interreligious relationships, have become more common and accepted, especially in Western countries (Thornton and Young-DeMarco 2001; Casper and Bianchi 2002; Rosenfeld 2007). In contrast, acceptance of same-sex relationships continues to face considerable opposition, hostility, and suppression (Erskridge and Spedale 2006). In fact, prior to the twenty-first century no country permitted same-sex couples to wed legally and only six countries—Denmark, France, Iceland, Netherlands, Norway, and Sweden—officially recognized same-sex couples as registered partnerships.²

Given its recency and its controversial nature, most discussions dealing with same-sex marriage, especially those appearing in the public media, focus on the legal, social, and moral reasons for and against allowing same-sex couples to wed legally. While little demographic research exists on same-sex marriage, studies are available on legal same-sex registered unions and partnerships, which have been in existence for some 20 years (Festy 2006; Erskridge and Spedale 2006; Gallagher and Baker 2004; Andersson et al. 2004; Jepsen and Jepsen 2002; Black et al. 2000).

The first country to legally recognize same-sex partnerships was Denmark in 1989. In response to growing demand in the country, there was an initial surge in the number of legal same-sex partnerships registered. The first-year surge continued into the second year and was followed by a tapering off toward stabilization, usually one percent or less of all marital unions. Patterns similar to those in Denmark were subsequently observed in neighboring countries, such as Norway and Sweden, when they legally recognized same-sex partnerships (Festy 2006).

Two other findings on same-sex partnerships are particularly relevant for the present study. First, in some countries—for example, Denmark, Germany, Norway, and Sweden—gay partnerships were more prevalent than lesbian partnerships at least initially (Erskridge and Spedale 2006). By contrast, in other countries, such as Finland, Iceland, and the Netherlands, which recognized same-sex partnerships more recently, numerical balances between gay and lesbian partnerships were observed at the outset (Festy 2006). Sec-

ond, although the time period has been relatively short, it appears that the likelihood of divorce is greater for lesbian partnerships than gay partnerships (Andersson et al. 2004; Gallagher and Baker 2004). Determining whether this difference will persist over time will require more detailed research based on a longer time-series of observations.

Levels and trends

As of mid-2011, ten countries (with a combined population of 223 million), Mexico City (20 million), as well as seven states (72 million) and Washington, DC (4 million) in the United States, have legalized same-sex marriage (see Table 1). Thus, 319 million people, or 5 percent of world population, live in jurisdictions that recognize same-sex marriage. The Netherlands was the first country to legalize same-sex marriage in 2001, followed by Belgium in 2003, Canada, and Spain in 2005, South Africa in 2006, Norway and Sweden in 2009,³ and Argentina, Iceland, Portugal, and Mexico City in 2010. In the United States, the first state to legalize SSM was Massachusetts in 2004, followed by California (subsequently revoked and currently under judicial review) and Connecticut in 2008, Iowa, New Hampshire, and Vermont in 2009, Washington, DC in 2010, and New York in 2011.⁴

By the end of 2009, the sketchy available data suggest that the total cumulative number of same-sex marriages that had legally taken place worldwide was nearly 100,000. However, this figure is likely to be an underestimate.

Although the time period is less than a decade, available data provide preliminary conclusions about the levels and trends of same-sex marriage. Levels in the European countries permitting same-sex marriage are approximately 2–3 percent of all marriages contracted in a single year (see Table 2). In the Netherlands, for instance, the proportion of SSM in 2010 was 1.8 percent and averaged around 1.9 percent annually over the ten-year period 2001–2010. The SSM proportion in Belgium was slightly higher at 2.4 percent in 2009 and averaged 2.5 percent during the seven-year period from 2003 to 2008. And in Spain, the proportion of same-sex marriages was 2.1 percent in 2010 and averaged 1.8 percent since its legalization in 2005.

In Massachusetts, after an initial high point of 18.4 percent in 2004, the level of SSM fell below 4 percent in 2006, but has subsequently risen to 6.2 percent in 2010. The level of SSM in Connecticut during the last two months of 2008 spiked to nearly 24 percent, but declined to 9 percent in 2010. These figures for Connecticut, however, are greatly affected by non-state residents—mainly from nearby New York—who accounted for 69 percent of same-sex marriages in 2010.⁵ If non-resident same-sex marriages are excluded, the level of SSM in Connecticut for 2010 was 3 percent. In Iowa, the proportion of same-sex marriages in 2010 was 7.6 percent; but like Connecticut, Iowa also

TABLE 1 Countries, cities, and US states with same-sex marriage (SSM) by population, year SSM was legalized, and cumulative total of SSM at the end of 2009

	Population 2010 (thousands)	Year SSM legalized	Cumulative total of SSM end of 2009
Netherlands	16,613	2001	13,457
Belgium	10,712	2003	7,383
Canada	34,017	2005	16,511
Spain	46,077	2005	16,060
South Africa	50,133	2006	3,000
Norway	4,883	2009	936
Sweden	9,380	2009	1,547
Argentina	40,412	2010	—
Iceland	320	2010	—
Portugal	10,676	2010	—
Mexico City	19,460	2010	—
United States			
Massachusetts	6,560	2004	16,129
California	37,342	2008	18,000
Connecticut	3,582	2008	3,255
Iowa	3,056	2009	1,783
Vermont	630	2009	642
New Hampshire	1,321	2010	—
Washington, DC	4,460	2010	—
New York	19,421	2011	—
Subtotal	76,372		
Total	319,055		98,703

SOURCES: Population data, UN and US Census Bureau; SSM totals, Netherlands: National Statistics Bureau; Belgium: National Statistics Bureau; Canada: 7,456 SSM from 2006 census; 2007–2009 estimate is 2 percent of marriages; Spain: National Statistics Institute; South Africa: commonly cited estimate of SSM in the press; Massachusetts: Department of Public Health; California: estimate of SSM during the 5-month period commonly cited in the press; Connecticut: Department of Public Health; Iowa: Department of Public Health; Vermont: Department of Health.

functioned as a “same-sex marriage magnet,” attracting non-state residents who accounted for close to 60 percent of same-sex marriages. If non-state residents are excluded, the level for Iowa would be less than 4 percent. Of the same-sex marriages in Vermont in 2010 (16.8 percent of all marriages in that year), 60 percent were between non-state residents. Based on the number of marriage licenses issued and an estimate of 18,000 SSMs, the proportion of same-sex marriages in California during the five-month period in 2008 when SSM was legal is likely to be at least 15 percent, and possibly even as high as initially observed in Massachusetts insofar as not all marriage licenses issued in California lead to actual marriages.⁶

TABLE 2 Same-sex marriages as a percent of total marriages in five countries and four US states, 2001–2010

Year	Bel- gium	Nether- lands	Nor- way	Spain	Swe- den	Con- nec- ticut	Iowa	Massa- chu- setts	Ver- mont
2001		2.9							
2002		2.1							
2003	3.1	1.9							
2004	2.5	1.6						18.4	
2005	2.4	1.6		1.1				5.2	
2006	2.5	1.7		2.2				3.8	
2007	2.5	1.9		1.6				4.0	
2008	2.3	1.9		1.8		23.7 ^a		5.9	
2009	2.4	1.9	3.8	1.9	3.2	13.0	8.8	7.7	27.7 ^b
2010		1.8	1.1	2.1		9.0	7.6	6.2	16.8
Total	2.5	1.9	2.5	1.8	3.2	11.7	8.2	7.1	19.9

^aFor two months, November and December.

^bFor four months, September through December.

SOURCES: Belgium: Central Bureau of Statistics; Netherlands: Statline, Central Bureau of Statistics; Norway: Central Bureau of Statistics; Spain: National Statistics Institute; Sweden: Bureau of Statistics; Connecticut: Department of Public Health; Iowa: Department of Public Health; Massachusetts: Department of Public Health; Vermont: Department of Health.

The proportions of same-sex marriages that are lesbian marriages are presented in Table 3. Although initially slightly higher for gay men, in recent years most same-sex marriages in the Netherlands have been between lesbians, 51 percent in 2010. A similar pattern of predominately lesbian marriages is observed in Norway in 2009 and 2010 and in Sweden in 2009. In contrast, however, lesbians accounted for the minority of same-sex marriages in Belgium and Spain over the past five to seven years, 45 and 33 percent on average, respectively.

The majority of same-sex marriages in Connecticut, Iowa, Massachusetts, and Vermont were between women. Also in Oregon about 70 percent of the 3,022 same-sex marriages in 2004 that were subsequently invalidated were lesbian marriages.⁷ Comparable data for the 18,000 same-sex marriages in California are not available.

While these inter-country differences in the proportions of gay and lesbian same-sex marriages are noteworthy, a sound explanation for these varying differentials is not evident with the data at hand. Some possible reasons to explain more lesbian than gay marriages include higher levels of skepticism about marriage among gays, greater financial needs among lesbian women, higher proportions of lesbian couples rearing children, and greater likelihood for lesbians to be sexually monogamous than gay couples⁸ (Eskridge and Spedale 2006; Gates et al. 2007; Gates and Ost 2004).

The only trend data available on the ages of same-sex couples come from Massachusetts. They indicate higher median ages at marriage for persons in gay

TABLE 3 Percent of same-sex marriages that are between lesbians in five countries and four US states, 2001–2010

Year	Bel- gium	Nether- lands	Nor- way	Spain	Swe- den	Con- nec- ticut	Iowa	Massa- chu- setts	Ver- mont
2001		44							
2002		49							
2003	40	51							
2004	42	52						64	
2005	44	50		28				64	
2006	47	52		30				62	
2007	48	52		33				61	
2008	47	53		35		58		60	
2009	47	58	57	35	57	62	64	62	62
2010		51	63	37		62		63	67
Total	45	51	60	33	57	61	64	63	65

SOURCES: Belgium: Central Bureau of Statistics; Netherlands: Statline, Central Bureau of Statistics; Norway: Central Bureau of Statistics; Spain: National Statistics Institute; Sweden: Central Bureau of Statistics; Connecticut: Department of Public Health; Iowa: Department of Public Health; Massachusetts: Department of Public Health; Vermont: Department of Health.

marriages, followed closely by those in lesbian marriages, and then substantially lower for persons in opposite-sex marriages (see Table 4). In addition, while the median marriage age remained virtually unchanged for opposite-sex couples, the ages for gays and especially lesbians appear to be declining. This trend is also evident in Figure 1, which shows that the proportions of marriages taking place below age 30 remained essentially the same for opposite-sex couples, but have generally increased for gay and lesbian marriages.⁹

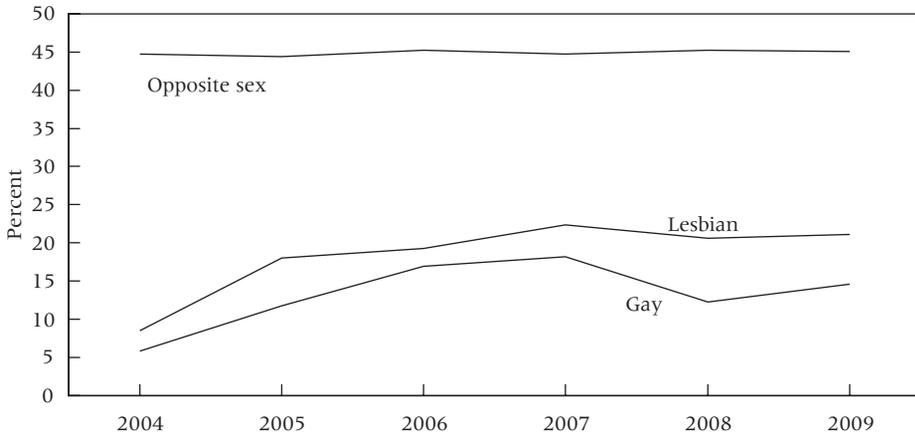
Because same-sex marriage is a recent phenomenon, divorce statistics are limited and their analysis may be misleading. Divorce data for SSM are

TABLE 4 Median age at marriage for opposite-sex, gay, and lesbian marriages in Massachusetts, 2004–2009

Year	Opposite sex	Gay	Lesbian
2004	31.6	44.8	44.4
2005	31.7	42.6	41.1
2006	31.5	42.1	39.9
2007	31.7	41.9	40.0
2008	31.6	45.1	40.3
2009	31.6	43.3	39.5
2004–2009	31.6	43.3	40.9

SOURCE: Massachusetts Department of Public Health.

FIGURE 1 Percent of persons married under age 30 in opposite-sex, gay, and lesbian marriages in Massachusetts, 2004–2009



SOURCE: Massachusetts Department of Public Health.

available only for Belgium, Netherlands, and Spain. An interesting preliminary finding is that in every year except one—Spain in 2007—the numbers of divorces per 1,000 marriages are greater for lesbians than for gays¹⁰ (see Table 5).

Here again, a reasonable explanation for this preliminary finding will require additional and more detailed divorce data. In the meantime, data on same-sex registered partnerships also indicate that lesbian couples are more likely to divorce than gay couples (Gallagher and Baker 2004). In Sweden, for instance, gay couples were 50 percent more likely to divorce within

TABLE 5 Number of divorces per 1,000 marriages for gay and lesbian marriages in Belgium, Netherlands, and Spain, 2003–2009

	2003	2004	2005	2006	2007	2008	2009	Total
Belgium								
Gay	4	8	7	15	62	132	278	72
Lesbian	6	11	25	40	101	164	426	118
Netherlands								
Gay		22	56	62	66	67	119	36
Lesbian		78	109	130	138	162	169	80
Spain								
Gay					19	30	38	29
Lesbian					15	38	58	38

SOURCES: Belgium: Central Bureau of Statistics; Netherlands: Statline, Central Bureau of Statistics; Spain: National Statistics Institute.

eight years and lesbian couples 167 percent more likely to divorce than heterosexual couples (Allvoices 2009). Also, among opposite-sex marriages, divorces are more likely to be initiated by women (Enright 2004; Brinig and Allen 2000). These preliminary findings suggest that in both same-sex and opposite-sex marriages, women are more likely to initiate divorce than men, suggesting that women experience more dissatisfaction than men with the institution of marriage.

Global review of policies

Policies and laws regulating marriage and sexual activity vary widely among countries, ranging from permitting same-sex marriage to the imposition of the death penalty for same-sex sexual activity.¹¹ In addition, marriage laws and traditions in many countries may vary markedly by region, province or state, and city, and by religion (Lawton and Morgan 2007; O'Brien 1999).

Same-sex sexual acts by consenting adults acting in private are legal in some 100 countries containing about 60 percent of the world's population.¹² Many of these countries have decriminalized same-sex sexual acts by consenting adults relatively recently—for example, England and Wales in 1967,¹³ China in 1997,¹⁴ and the United States in 2003.¹⁵

By contrast, in more than 70 countries (40 percent of world population) same-sex sexual acts by consenting adults are considered a crime. Some of these countries impose fines or imprisonment (United Nations News Centre 2010).¹⁶ In a few countries, the punishment can be more severe, such as flogging or even death (von Mittelstaedt and Steinvorth 2009; T-Vox 2009; Ungar 2001).¹⁷ Some of these countries, however, are in the process of reviewing their laws and may, as a result, decriminalize same-sex sexual relations by consenting adults acting in private. For instance, following the decision in 2009 to decriminalize same-sex sexual acts in New Delhi (population 22 million), which had been punishable by a ten-year prison sentence, India is reviewing its laws against same-sex acts. If India were to change its laws, then the proportion of world population where same-sex sexual acts by consenting adults acting in private is legal would jump to 78 percent.

In an unprecedented statement in December 2010, United Nations Secretary-General Ban Ki-Moon called for the repeal of all laws that criminalize homosexuality or permit discrimination on the basis of sexual orientation or gender identity (United Nations News Centre 2010). In a follow-up in March 2011, a joint statement on behalf of 85 countries at the United Nations Human Rights Council called on all states to end violence, criminal sanctions, and related human rights violations based on sexual orientation and gender identity (International Service for Human Rights 2011).

In 32 countries, or 15 percent of the world's population, same-sex couples are legally recognized as domestic partnerships, civil unions, or

registered/unregistered cohabitants (International Lesbian, Gay, Bisexual, Trans and Intersex Association 2009). In these countries, which are primarily Western more developed nations—for example, Australia, Denmark, France, Germany, and the United Kingdom, as well as most recently Brazil—same-sex couples are provided with benefits that are similar in many respects to those received by married opposite-sex couples.

As noted earlier, ten countries, Mexico City,¹⁸ and six states and Washington, DC in the United States—together representing about 5 percent of the world's population—have legalized same-sex marriage as of mid-2011. In addition, several countries, for example, France and Israel, while not permitting same-sex marriages, recognize those marriages that have been performed abroad. Other countries, such as Japan, which do not allow same-sex marriages at home, permit their citizens to marry same-sex foreign partners in countries where same-sex marriage is legal (Agence France Presse 2009a).

In addition, legalization of same-sex marriage was being considered by several countries as of mid-2011. In early 2011, for example, Slovenia was considering the legalization of same-sex marriage or at least granting same-sex registered partnerships all the rights of marriage except joint adoption.¹⁹ In July 2011, a Brazilian state judge in Sao Paulo ruled that under the Brazilian constitution a same-sex union could be converted to a same-sex marriage (Brooks 2011). In November 2008, Nepal's Supreme Court gave its consent to same-sex marriages, ordering the country's government to craft new laws to guarantee full rights to gays and lesbians, including the right to marriage. The legalization of same-sex marriages is also under discussion in Australia, Colombia, Finland, Luxembourg, United Kingdom, and Uruguay, according to press reports. At the start of 2011, the constitutionality of same-sex marriage in France was debated but rejected by the country's highest legal authority, the French Constitutional Council.²⁰

Despite increasing public acceptance of same-sex unions in the United States (Schwartz and Graf 2009), the country remains divided over same-sex marriage. Until 2004, same-sex couples could not wed anywhere in the country. At present six states—Connecticut, Iowa, Massachusetts, New Hampshire, New York, and Vermont—and the nation's capital allow same-sex couples to marry legally, with Rhode Island recognizing same-sex marriages performed outside the state.

Currently, 40 US states have statutes prohibiting same-sex marriage, of which 29 have enshrined voter-approved prohibitions blocking same-sex marriage in their state constitution as a way to prevent state judges from overturning the bans. In addition, the Defense of Marriage Act (DOMA), enacted by the United States Congress in 1996, bars federal recognition of same-sex marriages, allowing states to do the same, and specifies the definition of marriage and spouse for purposes of federal law.²¹

The former Administration of President George W. Bush took the position that DOMA prohibited the federal government from even counting how many same-sex couples were married under either the laws of foreign countries or the laws of those states that recognize gay marriages. The Administration of President Obama reversed that decision, announcing that the 2010 US Census would tabulate and publish the number of same-sex marriages (Federal Eye 2009). Moreover, in a striking legal and political shift, President Obama announced in February 2011 that he considered the Defense of Marriage Act to be unconstitutional and directed the Justice Department to stop defending the law in court (Savage and Stolberg 2011).²² Upset by the Obama Administration's decision, Republican leaders in the US House of Representatives announced that they would defend the Defense of Marriage Act against legal challenges (Sonmez 2011). In July 2011, while the House voted to reaffirm DOMA, the Senate Judiciary Committee announced that it was scheduling discussions on the possibility of repealing it and considering a new bill introduced earlier in the year that is intended to replace DOMA (Harmon 2011).²³ This is the first time that Congress has assessed the impact of DOMA since passing the legislation in 1996.

Common arguments for and against SSM

As with most contentious social issues, same-sex marriage has its proponents and opponents explaining or justifying their respective positions. To better understand the likely future development in government policies and changes in public opinion,²⁴ we briefly review some of the common arguments for and against the legalization and acceptability of same-sex marriage.

A central argument of those who would permit same-sex marriage is that it permits individuals to exercise what is deemed their fundamental human right to marry the person of their choice, without restrictions regarding religion, nationality, ethnicity, race, or sexual orientation. Not permitting SSM, in their view, represents a denial of a basic human right. In support of this position, some have drawn attention to Article 16 of the United Nations Universal Declaration of Human Rights: "(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution."

Whether same-sex marriage effectively constitutes a basic human right is of course in the end a legal matter for the courts and the international legal system to determine. In the past, most countries and judiciaries that have addressed the issue have dismissed the human rights argument for SSM mainly on the basis of widely and commonly held views of the public and historical judicial interpretations of the definition of marriage—that is, a union between a man and a woman.²⁵

Related to the issue of human rights is the egalitarianism argument for same-sex marriage. The contention is that same-sex marriage permits same-sex couples to enjoy the same state-provided benefits available to heterosexual married couples. Because same-sex couples are also tax-contributing members of society, they should not be denied the numerous benefits, advantages, and rights provided to opposite-sex couples. To do so, according to this perspective, would be unequal, unfair, and discriminatory, with the result that lesbians and gays would be treated as second-class citizens. In addition to more favorable tax rates, the benefits, privileges, and assistance accorded to opposite-sex marriages include those related to employment, housing, inheritance, immigration, child adoption, social security, insurance, healthcare, retirement, pensions, and death and survivorship benefits. These benefits and privileges may be substantial in both number and scope, affecting the financial, social, and emotional well-being of couples. In the United States, for example, the General Accounting Office (GAO) in a report to Congress in 2004 identified a total of 1,138 federal statutory provisions classified in the United States Code in which marital status is a factor—some favoring marriage and some not (Cherlin 2010)—in determining or receiving benefits, rights, and privileges (US GAO 2004).²⁶

Apart from gaining rights and privileges, another argument in favor of same-sex marriage, especially pertinent in the context of the United States, concerns social status. Generally speaking, marriage is an important marker or symbol of social standing. Without it, proponents maintain, same-sex couples cannot achieve what others consider to be the most desirable form of family life (Cherlin 2009). Proponents of same-sex marriage also contend that it strengthens bonds of committed partnerships, which is inherently a societal good. The act of marriage provides legal and state recognition of a couple's commitment to each other, thereby reinforcing the relationship between the two persons within the broader society. This argument was one of those advanced for the legislation in the Scandinavian countries, which were among the first to introduce registered partnerships and then to allow same-sex marriages. In Denmark, for example, the sponsors believed that formal legal acknowledgment of same-sex couples contributes to long-lasting and permanent relationships, thereby promoting personal commitment and security between partners (Eskridge and Spedale 2006).²⁷

In addition to strengthening committed relationships, some advocates of same-sex marriages believe that it promotes monogamy and safer sex. According to this view, SSM would likely reinforce norms of sexual moderation and commitment to a partner or spouse, especially among gay males (Dee 2008). If this turns out to be the case, then SSM would likely contribute to reducing the spread of sexually transmitted diseases such as HIV/AIDS, which seems to be the experience observed in Denmark, Norway, and Sweden following the passage of their partnership laws (Eskridge and Spedale 2006).

However, it is clearly true that the institution of marriage has not eliminated infidelity among opposite-sex couples. Nevertheless, some researchers have concluded that marriage does have a dampening effect on promiscuity and multiple sexual partnerships (Muller 2002; Eskridge 1996; Philipson and Posner 1993).

Furthermore, same-sex marriage would be beneficial, according to proponents, because it would lead to the integration of minority groups—that is, homosexuals—into mainstream society.²⁸ Same-sex marriage would provide societal legitimacy to homosexual couples, which in turn, it is posited, would facilitate acceptance and tolerance of gays and lesbians and reduce exclusion, discrimination, and violence directed against them. Not only would this outcome be welcomed by same-sex couples themselves, their families, and other supporters of SSM, but it is viewed as promoting the desirable social good of inclusion for society as a whole.

With respect to the arguments against same-sex marriage, one of the principal objections is that throughout most of human history, the fundamental purpose of marriage was to promote procreation in order to ensure the survival and demographic expansion of the group or community. Marriages were arranged for the purpose of producing legitimate offspring, who would not only guarantee the group's continued existence, but would increase the number of productive members within the community (Coontz 2005).

A related objection to same-sex marriage is that it unduly expands the traditional, long-standing definition of what constitutes a marriage—seen as the bedrock of a healthy society—to other forms of marital union. Seeking to include unions between two men or two women would seem to logically allow further expansion of this definition in undesirable directions (Bennett 2009; Ellin 2009; George 2009; Stranahan 2009; Kurtz 2005; Young 2004; Lithwick 2004). For example, the first country to legalize same-sex marriage, the Netherlands, now also permits polygamous unions to be registered (Belien 2005). The cities of Amsterdam and Rotterdam register the polygamous marriages of Muslim immigrants that have taken place in countries such as Morocco, where having more than one wife is permitted (Baklinski 2008).

Another frequently raised objection to SSM is that it undermines the traditional institution of marriage. Some view same-sex marriage as running contrary to the intentions of God. In addition, many are convinced that traditional marriage of one man and one woman promotes the interests of children and the broader society by having both a mother and father. Those opposing same-sex marriage also believe that the state should not promote homosexual relationships. By permitting same-sex marriage, the state is giving an official stamp of approval to homosexuality, which many, especially those with traditional religious beliefs, consider deeply immoral behavior. Permitting same-sex couples to legally wed, they maintain, signals unequivocal

cally the state's recognition of this type of marital union and makes same-sex relationships more visible to the public.

Objections to same-sex marriage extend to human reproduction and parenthood. In particular, SSM has implications and consequences for child adoption and assisted reproductive services. Many opponents of same-sex marriage fear that same-sex couples will seek to adopt children, an outcome they consider undesirable for both the upbringing of children and the well-being of society.²⁹ Others also fear that permitting same-sex couples to adopt children may jeopardize adoption by opposite-sex couples, because foreign countries may not allow children to be adopted by citizens of countries that have legalized same-sex marriages. In addition, as with opposite-sex couples, same-sex couples wishing to become parents may seek government assistance and support for reproductive technologies, such as artificial insemination and surrogacy. For example, in July 2005 lesbian couples in Sweden were granted the right to fertility treatment in the form of assisted or artificial insemination at Swedish hospitals (*The Local* 2009). Such support and assistance by government authorities are strongly resisted by those who believe that same-sex marriage is morally wrong and harmful to societal well-being.

Another objection to same-sex marriage is that its consequences and implications extend well beyond the borders of those countries and states that have made it legal. Official recognition of SSM in a country or state is not simply a national or local matter. Same-sex marriage poses social, political, legal, and ethical questions for other countries and states that prohibit SSM, and it creates challenges for business enterprises and nongovernmental organizations that may be required to establish official positions, policies, and practices in accordance with same-sex marriage.

An added complication is the predicament of same-sex couples, especially bi-national same-sex couples, who have traveled abroad to marry and then attempt to return with their overseas marital partner to their country of residence that does not recognize same-sex marriages or unions and may not even permit their partner to enter as a legal spouse (O'Flynn 2009; Howe 2009).³⁰ This predicament is exacerbated for those same-sex couples who may subsequently seek a divorce but are unable to obtain a divorce in either their country of residence because the marriage is not recognized or in the foreign country where they married because they are not residents of that country (Murray 2009).³¹

As a result of its numerous consequences and implications, same-sex marriage has risen high on the political agenda of many countries. The European Union, for example, is now wrestling with these questions (Grew 2008), and at some point its deliberations are likely to lead to the imposition of uniform guidelines or requirements upon its member states (Eskridge and Spedale 2006). And within the United States, recognition by one state of same-sex marriage legally contracted in another state is being hotly debated

and even contested in those states permitting or considering SSM (La Corte 2009). The issue is not likely to be resolved in the US until it comes before the Supreme Court (George 2009).³²

In addition to national and state governments, the issue of same-sex marriage has already influenced the broader international community of nations at the global level. At the United Nations, spouses and family members of international staff are granted certain entitlements, such as dependency allowance, family travel, education grants, and so on. Faced with varying national definitions of marriage and family, the United Nations in principle generally follows national practices, but limits financial responsibilities, such as survivor benefits, to a single payment that would be shared by co-wives in the case of polygamous unions. Following several European countries' recognition of same-sex unions as marriages and in the face of strong objections and protests by many Member States, the United Nations decided to recognize such marriages as well as legally recognized domestic same-sex partnerships, again relying on the long-established principle that matters of personal status are determined by reference to the law of the nation of the staff member concerned (United Nations 2004).³³

Summary and conclusions

This study has presented available statistical and related evidence concerning same-sex marriage for countries worldwide. In addition to data on levels, trends, and differentials, we considered some of the common arguments for and against SSM and likely future changes in government policies regarding SSM. The key findings of this study are summarized below.

First, and perhaps foremost, same-sex marriage is a new type of marriage and family, which did not legally exist in modern times before the twenty-first century. During the past century the institutions of marriage and the family have undergone remarkable transformation, with nontraditional marital unions, such as cohabitation, and nonmarital childbearing becoming more common and accepted in many parts of the world. Also, same-sex sexual acts between consenting adults acting in private have only recently been decriminalized and acknowledged in countries around the world. Nevertheless, formal recognition of same-sex relationships continues to encounter discrimination, opposition, harassment, and hostility.

Second, the legal recognition of same-sex couples did not occur until 1989 when Denmark became the first country to legally recognize them as officially registered partnerships. Twelve years later—in 2001—the Netherlands became the first country to permit same-sex couples to marry legally. More countries followed over the next decade, and some US states.

Third, levels of same-sex marriage are relatively low, typically 2–7 percent of all marriages contracted in a single year. During the first year and

sometimes well into the second year after same-sex marriage is legalized, an initial spike in the number of such marriages is often observed, followed by a tapering off to low levels.

Fourth, although initially gay marriage predominated in a few countries, the large majority of same-sex marriages have been between lesbians. The reasons are not evident from the available data.

Available trend data on age at marriage from Massachusetts indicate higher median ages at marriage for persons in gay marriages, followed by those in lesbian marriages, and then opposite-sex marriage. These differences have been declining over time as the backlog of older same-sex couples wed.

Fifth, policies with respect to same-sex couples and same-sex sexual acts between consenting adults acting in private have been changing in many, especially Western, countries in recent years, with increasing tolerance, social acceptance, and decriminalization. However, more than 70 countries, primarily in Africa and Asia, have laws against and strong public objections to same-sex sexual acts and relationships.

Sixth, same-sex marriage has notable social, economic, and political consequences and implications, especially with respect to rights, benefits, privileges, and services provided by governments as well as having consequences with regard to child adoption and parenting by same-sex couples.

Future research on same-sex marriage is likely to encounter problems related to the collection and compilation of relevant statistical data and information on marriages and divorce. Some opponents of same-sex marriage strongly resist the gathering and publishing of statistical information about its levels and trends because they feel this would promote SSM. In addition, others who support same-sex marriage have expressed reservations about providing personal information to authorities where SSM is permitted, as well as reluctance to indicate the sex of the marrying spouses. In some instances, these reservations are based on privacy issues and fears of harassment and discrimination against couples in same-sex marriages. Encouragingly, however, recently issued recommendations by the Conference of European Statisticians for the 2010 round of population and housing censuses underlined for the first time that some countries might find it in their interest for legal, fiscal, and public policy reasons to enumerate same-sex couples (Festy 2007).

The institutions and definitions of marriage and the family are undergoing fundamental transformations resulting in social and political stresses and tensions as well as legal challenges. These tensions and challenges, especially with respect to same-sex marriage, are likely to intensify and become more widespread in the future, with international migration bringing together growing numbers of people with different traditions, norms, and cultures concerning marriage and the family (Chamie 2007). Rather than ignoring these fundamental transformations, governments and intergovernmental

bodies would be well advised to address these developments and the public's concerns directly, thereby reducing the likelihood of public discord and social conflict.

It may be too early to conclude that same-sex marriage is a new global social phenomenon. However, even though same-sex marriage now exists in a relatively small number of countries, its consequences and implications are being widely felt. These consequences are increasingly influencing inter-governmental relations, international migration policies, global norms, and domestic politics and social interactions. Simply stated, same-sex marriage is more than a private matter between two individuals; it has considerable social, economic, political, and legal consequences for states, institutions, enterprises, nongovernmental organizations, and the broader public. It seems safe to conclude that in the years ahead the issue of same-sex marriage will remain a controversial and salient part of the legal, political, and cultural landscape, locally, nationally, and internationally.

Notes

The authors express their appreciation to the national and US state governmental offices that kindly provided assistance to us in the compilation of data on same-sex marriage.

1 The religious doctrines of the world's major faiths remain strongly opposed to homosexuality (Hasbany 1989; Siker 2007; Neill 2009). For information about the persecution and treatment of homosexuals in the past, see Licata and Petersen (1981) and Miller (2006).

2 The first country to recognize same-sex registered partnerships was Denmark in 1989. It was followed by Norway in 1993, Sweden in 1995, Iceland in 1996, Netherlands in 1998, and France in 1999. The combined population of these six countries in the mid-1990s was approximately 92 million or close to 2 percent of world population.

3 Because some same-sex partnerships in Norway and Sweden were converted to same-sex marriages after its legalization, rates of SSM in the initial years are likely to be somewhat higher than levels in subsequent years.

4 Although Maine's legislature legalized SSM in 2009, the law was repealed six months later in a public referendum, becoming the 31st state to block same-sex marriage through a public referendum. In Oregon the legality of the 3,022 same-sex marriages that took

place in 2004 was challenged, and the marriages were subsequently invalidated by the state Supreme Court in 2005 (Oregon 2005; Ho 2005).

5 The situation concerning the same-sex marriage of non-state residents in Massachusetts differed from Connecticut. Up until 31 July 2008, a law dating back to 1913 was used to deny marriage licenses to same-sex couples seeking to marry in Massachusetts if their union would not be valid in their own states. Governor Deval Patrick signed a law repealing the 1913 law so same-sex couples from anywhere could legally marry in Massachusetts.

6 One estimate places the total number of same-sex marriages in the United States at the close of 2010 at about 80,000, with approximately two-thirds of them performed in the US (Williams Institute 2011, «<http://www3.law.ucla.edu/williamsinstitute/pdf/Pressrelease2.24.pdf>»).

7 It is also interesting to note that in Vermont the number of lesbian civil unions substantially outnumbered gay unions—4,611 female couples versus 2,072 male couples—between July 2000 and December 2003 («<http://www.healthvermonters.info/hs/stats/vsb2000/io4.htm>»).

8 For example, for the US, Gates et al. (2007) report that twice as many lesbians have children as gay men, 35 percent versus 16 percent. In addition, Gates and Ost (2004) report that lesbians are in general more likely to be monogamous than gays.

9 Although non-state residents accounted for the majority of same-sex marriages in Iowa, the proportions marrying under age 30 in that state in 2009 were similar to the levels observed in Massachusetts: 18 percent of gay marriages, 26 percent of lesbian marriages, and 51 percent of opposite-sex marriages.

10 Ten years after the legalization of SSM in the Netherlands, 1,078 same-sex divorces took place, two-thirds of them between women (Radio Netherlands Worldwide 2011).

11 In some countries, harsh penalties also apply to opposite-sex couples and sexual activity outside marriage. In Saudi Arabia, for example, a court on 7 October 2009 sentenced a man to five years in prison and 1,000 lashes for boasting about his premarital sexual conquests on a television talk show (Carey 2009).

12 Among the most populous countries are China, the United States, Brazil, Russia, Japan, Germany, France, the United Kingdom, Italy, and South Africa.

13 Sexual acts between two consenting adult males, with no other people present, were legalized in England and Wales in 1967, in Scotland in 1980, and in Northern Ireland in 1982. Before that time homosexuals were often harshly treated by British authorities. For example, only recently did the UK Government formally apologize to the mathematician Alan Turing, who committed suicide in 1954 after he was tried and convicted of "gross indecency" for being homosexual. Turing was sentenced, as an alternative to prison, to chemical castration by a series of injections of female hormones (Agence France Press 2009b).

14 Homosexuality (sodomy) was decriminalized in China in 1997, and in 2001 homosexuality was removed from China's list of mental illnesses in its revised Classification and Diagnostic Criteria of Mental Disorders. For additional information refer to: «<http://www.china.org.cn/english/2001/Oct/21394.htm>».

15 In 2003 the US Supreme Court decided in *Lawrence v. Texas* that intimate consensual sexual acts were part of the liberty protected by due process under the 14th Amendment, effectively decriminalizing sodomy between consenting same-sex (and opposite-sex) adults acting in private. For details on *Lawrence v. Texas* see: «<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=02-102>».

16 The United Nations Human Rights Commission and the UN Secretary-General have urged that countries decriminalize homosexuality. In December 2010 Secretary-General Ban stated: "Together, we seek the repeal of laws that criminalize homosexuality, that permit discrimination on the basis of sexual orientation or gender identity, that encourage violence.... When individuals are attacked, abused or imprisoned because of their sexual orientation, we must speak out. We cannot stand by. We cannot be silent" (United Nations News Centre 2010).

17 Some countries have strict codes of behavior for men and women with severe punishments for deviation. For example, in Sudan the police arrested 13 women in a raid on a cafe in Khartoum and flogged ten of them in public for wearing trousers (Associated Press 2009).

18 Mexico's Supreme Court ruled on 10 August 2010 that each of the country's 31 states must recognize same-sex marriages registered in Mexico City, potentially giving gay and lesbian couples full matrimonial rights nationwide (Agren 2010).

19 The more notable benefits are rights with respect to property and inheritance, adoption of children, social and health insurance, pensions, and next-of-kin privileges.

20 On 28 January 2011, France's highest court, the Constitutional Council, rejected the idea that gay marriage is a constitutional or human right. This decision follows a similar decision by the European Court of Human Rights in November 2010 that gay marriage is not a human right.

21 In particular, the Defense of Marriage Act states: "In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United

States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

22 It is also noteworthy that the US Justice Department has dropped its opposition to same-sex bankruptcies. It announced that it will no longer seek dismissal of bankruptcy petitions filed jointly by same-sex debtors who are married under state law (Reuters 2011).

23 The Senate bill, "Respect for Marriage Act" (S.598), aims to repeal DOMA and allow same-sex couples to receive the same benefits of marriage enjoyed by opposite-sex couples. These benefits would include Social Security survivor benefits, federal employee health benefits for spouse, protection against a spouse losing his or her home in case of severe medical emergencies, the right to sponsor a foreign-born partner for immigration, the guarantee of family and medical leave, and the ability to file joint tax returns.

24 The views of the general public on same-sex marriage not only vary enormously across regions and countries, but are also in flux. For example, while a study by the European Commission in 2006 found that about half of respondents in the European Union opposed SSM (European Commission 2007), considerable variation exists among EU countries, with some having legalized SSM and others strongly resisting legalization. Public opinion surveys in the United States point to increasing support for SSM, especially among the younger cohorts (Lax 2009). Also, whereas the public debate in many countries centers on the legal recognition of same-sex unions and marriage, in other parts of the world the question concerns the acceptability of homosexuality itself. Large majorities of the public polled in Africa and Asia did not view homosexuality as a socially acceptable way of life (Pew Research Center 2007).

25 An early example that illustrates the dismissal of same-sex marriage on definitional arguments is the case of *Baker v. Nelson* appealed to the Minnesota State Supreme Court in 1971. The Court dismissed the appeal on the premise that "the institution of marriage as a union of man and woman, uniquely involving the procreation and rearing of children, is

as old as the book of Genesis" (Eskridge and Spedale 2006).

26 As a consequence of many benefits provided to married couples, unmarried same-sex couples in the US are estimated to pay extra expenses over their lifetimes, ranging from a low \$28,595 to a high of \$211,993 (Bernard and Lieber 2009). Many of these extra costs or losses relate to health insurance, estate taxes, personal income taxes, Social Security, pension income, and spousal retirement accounts.

27 Although Denmark in 1989 was the first country to pass legislation permitting same-sex partnerships, in June 2010 the Parliament rejected legislation to permit same-sex marriage.

28 Although difficult to measure precisely, estimates of adults who identified themselves as homosexual, bisexual, or transgender are generally no more than 5 percent (Wellings et al. 1994; Sell, Wells, and Wypij 1995). A recent estimate for the US, for example, places the proportion at close to 4 percent (Gates 2011).

29 In July 2009, a representative study of children living with same-sex parents in Germany found that same-sex couples have the same parental and educational capacities as heterosexual parents and that the children showed normal development. In addition, Germany's Federal Constitutional Court has recently declared it legal for homosexual partners to adopt children (Jetz 2009).

30 Twenty countries (Australia, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland and the United Kingdom) recognize same-sex couples for immigration purposes (Howe 2009; Johnson 2009). In the United States, the situation is quite different. At the federal level, the US Government does not recognize the legality of same-sex marriage nor does it allow the naturalization of same-sex spouses or life-partners on the basis of direct family ties. However, legislation may soon be proposed in Congress to allow US citizens and permanent residents to sponsor same-sex spouses or partners, thereby putting them on equal footing with opposite-sex couples (Worley 2009).

31 On 1 October 2009, a state district judge in Dallas, Texas ruled that two men married in another state can divorce in Texas and that the state's prohibition of same-sex marriage violates the US federal constitutional right to equal protection. The judge's reference is to Article IV, Section 1 of the US Constitution, which states, in part, that "full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state" (McKinley 2009; Appleton 2009).

32 At the start of 2011, a federal appeals court is hearing the US Department of Justice appeal of two district court decisions that found the Defense of Marriage Act (DOMA) to be unconstitutional. Whatever the legal outcome, the question of the constitutionality of DOMA is very likely headed to the US Supreme Court.

33 The relevant paragraph from the United Nations Administrative Instruction issued by then Secretary-General Kofi Annan states: "The Secretary-General has decided that family status for the purposes of entitlements under the United Nations Staff Regulations and Rules should be made in all cases on the basis of the long-established principle that matters of personal status are determined by reference to the law of nationality of the staff member concerned.... As a result, a marriage recognized as valid under the law of the country of nationality of a staff member will qualify that staff member to receive the entitlements provided for eligible family members. A legally recognized domestic partnership contracted by a staff member under the law of the country will also qualify that staff member to receive the entitlements provided for eligible family members" (United Nations 2004).

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