

**Same-Sex Marriage,
Civil Partnerships and Stigma:
Coming in from the Cold?**

Michael Thomas

School of Social Sciences
Cardiff University

This thesis is submitted in fulfilment of the degree

Doctor of Philosophy

December, 2012.

Abstract

Since the late 1980s, an increasing number of governments have extended varying forms of legal recognition to lesbian and gay couples. This thesis presents a cross-national, comparative study, focusing on civil partnerships in the UK and same-sex marriage in Canada and the US State of California. The study investigates the impact of these forms of recognition from the perspectives of lesbian and gay couples and, in particular, addresses the social implications of couples' new legal status. Drawing on Erving Goffman's *Stigma* as a theoretical basis for the research, the study considers the extent to which wider policy objectives for legal recognition in terms of reducing discrimination and raising the profile of lesbian and gay couples have been achieved. This analysis is based on a detailed investigation of couples' assessments of the impact of marriage or civil partnership within their personal social networks and more widely. The study also explores the fallout from the 2008 Proposition 8 referendum in California, which repealed same-sex marriage there. Drawing on qualitative data, gathered from in-depth interviews with married or civil partner same-sex couples in the UK, Canada and California, the study analyses couples' narratives around legal recognition to identify the meanings that they attach to their new legal status. The research concludes that couples broadly welcomed the legal rights and entitlements that flowed from marriage or civil partnership, and often saw marriage or civil partnership as providing opportunities to seek recognition from within their social networks. However, legal recognition did not in itself guarantee social recognition, indicating a significant gap between policy ambitions and effects.

Acknowledgements

A number of people have made an important contribution to this thesis. I am particularly grateful to my supervisors Amanda Coffey and Matt Williams for their unfailing insight, enthusiasm and good humour over the past four years. I will miss the challenging and stimulating conversations we have had throughout my time at Cardiff. I am also indebted to Ralph Fevre as my progress reviewer for his constructive comments on draft chapters of this thesis. My postgraduate colleagues within the School of Social Sciences and elsewhere also deserve thanks for their support and for making the process of getting from a research proposal to a completed thesis much more pleasurable than it might otherwise have been.

I acknowledge the contribution of the Economic and Social Research Council in funding my doctoral research and the Masters in Social Science Research Methods.

I should also thank Dr. Mary Pat Sullivan at the School of Health Sciences and Social Care at Brunel University, for encouraging me to pursue PhD study at the end of my social work training.

Most of all, I owe a debt of gratitude to the couples in the UK, Canada and California who agreed to take part in this research study. Their inspiring and moving stories of their own experience of marriage or civil partnership provide the backbone of this thesis.

On a personal level, I would like to thank my mum and Tina for putting up with me being around the house in Cardiff a lot more than usual. I'm also grateful to Naaz Rashid for her sense of proportion as we went through the PhD process together. And unending thanks to Hugh for putting up with hearing more about this thesis than he ever imagined possible and for his unstinting support throughout the highs and lows of the last four years. And for feeding the cats when I was away, or too preoccupied to notice they were hungry.

CONTENTS

Prologue: Cardiff, 1980

vi

Introduction: research questions and structure of the thesis

1

1. Building a context for legal recognition for same-sex couples the UK,
6
Canada and California
2. Reading marriage, homosexuality and same-sex couple relationships
33
3. Erving Goffman's *Stigma* as an evaluative framework for marriage
53
and civil partnership
4. Methodological considerations: theory and practice
73
5. *For the first thirty-two years of my life I was a criminal:*
100
The impact of recognition on same-sex couple relationships
6. *You get two hundred people to come out, just for two queers:*
126
The impact of recognition within couples' social networks
7. *We're treated that way now:*
158
The impact of recognition beyond couples' social networks
8. *I don't think I'm being paranoid, but they ARE out to get me:*
181
The Proposition 8 referendum in California as an exercise in
re-stigmatising lesbian and gay couples
9. Conclusion: evaluating civil partnerships in the UK and same-sex
205
marriage in Canada and California

Epilogue: Toronto, 2010

224

Annexes

Annex A: Topic guide for research interviews
225

Annex B: Information sheet for research participants
226

Annex C: Consent form
228

Annex D: Pen pictures of research participants
229

Annex E: Excerpt of transcribed data
234

References
235

Prologue

It is 1980. I am sitting in a crowded bus, on my way to secondary school in Cardiff. I am eleven or twelve years old. I already know that I am gay. I have known this for a while, but as the bus approaches the school gates I experience a sudden realisation that I will never have a girlfriend, get married, settle down with a wife, or have children.

I look around me, at my brother, sister, friends, the other children on the bus, and I understand that I am different from them. That I will have a different life to theirs, that I will have other goals. That I must find a way in life. And that I must keep this to myself.

Introduction: research questions and structure of the thesis

This doctoral thesis presents a cross-national comparative study of alternative forms of legal recognition for lesbian and gay couples, focusing on civil partnership in the UK and marriage in Canada and the US State of California. Legal recognition for same-sex couples has spread across the Western world and beyond since the late 1980s, and the thesis seeks to contribute to the growing body of sociological literature documenting the complexities and uncertainties that these reforms have set in train.

Paradoxically, the spread of legal recognition for same-sex couples has revealed deep-seated opposition to LGBT rights claims. The dramatic reversal of marriage rights for lesbian and gay couples in California as a result of the Proposition 8 referendum in 2008 offers a particularly interesting case study, marking California out as the only jurisdiction in which existing marriage rights for same-sex couples have been withdrawn as the result of a popular vote. The political struggle around legal recognition for same-sex couples is perhaps most visible in the US, where the campaign for marriage equality continues to be fought state by state. There are, however, echoes of moralistic opposition to same-sex marriage in the UK, as revealed by recent government consultations on extending full marriage rights to lesbian and gay couples.

Deep-seated opposition to same-sex marriage points to an intriguing gap between legal and social equality for lesbian and gay couples. A key objective of this thesis is to explore the gaps between high level policy objectives and what happens at the micro-social level when same-sex couples seek legal and social recognition.

The thesis problematises policy discourses that claim legal recognition as the last word in LGB equality, and seeks to highlight the messiness and the complexity of couples' lived experience of their new legal and social status. The thesis maintains a deliberate focus on the perspectives of gay and lesbian couples as a basis for understanding the impact of civil partnerships and same-sex marriage.

Marriage and civil partnership offer access to legal and social privileges, in clear contrast to the historical invisibility of same-sex couple relationships. This thesis acknowledges the potential for legal recognition to assert the value of lesbian and gay couple relationships and overcome the social stigma that has been attached to homosexuality and to these couple relationships. In this context, the work that couples perform in understanding, negotiating and asserting their new status is explored as a micro-social battleground between historical stigma and newfound recognition. The focus on the meanings that couples make around legal and social recognition means that the study is grounded within an interpretivist framework, and draws on qualitative research methods of data collection and analysis. In terms of evaluating same-sex marriage and civil partnership, this thesis considers the extent to which these policy innovations can be relied upon to eradicate or ameliorate as powerful and enduring a concept as stigma.

Same-sex marriage and civil partnership provide opportunities for a focused and original interpretation of Erving Goffman's *Stigma* (1963), not simply as a classic sociological text but also as providing a robust theoretical framework for a close evaluation of policy. Goffman's compelling analysis of stigma as the denial of full social acceptance allows for a critical assessment of legal recognition, whether in terms of policy discourses framed around social justice, or as providing insights into the ways in which marriage and civil partnership are constantly negotiated, contested or accepted within lesbian and gay couples' social networks. Marriage and civil partnership require lesbian and gay couples to claim legal and social privilege, not simply as a one-off process at the culmination of the wedding or civil partnership ceremony, but time and again in routine social interaction within their close personal networks and beyond. The effects of these policies are therefore to be observed not simply within the confines of the register office or marriage bureau, but can be understood as an unending deployment and negotiation of status that is constantly asserted through routine social interaction in innumerable contexts that include family gatherings, water-cooler conversations in the workplace, small talk between neighbours, or whenever lesbian and gay partners access public or commercial services as legally recognised couples.

Key research questions

As policy initiatives that extend a privileged legal and social status to a historically stigmatised group, same-sex marriage and civil partnership provide opportunities to explore rich interplay between, “public issues of social structure” and, “personal troubles of milieu” (Wright Mills, 1959, p. 8). This implies a close scrutiny of policy objectives in the context of the lived experience of lesbian and gay couples, drawing on sociological understandings of stigma and exploring the insights that attention to relationships, interaction and personal life can deliver for policy. The following research questions have driven the study:

- What are the objectives of recognition policies in the UK, Canada and California? How were these policy positions reached, and what are their implications?
- What difference does legal recognition make for same-sex couples in terms of their couple relationship and their interaction with close social networks of family, friends, work colleagues and neighbours?
- How does marriage or civil partnership affect couples’ interaction with ‘strangers’ such as commercial and public service providers and inform couples’ understanding of citizenship and belonging?
- What does the Proposition 8 referendum in California tell us about the limitations of legal recognition?
- Can we rely on marriage and civil partnership to eradicate or ameliorate homosexual stigma?
- Are there discernable differences between the impact of legal recognition policies in the UK, Canada and California?

Structure of the thesis

In setting the context for these research questions and seeking to answer them, the thesis is structured as follows:

I begin by considering the background to legal recognition. Chapter One explains the choice of target countries for this study in the context of the international policy trend towards legal recognition for lesbian and gay couples. The second half of the chapter explores the policy background to legal recognition in the UK, Canada and California, framing marriage and civil partnership as equality and anti-discrimination measures.

Chapter Two reviews the academic literature, offering an historical overview of the history of marriage, highlighting the constructed nature of marriage, and of homosexuality itself. This chapter considers unresolved theoretical debates on the pros and cons of same-sex marriage and civil partnerships as a means of providing recognition for lesbian and gay couples. The chapter concludes with an exploration of the growing body of empirical research on same-sex marriage and other forms of legal recognition for same-sex couples as a starting point for considering the impact of marriage and civil partnership for participants in this study.

Chapter Three provides a detailed exploration of Erving Goffman's *Stigma* as a theoretical framework for the thesis. Although acknowledging other contributions to a sociological understanding of stigma, the chapter foregrounds Goffman's analysis and evaluates its enduring relevance to homosexuality, same-sex marriage and civil partnership. This theoretical framework provides the basis for understanding the impact of same-sex marriage and civil partnership for same-sex couples.

The methodological considerations that informed the study are explored in Chapter Four. The chapter acknowledges my own personal commitment to the research field and sets out the qualitative research strategy that drove my approach to data collection and analysis. This chapter also considers ethical aspects of the study and

is structured to juxtapose theoretical understandings of social science research methods and research ethics with an account of the complexities and dilemmas raised by the fieldwork stage of the study.

Chapters Five to Seven present an analysis of empirical data, gathered from in-depth narrative interviews with married and civil partner couples in Canada, California and the UK. The first of these empirical chapters discusses the impact of legal recognition on couple relationships. Chapter Six focuses on couples' interaction with close personal networks of family, friends, work colleagues and neighbours and is followed in Chapter Seven by consideration of the impact of legal recognition on interaction with 'strangers' outside couples' established social networks. This includes interactive contexts such as commercial transactions and accessing public services. In light of the study's cross-national comparative focus, the chapter concludes by assessing the impact of legal recognition on couples' sense of citizenship and nationality.

Chapter Eight, the final empirical chapter of the thesis, presents a case study of the 2008 Proposition 8 referendum in California, which repealed existing marriage rights for lesbian and gay couples. The chapter assesses alternative framings of same-sex marriage as deployed by both sides of the Proposition 8 campaign, and draws on interview data to investigate the impact of the referendum on couples' sense of citizenship, community, belonging and difference. California provides a fascinating case study of the gaps between legal and social recognition, and provides a sobering reminder that complacency about the irreversibility of LGB rights is misguided.

The thesis concludes with a chapter that reassembles these theoretical, methodological and empirical threads to provide a comparative evaluation of same-sex marriage and civil partnership on their own terms: as policies geared towards securing legal protections and renegotiating the social status of lesbian and gay couples.

Chapter One. Building a context for legal recognition for same-sex couples the UK, Canada and California.

Introduction

This chapter considers the legal and policy background to legal recognition for same-sex couples in the UK, Canada and California. These three locations offer interesting points of similarity and difference. Canada, the UK and the US are all Western democratic countries and, notwithstanding the francophone tradition in Quebec, draw upon an Anglo-Saxon cultural heritage. The political systems in the US and Canada have both evolved from British colonial rule, with Canada emulating the British parliamentary system, while the US system of Madisonian checks and balances on power is more fragmented (Radin and Boase, 2000, p. 66). To varying degrees, there are active lesbian and gay social movements in all three countries and each share similar recent histories in terms of the decriminalisation of homosexual acts, greater social tolerance of lesbian and gay people and, in the context of the HIV-AIDS crisis, greater awareness of the historical lack of legal protection and social recognition available to same-sex couples.

Civil partnerships became available in the UK in 2005, the same year that marriage became available to same-sex couples across Canada. California briefly legalised same-sex marriage in June 2008 before this was overturned by referendum the following November. However, the marriages of same-sex couples who married between June and November 2008 remain legally valid, and an alternative form of legal recognition remains available to lesbian and gay couples in California in the form of domestic partnerships. In terms of the advent of legal recognition, the courts have played a significant role in both Canada and California, whereas civil partnership in the UK was an exclusively parliamentary initiative. Canada legislated for same-sex marriage at the national level, following the intervention of provincial and national Supreme Courts. Conversely, competence over marriage and legal recognition of same-sex couples in the US lies with individual states rather than at the federal level, which accounts for the asymmetrical design of the study to focus on two countries and one sub-national state. California's size and status as the most

populous US state is also relevant here, with California's population of 37 million people (US Census Bureau, 2012) at a similar level to Canada's 33 million (Census Canada, 2012).

The international trend towards recognition

Legal recognition for lesbian and gay couples in the UK, Canada and the State of California is part of a wider trend that began in Denmark in 1989 and continues to spread across the globe. Marriage is available to same-sex couples at a national level in Canada, Mexico, Argentina, Norway, Iceland, Denmark, Sweden, the Netherlands, Belgium, Spain and South Africa, as well as in a number of sub-national jurisdictions in the United States and elsewhere. Other forms of recognition such as civil partnerships, civil unions and domestic partnerships are also available across most of Europe and the Americas, as well as in Australia and New Zealand (ILGA, 2012).

Kees Waaldijk has ascribed the trend towards legal recognition in Europe to a process of "standard sequences" in legal reform (2001, p. 439), with decriminalisation of homosexual acts and an equal age of consent providing a springboard for subsequent progress on anti-discrimination legislation, immigration, parenting and partnership rights. In terms of policy justifications for partnership recognition, Bailey-Harris (2001) lists the goals of encouraging family stability, safeguarding the legal rights of partners and protecting the public purse, by privatising responsibilities for providing care or financial maintenance. There is also an interplay with social change here, in that decriminalisation may have allowed for the emergence of more visible lesbian and gay communities, and couples (Weeks, 2000), with greater visibility feeding back into further demands for legal reform. De Vaus (2012) locates the spread of legal recognition for same-sex couples within a wider process of the acknowledgement of more diverse family forms; a process facilitated by social movements including feminism and secularisation, as well as by individualist and consumerist notions of personal choice. Kollman (2007) presents the spread of same-sex marriage as an example of international policy convergence, a trend that current public debate on marriage equality in the UK would appear to confirm. Yet the continuing political struggle over same-sex marriage in the UK and

elsewhere suggests that this the work of acknowledging same-sex couples in public policy is unfinished business (Johnson, 2010).

The “almost quixotic” nature of the international spread of legal recognition (Weeks, 2008, p. 787) is reflected in the variety of forms of recognition adopted by individual governments. Merin (2002) sets out a typology of models for legal recognition. In descending order of scope, these are marriage, registered partnership, domestic partnership and cohabitation rights. Marriage offers the most extensive package of rights and, arguably, the most intelligible and meaningful form of social recognition. Registered partnership schemes draw heavily on the rights and responsibilities attached to marriage and come close to providing legal parity, although parental and immigration rights may be excluded. Domestic partnership offers more limited rights and is often provided by sub-national governments, whereas cohabitation rights may provide minimal entitlements with regard to property. There are also variations within and beyond these models; registered partnership programmes often take other names such as civil union or civil partnership and particular forms of recognition, such as the Pacte Civil de Solidarité in France, fall between registered partnership and domestic partnership in terms of their coverage (Johnston, 2008).

Canada, the UK and California reflect the different types of recognition available: the UK has legislated for civil partnerships, though same-sex marriage is now on the political agenda; Canada has legislated for marriage at the national level but provides extensive cohabitation rights; whereas California, having repealed same-sex marriage, continues to offer domestic partnerships to lesbian and gay couples. This chapter continues with an overview of the policy background to legal recognition in these jurisdictions.

Liberalisation by Stealth: Civil Partnerships in the UK

Waldijk’s model of standard sequences (2001) would appear to hold true for the UK, with decriminalisation in England and Wales in 1967, Scotland in 1980 and Northern Ireland in 1982, paving the way for anti-discrimination protection, acknowledgement of parenting rights and, latterly, civil partnerships. However, this

is not to suggest that the Sexual Offences Act, 1967, implied any degree of acceptance of same-sex relationships. It had taken a decade for the Wolfenden Report recommendations on the partial decriminalisation of male homosexual acts to become law, and the tone of the parliamentary debates on the bill was explicitly homophobic. The Earl of Arran, himself a supporter of reform, assured the House of Lords on 21st July 1967 that, “no amount of legislation will prevent homosexuals from being the subject of dislike, derision or, at best, of pity.” (cited in Jivani, 1997, p. 153). In this context, the 1967 Act should not be seen as offering an endorsement of lesbian and gay partnerships, but rather as confirming the deviancy of homosexual acts and relationships (David, 1997), and of tolerating homosexuality as a private and shameful matter (Herzog, 2011, p. 125; McGhee, 2004, p. 360).

The enforced invisibility of same-sex relationships (Gillis, 1998) was challenged by the emerging gay and lesbian movements of the 1970s. However, this period of relative liberation proved to be short-lived, with the onset of the HIV-AIDS epidemic leading to a moral and political backlash against the male gay community in particular (Higgins, 1996), with sex between men, “automatically framed as promiscuous, and redefined as medically unsafe.” (Washer, 2010, p. 50). In policy terms, Section 28 of the Local Government Act, 1988 was the apogee of this anti-gay moral panic. In prohibiting the promotion of “the acceptability of homosexuality as a pretended family relationship” (Section 28(b), LGA, 1988) Section 28 signalled that heterosexual couple relationships were the only valid form of intimate adult relationship and denoted homosexuality as a phenomenon to be feared (French, 1992). The Section 28 debacle sparked activism, including the setting up of LGBT campaigning organisation, Stonewall (Stonewall, 2012), as well as new scholarship highlighting the capacities and strengths of non-heterosexual ‘families of choice’ in a highly adverse social climate (Weeks et al, 1996; Weeks, 1991)

Without seeking to minimise the devastating impact of HIV-AIDS, the epidemic can be seen as contributing to new understandings of same-sex relationships, whether by highlighting the caring roles carried out by gay partners and members of their families of choice, or in revealing their legal vulnerability with regard to welfare and

property rights (Watney, 1994). More explicit forms of recognition came in the early 1990s in the shape of commitment registers for same-sex couples, created by local authorities in London, Brighton and elsewhere. Although entirely lacking legal status, these registers foreshadowed a number of the functions of civil partnerships in terms of providing couples with opportunities for affirmation, ceremony and celebration (Cook, 2007).

In the UK, while there was little prospect of progress on lesbian and gay rights during the Conservative era that began in 1979, the Labour landslide of 1997 heralded a long series of LGBT rights reforms that began almost immediately after the election, as foreign same-sex partners of UK citizens were granted limited immigration rights for the first time. Section 28 of the Local Government Act, 1988 was repealed in Scotland in 2000 and in the rest of the UK in 2003. Although the age of consent for male homosexual acts had been lowered to eighteen in 1994, equality was not achieved until 2001 in England, Wales and Scotland, and 2009 in Northern Ireland (Stonewall, 2009). The Adoption & Children's Act 2002, enabled same-sex couples to adopt jointly and anti-discrimination legislation followed; covering employment rights in 2003, and extended to the provision of goods and services in 2007. The Sexual Offences Act, 2003 repealed offences of buggery and gross indecency and, more recently, the Protections of Freedoms Act 2012, allows for historical convictions for consensual gay sex predating 1967 to be deleted (Home Office, 2012).

Despite this unprecedented progress towards legal equality for the LGBT communities in the UK, hostility towards homosexuality appears to remain an entrenched aspect of social life. Data from the 2008 British Social Attitudes Survey show that only 39% of respondents agreed that sexual relations between two adults of the same sex were not wrong at all, against 36% of respondents agreeing that sexual relations between adults of the same sex were *always* or *mostly* wrong (National Centre for Social Research 2010). Empirical studies show that LGBT people continue to face hostility and abuse, even if this is sometimes normalised as 'something you just have to ignore' (Browne, Bakshi and Lim, 2011). Enduring social

hostility towards homosexuality is also reflected in the legal provisions against homophobic hate crimes set out in the Criminal Justice Act, 2003 (Wintemute, 2012). The adverse social climate is reflected in the inclusion of sexual orientation as a key equality strand for the Equality and Human Rights Commission (Equality and Human Rights Commission, 2012). However, these equality protections have been the subject of high-profile resistance, including refusals to provide services to same-sex couples by local authority registrars, relationship counsellors and bed and breakfast hoteliers (BBC, 2012; Daily Telegraph, 2012). These widely reported cases are significant in that they reveal deep-seated opposition to the presence of same-sex couples in the public and semi-public settings of a local authority register office, a voluntary sector counselling organisation and a bed and breakfast hotel. This suggests a gap between legal and social equality, and sheds light on the role of public, private and voluntary sector service settings as interactive contexts for the assertion and denial of the rights that go with marriage and civil partnership.

Civil partnerships

The long list of UK reforms set out in this chapter suggests an incremental trend, combining the dismantling of criminal sanctions with the construction of legal rights and protections for LGB minorities. Although the potential of non-heterosexual families had at last been acknowledged in areas such as adoption and parenting, civil partnership takes recognition to a new level through a more comprehensive recasting of the legal and social status of lesbian and gay couples. Legislation on civil partnerships followed unsuccessful initiatives by individuals in both houses of the UK Parliament, with the government setting out its own proposals in a consultation paper in 2003 (Women and Equality Unit, 2003). In creating a new legal status, the Civil Partnership Act 2004 seeks to extend protection to same-sex couples in a comprehensive range of areas including social security, parental rights, housing and tenancies, employment and pension benefits, recognition under intestacy rules, life assurance, access to fatal accidents compensation, tax treatment and protection from domestic violence (Great Britain. Parliament. House of Commons, 2003).

The Civil Partnership Act passed with all party -if not unanimous- agreement, and came into force in December 2005, with the first civil partnerships taking place later that month. The speedy progress of the legislation on civil partnerships (Cretney, 2006, p. 16) is in clear contrast to the ten years it took for the Wolfenden Commission's recommendations on homosexuality to reach the statute book. Jeffrey Weeks applauds the low-key lobbying strategy for civil partnerships by LGBT organisation Stonewall as, "liberalisation by stealth" (2008, p. 791), though the passage of the bill through Parliament was due in no small part to the government's insistence that it was not seeking to introduce same-sex marriage. The consultation and the legislation that followed had been met with complaints about a supposed threat to family structures and to freedom of conscience for religious denominations, though opposition was blunted by the tactical decision not to legislate for same-sex marriage, as well as by marking out civil partnership as a purely secular provision that would not impinge directly on religious freedom (Women and Equality Unit, 2003a). Of course, some religious organisations, such as the Quakers, have argued for the right to hold civil partnership ceremonies (Quakers in Britain, 2011), a concession that was granted in England and Wales in 2011 (Government Equalities Office, 2011), and has been the subject of government consultation in Scotland (Scottish Government, 2011).

During the parliamentary passage of the Civil Partnerships bill, the then Minister for Equality, Jacqui Smith, set out the distinction between marriage and civil partnership in terms of,

a parallel but different legal relationship that mirrors as fully as possible the rights and responsibilities enjoyed by those who can marry, and that uses civil marriage as a template for the process, rights and responsibilities that go with civil partnership (cited in Cretney, 2006, p. 21).

However, it was likely from the outset that civil partnership and marriage were parallel lines that would eventually meet. First, the UK government acknowledged that the legal distinctions between marriage and civil partnership were few. A civil

partnership would be formed by signing a register rather than through participation in a ceremony (General Register Office, 2005), and at the other end of the process, a civil partnership would be ended by dissolution rather than divorce, with irretrievable breakdown of the relationship, either through unreasonable behaviour or desertion, as the only permissible grounds for dissolution. Neither would there be a requirement for a civil partnership to be consummated (Women and Equality Unit, 2005), neatly sidestepping the need to define which acts would constitute consummation or adultery (Stychin, 2006, p. 907).

Civil partnership also appears to have failed to secure linguistic or cultural currency as distinct from marriage. From the start, the terminology around civil partnerships and ceremonies was displaced in common parlance by references to gay marriage and gay weddings, even from as authoritative a source as the BBC (BBC, 2005). In a further nod to the notion of civil partnership as equating to same-sex marriage, the notion of lesbian bigamy has also entered the lexicon (Britten, 2007). It is questionable whether this blurring of linguistic boundaries can be attributed entirely to the inelegance of the terminology around civil partnership, and the lack of an equivalent of the verb of 'to marry' ('to civilly partner', or 'to enter a civil partnership?'). There is perhaps a sociological explanation here, in that marriage can be understood as a social and cultural institution that is sufficiently meaningful as to engulf new statuses that attempt to mimic it. Certainly in the case of civil partnerships, clear legal distinctions have been undermined by assumptions of social and cultural equivalence with marriage. This points towards a number of potential dilemmas for same-sex couples in negotiating the differences and similarities between marriage and civil partnership, and the extent to which commonalities are acknowledged, denied, accepted or resisted. These issues will be explored in the empirical chapters of the thesis.

In any case, the inelegance of the terminology of civil partnership does not appear to have lessened its attraction to same-sex couples. Between December 2005, when the Act came into force, and December 2011, 53,417 civil partnerships had been formed in the UK, far exceeding the government's initial forecast that there would

be 22,000 partnerships by 2010 (Office for National Statistics, 2012; Women and Equality Unit, 2004). Analysis of take-up indicates that initial high demand from established couples has now levelled off, with the 15,000 civil partnerships registered in 2006 falling to approximately 5,500 in 2009 and remaining at a similar level in 2010, suggesting that a steady state in take-up has been reached (Ross, Gask and Berrington, 2011, p. 4). As divorce is to marriage, so dissolution is to civil partnership. At the end of 2010, just over one thousand civil partnerships in England and Wales had been dissolved, with the percentage of civil partnerships ending in dissolution running at a lower rate than the equivalent divorce rate for married couples, though civil partnership remains too recent an innovation to enable long-term conclusions to be drawn from the initial data (Ross, Gask and Berrington, 2011, p. 15).

Whether or not civil partnerships were conjured up as a means of paving the way for full marriage equality (Wright, 2006, p. 260), England and Wales have followed Scotland's lead in consulting on proposals to extend full marriage rights to lesbian and gay couples (Government Equalities Office, 2012; Scottish Government, 2011). This suggests a further twist to the process of liberation by stealth, with civil partnership acting as a precursor to full marriage rights. Whereas the Scottish Government has signalled its intention to bring forward legislation on same-sex marriage, including provisions for religious marriage and civil partnership ceremonies (Scottish Government, 2012), the Home Office consultation was framed in unambiguous terms of how, rather than whether, same-sex marriage would be implemented. Although marriage equality in England and Wales is far from being secured, the Ministerial foreword defined the consultation in terms of, "launching this consultation to seek your views on **how** we can remove the ban on same-sex couples having a civil marriage in a way that works for everyone." [my emphasis] (Government Equalities Office, 2012, p. 1).

In response to the consultation, the UK government has signalled its intention to bring forward legislation on same-sex marriage. At a visit to an aircraft factory in December 2012, Prime Minister David Cameron voiced fulsome support for marriage

and marriage equality: “I think it’s time to say, marriage is great, and being gay shouldn’t be a bar to being married.” (Great Britain. Prime Minister’s Office, 2012). The government’s endorsement of same-sex marriage has, to an extent, sparked a re-rehearsal of the debates that accompanied the legislation on civil partnerships. In December 2012, dismissing the government’s plans as “barking mad”, David Davies, Conservative Member of Parliament for Monmouth, claimed that, “I think most parents would prefer their children not to be gay, knowing most parents want grandchildren if nothing else.” (BBC, 2012a). Setting aside Mr. Davies’s apparent ignorance about lesbian and gay parenting, this is a further instance of the debate on legal recognition being used as a vehicle for highly stigmatising assertions about gay and lesbian people.

A human rights issue: same-sex marriage in Canada

In 2005 Canada followed the Netherlands, Belgium and Spain in legalising same-sex marriage, though became the first country to extend adoption and full family law rights to same-sex couples (Hogg, 2006). Marriage equality in Canada was the culmination of a thirty-year struggle: as early as 1974 Chris Vogel and Richard North had married in a Unitarian church in Winnipeg, though when they sought a marriage licence from the provincial authorities, the clerk responded with laughter, assuming they were joking (Nicol and Smith, 2008, p. 679). Clearly, in mid-70s Manitoba, same-sex marriage was practically unthinkable, dismissed as a prank rather than as a viable aspiration for a gay or lesbian couple. In terms of the decriminalisation of homosexual acts, Canada has followed a similar chronology to the UK. The imperative for decriminalisation had been demonstrated by the case of Everett George Klippert, a man from Pine Point in the Northwest Territories who had served two prison sentences during the 1960s for consensual homosexual acts with other men. In 1966, convicted for a third time, Klippert was imprisoned indefinitely as a dangerous sex offender and was not granted parole until 1971, two years after decriminalisation (McLeod, 1996, p. 32).

Decriminalisation was complemented by piecemeal local and provincial LGB equality initiatives from the mid 1970s (Kinsman, 1996), though more decisive progress on

LGB rights stemmed from the Canadian Charter of Human Rights and Freedoms, devised in 1982 and enacted three years later. Sexual orientation had initially been excluded from the scope of the Charter, with the moral panic on homosexuality and HIV at its height in the wake of the 1981 police raids on Toronto bathhouses frequented by gay men (Smith, 1999, p. 68). However, this omission was remedied by the 1995 *Egan v. Canada* ruling in the Supreme Court of Canada, which established the principle that Section 15 of the Charter, which provides for equal treatment and protection under the law, should be interpreted as including protection on sexual orientation (Lahey, 1999, p. 48). This legal interpretation of the Charter sparked a steady stream of litigation, marking a shift in LGBT activism away from transformative, liberationist goals towards rights and equality-seeking (Smith, 1999, pp. 73-4).

In terms of recognition for same-sex couples, Canada's well-developed system of cohabitation rights for unmarried couples may have facilitated the longer-term goal of marriage equality by blurring the legal distinctions between different classes of couples (Perron, 2007, p. 13). For example, the 1999 *M. v. H.* ruling in the Ontario Supreme Court overturned the province's legal definition of spouse as relating exclusively to opposite-sex partners, and established the principle that there was no legitimate public policy interest in discriminating against same-sex couples. This principle of parity of treatment was to prove decisive in the legal fight for marriage equality (Smith, 2002, p. 7). The notion of legal equality between heterosexual and homosexual couples with respect to marriage was considered in 2002 by the Quebec Supreme Court. In *Hendricks v. Quebec*, the provincial Supreme Court ruled that the exclusion of same-sex couples from marriage was a breach of the Charter. Neither did the ruling provide any scope for civil unions as a substitute option for same-sex couples. This rejection of a 'separate but equal' solution highlights the social and cultural importance of marriage and evokes a sense of stigma arising from alternative statuses such as civil union. With regard to same-sex couples, the court found that:

A legal provision that excludes them from a civil institution as important as marriage will be taken as a negative sign. Being treated yet again as different will only serve to perpetuate their special status.

(cited in Larocque, 2006, p. 87).

Although the ruling was stayed for two years to enable the government to change the law, pressure was growing on the national Parliament to exercise its exclusive competence and reform Canada's marriage laws. The government launched a public consultation, providing an opportunity for the Canadian Human Rights Commission to make its own case for marriage equality, which explicitly highlighted the social significance of marriage:

For those same-sex couples who wish to marry, without equal access to the institution of civil marriage, their ability to celebrate their commitment, provide the kind of stability civil marriage can afford, and live their lives on equal terms is undermined. From the point of view of human rights law, practice and policy, homosexuals are being denied a fundamental personal choice because of their sexual orientation.

(cited in Nierobisz, Searl and Thérout, 2008, p. 255).

Here, the Canadian Human Rights Commission echoed the recommendation of *Beyond Conjugalit*, the Law Commission of Canada's report on the future of regulation of close personal adult relationships. As well as advocating greater legal recognition for non-conjugal adult relationships, the report came out firmly in favour of marriage equality as a means of alleviating the stigmatisation of same-sex couples:

the status quo reinforces the stigmatization felt by same-sex couples. If governments are to continue to maintain an institution called marriage, they cannot do so in a discriminatory fashion.

(Law Commission of Canada, 2001, p. 130)

Of course, these attempts at de-stigmatising same-sex couple relationships did not go uncontested. The government consultation on marriage equality also provided a platform for Canadian opponents of same-sex marriage. Although not as prominent as its counterparts in the US, the religious right in Canada could be relied on to deliver familiarly apocalyptic opposition to marriage equality (Reidel, 2008). Rita Curley, of the Catholic Women's League, was particularly graphic in her assessment of marriage equality:

To redefine marriage to be more inclusive of homosexuality is to create a new morality in which homosexuality is not merely tolerated but is normalized and would branch out into sexual activity with babies, children of both sexes and with animals.

(cited in Larocque, 2006, p. 95).

This is the 'slippery slope' argument *par excellence*: claiming that recognising same-sex couples will bring about a sexual relativism that will lead to the normalisation of paedophilia and bestiality. It is also interesting that efforts to destigmatise same-sex couple relationships are met with this kind of highly stigmatising response.

Despite the Canadian government seeking to buy time by mounting a consultation exercise, provincial courts continued to race ahead of the political momentum in striking down prohibitions on same-sex marriage. Most decisively, the Ontario Court of Appeal ruled in *Halpern v. Canada (Attorney General)* in June 2003 that not only should the definition of marriage be amended to include same-sex couples, but also that marriage licences should be granted with immediate effect to the same-sex couples who had brought the case. On the same day, and in the absence of an immediate appeal from the national government, twenty-one same-sex couples married in Toronto. Again, the *Halpern* ruling emphasises the social significance of marriage:

Marriage is, without dispute, one of the most significant forms of personal relationships. For centuries, marriage has been a basic

element of social organization in societies around the world... This public recognition and sanction of marital relationships reflect society's approbation of the personal hopes, desires and aspirations that underlie loving, committed, conjugal relationships.

(Ontario Courts, 2003, para. 5)

Within a week of this ruling, Prime Minister Jean Chrétien had committed the government to legislating for marriage equality across Canada, though with a general election on the horizon, the national government sought to buy time in requesting legal clarifications from the Canada Supreme Court. The Court's response in December 2004 was unequivocal, and confirmed that same-sex marriage was consistent with the provisions of the Charter (*Re: Same-Sex Marriage*). This meant that marriage equality became a prominent issue at the June 2004 general election, and with Conservative opposition leader Stephen Harper promising a bill to define marriage as heterosexual, the ruling Liberals and their allies were forced to defend same-sex marriage more assertively (Larocque, 2006, p. 170). Following the election, the minority Liberal government, under Paul Martin as Prime Minister, remained committed to the legalisation of same-sex marriage. Opening the parliamentary debate on 16th February 2005, Martin sought to wrap marriage equality in the Canadian flag:

When we as a nation protect minority rights, we are protecting our multicultural nature. We are reinforcing the Canada we cherish. We are saying proudly and unflinchingly that defending rights, not just those that happen to apply to us, not just those that everyone else approves of, but all fundamental rights, is at the very soul of what it means to be a Canadian.

(cited in Rayside, 2008, p. 16)

As well as acknowledging marriage equality as a potentially divisive issue, Martin framed same-sex marriage in terms of equality, culture, and human rights rather as a concession to sectional gay and lesbian rights. This is also an apparently nationalistic intervention, with the acknowledgement of difference and the protection of

minority rights deployed as cherished a Canadian value. This nod to nationalism has been a notable element of the struggle for gay marriage in Canada, where there has been political capital to be made from contrasting the apparent confusion in the United States with the pragmatism of a more socially-liberal Canada that is apparently more at ease with managing social diversity (Smith, 2007, p. 22).

The Civil Marriage Act received Royal Assent on 29th July 2005, though the Conservative Party, returned to power in January 2006 as a minority government, had pledged to offer Parliament a free vote on the repeal of same-sex marriage. However, with public opinion already swinging behind marriage equality, this did not proceed further than a parliamentary debate. Despite securing a majority at the 2011 general election, Prime Minister Stephen Harper has confirmed that same-sex marriage would not be re-visited (National Post, 2012), suggesting a degree of political consensus on the issue. Lesbian and gay couples have also responded to the legalisation of marriage in significant numbers. The 2011 census records a total of 21,015 married same-sex couples in Canada, with same-sex couples, irrespective of marital status, largely concentrated in the metropolitan areas of Toronto, Montreal and Vancouver (Statistics Canada, 2012).

In contrast to the UK, the Canadian government's decision to legislate on same-sex marriage can be seen as the culmination of a protracted litigation strategy geared towards framing marriage equality as a human rights issue. LGBT social movements have played an important role, with organisations such as Egale established in 1985 with clear goals of amending federal and provincial laws that discriminate against LGBT people. This focus on rights-seeking over more transformative liberationist LGBT politics has led some to disparage Egale as, "the respectable face of the LGB lobby." (Warner, 2002, p. 241), though the relatively strong legal position of LGBT people in Canada suggests an enviable track record for what Miriam Smith has called, "the most successful social movement in the world," (2011, p. 73).

Elements of the rights-based litigation strategy pursued by LGB activists in Canada have also been followed in a number of US states, including in California. However,

the outcome across the US has, so far, been more mixed. The remainder of this chapter considers the processes that led to the brief legalisation of same-sex marriage in California, and concludes with initial comparative thoughts on legal recognition in the UK, Canada and California.

American exceptionalism: the rise and fall of same-sex marriage in California

The tortuous struggle for same-sex marriage in the United States has been accurately described as an example of American exceptionalism (Adam, 2003). With individual US states responsible for regulating marriage, and governments at city and county levels retaining powers over other forms of recognition such as domestic partnerships, an inevitably complex pattern has evolved. This sense of exceptionalism has been most visible in California, where the repeal of newly won marriage rights at the November 2008 elections shattered assumptions within the LGB communities about the incremental spread of same-sex marriage rights.

The United States context

Lesbian and gay marriage has become a touchstone political issue in the so-called 'culture wars' (James Davidson Hunter, 1991) that continue to divide social liberals and conservatives in the United States. The polarisation of opinion between liberals and conservatives in the US on social issues including abortion, homosexuality, gun control, crime, and separation of church and state has found a new focus in the continuing debate on marriage equality. In this context, there has been a strong and highly effective political reaction against legal recognition for same-sex couples in California and elsewhere. Federal recognition of same-sex marriages is prohibited under the cynically-named Defense of Marriage Act, enacted by President Clinton in 1996, and an increasing number of US states have acted to deny recognition to same-sex marriage. In May 2012, North Carolina became the thirtieth US state to amend its constitution to prohibit same-sex marriage¹ (Human Rights Campaign, 2012).

¹ The following states have enacted such amendments: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina,

As with Canada, the United States can claim a long history of same-sex couples requesting marriage licences. As far back as 1971, Jack Baker and Michael McConnell, a gay couple from Minnesota, filed a lawsuit claiming the right to marry (Eskridge, 1996, p.48). However, the scale of the challenge facing marriage equality activists was made clear in the Minnesota Supreme Court's ruling, *Baker v. Nelson*, which claimed an exclusively heterosexual pedigree for marriage dating as far back as the Book of Genesis (Clarkson-Freeman, 2004, p. 4). The case for marriage equality was not strengthened by the continuing legal prohibition of sodomy, with legislation in some states dating back to the British colonial era. Legislation prohibiting sodomy remained in force in all US states until 1961 when Illinois became the first to decriminalise. California followed suit in 1975, though thirteen states still operated sodomy laws as recently as 2003, when they were struck down by the U.S. Supreme Court in *Lawrence v. Texas* (Bala, 2006).

The relatively late dismantling of sodomy laws has exerted a chilling effect on LGBT rights in the US. Culturally, these laws have provided a highly authoritative statement of hetero-normative stigma, whereas in legal terms, they have been invoked to thwart LGBT equality in a range of policy areas including employment, housing and child custody. (Green, 1997, p.145). The interesting, if contested, parallels between legal restrictions on same-sex and interracial marriage in the United States are also relevant, and it is worth recalling the terms of *Loving v. Virginia*, the US Supreme Court ruling that set aside the remaining state-level bans on interracial marriage back in 1967. *Loving v. Virginia* explicitly frames marriage not only as a fundamental right, but also as a legitimate personal objective, asserting that, "the freedom to marry has long been recognised as one of the vital personal rights essential to the orderly pursuit of happiness by free men [sic]." (findlaw.com, 2012 (online)).

The Defense of Marriage Act, 1996

South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin.

The spirit of *Loving v. Virginia* was taken up in support of marriage equality in *Behr v. Lewin* in Hawaii in 1993, which challenged the state to justify the exclusion of same-sex couples from marriage (Coleman, 1995, p. 542). This unequivocal statement of support for marriage equality led to a pre-emptive strike in the form of the deceptively named Defense of Marriage Act (DOMA), enacted by President Clinton in 1996. DOMA restricts the definition of 'marriage' and 'spouse' to opposite couples, prohibits federal law from recognising same-sex marriages and permits states, territories and the federal government itself to deny them recognition (Ho and Rolfe, 2011, p. 402). As well as signalling a comprehensive denial of legitimacy to same-sex marriages and other forms of recognition from the highest level of government, DOMA places lesbian and gay couples at a significant material disadvantage. The United States General Accounting Office (2004) lists a total of 1,138 federal benefits arising from marriage that are only available to heterosexual married couples. DOMA means that same-sex couples in marriages or domestic partnerships cannot file joint federal tax returns and are excluded from benefits, insurance and compensation arrangements provided under federal law. They are also denied preferential treatment under immigration law (Marriage Equality USA, 2011). As well as sending a stigmatising message about the need to defend or protect marriage from same-sex couples, DOMA's constitutionality has been called into question, with particular reference to the Fourteenth Amendment to the US Constitution, which provides that no state shall deny citizens equal protection under the law. In enabling states to disregard marriages that are legal in other US states, DOMA also appears to undermine the Full Faith and Credit clause of the US Constitution, which regulates relations between the states and requires them to give effect to legal decisions made in other states. This apparent willingness on the part of the federal government to micro-manage inter-state relations in this way calls into question the demarcation of state and federal rights that date back to the American civil war. In seeking to deny recognition of same-sex marriages, civil unions and domestic partnerships across state boundaries, this is the first time Congress has sought to limit the scope of the clause (De Sipio, 2010). During 2013, the US Supreme Court will hear *United States v. Windsor*, a case challenging the constitutionality of DOMA, though for the moment, the Act remains in force (Capeheart, 2012).

The breakthrough in Massachusetts

In 2004, Massachusetts became the first US state to legalise same-sex marriage. Legalisation followed *Goodridge v. Department of Public Health*, the unequivocal State Supreme Court ruling of 2003 that ordered the state legislature to act. This ruling echoed framings of marriage as combining social and legal understandings:

Marriage is a vital social institution. ... The question before us is whether, consistent with the Massachusetts Constitution, the Commonwealth may deny the protections, benefits and obligations conferred by civil marriage to two individuals of the same sex who wish to marry. We conclude that it may not.

(findlaw.com, 2012a (online))

This brief survey of developments in the US begins to highlight a number of themes in the continuing struggle for marriage equality in California. First, same-sex marriage and homosexuality are defined in political discourse by competing notions of morality and equality. Furthermore, the debate on marriage equality in the US has become highly politicised, with liberals and conservatives, the courts, and state and federal legislatures all competing for the final say on this matter. Finally, individual states retain their powers of initiative on marriage equality, even if recognition does not extend beyond the state border. This suggests a highly volatile picture, with moralistic debates about marriage equality destined to be constantly replayed in state after state in response to repeated initiatives to litigate or legislate. These themes are particularly visible in the tortuous history of same-sex marriage in California.

Back and forth: legal recognition for same-sex couples in California

California has a relatively long history of recognition for same-sex couples. In 1984, the city of Berkeley enacted domestic partner ordinances extending benefits to unmarried partners, including same-sex partners. Nine years later, San Francisco

became the first city in the United States to extend equal employee benefits to same-sex couples (Rayside, 2008, p. 129). Equally, there is a history of ballot initiatives in California targeted at sexual minorities. Ballot initiatives are a form of direct democracy that allows citizens to adopt laws and constitutional amendments without the support of the Governor or the Legislature (California Secretary of State's Office, 2011). In 1978, Proposition 6 sought to bar lesbians and gay men from the teaching profession in California, but failed to capitalise on Anita Bryant's infamous "Save our Children" campaign of the previous year, that saw an LGB equality statute in Dade County, Florida repealed by popular vote (Engel, 2001, p. 46). Bryant's alarmist, high profile campaign inspired conservative opponents of lesbian and gay rights across the USA. There were three separate ballot initiatives in California targeting people with HIV in the 1990s, advocating strict public health measures and even quarantine of HIV-AIDS sufferers. Although all of these initiatives failed at the polls, the use of ballot initiatives to restrict same-sex marriage rights has found greater favour with the electorate (Stone, 2012). With domestic partnerships legalised statewide in 1999, Proposition 22, enacted in March 2000, can be seen as a pre-emptive strike against full marriage rights for same-sex couples. This ballot initiative was passed by a margin of 61% for to 39% against, and amended the California Family Code to define marriage as exclusively between one man and one woman (Marriage Law Project, 2001).

Despite Proposition 22, the California Legislature enacted legislation in 2003 to increase the package of rights and responsibilities available to domestic partners (Vetri, 2007). In February the following year, in response to President George W. Bush's State of the Union address, expressing support for amending the US Constitution to prohibit same-sex marriage, San Francisco mayor Gavin Newsom instructed his county clerk to begin issuing marriage licences to same-sex couples. Lifelong activists Phyllis Lyon & Del Martin, founders in 1955 of first US national lesbian organisation, the Daughters of Bilitis, were first to receive their licence. By the time the California Supreme Court reversed this initiative less than a month later, four thousand same-sex couples had been married in the city, though these marriages were voided by the California Supreme Court (*Lockyer v. City and County*

of San Francisco) on the grounds that Newsom had exceeded his authority as mayor in issuing marriage licences to same-sex couples.

Although short-lived, Newsom's initiative had helped place same-sex marriage more firmly on the agenda in the state (Kendell, 2007). Legislative bills in 2005 and 2007 to legalise same-sex marriage passed both houses of the California Legislature, though Governor Arnold Schwarzenegger vetoed both bills, citing the Proposition 22 referendum of March 2000 that had defined marriage as exclusively between one man and one woman, as an expression of public opinion on the matter. Yet in turn, Proposition 22 was struck down by the California Supreme Court in May 2008, on the grounds that it had violated the equal protection clauses of the State Constitution and had failed to demonstrate an appropriate public interest in doing so. Once again, the California Supreme Court ruling highlights the social importance of marriage over other forms of recognition:

by drawing a distinction between the name assigned to the family relationship available to opposite-sex couples and the name assigned to the family relationship available to same-sex couples, and by reserving the historic and highly respected designation of 'marriage' exclusively to opposite-sex couples while offering same-sex couples only the new and unfamiliar designation of domestic partnership- pose a serious risk of denying the official family relationship of same-sex couples the equal dignity and respect that is a core element of the constitutional right to marry.

(findlaw.com, 2012b (online))

The *Re: Marriage Cases* ruling came into effect on 16th June 2008 and appeared to herald a breakthrough in the struggle for same-sex marriage in California. However, the backlash was both swift and decisive, with social and religious conservatives embarking on a campaign to repeal same-sex marriage rights. The Proposition 8 referendum of November 2008 re-established the legal definition of marriage in California as a union of one man and one woman. However, during the 143 days during which it was possible for same-sex couples to marry, over 18,000 couples did so, and in *Strauss v. Horton*, the California Supreme Court confirmed the validity of

same-sex marriages carried out between June and November 2008 (Judicial Council of California, 2009), placing these 18,000 couples in an anomalous position whereby they are legally married, yet other lesbian and gay couples are denied the right to marry. Legal challenges to Proposition 8 are on going, and are summarised in Chapter Eight.

A civil rights moment, or a skirmish in the culture wars?

Pinello (2006) identifies three key themes in the struggle for same-sex marriage in the United States. These are the influence of the judiciary, the role of lesbian and gay activist groups and the reaction, or backlash against recognition. These three elements are particularly visible in the current political debate on recognition in California. With regard to the role of the judiciary, the *Re: Marriage Cases* ruling of 2008 forced the legalisation of same-sex marriage. Whereas conservatives might condemn the court's intervention as judicial activism, pro-marriage equality activists might counter that the judiciary has an important and legitimate role in ruling upon principles of the state Constitution and that this extends to safeguarding the rights of minority groups. Commentators have drawn clear parallels between the fight for same-sex marriage and the historical ban on interracial marriage in the US (Cox, 2000), claiming the present struggle as a "civil rights moment" (Wolfson, 2005, p. 135) and urging the US and State Supreme Courts to intervene. However, this communitarian slant on LGBT rights claims in the US (Armbrecht, 2010) has been resisted by some within African American communities. White, middle-class LGBT activists who claim equivalence between ethnicity and sexual orientation as immutable characteristics have been condemned not just for misunderstanding the nuances of the civil rights struggle (Coolidge, 1998), but also for claiming a moral equivalence between ethnicity and sexual orientation. This apparent distinction is pithily conveyed by the slogan, "Don't compare your sin with my skin," (Hooper, 2009).

Initial comparative thoughts

This brief survey of the very different paths towards legal recognition for same-sex couples in Canada, the UK and the State of California highlights a number of

important themes. First, structures of governance have affected the outcome on legal recognition in the target locations for this study. The US presents a system where power is widely dispersed, most clearly between the federal government and the states, but also between state legislatures, local government, state and federal courts and, in the context of state-level ballot initiatives, the electorate itself. The effect of this dispersal of power has enabled supporters and opponents of legal recognition to pursue highly flexible strategies combining legislation and litigation.

In the US, the Defense of Marriage Act acts as a brake on recognition of same-sex marriages at the federal level and the fallout from the Proposition 8 referendum means that the struggle for same-sex marriage in California has assumed national importance. Canada offers a contrasting picture. The Charter of Fundamental Rights and Freedoms has also facilitated marriage equality by providing a robust, accessible and enforceable human rights framework. The willingness of the courts to interpret human rights legislation as providing a clear legal basis for same-sex marriage can be seen as a decisive factor in securing marriage equality in Canada, with the human rights cases brought before provincial courts creating a domino effect that left the national government no option but to legislate. In contrast to the US, the division of powers between provinces and territories and the federal government has proven helpful to advocates of marriage rights in Canada. Although government in Canada operates under a federal structure, competence over the definition of marriage rests with the national government, whereas jurisdiction of other family relationships (for example civil unions and cohabitation rights) falls to the provinces and territories. Therefore, as recognition progressed, it was possible for individual provinces to implement their own schemes that fell short of marriage, although once the Supreme Court had ruled in favour of same-sex marriage, this became a matter for national legislation. Canada's parliamentary system also meant that once the government had resolved to act, the legislation could proceed relatively smoothly.

The transition to same-sex marriage in Canada has relied upon a positive policy inheritance in terms of relatively early decriminalisation at the end of the 1960s, the availability of effective human rights instruments and a relatively well-developed

package of cohabitation rights for same-sex couples that suggests a more flexible and less hierarchical treatment of family structures. In contrast to the United States, the limited impact of religious conservatism in Canada has been further diluted by the progressive stance of denominations such as the Unitarian Church, which have long supported LGBT equality (Canada Unitarian Council, 2012). The rapid evolution of Canadian public opinion towards support for same-sex marriage is also significant. Drawing upon social attitudes data from the 1993, 1997 and 2000 Canadian Election Studies, Matthews (2005) suggests that the shift in public opinion towards same-sex marriage in Canada has been too rapid to be explained merely by generational change. Matthews maintains that the Charter and related court rulings have largely swung public opinion behind marriage and other LGBT rights claims by framing them as human rights issues. He offers a further contrast to the US here, in that legislative and judicial responses in favour of LGBT rights claims have not been condemned as liberal or judicial activism, but have been largely accepted as appropriate responses on the part of federal and provincial legislatures.

The UK offers a further contrast, with its predominantly unitary parliamentary system (Krieger, 2010) offering a more direct route to recognition. The election of a Labour government in 1997 was a decisive factor, ending nearly twenty years of Conservative rule and promising a long-overdue reassessment of LGBT rights. In both the UK and Canada, the parliamentary system means that political power tends to be concentrated within the ruling party and its leadership. Rayside (2008) refers to “on-off periods” where progress on lesbian and gay rights is more or less dictated by the political party in power, with Conservative administrations tending to represent “off” periods for advances in LGBT rights. The “on-off” analogy is much less clear-cut with regard to same-sex marriage in the US. Republican and Democrat-controlled states alike have imposed bans on same-sex marriage and although George W. Bush sought to mobilise his core vote by opposing same-sex marriage at the 2004 election (US Republican Party, 2004), it had been Democratic president Bill Clinton who had signed the Defense of Marriage Act into law in 1996, although he has since expressed regret for supporting the Act (Clay-Wareham, 2009). In Canada, as in the UK, conservative administrations have been largely unsympathetic to

demands for lesbian and gay equality, if not as overtly hostile as their counterparts in the US. This distinction between branches of North American conservatism can be seen as reflecting the economic focus of Canadian conservatives, in contrast to the more explicitly moral conservatism that prevails in the United States (Adams, 2004).

However, so-called 'slippery slope' arguments have been heard in the UK, Canada and the US alike, with legal recognition as a focus for highly stigmatising assertions that seek to maintain the exclusion of same-sex couples. 'Slippery slope' arguments are commonly deployed by conservative opponents to same-sex marriage to claim that this will open the door to polygamous, incestuous and bestial marriages (Johnson, J. L. B., 1997). John Witte Jr. (2003) is typical of this school of thought, though if such a thesis is to be believed, the slippery slope surely began with heterosexual marriage. Either way, the purported equivalence between homosexuality, polygamy, incest and bestiality delivers an explicitly stigmatising political message. Consultations on marriage equality in Scotland in 2011 and England and Wales in 2012 appear to have sparked off a minor re-enactment of the culture wars. Slippery slope arguments have lent an alarmist tone to parliamentary debates on same-sex marriage, with Dr. Matthew Offord, MP for Hendon, asking in December 2012 if the government was planning to introduce other forms of marriage, such as polygamy, alongside same-sex marriage (Wintour, 2012).

With regard to policy choices, courts in Canada and California have explicitly rejected as insufficient the UK's approach in setting up a parallel status to marriage. The positions of the courts in Canada and California appear to concur with Mello's (2004) assessment of marriage-like statuses as compounding the secondary status of same-sex relationships and maintaining heterosexist power relations. At the same time, Lewin's assessment of same-sex marriage as, 'a moving target' (2008, p. 777), appears entirely appropriate, certainly in California and the UK, with challenges to Proposition 8 and DOMA to be heard by the US Supreme Court during 2013 and governments in the UK actively proposing marriage equality.

Conclusion

This background chapter on the evolution of legal recognition policy in Canada, California and the UK suggest a highly differentiated policy context. In Canada, the rights associated with marriage may be seen as largely symbolic, given that cohabiting couples already enjoy high levels of legal and economic protection. Similarly, domestic partnerships in California have offered same-sex couples access to an increasingly comprehensive package of legal rights, though DOMA and Proposition 8 mean that marriage equality has become highly politicised. There appeared to be few initial signs of politicisation around civil partnerships in the UK, though with hindsight, civil partnership looks increasingly like a staging post towards a more final settlement of the recognition needs of lesbian and gay couples.

Over the last fifty years, the UK, Canada and California have all moved from the criminalisation of homosexual acts to offering legal recognition to lesbian and gay couple relationships. This bewildering social, legal and political change for lesbian and gay couples are particularly vivid in the UK context, where male homosexual acts were criminal until 1967, same-sex relationships were dismissed by government as a 'pretended family relationship,' during the 1980s and early 1990s, yet by the mid 2000s, government ministers were extolling, "the inherent value of committed same-sex relationships." (Women and Equality Unit, 2004, p.4).

These political and administrative contrasts are likely to influence couples' social understandings of their status. For example, lesbian and gay married couples in Canada, whose rights have been guaranteed by the constitution and where a political and social consensus on recognition appears to have been reached, may perceive and negotiate their social interaction as married couples in a different way to their counterparts in California. Proposition 8 certainly places lesbian and gay married couples in a legal and social limbo and explicitly reveals a lack of social acceptance. Although British couples have not been subjected to this kind of political scrutiny, it might be misleading to claim a strong consensus on recognition in the UK either, due in part to the lack of any meaningful political or public debate on civil partnership.

Whereas Canada has managed this redefinition relatively easy, the UK has so far fudged the issue by introducing a parallel status, and California finds itself in the unenviable position of having redefined marriage twice during 2008: first to admit same-sex couples, and then to exclude them.

Of course, these policy statements only tell part of the story. These black-and-white accounts of legal reality are undoubtedly meaningful and authoritative, yet if we are interested in assessing impact as well as intention, legislation and policy provide us with the first word rather than the last. The legalisation of same-sex marriage and civil partnership have set in train social processes and understandings, and can be seen as something akin to the firing of the starting gun for a race, or in the case of California, an obstacle course. More explicitly sociological understandings of marriage and civil partnership provide a useful vantage point for observing how this race is being run. Having set out the policy background to legal recognition for same-sex couples, the following chapter will begin to explore sociological aspects of marriage and civil partnership and of same-sex couple relationships.

Chapter 2. Reading marriage, homosexuality and same-sex couple relationships.

This chapter presents review of the literature, chosen in the context of my research questions on the policy objectives of legal recognition and its impact for same-sex couples. This review of literature explores competing understandings of marriage, homosexuality and same-sex relationships, including feminist, queer and conservative critiques of legal recognition. The chapter considers empirical literature on recognition for lesbian and gay couples and concludes by considering the potential for understandings of same-sex marriage and civil partnership to make a contribution to the growing body of literature on the sociology of personal life.

Marriage then and now

My starting point is modern, Western, heterosexual marriage, which looms like a monolith over the legal and social aspirations of same-sex couples. Heterosexual marriage provides the policy model for legal recognition for same-sex couples, whether explicitly, as in Canada and California, or implicitly, as has so far been the case in the UK. David Morgan's assessment of the cultural importance of marriage appears to have lost none of its relevance (1991, p. 114). Marriage remains a highly meaningful concept in the Western world and beyond; for example, those who work too hard are seen as being "married to their jobs" with marriage providing a powerful metaphor signifying a close and meaningful bond, as denoting a primary relationship (Probert, 2012, p. 9).

In terms of public policy, marriage has served a number of purposes, including delineating the boundaries of acceptable sexuality, whether through prohibitions on polygamy and marriage between close biological relatives, or the explicitly racist restrictions on marriage imposed under apartheid South Africa or Nazi Germany (de Vos, 2008). Marriage has played a role in the civil rights struggle in the US, where the remaining prohibitions on inter-racial marriage in sixteen US states were finally dismantled in the wake of the 1967 *Loving v. Virginia* ruling in the US Supreme Court. Marriage also makes clear who is, and who is not, considered as constituting a family (Thom, 2011), with UK Prime Minister David Cameron's aspiration to extend tax

breaks to married and civil partner couples signalling his government's support for providing couples with incentives to get married (Kirkup, 2012).

Anthropology has uncovered a bewildering variety of marriage types in different locations and historical eras, including polygamous and polyandrous marriages (Chambers 2012, p. 16). Stephanie Coontz's (2004) survey of the evolution of marriage practices over a five thousand year period provides a challenge to taken-for-granted understandings of marriage as being set in stone. For example, medieval understandings of marriage as a private contract, geared towards securing economic interests may seem far-removed from present-day notions of marriage as providing a context for romantic love, companionship and the pursuit of individual happiness. Coontz also makes clear that the romantic ideal of the love match is a relatively recent innovation, with material considerations such as assets, skills and capabilities likely to have informed one's choice of spouse, and rapid and sustained social change in the West since the industrial revolution has meant that our understanding of marriage and family life continue to evolve.

In a more recent historical context, Talcott Parsons's (1955) structural functionalist model of the nuclear family, although highly influential in the post-war period, already appears dated and oppressive. The highly gendered roles of husband as breadwinner and wife as nurturer and homemaker, allocated the complementary roles of paid employment and childcare, now appears suffocating. This narrow model of White, suburban, middle-class family life may have proved to be more of a straitjacket than a haven from the demands of modern industrial society.

Since the Second World War, dominant models of marriage as an institution, as providing a dominant framework for adult life, have given way to a focus on marriage as a context for companionship (Burgess and Locke, 1945), with the quest for emotional satisfaction playing a greater role in individual choices around marriage. The near universality of marriage in Western societies in the post-war era (Kiernan, 2004, p. 980) has itself given way to a period of much greater diversity, with options including cohabitation, divorce or remarriage becoming more viable, as

well as the possibility of living in a same-sex relationship. Whether this shift is a factor of higher female participation in the labour market, or of easier access to contraception, reproductive technologies, or to divorce (Smock, 2004), this diversity implies a less prescriptive model of family life (De Vaus, 2012).

In *The Transformation of Intimacy* (1992), Anthony Giddens charts the shift away from couple relationships driven by strict social and gender norms towards an idealised 'pure relationship' of sexual and emotional equality (1992, p. 2), based on confluent love as an, "active, contingent love" (1992, p. 61). Thus, the quest for personal fulfilment has been further refined into current models of individualised marriage and other forms of partnership that acknowledge that a marriage might not work out, might come to an end, or that a couple might not need to marry at all in order to pursue their personal life-goals. In the context of the pure relationship, Giddens appears particularly optimistic about the prospects of same-sex couples to move towards this ideal, as being relatively free of traditional models and relatively egalitarian as well, at least in terms of gender roles between partners. However much he has been criticised for overlooking power dynamics around class, gender, power, age and money (Smart, 2007, p. 21), Giddens's idealised account of the pure relationship is notable in claiming that lesbian and gay couples may enjoy some advantages over their heterosexual counterparts, in terms of the potential for egalitarianism and the relative freedom from normative relationship models.

However, this apparent freedom from the constraints of marriage can also be seen as a powerful form of exclusion. In their classic text on marriage and social constructionism, Berger and Kellner (1964) presented Western marriage as a socially constructed institution that conferred privilege and acted as a vehicle for the pursuit of personal ambitions or life-goals. If marriage can be understood as, "a social arrangement which allows us to make sense of our lives." (1964, p. 3), then the exclusion of same-sex couples from such a meaningful institution has denied them access to social legitimation (Gove et al, 1990), and has contributed to the marginalisation of these couple relationships (Crocker & Quinn, 2004).

Reframing homosexuality and same-sex couple relationships

An understanding of the historical and social specificity of marriage allows for a critical stance towards knowledge claims that this institution is both unchanging and unchangeable. Social constructionist traditions call into question common-sense understandings and highlight the ways in which knowledge is formed, sustained or challenged by social processes, including through interaction (Burr, 2003). Same-sex marriage and, to a lesser extent, civil partnership imply a significant rethinking of constructions of marriage itself, but also suggest new framings of homosexuality and of same-sex relationships. This notion of reframing homosexuality is reflected in policy, with civil partnership in the UK a means to, “promote culture change that could make a real and positive difference to same-sex partners” (Women and Equality Unit, 2004, p. 4).

This latest recasting of homosexuality and same-sex relationships as enjoying legal parity with heterosexual couples can also be seen in a constructionist context. During the last third of the twentieth century, the prospects of gay men in particular in the UK, Canada and California have been transformed through highly symbolic developments including the decriminalisation of male same-sex acts and the delisting of homosexuality as pathology by the American Psychiatric Association. Thus, constructions of non-heterosexuals as criminals, or as mentally disordered have been eroded. The gradual secularisation of Western societies also means that casting LGB people as sinners has lost much of its force. These constructions of homosexuality as a personal defect were challenged by nascent gay and lesbian social movements, though the relative liberation of the 1970s was short-lived, with a conservative backlash against LGB rights claims fuelled by the unfolding HIV-AIDS epidemic (Bronski, 2011). Whereas de-criminalisation did not equate to social acceptance, or the dismantling of hetero-normativity, the possibility of legal recognition reflects a changing social environment for non-heterosexual people. This transformation of the prospects available to some same-sex couples is acknowledged not only in LGB scholarship (Weeks, 2007; Cook, 2007; Plummer, 1995), but is also visible in autobiographical accounts of lesbian and gay lives that tell

new and previously unthinkable stories of same-sex weddings (Valdes-Greenwood, 2007; Bourassa and Varnell, 2002).

Carving out a niche for same-sex unions

These new understanding of marriage and same-sex intimacy take us back to Stephanie Coontz's understanding of marriage as a constantly evolving institution, with same-sex marriage merely the latest manifestation of its adaptability to change. However, for gay and lesbian couples in search of historical models for their own relationships, these may be few and far between. Contemporary debates on same-sex marriage have sparked interest in evidence of same-sex unions in other times and places, with historical and anthropological accounts asserting that same-sex unions were accepted in numerous particular cultures and at different points in history (Williams, 1998; Boswell, 1995; Eskridge, 1993). Tales of Boston marriages, describing romantic friendships between women in New England in the late 1800s and early 1900s (Eaklor, 2008) may have more resonance for modern, Western audiences than accounts of ecclesiastical same-sex unions in the early Christian church. Similarly, unexplained anomalies such as the recording of two marriages between females in the parish records at Prestbury, Cheshire, dating back to the early sixteenth century (Jennings, 2008, p. 30) are undoubtedly intriguing. There is, however, justified scepticism about the wisdom of overstating historical accounts as evidence as a direct antecedent of contemporary, Western marriage between same-sex partners (Merin, 2002). Rather than claiming equivalence or direct precedent, it may be more helpful to view these historical accounts as challenges to taken-for-granted knowledge claims about sexuality, love and marriage. In any case, the spread of legal recognition since the late 1980s means that we can look much closer to home to learn about the meanings attached to formalised same-sex unions. Rather than reclaim a tenuous and contested history, present-day couples are busy making new histories of same-sex unions themselves.

De-institutionalisation or revitalisation?

For some, the apparent ripping up of the rulebook on marriage and couple relationships since the mid-twentieth century is viewed as a sign of impending social

crisis. Andrew Cherlin has interpreted increasing divorce rates, cohabitation and same-sex marriage as evidence of a “de-institutionalisation of marriage” (2004). Cherlin asserts that marriage has become weakened by an erosion of social norms governing cohabitation, wedlock, divorce and parenting, with the rise of individualism in the United States and elsewhere breeding dissatisfaction with established patterns of family life, including marriage. He dismisses Giddens’s voluntarist pure relationship as, “characteristic of a world where commitment doesn’t matter,” (2004, p. 858) and evokes a Parsonian ideal of marriage in his apparent yearning for a reassertion of more gendered family roles. In this context, granting same-sex couples access to marriage has been interpreted as a sign of its weakness as an institution, with gay and lesbian couples hastening the destruction of the institution they covet (Cherlin, 2004).

Others take a more sanguine view of the continuing evolution of marriage. Lee Badgett (2009) interprets the apparent appetite of same-sex couples for marriage as evidence of its strength and enduring appeal. Similarly, Nancy Cott (2000) has argued that greater diversity in intimate life will not bring about the demise of fulfilling relationships, but will instead encourage more people to seek to form such relationships, whether through marriage or other new possibilities. George Chauncey (2004) views the apparent erosion of gender roles within marriage as a positive development which itself has made same-sex marriage more imaginable, whereas Nancy Polikoff (2008) argues that the political focus should be on making marriage matter less, by extending the rights and privileges associated with marriage more widely.

Friendly and unfriendly fire: Feminist, queer and conservative critiques of legal and social recognition for same-sex couples

As the previous section of the chapter suggests, legal recognition for same-sex couples has not been met with universal approval. Walters (2001) identifies two parallel debates around legal recognition, the first of which is taking place within the lesbian and gay communities about whether marriage and other forms of legal recognition are appropriate responses to the needs of same-sex couples. The

second is an outward-facing dialogue between the lesbian and gay communities and mainstream society about the status of same-sex couples and the role of legal recognition in helping to define this status. This section of the chapter explores opposition to same-sex marriage and civil partnership from a range of different perspectives and distinguishes between friendly fire; opposition to legal recognition from within the LGB communities, and unfriendly fire; opposition to marriage and civil partnership from social conservatives who see same-sex marriage as having a detrimental impact on both marriage and society.

Friendly fire: critiques of legal recognition from within the LGBT communities

The campaign for marriage equality, with its numerous setbacks, has set off repeated skirmishes in the “queer wars” between radical opinion and liberal reformists within the LGBT communities (Robinson, 2005). The debate on legal recognition has largely followed the parameters set out by Paula Ettlebrick and Tom Stoddard in the late 1980s on the pros and cons of legalising gay marriage (Ettlebrick and Stoddard, 1989). Stoddard strongly supported the right to marry as a legitimate objective for the LGBT communities, and despite reservations about the institution of marriage, he defined the debate in terms of the desirability of the *right to marry*, rather than the desirability of marriage itself. According to Stoddard, the social and cultural ubiquity of marriage made this a necessary objective for LGBT activists. As, “the centerpiece of our entire social structure, the core of the traditional notion of ‘family,’” (1989, p. 12) Stoddard considered same-sex marriage as a tipping point for wider progress against homosexual stigma. Stoddard cited the economic and legal advantages denied to unmarried same-sex couples in the United States as being equally significant to the symbolic meaning of marriage, identifying the potential for domestic partnership to meet these needs, if only as a staging point on the road to fuller equality.

In response, Paula Ettelbrick acknowledged the compelling civil rights arguments in favour of the principle of marriage equality. However, she dismissed the apparent insider status associated with marriage as a trap that would ultimately divide the lesbian and gay communities, defining some same-sex relationships as more valid

than others, benefiting a privileged few, but piling further stigma upon those that did not or could not conform to marital norms. She reasoned that marriage equality would mean ceding further regulatory power over intimate relationships to a patriarchal, heterosexist state, leading to a drive towards sameness rather than difference, and resulting in the assimilation of a minority of gay and lesbian couples within a heterosexist mainstream. Acknowledging the need for legal rights and social recognition, Ettelbrick did, however, come out in favour of domestic partnership, not as a stepping stone to marriage, but as a means of validating non-marital relationships and breaking the stranglehold of heterosexual marriage on family policy and social affirmation.

Queer and liberal framings of marriage

The dialogue that Ettelbrick and Stoddard set in train brings to light the complexities of LGB perspectives for and against legal recognition, as well as reflecting the sense of self-doubt, hesitation and uncertainty that characterises the debate. This initial exchange also sets out the two competing frames that have come to characterise the debate on same-sex marriage within the LGBT communities in North America and beyond. Smith (2007) separates these two broad perspectives into rights frames that depict marriage as a civil right, as a matter of equality, and queer frames which seek to maintain the distinctiveness of non-heterosexual relationships and view marriage as an unhelpful step towards assimilation. The normative implications of marriage are immediately thrown into relief by David Halperin's definition of queer as, "by definition whatever is at odds with the normal, the legitimate, the dominant" (1995, p 62).

Queer critics of marriage decry the apparent obsession with legal equality on the part of liberal-reformist LGBT organisations such as Egale in Canada, the Human Rights Campaign in the US and Stonewall in the UK. Particular scorn is reserved for conservative gays and lesbians, the so-called "homocons" whose ambitions are limited to securing, "a place at the table" (Goldstein, 2002, p. xi), or the chance to show the world that they are respectable, that they can be trusted in polite company. In this context, Richardson (1998) has argued that partnership rights were

likely to be of interest to privileged, White, middle-class couples whose lifestyles were most compatible with straight norms. Thus, legal recognition is seen as raising the status of a privileged few who are drawn to the prospect of “vanillized heteronormativity” (McGhee, 2003, p. 367), or a ‘normalizing love discourse’ (Osterlund, 2009, p. 94). Rather than challenge existing power relations, same-sex marriage is likely to remain, “reassuring for the majority,” (do Mar Castro Varela and Dhawan, 2011, p. 109), while creating new divisions between settled couples and others (Gordon, 2010, p. 206). In similar terms, Elia (2003) frames same-sex marriage as nothing more than an adjustment of the sexual hierarchy; a minor expansion of Gayle Rubin’s “charmed circle” (1984) to accommodate those same-sex couples engaged in suitably conformist sexual conduct. Here, same-sex marriage can be seen as leading to “secondary marginalization” (Cohen, 1999, p. 27), resulting in further exclusion within an already excluded community for those who do not or cannot participate in legal recognition.

At the start of this chapter, I acknowledged heterosexual marriage as a starting point for models of legal recognition for same-sex couples. For some, this is the wrong starting place in the fight for LGB equality (Hull, 2006; Yep, Lovaas & Elia, 2003; Warner, 2002). Rosemary Auchmuty (2004) provides a stinging critique of heterosexual marriage as entailing a surrender of individual personality and empowering men to the detriment of women. Although expressing a degree of fatalism about the spread of same-sex marriage, she has urged the lesbian and gay communities to resist assimilation into straight, mainstream society. Similarly, Warner (1993) described liberal equality strategies as a blind alley, advocating resistance to hetero-normative regimes, rather than seeking liberal equality or tolerance. Einarsdottir also makes this linkage explicit, framing marriage as, “clearly heteronormative,” (2010, p. 49). Others have been more explicit in calling for the abolition of marriage rather than its extension (Robson, 1988), although it is clear that the policy trend, both in the UK and elsewhere, is against such a transformative approach. Writing from a heterosexual perspective, Bell (1999) has likened the wedding ceremony to pornography, as a cultural performance of dominance,

concluding that where marriage is concerned, abolition was preferable to its expansion.

In terms of the potential for same-sex marriage to address lesbian and gay stigma, Cheshire Calhoun (2000) has argued that recognition for same-sex couples could increase the visibility of lesbians and gay men, usefully eroding the heterosexist presumption that maintains heterosexuality as the dominant model of sexuality and family life (Land and Kitzinger, 2005). Bawer (1993) identifies other potential benefits, framing marriage as a protective factor for couples and as providing a legally recognised context for childrearing. However, there is understandable suspicion about the role of the state as guardian of lesbian and gay rights, with Sullivan (2003) echoing Ettelbrick (1989) in cautioning that marriage represents a threat to the diversity of same-sex relationships, rather than a promise of equality. In a similar vein, Gilreath sees same-sex marriage as a project of, “erasure by inclusion,” (2011, p. 231). Lehr (1999) expressed suspicion of same-sex marriage as extending the hegemony of marriage; as promulgating the notion that successful adulthood can only be achieved through marriage and procreation, with those who build relationships outside these models presumed not worthy of rights and social benefits. Although predating legal recognition in the UK by five years, Carl Stychin’s assessment that “good gays” under New Labour were seen as stable, monogamous and financially independent (2000, p. 619) could equally be applied to civil partnerships, as well as to legislative plans for marriage equality under the 2010 coalition government. Harding and Peel’s rejection of married normativity deserves a mention if only for their seemingly arrogant conclusion that, “If I wanted to be ordinary, I would be heterosexual,” (2004, p. 45). This notion of same-sex couples being somehow above marriage evokes a higher, if unelaborated, mission. This skepticism about same-sex marriage as a form of sexual citizenship is echoed in particularly extreme terms by Vasquez, who appears to find identification with a minority sexuality to be incompatible with notions of citizenship, insisting that, “I will not exchange my sexuality for citizenship.” (Vasquez, 1999, p. 272).

In the face of these powerful critiques of marriage, others attempt to reconcile liberal, equality frames with queer and feminist perspectives. Cox (1997) views the act of lesbian partners committing to each other as a form of resistance to patriarchy, even if this commitment is sanctioned by the state. Others remain optimistic that same-sex couples can have a rehabilitative effect on marriage itself, recasting this tarnished institution as relationship of true equals (Lewin, 2001; Meeks & Stein, 2006). Edmund White, a recent convert to same-sex marriage, summarises the kind of normative dilemmas that couples face as a result of the possibility of legal and social recognition, asking, “What if we don’t want to live with the same partner for many years or adopt a Korean daughter and join the parent-teacher association?” (2012). However, despite this tongue-in-cheek caricature of gay domesticity, White admits that he is himself about to marry his partner in order to gain access to workplace benefits, framing this as a pragmatic, even reluctant decision.

Opinion remains divided on whether civil unions and other forms of recognition are useful in providing legal protection and acting as a stepping-stone towards marriage equality (Johnson, 2007), or whether they exclude same-sex couples from full membership of civil society and participation in family life (Thomas, S. L., 2011). At the more assimilationist end of equality and civil rights framings, marriage and partnership recognition can be seen as an example of what Steinert refers to as the ‘normalising’ approach towards homosexual equality (2005, p. 473). In the context of the HIV-AIDS crisis, arguments around the potentially disciplinary effects of marriage have on occasion been presented in overtly moralistic terms, with gay men exhorted to marry as a means of cementing monogamous partnerships, thereby diverting them from dangerous, promiscuous lifestyles (Rauch, 1997; Rotello, 1997, Sullivan, A., 1995). In this context, William Eskridge Jr. appears to admonish the gay male community for its waywardness, commenting that, “It should not have required the AIDS epidemic to alert us to the problems of sexual promiscuity and to the advantages of committed relationships.” (1996, p. 9). However, this notion that marriage will somehow save the gay community from itself is seen by conservatives

as further proof that same-sex couples are not fit for marriage, and that same-sex marriage will hasten the de-institutionalisation of marriage.

Unfriendly fire: conservative opposition to lesbian and gay marriage

Queer and feminist opposition to marriage from within the LGBT communities is complemented by fierce religious and political opposition elsewhere. Writing from a gay perspective, D'Emilio (2006) condemns the campaign for marriage rights as an unmitigated disaster that has unleashed a conservative backlash against the LGBT communities. Others see the political backlash as an integral part of a longer-term LGB civil rights struggle (Plummer, 2010), or reason that the effects of the backlash has been outweighed by the legal gains made by same-sex couples (Ball, 2006). However, on a more positive note, Eskridge and Johnson (2012) credit the marriage equality movement with contributing to the decline of anti-gay animus in the US.

Wardle (2007) locates conservative political perspectives as coalescing around high regard for tradition and institutions, a highly moralistic understanding of social life, caution with regard to social change, and a distrust of government. In this context, it is unsurprising that same-sex marriage has played such a prominent role in the culture wars. Traditional and morality frames have been deployed relentlessly to oppose same-sex marriage in the United States, and are currently being deployed by opponents to the UK Government's proposals to legislate for same-sex marriage. In the US, the National Organization for Marriage (NOM) describes itself as a non-profit pressure group which exists to 'protect' marriage, though its political objectives are more bluntly articulated by its co-founder, Maggie Gallagher: "We fight gay marriage—and win." (National Organization for Marriage, 2011). Gallagher has written and spoken extensively against same-sex marriage as a threat to 'normal' (i.e. heterosexual) marriage (2003, p.11), arguing that heterosexual marriage deserves special legal and social status as the optimal context for procreation and raising children. However, advocates of same-sex marriage counter that heterosexual couples who do not or cannot procreate are not denied access to marriage, and the fact that same-sex couples *are* raising children in any case means

that they should be allowed to marry, not least as a means of legally binding non-biological parents to their children (Strasser, 2010).

NOM policy statements define marriage as, “a naturally occurring, pre-political institution,” (Morse, 2012). This analysis clearly dismisses the notion of marriage as a construct, and condemns attempts to redefine marriage as de-stabilising family and gender relations, corrupting children, compromising religious freedom, and endangering social stability (National Organisation for Marriage, 2011a). The detrimental effects of same-sex marriage on children, families and religious freedoms are taken up in apocalyptic terms in the “Gathering Storm” commercial, which, has clocked over 1.25 million viewings since being posted on YouTube in 2009 (National Organisation for Marriage, 2009).

Opposition to same-sex marriage from socially conservative organisations in the US takes an explicitly moral tone. For example, the Family Research Council’s policy position on homosexuality presents the unequivocal assessment that,

homosexual conduct is harmful to the persons who engage in it and to society at large, and can never be affirmed. It is by definition unnatural... We oppose the vigorous efforts of homosexual activists to demand that homosexuality be accepted as equivalent to heterosexuality in law, in the media, and in schools. Attempts to join two men or two women in "marriage" constitute a radical redefinition and falsification of the institution.

(Family Research Council, 2012)

This highly stigmatising policy statement also draws on the FRC’s favoured framing of same-sex marriage as counterfeit, or false. There is also an indication here of the supposed threat that awareness of homosexuality presents to children. Number two on the FRC’s list of “The Top Ten Harms of Same-Sex ‘Marriage’” is the assertion that, “Schools would teach that homosexual relationships are identical to heterosexual ones.” (Family Research Council. 2011, p.1). Rather than highlighting the pitfalls of assimilating gay and lesbian relationships into a heterosexist

mainstream, the alarm here is about parity of esteem and the prospect of positive messages about homosexuality being made available to children. As Chapter Eight will make clear, this was a prominent theme in the pro-Proposition 8 campaign in California. Similarly, the small body of children's literature that depicts non-heterosexual families tends to provoke a particularly rabid response from conservative opponents of same-sex marriage. Children's books such as *King and King* (De Haan and Nijland, 2002) have assumed mythical status amongst social conservatives as a tool of indoctrination and perversion of young minds. *King and King* tells the story of a prince who does not want to marry a princess, but achieves his own fairy-tale ending by falling in love with and marrying another prince. Suzanne Bosch's *Jenny Lives with Eric and Martin* (1983), the story of a five year-old girl, her father and his male partner, led to similarly hyperbolic outrage when it was published in the UK, and Lesléa Newman's *Heather Has Two Mommies* (1989), a tale of lesbian parenting, received a similar reception in the US.

Opposition to legal recognition suggests a relatively hostile social environment for married and civil partner same-sex couples, with their decisions to seek recognition open to contestation from within the LGB communities or outside. The next section of the chapter investigates empirical accounts of LGB relationships, and considers evidence of the impact of legal recognition so far.

Empirical accounts of same-sex couple relationships

Good as you, or even better

In contrast to the shrill protestations of social conservatives, lesbian and gay scholars have sought to build a more empirically based understanding of same-sex relationships. Early work on lesbian and gay relationships highlighted equity and commitment as key aspects of these couple relationships (Huston & Schwartz, 1995), together with the now-familiar theme of the lack of gender differentiation in lesbian couples (Eldridge and Gilbert, 1990) and in male couples (Harry, 1984), apparently lending weight to Giddens's faith in same-sex couples with regard to the 'pure relationship' (1992). The potentially protective nature of couple relationships has

also been explored (Weinberg and Williams, 1974) and stereotypes about gay men being resistant to the idea of dyadic commitment have been punctured by social science research (Bell & Weinberg, 1978; Jones and Bates, 1978). Other studies have drawn parallels between same- and opposite-sex couples, revealing similarities in aspirations, based around dyadic attachment and personal autonomy (Kurdek, 2004; Herek, 2006).

Research on the impact of legal recognition for same-sex couples

The growing number of countries and territories legislating for the recognition of same-sex couple relationships provide increasing opportunities for empirical research on the impact of these policy choices. As a pioneer in extending marriage rights to same-sex couples, Massachusetts has offered particularly fertile territory for social science research in this area. Pamela Lannutti (2005) has investigated same-sex marriage in the state, charting the anticipated effects for LGBT communities in terms of achieving, “first class citizenship” (p. 6). At the same time, there was ambivalence around impacts on the wider community, with confidence that legal recognition would strengthen the position of the LGBT communities undermined by concern at the risk of assimilation into straight norms and models. A further note of ambivalence was struck with regard to relations with the non-LGBT community, with marriage seen as offering potential for greater understanding, while bringing greater visibility and the risk of harassment. This study is particularly illuminating in revealing the multiple and potentially contradictory effects anticipated by members of the LGBT communities. In a follow-up study in 2008, Lannutti found that couples’ motivations for marriage had been based around legal and social recognition, and as a means of expressing their love for one another. In a more recent study of older married same-sex couples in Massachusetts, couples reported marriage as bringing about an increased sense of financial, medical and relational security, as well as reminding them of the depths of their couple relationship (Lannutti, 2011).

Elsewhere in the US, an early study on civil unions in Vermont concluded that same-sex couples felt that their relationship was more visible to families, friends and

others as a result of legal recognition (Solomon, Rothblum, and Balsam, 2004). Similar effects have also been observed in Canada, where Alderson (2006) highlighted public recognition and access to rights as key motivating factors for lesbian and gay couples intending to marry.

In the UK, the groundbreaking *Families of Choice* study highlighted the stigmatization of same-sex couples and the lack of legal recognition available to them (Donovan et al, 1999). Empirical research anticipating the implementation of civil partnerships (Smart, Mason & Shipman, 2006) highlighted the potential for legal recognition provide access to rights and entitlements, as well as providing a context for couples to celebrate their relationship in a semi-public context. A further UK study highlighted the themes of demonstrating commitment, securing legal rights and gaining social affirmation as key factors identified by civil partner couples (Mitchell, Dickens and O'Connor, 2009). Age may also be a factor in the ways in which same-sex couples negotiate legal recognition. Older and long-established couples may not have had access to traditional relationship trajectories (Reczek et al, 2009), or may see little need for civil partnership (Porche and Purvin, 2008). At the other end of the age range, a recent UK study of civil partner couples aged under thirty-five years found that couples drew clear parallels between civil partnership and marriage (Heaphy, Smart and Einarsdottir, 2013). Civil partnership was seen as a venture based around a desire to express love and commitment, which rather than being a purely romantic gesture, also provided access to key entitlements such as immigration and parenting rights.

Smart (2008) investigated some of the dilemmas arising from the new possibilities of civil partnership for same-sex couples in the UK. These included deciding the kind of wedding that couples were going to have, ranging from the 'minimalist' wedding to grander 'demonstrative' gatherings, "becoming almost military campaigns in some cases" (Smart, 2008, p. 772). There was also an acknowledgement of the political and ethical dimension of civil partnership, with some couples agonising over their perceived proximity to or distance from a heterosexual wedding. A year earlier, Shipman and Smart (2007) investigated the interplay between the political debate

around legal recognition in the UK the ways in which couples framed civil partnership and found that although couples were aware of political aspects of civil partnership around equality and legal rights, their motivation to enter a civil partnership was also informed by dyadic commitment and a desire for affirmation from within their social networks. Also in the UK, Rolfe and Peel (2011) provide an important reminder that some same-sex couples ultimately decide against civil partnership for themselves. Couples in their study highlighted the risk of assimilation into heterosexist norms, as well as having reservations around the process and ceremony that civil partnership might entail. For these couples, the promise of legal entitlements was insufficient to tempt them into a civil partnership, though perhaps more worrying was the view of a minority of participants that the greater visibility that civil partnership implied might present a risk to their personal safety.

The role of the wedding or civil partnership ceremony

Wedding and civil partnership ceremonies often provide a focal point, not only in terms of the act of gaining legal recognition, but also as a means of gaining acknowledgement and affirmation from within couples' social networks. In this context, the wedding or civil partnership ceremony provides important opportunities for couples to take stock of their family and friendship networks. A UK study of gay and lesbian commitment ceremonies (Smart, 2007a) highlighted a range of positive, ambivalent and negative responses from within close personal networks, with all participants in the study reporting at least one difficult reaction to news of the civil partnership ceremony from within their social networks. Again, this suggests a further layer of ambivalence for couples who, at some level, may be breaking new ground in seeking affirmation from within their personal networks.

There may be further difficulties for couples in appropriating the trappings of a wedding ceremony. Oswald (2000) provides a highly illuminating and comprehensive account of heterosexual weddings in the US as seen from LGBT perspectives. Her analysis of what it is like for LGBT people to attend heterosexual weddings presents straight marriage ceremonies as making space for the enactment of heterosexist

norms, casting LGBT attendees in the role of “outsider-within” (Hill-Collins, 1991). According to Oswald, the wedding day itself demands particular attention to conduct, with an emphasis on gender conformity and heterosexualised behaviour, such as taking to the dance floor with an opposite-sex partner. There is a clear conditionality here, with LGBT guests expected to tone down their behaviour, whether in their dress or their conduct, to avoid the cardinal sin of causing a scene, being ‘difficult’ or upstaging the wedding couple. Oswald evokes a clear sense of LGBT alienation from heterosexual wedding rituals, which suggests alternative possibilities for same-sex couples as they approach their own wedding or civil partnership. On the one hand, they could seize the opportunity to appropriate or subvert wedding traditions, whether by following a highly traditional format for the ceremony, or introducing a more playful, individual tone to the proceedings. On the other hand, couples may experience the ceremony as a moment of uncomfortable exposure, given the historical lack of opportunities for lesbian and gay couples to formalise their couple relationships or to seek affirmation from within their social networks. These factors will be explored in the empirical chapters of the thesis, but they point towards the role played by members of couples’ close social networks in negotiating the meanings they attach to marriage. The final section of this chapter explores elements of this relational aspect to marriage and civil partnership, focusing on aspects of the sociology of personal life.

Legal recognition and the sociology of personal life

As the empirical studies outlined in this chapter demonstrate, families and friends play a key role in the negotiating, affirming or resisting the meanings that lesbian and gay couples attach to marriage or civil partnership. In this context, sociological accounts of marriage and civil partnership can provide a contribution to the growing literature on the sociology of personal life. Carol Smart has conceptualised her sociological interest in personal life as springing from a desire to,

move beyond the flat world of most sociological accounts of relationships and families to incorporate the kinds of emotional and relational dimensions that are meaningful in everyday life. (2007, p. 3).

Marriage and civil partnership present new opportunities for insights into close personal relationships, privileging the quality of close personal ties rather than merely structural relationships. This recalls John Gillis's distinction of families we live with and families we live by (1996, xv), highlighting the potential for discrepancies between idealised family relationships, and family life as it is actually lived. The notion of family practices (Morgan, 2011; 1996) is also relevant, in providing a helpful change of focus from the family as an institution to a network of relationships where particular practices are carried out. Here, the focus is on what happens, what gets done, who matters to whom, rather than on formal roles or blood ties. This approach allows for individual agency in building a personal understanding of who is seen as a close member of one's personal network, whether based on biological links or families of choice. The notion of display (Finch, 2007) may also be relevant here, in terms of family members making their relationship to each other visible to the outside world. Again, legal recognition for same-sex marriage might shed new light on these processes, whether through the highly visible gathering of family and friends at the wedding ceremony, or in terms of how recognition affects couples' and family members' sense of belonging and of being linked to each other, and the quality of their interaction.

Marriage and civil partnership provide opportunities for lesbian and gay couples to take stock of their close personal relationships. This can be in relation to their choices around wedding ceremonies (who to invite, allocating key roles such as best man, thinking about whose attendance might be problematic), or longer-term effects, such as the effects of marriage or civil partnership in bringing families together and acknowledging the historically overlooked place of LGB people within family networks. Again, aspects of these effects of legal and social recognition will be explored in the empirical chapters of the thesis.

Conclusion

This literature review offers an account of marriage as a socially constructed institution, with same-sex marriage and civil partnership providing a context for new

understandings of marriage and of same-sex couples alike. The complexities that lesbian and gay couples may face in negotiating marriage and civil partnership take on something of an existential quality when viewed through the competing discursive frames that have shaped the debates around legal recognition. At first sight, legal recognition as a matter of equality, or as a civil right, appears to offer the least problematic analysis, though queer and feminist critiques call into question liberal assumptions around same-sex marriage and civil partnership. If this kind of internal debate within the lesbian and gay communities were not complicated enough, conservative hostility to homosexuality frames same-sex marriage in moralistic, highly stigmatising terms.

This small but growing body of empirical research on legal recognition also presents a potentially confusing picture. Although the legal and symbolic potential of recognition appear to be welcomed by lesbian and gay couples, the literature suggests that social affirmation can be withheld as well as granted. This suggests a degree of doubt or uncertainty about the effects of legal recognition, revealing oppressive power relations and pointing towards ambivalence as an aspect of lesbian and gay couples' experience of legal recognition. In this context, an analytic focus on the impact of legal recognition on couples' personal lives may prove illuminating. The complexities signposted in this literature review will be explored further in the theoretical framework for the study and in the empirical chapters of the thesis.

Chapter Three: Erving Goffman's *Stigma* as an evaluative framework for same-sex marriage and civil partnership.

The discussion of policy in Chapter One of the thesis acknowledged the relevance of stigma to legal and policy justifications for same-sex marriage and civil partnerships. In the UK, for example, civil partnerships have been tasked with, “increasing social acceptance of same-sex relationships, reducing homophobia and discrimination” (Government Equalities Office, 2004, p.16). The role of marriage in conferring privilege on particular kinds of union while consigning others to the margins was also considered in the review of literature in the previous chapter. Building on this understanding of social science literature and policy justifications for legal recognition, this theoretical chapter will examine Erving Goffman's analysis of social stigma and apply this to the topic of legal recognition for same-sex couples. This application of Goffman's understanding of stigma to same-sex marriage and civil partnerships provides a basis for the analysis of empirical data gathered during the research study, set out in Chapters Five to Eight.

Homosexual stigma

Before considering Goffman's analysis in detail, this first section of the chapter will present a brief assessment of contemporary understandings of homosexual stigma. In *Sexual Stigma*, Ken Plummer delivered a blunt assessment of the social consequences of claiming a homosexual identity:

Homosexuality in this culture is a stigma label. To be called 'homosexual' is to be degraded, denounced, devalued or treated as different. It may well mean shame, ostracism, discrimination, exclusion or physical attack

(1975, p. 175).

Nearly forty years on, Ken Plummer's categorisation of homosexuality as a stigma label has lost none of its resonance. The roots of homosexual stigma are deep and well established. The mainstream teaching of major religious traditions including

Christianity, Islam and Judaism have long equated homosexuality with sin (Naphy, 2004). Across the globe, religious condemnation of homosexual behaviour has provided justification for enshrining discrimination into law, and countries offering a semblance of legal and social equality to LGB people remain in the minority. Although Gregory Herek (2000) detected a toning down of moral condemnation of homosexuality in the United States during the 1990s, he concluded that homosexual stigma remained commonplace. Homosexual stigma has also been a feature of mainstream science, with the American Psychiatry Association's *Diagnostic and Statistical Manual*, the bible of Western psychiatry, defining homosexuality as a mental disorder until 1973 (Fejes, 2008). Despite the de-listing of homosexuality as a pathology, so-called 'therapies' that claim to cure homosexuality are still being peddled, and a recent UK study found that a significant minority of mental health professionals were attempting to help LGB clients to become heterosexual, despite a lack of clinical evidence in support of such 'treatments' (Bartlett, Smith and King, 2009). These efforts to suppress or alter sexual orientation by medical professionals suggest an enduring sense of stigma around same-sex attraction, orientation and desire.

Gregory Herek has defined sexual stigma as,

the negative regard, inferior status, and relative powerlessness that society collectively accords to any non-heterosexual behavior, identity, relationship, or community. Sexual stigma is socially shared knowledge about homosexuality's devalued status in society. (2007, pp. 906-907).

Herek explains that the heterosexist power relations that maintain this negative regard promote false assumptions that all are presumed to be heterosexual, thereby rendering LGB people invisible in many social situations. Of course, where non-heterosexual people make their presence known, they are regarded as problematic, have to account for themselves and may be met with hostility, discrimination, and even aggression. Herek identifies direct experience of discrimination as *enacted stigma*, though the weighting of social relations against non-heterosexuals means

that stigma can affect behaviour without the prospect of direct attack. The mere awareness of social hostility towards homosexuality can lead to *felt stigma*, where stigmatising social responses are anticipated even where they do not occur. These expectations draw on *internalised stigma*, or the acceptance of sexual stigma as part of an individual's self-concept or value system (Herek, 2007, pp. 909-910).

The potentially damaging psychological impact of homosexual stigma on gay men has been documented by Ilan Meyer (2003; 1995) as a form of minority stress, stemming from the internalisation of heterosexist social values, anticipated and actual experiences of prejudice, and the labour of concealing a despised sexual identity. Although Meyer expresses wise caution about extrapolating the findings of his research to lesbian women, he acknowledges the potential for interplay between homosexual stigma and other sources of minority stress, including gender and ethnic identities (1995, p. 52). Meyer draws instructive parallels between structural discrimination, reproduced by institutions and policies that maintain heterosexual dominance, and processes of interaction that replicate this dominance at the individual level. Thus, his analysis provides for the transmission of stigma between law, policy and social interaction, acknowledging the potential effects of legal discrimination in legitimising routine, 'common-sense' prejudice. This linkage between the law and stigma is particularly relevant to recent developments on legal recognition for same-sex couples. LBG couples face stigma and discrimination related to their relationships, as well as to their sexual orientation (Otis *et al*, 2006). The exclusion of same-sex couples from marriage both reflects and reinforces the stigma attached to lesbian and gay relationships, in that not only are same-sex couples dismissed as being unworthy of marriage, but also as outsiders, they represent an existential threat to social order. As will be seen in the empirical chapters of the thesis, Proposition 8 in California was particularly effective in conveying this highly stigmatising message to same-sex couples and re-asserting heterosexual dominance in the field of marriage policy. The remainder of this chapter presents an analysis of Erving Goffman's contribution to theoretical understandings of stigma, geared towards understanding the potential impacts of marriage and civil partnership on homosexual stigma.

Goffman's *Stigma* as a theoretical basis for the research study

An interactionist perspective

Legal recognition entails a fundamental rethink of the way lesbian and gay couples are treated, not just by the law, but also in routine social interaction. An interactionist perspective on same-sex marriage and civil partnership can be seen as bringing the law to life, looking to routine social interaction for evidence of the meanings that couples and those around them attach to their new status as spouses or civil partners. Marriage and civil partnership are likely to be negotiated or understood as notable social events within couples' family, friendship, community and occupational networks. At the same time, the process of getting married or entering a civil partnership offers numerous possibilities for interaction with contacts outside couples' established social networks, including officials and service providers such as outfitters, caterers or jewellers. A focus on interaction provides opportunities to assess the impact of legal recognition not just from within couples' close social networks, but also in their dealings with relative and complete strangers. This layered approach to the meanings couples make around legal recognition allows for an understanding of their multiple positions as partners, family members, friends, neighbours, work colleagues, consumers and citizens.

Shortly before his death, Goffman defined social interaction in terms of,

that which uniquely transpires in social situations, that is, environments in which two or more individuals are physically in one another's response presence. (1982, p. 4).

There are clear linkages with the symbolic interactionism of Herbert Blumer (1969) in terms of looking to social interaction to provide insights into the meanings that humans make about their lives and experiences, but also as a means of understanding the interpretative frameworks that we draw upon to develop,

maintain and make sense of these meanings. In this context, an interactionist approach to legal recognition would imply that the true test of equality lies not in the black-and-white realities of the law, but in the messy, ambiguous, constantly evolving and endlessly renegotiated domain of social interaction. Similarly, the relationship between social validation and personal identity is visible throughout Goffman's work, in that, "the self is a social product in the sense that it depends upon validation awarded and withheld in accordance with the norms of a stratified society" (Branaman, 1997, p. xlvi). With same-sex marriage and civil partnership offering new and significant adjustments to the norms of the UK, Canada and California as societies stratified along the lines of sexual orientation and marital status, Goffman's analysis of stigma provides a conceptual basis for understanding the impact of legal recognition for lesbian and gay couples in its widest context. Couples' accounts of routine social interaction offer a means of gauging the extent to which their new status is asserted, acknowledged, ignored, accepted or contested.

The potential relevance of Goffman's other work to the research topic

My decision to focus on *Stigma* does not disregard the value of Goffman's other work to understandings of same-sex marriage and civil partnership. For example, *The Presentation of the Self in Everyday Life* (1959) and its use of theatre and performance as metaphors for the collaborative nature of social interaction would provide a fruitful basis for a separate study on legal recognition. Such a study could usefully illuminate the new frontstage roles that may be available to married or civil partner lesbian and gay couples (not least during the wedding or civil partnership ceremony) and the sustained collaboration needed to create and maintain these roles. A dramaturgical focus might also shed light on the interactive teamwork that is required to ensure that the performance of these new roles is understood, agreed and receives appropriate responses. Taking performative aspects of legal recognition further, exploration of Goffman's *Behavior in Public Places* (1963) and *Relations in Public* (1971) could explore how same-sex couples claim and occupy public space together, and whether marriage and civil partnership affect couples' presentation in public settings. Equally, *Gender Advertisements* (1979) could be examined to explore and contrast the ways that same-sex couples frame their

expectations of their partner and aspirations for their relationship. This could generate useful comparisons with more gendered 'conventional' heterosexual framings. Finally, the notion of the 'moral career' of the psychiatric patient in *Asylums* (1961) is taken up in *Stigma* (1963, p. 45). In the context of same-sex marriage and civil partnership, legal recognition could be seen as the culmination of a gay or lesbian moral career, acknowledging apparently essentialist policy understandings of sexuality, as well cementing individual, social and official identification as gay or lesbian.

Stigma and legal recognition for same-sex couples

The focus on *Stigma* as the theoretical basis for this thesis springs from its direct relevance to the policy objectives of legal recognition and a desire to analyse these policies in terms of their ambitious social objectives. Goffman offers a sociological definition of stigma as, "The situation of the individual who is disqualified from full social acceptance." (1963, p. 9). Stigma arises from awareness or evidence of a disfavoured personal attribute that taints and devalues the individual in the minds of others:

He [sic] is thus reduced in our minds from a whole and usual person to a tainted, discounted one. This attribute is a stigma, especially when its discrediting effect is very extensive. (1963, p. 12).

Goffman distinguishes between three broad categories of stigma. These are bodily disfigurements including disability, blindness, deafness (drawing on the original meaning of stigma as referring to the branding of slaves and criminals in ancient Greece), character flaws (which he lists as including homosexuality, criminality, prostitution) and tribal stigma associated with membership of a discredited race, nation or religion (1963, p. 14). Male homosexuals are identified as a stigmatised group throughout *Stigma*, though the failure to acknowledge lesbian women in similar terms is an important omission. There are references to homosexuality with particular regard to psychotherapy (p. 19), subculture (p. 35), gay bars (p. 42), homosexuality as a source of shame within families (p. 72), the deployment of

homophobic attitudes as a means of passing as heterosexual (p. 109), the psychological strain of deceiving family and friends about homosexual identity (p. 112), and the possibility of gay activism or militancy (p. 138). Whereas homosexuality has been stigmatised predominantly as a character flaw, all three broad categories of stigma are relevant to the idea of homosexual stigma. Although homosexuality is not as visible a characteristic as ethnicity or some disabilities, and can be hidden from view, it is often embodied; for example when two men or two women are observed together as a couple. Similarly, although homosexuality is not usually conceptualised as an ethnicity or religion, notions of lesbian and gay identification and community imply a sense of community or solidarity that suggest the possibility of group identification. Thus, homosexuality can be understood as a pervasive personal characteristic that is likely to inform social interaction for those who identify as gay or lesbian.

Social categorisation

Social categorisation provides a basis for interaction (Goffman, 1963, p. 11), with the categorisation of our interlocutors based upon assumed or existing personal knowledge, including assessments of physical or moral characteristics. In routine interaction we assign particular categories to others (for example gay, straight, bisexual) that are loaded with assumptions about the attributes that may be seen as ordinary or natural for members of particular categories to display. For example, the dyad of mother and child calls to mind particular expectations about roles and attributes around care and nurturing. This is not to suggest a completely inflexible, monolithic set of attributes applicable to a single identity, but is an acknowledgement of the generalisations that are made when we engage in social interaction. These categorisations are usually based upon a wide range of identifiable attributes, or assumptions about attributes, including gender, age, ethnicity, sexual orientation, social class or occupational group. These assumptions are based on physical appearance, the taking of particular roles and positions in interaction as well as information and signals given out during interaction. The attributes that have historically been ascribed to the categories of gay or lesbian can be traced to the prevailing legal, political, cultural and social discourses linking

homosexuality to deviancy, criminality, pathology, sin and, latterly for gay men, as carriers of disease. This suggests a particularly adverse starting point for gay men and lesbian women in social interaction. Similarly, these discourses may paint same-sex *couples* as partners in crime, sharing perverse, sinful desires and setting themselves apart from mainstream society.

Same-sex marriage and civil partnership may have the potential to disrupt social categorisation in a number of ways. First, they could be seen as requiring an adjustment in the characteristics that may be attributed to same-sex couples. Legal recognition transforms same-sex couples from members of hidden group to a position of greater legal and social visibility. Marriage and civil partnership suggests the possibility of further transformations of same-sex couples: from promiscuous lovers to stable dyads; from loners to family members; from outsiders to citizens; from lesser beings to apparent equals. Even within close personal networks, where some of these more extreme dichotomies may not come to the fore, this process of re-categorisation as a result of legal recognition may be highly disruptive of the dynamics of family and friendship networks.

Of course, re-categorisation should not be understood as an exclusively negative process: it is possible for the esteem afforded to particular groups to rise as well as fall (Goffman, 1963: p. 13). This suggests that same-sex marriage and civil partnership can be seen as providing a legal basis for a *positive* re-categorisation of same-sex couples. This process may also require a concerted effort from same-sex couples themselves, and the pervasive and psychologically damaging effects of a sense of inferiority arising from stigma may shed light on this particular aspect of legal recognition:

The awareness of inferiority means that one is unable to keep out of consciousness the formulation of some chronic feeling of the worst sort of insecurity, and this means that one suffers anxiety and perhaps even something worse, if jealousy is really worse than anxiety.

(Goffman, 1963, p. 24)

Here, the effects of stigma as a matter of *chronic* insecurity and anxiety recall Ilan Meyer's conceptualisation of minority stress. In this context, it may be reasonable to ask whether it is feasible to expect marriage and civil partnership to deliver lesbian and gay couples from the feelings of insecurity, anxiety and jealousy that can accompany a stigmatised identity. In any case, this might entail a kind of re-categorisation process for couples themselves, implying a kind of self-examination and the assimilation of new beliefs, if not about themselves then about the social world they inhabit, and their place in it.

Mixed contacts, the wise, and courtesy stigma

This re-categorisation may prove a difficult, or at least novel, task if we consider that, historically, same-sex couples may have enjoyed few opportunities to demand or receive social approbation. If same-sex marriage and civil partnership offer the possibility of overcoming the anxiety that accompanies stigma, then this is likely to be achieved through an interactive, collaborative process that relies on validation from other people and from institutions. In this context, the wedding or civil partnership ceremony may take centre stage. However, there is a troubling conditionality here. In *The Interaction Order*, Goffman describes the celebrative social occasion in terms of,

the foregathering of individuals admitted on a controlled basis, the whole occurring under the auspices of, and in honor of, some jointly appreciated circumstances. (1982, p. 9).

This notion of "jointly appreciated circumstances" betrays the collaborative, interactive nature of these occasions. Given the re-categorisation that marriage and civil partnership imply, joint appreciation might not always be assumed. At the very least, marriage or civil partnership may lead couples to make demands on those around them, in calling on family, friends and others to take part in their ceremony or service, preferably with a degree of enthusiasm. As set out the literature review in Chapter Two, such demands may be met with co-operation or resistance, and

family members, friends or work colleagues may not always be prepared to accept the challenges to established power relationships that same-sex marriage or civil partnership imply. It may also be that couples' awareness of their own stigma could exert a chilling effect, with rejection anticipated or accepted, even in the apparently affirmative context of a wedding or civil partnership ceremony.

A same-sex wedding or civil partnership ceremony provides opportunities for mixed contacts, or interaction between 'normals' and those possessing a stigma. These mixed contacts constitute,

one of the primal scenes of sociology; for in many cases, these moments will be ones when the causes and effects of stigma must be directly confronted by both sides. (1963, p.23).

Same-sex marriage and civil partnership give rise to numerous opportunities for mixed contacts, including stag and hen nights, wedding and civil partnership ceremonies, receptions and parties. These mixed contacts are likely to be predicated on unequal power relations between 'normals' and the stigmatised, and are fraught with risk and uncertainty:

That the stigmatized individual can be caught taking the tactful acceptance of himself too seriously indicates that this acceptance is conditional. It depends upon normals not being pressed past the point at which they can easily extend acceptance- or, at worst, uneasily extend it. The stigmatized are tactfully expected to be gentlemanly and not to press their luck (1963, p. 146).

In the context of a wedding or civil partnership ceremony, these mixed contacts may be particularly illuminating, in that they require a commitment to de-stigmatisation on the part of participants, whether implicitly (through attendance) or explicitly (voicing support or affirmation). Within couples' social networks, this could represent a new kind of mixed contact in that the *reason* for the interaction is to

witness and celebrate the formalisation of the same-sex couple's relationship. For those who oppose any kind of legal recognition or social affirmation, same-sex couples may have already pushed their luck too far; for these social and religious conservatives, legal reform does nothing to shift their understanding of homosexuality as a shameful attribute. As will be seen in the concluding chapter of the thesis, current debates in the UK and California on the merits of same-sex marriage as opposed to alternative statuses suggest that some may feel that lesbian and gay couples are indeed pressing their luck too far, and should be satisfied with forms of recognition that fall short of marriage. In this context, alternatives to marriage, including civil partnership and civil unions, could merit consideration as examples of what Goffman calls 'good adjustment' (1963, p. 146), where a pretence of equality (or 'phantom acceptance' (1963, p. 147) is maintained as long as this does not go beyond what the 'normal' majority can stomach. Of course, those who demand more may be open to condemnation as maladjusted militants, pressing their luck too far in demanding 'special rights'.

Same-sex marriage and civil partnership are likely to present largely uncharted territory for couples and their families, and are of sociological interest as contemporary examples of, "anxious unanchored interaction" (Goffman, 1963, p. 29), where the path that interaction might take can be hard to predict. Of course, the awkwardness associated with this uneasy kind of interaction can be lightened by the intervention of sympathetic allies. These can be, 'the own', fellow-bearers of the stigma (Goffman 1963, p. 32), or those Goffman terms as 'the wise' (1963, p. 41); the unafflicted who are enlightened enough to understand the injustice of the stigma and see beyond it. The 'wise' may be relatives or friends, though wisdom may prove something of a dutiful burden for these 'normals' who may be "obliged to share some of the discredit of the stigmatized person to whom they are related." (Goffman, 1963, p. 43). This 'courtesy stigma' (Goffman, 1963, pp. 43-44) can be seen as conveying a kind of guilt by association, in that identification with stigmatised people implies not only an awareness of their stigma, but also a degree of empathy or at least a preparedness to forgive or try and overlook this discrediting attribute.

Information control and virtual and actual social identity

Whereas wedding and civil partnership ceremonies provide extreme examples of visibility, legal recognition may make same-sex couples more visible in other contexts, marking them out in new locations and social situations as gay or lesbian. These situations could precipitate the disclosure of couples' stigmatised sexual orientation, with a kind of enforced coming out representing a loss of, "information control" (Goffman, 1963, p. 57). This disclosure of a stigmatised identity marks the transition from the status of *discreditable* individuals to *discredited* individuals (1963, p. 14). The discredited are those whose stigma is immediately apparent, whereas the discreditable possess a hidden or less obvious stigma that might at some point be betrayed. Physical disability and the appearance of membership of a stigmatised ethnic origin can be understood as providing clear, immediate evidence of a discredited identity, whereas the possibility of closeting as a strategy of concealment implies that homosexual stigma is potentially less obvious or visible. Of course, the concealability of sexual orientation means that lesbians and gay men may come to be categorised as heterosexual in routine social interaction. This is the 'heterosexist presumption' (Land and Kitzinger, 2005) that takes heterosexuality as a universal, default attribute. This discrepancy between what Goffman refers to as a 'virtual social identity' (1963, p.12), as assumed by others and one's 'actual identity', or the person they know themselves to be, can have a highly disruptive effect upon interaction. In bringing their sexual orientation to the fore and identifying themselves explicitly as members of a stigmatised group, the process of marriage and civil partnership can be imagined as bringing about the discrediting of same-sex couples (i.e. transforming a discreditable personal identity into a discredited one). There may be some finer distinctions here between close social networks where couples might already be out to family and friends, less intimate networks such as the workplace, where coming out may be more selective, and finally interaction beyond personal social networks, where marriage or civil partnership is likely to mean coming out to complete strangers, such as service providers. Marriage and civil partnership lead to greater "disclosure opportunities" (Pachankis, 2007), involving the decision of whether to conceal or disclose their sexual orientation.

Although disclosure may be psychologically beneficial, its effects are likely to depend on LGB people's understanding of the level of social support available to them (Beals, Peplau and Gable, 2009). For couples without such support, legal recognition could entail a kind of enforced and prolonged contact with a sense of their own stigma, which, in light of the anxiety and insecurity that can accompany disclosure of a stigmatised identity, could point towards legal recognition as having ambiguous and potentially troubling effects for couples.

Tortured performance, defensive cowering and hostile bravado

The dynamics of mixed contacts and the power relations that they betray highlight the pivotal role of acceptance, defined by Goffman's as, "The central feature of the stigmatized individual's situation in life" (1963, p.19). An awareness that acceptance can be withheld on the basis of a stigmatised identity may lead to a sense of not being able to anticipate others' reactions with confidence (Goffman, 1963: p. 25). This unpredictability is also an element of Meyer's and Herek's analysis of minority stress. There can of course be complete clarity, for example where gay men and lesbian women are rejected by family members because of their sexual orientation. But even where rejection is not so explicit, acceptance is likely to be fragile, with the tacit understanding that social acceptance of a stigmatised identity is somehow a privilege that could be withdrawn if, as we have already seen, one's luck is pressed too far. This awareness of a need to meet others halfway in fostering acceptance brings us to Goffman's analysis of efforts to correct or overcome stigma. He suggests that one of the ways this can be achieved is by attempting to suppress one's stigmatised attributes or by gaining access to a field normally barred to members of the stigmatised group. For example, the notion of disabled people turning to sporting activities as a strategy for confounding assumptions about disability and overcoming the apparent limitations it places on its subjects (Goffman, 1963: p. 21) was amply displayed at the 2012 Paralympic Games in London. There may be scope for applying this logic of "tortured learning" and "tortured performance" to same-sex marriage and civil partnership, with couples demonstrating to others that they can overcome their stigma and 'do' marriage. Clearly, this is how some opponents of marriage equality see lesbian and gay

couples; as acting straight, parodying 'normal' behaviour, pretending that their stigma has been discarded or somehow no longer matters, when the most noteworthy aspect of their 'performance' is their ludicrous attempt to gain respect, appropriate privilege and pass as 'normal'.

In terms of minimising the impact of stigma during mixed contacts, individuals may resort to 'defensive cowering' (Goffman, 1963, p. 28). This strategy can be understood as attempting to blend into the background, to remain as unobtrusive as possible, and avoid drawing unnecessary attention to one's stigma. 'Straight acting,' attempting to pass as heterosexual and playing down one's homosexuality in mixed contacts can be seen as analogous to defensive cowering, and this is a kind of discipline which same-sex couples are likely to understand in the context of cultural taboos on same-sex intimacy in the public sphere. The opposite approach to defensive cowering lies in 'hostile bravado' (Goffman, 1963, p. 29), where one's stigma is acknowledged explicitly, or even brandished. Again, some might see any kind of same-sex wedding ceremony as an offensive display, geared at appropriating privileges reserved for heterosexuals, and therefore as an exercise in hostile bravado. Conversely, the thought of a couple engaging in defensive cowering during their own wedding or civil partnership ceremony is particularly troubling.

The possibility of stratification within stigmatised groups (Goffman, 1963, p. 130) is also relevant to same-sex marriage and civil partnership. Some members of stigmatised groups may seek consolation in allying themselves with 'normals' and siding against those who display their stigma more stereotypically. This strategy can be linked to the notion of 'covering' (Goffman, 1963, p. 125-128), whereby a stigma is admitted and acknowledged but is accompanied by efforts to minimise its impact. Moving beyond covering, there is the possibility of 'normification' (1963, p. 44), representing an effort on the part of the stigmatised person to present him or herself as ordinary. Again, there may be parallels here with marriage and civil partnership, with different personal decisions around ceremony betraying a desire to display ordinariness and conformity or individuality and difference.

Marriage and civil partnership as part of a homosexual moral career

The experience of coming to terms with one's stigma can be understood in terms of a 'moral career' (Goffman, 1963, p. 45), or as the series of personal adjustments that have to be made in identifying with and accepting a stigmatised identity. With regard to homosexuality, a moral career might include a number of milestones such as self-identification as lesbian or gay, coming out to others, interacting with members of gay or lesbian communities and building successful intimate relationships. At an early stage in this moral career, prevailing beliefs about particular forms of stigma become internalised by the stigmatised as well as by 'normals', and that this internalisation establishes patterns of thought and interaction. For example, children with an inborn stigma come to understand gradually that they are not 'normal' (Goffman, 1963, pp. 45-46), with this realisation often accelerating when they start school and move beyond the protective orbit of the family, but continuing throughout childhood and into adulthood. With regard to homosexuality, the order might be more fluid. Socialisation within families, religious communities and schools means that gay or lesbian individuals may absorb the message that homosexuality is abnormal at a very early age, before they even develop an understanding of their own sexuality. Rather than the loss of innocence experienced by the disabled child who goes to school and realises that he or she is seen as different from everybody else, homosexuality may be better understood as a form of stigma that makes itself felt later in life and leads to a re-identification of the self. With regard to the idea of homosexuality as a moral career, this re-identification can lead to particular tensions (perhaps most deeply felt during the process of coming out as gay or lesbian to family members) and entails a renegotiation of relations between gay or lesbian individuals and those around them. Marriage and civil partnership can imply a new, definitive stage in this moral career, with a same-sex wedding or civil partnership ceremony proclaiming gay and lesbian identities as a claim to social and legal equality. Once again, the flurry of activity around a wedding or civil partnership ceremony may offer opportunities to witness these tensions within close personal networks.

Mixing privilege and stigma

The highly privileged status of marriage at the apex of a hierarchy of personal and intimate relationships has undoubtedly informed policy decisions on legal recognition as a potential route out of stigma for same-sex couples. This apparent blending of privilege and stigma recalls the contrast between prestige and stigma symbols. In this context, the wedding ring is highly symbolic in conveying the marital status of the wearer (1963, p. 59). In light of the privilege associated with marriage, the wedding ring can indeed be seen as a symbol of prestige, alongside other paraphernalia including the marriage certificate, wedding photos or the formal clothing worn during a wedding ceremony. Same-sex marriage and civil partnership may have unanticipated effects in combining prestige symbols with a stigmatised sexual identity. In light of the assumption that heterosexuality is the default, the wearing of a wedding ring may also act as a disidentifier (Goffman, 1963, p. 60), giving the false impression that the individual is part of an opposite- rather than a same-sex couple. In any case, same-sex marriage and civil partnership present an opportunity to consider what happens to prestige symbols when they fall into the hands of stigmatised individuals.

This acknowledgement of the symbolism of the wedding ring brings this survey of survey of *Stigma* to a close. This reading of the text with particular reference to the research topic of same-sex marriage and civil partnership raises a number of questions around legal recognition policies for same-sex couples, which are summarised in the concluding section of this chapter.

Goffman's *Stigma*: still relevant?

Since publication in 1963, *Stigma* has come to be seen as a highly influential work in the sociology of sexuality in the UK (Atkinson and Housely, 2003, p. 83) and elsewhere. Goffman's influence on sociological understandings of homosexual stigma is visible in Ken Plummer's *Sexual Stigma* (1975), as well as later, more psychologically orientated work by Ilan Meyer and Gregory Herek, cited earlier in the chapter. Goffman's analysis of stigma also continues to influence LGBT studies, including a contemporary study of homophobia in Slovenia (Kuhar, Humer and

Maljevac, 2012). Beyond LGBT studies, *Stigma* attracts interest from social science researchers in a number of fields, and its continuing influence is acknowledged in Graham's (2012) review of studies of smoking as a stigmatised behaviour. Similarly, Ryan (2011) draws on Goffman's analysis in her analysis of how British Muslim women assert their 'normality' as a strategy for managing collective stigmatisation. The concept of stigma also appears to continue to strike a chord with UK readers, with Owen Jones's bestselling *Chavs* (2010) providing a lively exploration of the stigmatisation of White, working class people in the UK.

In selecting a fifty year old text as a theoretical framework for this thesis, I have not overlooked the numerous legal, political and social developments that can be seen as ameliorating the stigma faced by gay and lesbian people in the UK, Canada, California and elsewhere since *Stigma* was published in 1963. Instead, Goffman's seminal text on stigma provides a means of scrutinising the comforting assumption that greater legal and social equality have rendered the idea of homosexual stigma redundant, or as C. Wright Mills put it, of undertaking the important sociological task of responding to the, "sunshine moralists... made happy by a sturdy little mood of earnest optimism." (1959, p. 78). I acknowledge that aspects of the text may appear somewhat dated, or potentially offensive in places; for example, the reference to psychotherapy as a mechanism for correcting homosexuality (Goffman, 1963, p. 19) no longer reflects mainstream therapeutic practice. The text displays other shortcomings, for example Goffman's apparent silence on lesbianism as a stigmatised identity, which I read as a conflation of the stigma effects of male and female homosexuality rather than placing lesbian women beyond the effects of stigma.

Yet, on the whole, *Stigma* betrays few signs of its age, and the evolution of discourses and attitudes about homosexuality since publication do not undermine Goffman's thesis that identity and the self are constructed, negotiated and understood through the minutiae of routine social interaction. It is also clear that the text is geared towards understanding and interpreting stigma from stigmatised as well as 'normal' perspectives. Yet although many of these accounts of stigma may

arouse a sense of empathy in the reader, there is a relentless focus on a sociological analysis of patterns of interaction, scrupulously avoiding a descent into sentimentality. In place of pity, Goffman goes to great lengths to identify the capacities and strengths of disadvantaged people in managing stigma and maintaining a fragile self-esteem in the face of social and often moral disapproval. Similarly, he avoids a judgemental, moralistic stance, highlighting responses to stigma as wholly understandable strategies in a hostile social environment. This explicitly structural analysis is made clear at the start of Chapter Four of *Stigma*:

Sociologically, the central issue concerning these groups is their place in the social structure; the contingencies these persons encounter in face-to-face interaction is only one part of the problem, and something that cannot itself be fully understood without reference to the history, the political development and the current policies of the group. (Goffman, 1963, p. 151).

Here, Goffman makes clear the interplay between the big-picture aspects of history, politics, policy and the ways in which stigma is constantly acknowledged, evaluated and negotiated at the individual level through routine social interaction. As a social phenomenon, stigma is subject to alteration and adaptation. Clearly, homosexual stigma remains a feature of Western societies and has evolved rather than been eradicated, declining in some aspects but finding new forms of expression in others.

Conclusion

Notwithstanding the pronouncements of judges and politicians and the definitive textual realities of legislation, the impact of legal recognition for lesbian and gay couples is also to be observed through analysis of routine social interaction. Same-sex marriage and civil partnership provide opportunities to revisit Goffman's analysis of stigma in the context of a new policy area and to scrutinise the claims advanced by governments in the UK, Canada and California for the social effects of legal recognition. A close reading of *Stigma* reminds us that the kind of social re-categorisation that marriage and civil partnerships seek to deliver is largely out of reach of government. This analysis of stigma can therefore inform a critical

assessment of the impact of these policy initiatives, as seen from the viewpoint of lesbian and gay couples. The empirical data gathered during the research study also provides opportunities to consider the conceptual relevance of stigma to lesbian and gay couples; whether they are aware of stigma, or see this as relevant to their experience of marriage or civil partnership.

Whether couples see recognition as a matter of legal or social status or as a blend of the two, their attempts to deploy or assert their new status will have taken place in the context of social interaction. Goffman's analysis of stigma provides insights into the potentially higher stakes for same-sex couples in disclosing their status as same-sex married or civil partner couples. In particular, *Stigma* provides a framework for exploring the social re-categorisation that legal recognition implies. *Stigma* reminds us that legal recognition for same-sex couples problematises a number of social categories, including those of husband, wife and family, as well as prompting a recasting of the characteristics that might be attributed to gay and lesbian identities. In this context, the empirical chapters of the thesis will consider whether couples see re-categorisation as a relevant aspect of legal recognition, and if so, whether they judge this to have been successful. Information control is an equally relevant concept that raises a number of questions around the implications of disclosure of a stigmatised sexual orientation; for example, whether sexuality is foregrounded in couples' accounts of their experience of marriage or civil partnership, and whether they see this kind of disclosure as a matter of discrediting, or as the dismantling of a virtual social identity. In this context of prolonged and enforced disclosure, it is possible that couples' experience of marriage or civil partnership may bring to light parallels with the coming out process, in the context of a gay or lesbian moral career. A further element of information control may lie in the implications of marriage and civil partnership for strategies of closeting or passing as heterosexual.

Courtesy stigma and mixed contacts may also be relevant to couples' lived experience of marriage or civil partnership. In particular, wedding or civil partnership ceremonies may offer an interesting interactive context for exploring mixed contacts between same-sex couples and heterosexuals, whether in

commercial or official settings, or in the context of interaction with relatives, friends, colleagues or neighbours. These mixed contacts provide opportunities for analysis of power relations between same-sex couples and their 'wise' interlocutors and the extent to which courtesy stigma is relevant to these interactive episodes. The perceived closeness or distance between heterosexual marriage and legal recognition for same-sex couples also provides a context for considering the concepts of tortured learning, defensive cowering and hostile bravado. Irrespective of queer, feminist or conservative critiques of same-sex couples aping marriage, *Stigma* provides a useful theoretical context for exploring how couples position themselves with regard to heterosexual couples and the extent to which they seek to appropriate, replicate or subvert marriage traditions. Finally, Goffman offers scope for insights into lesbian and gay couples' attempts at appropriating new social categorisations. This process of conveying, understanding, negotiating, accepting or contesting their new status suggests a kind of messiness and unpredictability. Same-sex marriage and civil partnership offer a context for empirical understandings of what happens when members of a stigmatised group seek to appropriate a privileged status. These questions will be explored in greater depth in the empirical chapters of the thesis that follows the account of the methodological considerations that informed the thesis.

Chapter Four: Methodological considerations: theory and practice.

Before embarking on the analysis of empirical data gathered during the research study in Chapters Five to Eight, this chapter takes the theoretical underpinnings of the study a stage further by outlining the methodological considerations that informed the research strategy and its implementation. The chapter is divided into two sections that draw a clear distinction between theory and practice; the first section setting out the theoretical foundations of the research strategy, and the second providing an account of the implementation of the strategy.

In terms of the structure of this first half of the chapter, I have drawn on Denzin and Lincoln's helpful categorisation of five phases of qualitative research activity (2011, p. 12). These five phases comprise:

- the researcher as a multicultural subject;
- theoretical paradigms and perspectives;
- research strategies;
- methods of collection and analysis, and
- the art, practices, and politics of interpretation and evaluation.

Although these phases are intertwined rather than linear, this chapter is structured to take each of these in turn and consider the factors that informed the design and implementation of the study. In the first section of the chapter, I present an account of my perspective as researcher, which is followed by consideration of some of the particular ethical considerations that informed the study, an account of the interpretive and comparative orientation of the research, and my approach to data collection, analysis and presentation of findings. The second section of the chapter considers aspects of these research phases in light of my experience of carrying out this study, and draws contrasts between the research design and implementation.

The research strategy

Locating myself as researcher

Denzin and Lincoln have defined qualitative research as, "... a situated activity that locates the observer in the world," (2011, p. 3). With regard to my own location as an observer of civil partnerships and same-sex marriage, my self-identification as a gay man implies a personal commitment to the topic, and has informed my research questions and their focus on couples' own accounts of the impact of legal recognition. In terms of placing myself historically, I was born in 1969, two years after the partial decriminalisation of male homosexual acts in England and Wales. Growing up in a working-class district of Cardiff, my childhood was marked by 'common-sense' understandings about homosexuality as something shameful; a taboo; something that happened elsewhere. The apparent unthinkability of alternatives to heterosexuality was underlined during my adolescence by the emergence of the HIV-AIDS epidemic and the framing of gay men in particular as outcasts. As Chapter One recalls, Section 28 of the Local Government Act, 1988, provided a legal definition of homosexuality as a pretended family relationship, further entrenched this sense of marginalisation. During my early adult life, I claimed an identity as an out gay man, and have been in a same-sex couple relationship for the past nineteen years.

In terms of drawing linkages between research methods and biography, Kleinman (2007) argues for explicit acknowledgement of one's own beliefs and feelings in social science research, not least as a contribution towards understanding inequality. Punch is similarly unequivocal in his assessment that, "social science research is a political process, and always has been," (1998, p. 140). Personal commitments and their implications for social inquiry also underpin Howard S. Becker's famous assertion that, "the question is not whether we should take sides, since we inevitably will, but rather whose side we are on." (1966, p. 239). As Martyn Hammersley (2001) has made clear, Becker was not advocating the abandonment of scientific rigour in favour of pure partisanship. Rather than urging the triumph of sentiment over science, Becker marked out a progressive role for sociology in using

scientifically rigorous and transparent techniques to shed light on inequality, injustice and power relations.

In this context, feminist and queer standpoints offered a means of situating my research within an established interpretive paradigm aligned with my own political and ethical commitments. Writing from a feminist perspective, Sandra Harding (1993) is scornful of claims to value freedom and objectivity as badges of scientific practice. Harding frames the illusion of objectivity as an unhelpful diversion, maintaining that knowledge claims are invariably socially situated, with claims to value neutrality merely betraying their own value judgements that are, themselves, rooted in power relations. This convincing espousal of a “strong objectivity” acknowledges individual subjectivity as both necessary and helpful to research, and allows for closeness between researcher and participants. This theme of standpoint epistemology has been taken up by lesbian and gay scholars. For example, Gamson (2000) suggests that gay and lesbian standpoints are particularly useful in challenging taken-for-granted, heterosexist knowledge claims, and rejecting positivist, ‘scientific’ approaches that have been used to stigmatise and pathologise sexual minorities. This apparently emancipatory approach towards social inquiry is echoed by Herising (2005), who advocates a critical stance towards dominant norms and constructions of marginalised communities.

Others make wider assumptions about common ground between gay or lesbian researchers and participants. Homfray (2008) questions the competence of heterosexual researchers to work with gay and lesbian participants, concluding that empathy is not an effective substitute for a political consciousness gained through lived experience. This deliberately provocative stance might offer a degree of comfort to lesbian and gay researchers, working as a minority within academia, as well as delivering an emphatic rejection of oppressive, colonialist research traditions, summarised neatly by Alexander Liazos (1972) as a, “nuts, sluts and perverts” approach to researching deviant groups. Although Homfray acknowledges diversity within minority communities, there is the potential here for monolithic, reductionist understandings of people who identify as gay or lesbian or as members of other

minority groups. There are also ethical difficulties here, in that we cannot assume that gay or lesbian researchers will automatically seek or find empathy with their participants, or that non-LGB researchers would themselves embark on research from a position of heterosexism and homophobia. A particularly problematic aspect of Homfray's separatism is the potential for closing down social inquiry by placing a 'Keep Out' sign around research that goes beyond one's own experience. Strict adherence to separatism would also have meant restricting the study to gay men. I considered this, though concluded that this could itself be interpreted as having a silencing effect, privileging male perspectives and overlooking the experience of lesbian couples, who are as significant an audience for legal recognition policies as are gay male couples. At the same time, I was mindful of long-standing critiques of research with gay and lesbian participants that treat lesbian women as something of an afterthought, conflating their experience and perspectives with those of gay men (Faraday, 1981, offers a particularly resonant critique of such research practice). Ultimately, the research was designed around an uneasy compromise that acknowledges the separate but linked oppression of gay men and lesbian women. The success or otherwise of this compromise is discussed in the concluding chapter of the thesis.

Bauman's counsel that, "Familiarity is the staunchest enemy of inquisitiveness and criticism" (1990, p. 15), calls into question any claims to insight as a result of identification with a particular group. Delamont's exhortation to treat research as a voyage of discovery, and as an opportunity to make the familiar strange (2002, p. ix), may be of particular use in resisting the temptation to generalise from personal experience, or to use research participants as sock-puppets to project one's own world-view; what Denzin referred to as the 'fallacy of objectivism' (1978, p. 10). Despite my strong identification with the research topic, this study is not a, "social science autobiography" (Plummer, 2001, p. 32). Although I acknowledge my own biography and its role in leading me to the research, the study does not focus on my personal experience as a basis for a sociological understanding of same-sex marriage and civil partnership. Returning to Becker's rhetorical question about taking sides, this research study is grounded in my own sense of identification with lesbian and

gay couples as members of a stigmatised group who, historically, have been denied the legal entitlements and social privileges reserved to heterosexual couples through marriage.

Initial ethical considerations

My own biography meant that I came to this study with a sense of relative closeness to the topic. Without succumbing to self-aggrandising notions of giving a voice to research participants, I was keen to make a contribution to the emerging body of literature on legal recognition by paying close attention to couples' understandings of marriage and civil partnership. In terms of translating these commitments into ethical research practice, Plummer (2001) lists the key principles of fostering respect, advancing equalities, fairness and justice, enlarging autonomy, freedom and choice and minimising harm. This is of more practical help than Johnson and Altheide's bland, if well-meaning exhortation to, "Try not to hurt anyone and when you hurt someone try your best to make amends." (2002, p. 67), or Sieber's framing of ethical research practice in terms of "making the process work for all concerned" (1992, p. 3). More specifically, the UK Economic and Social Research Council's *Framework for Research Ethics* (ESRC, 2010), sets out principles for ethical research practice in greater detail. In addition to the overarching principles of integrity, quality, transparency and independence, the *Framework* builds up a picture of ethical interaction with research participants that is founded upon informed consent, anonymity and confidentiality, voluntary participation, and avoidance of harm (2010, p. 3).

Whereas shopping-lists for ethical practice may appear driven by a focus on managing risk, Murphy and Dingwall (2001) take a more balanced consequentialist approach to ethics that includes the possibility of positive benefits for participants from taking part in research. Conversely, Patai (1991) is rightly sceptical of self-serving assertions that researchers can offer participants access to insight or even a personal epiphany. Nonetheless, I am receptive to Plummer's (1995) advocacy of sexual storytelling as an exercise in empowerment, and again, research with gay and lesbian couples adds a particular ethical dimension. For example, Seidman, Meeks

and Traschen's (1999) advice that members of sexual minorities may only feel able to speak about their experiences when they feel safe, has lost none of its validity. This was an important consideration for this study, particularly in California, where the Proposition 8 campaign had placed lesbian and gay married couples at the centre of a divisive and often defamatory political debate. In this context, the design of the research to privilege the voices of couples, rather than focusing on legal or religious framings of same-sex marriage and civil partnership, was a deliberate choice and in my view, an explicitly ethical one.

Theoretical paradigms and perspectives

This study presents an exercise in the sociology of personal life, defined by Vanessa May in terms of "what individual people's personal lives say about society more generally." (2011, p. 2). Rather than seek a broad-brush understanding of the effects of legal recognition, the qualitative orientation for this research study stems from my motivation to gain a rich, detailed understanding of the complexities of civil partnership and same-sex marriage in particular contexts. The focus of the study on highlighting meanings and exploring complexity (Flick, 2006), provides a basis for generating in-depth understandings of legal recognition, rather than claiming that the findings of this research can be generalised to a wider population (Plummer, 2001, p. 133).

The review of literature in Chapter Two acknowledges ontological understandings of marriage, civil partnership and homosexuality as socially constructed phenomena. This understanding of different and competing constructions led me to question the black-and-white assertions set out in policy documents about the aims and likely effects of legal recognition. This study acknowledges the multiplicity of constructions that are available, taking account of legal, governmental and religious constructions of marriage, but privileging the meanings made by lesbian and gay couples. My strong interest in couples' perspectives drew me to research questions that would interrogate the research topic from their points of view: for example, focusing on what it is like to be in a same-sex marriage or civil partnership, and the impact of legal recognition within couples' personal social networks and beyond.

At first sight, my commitment to understanding marriage and civil partnership from gay and lesbian perspectives through face-to-face contact with couples in their own surroundings might suggest an ethnographic slant to the study. Atkinson *et al.* define ethnography as being:

grounded in a commitment to first-hand experience and exploration of a particular social or cultural setting on the basis of (though not exclusively by) participant observation. (Atkinson, Coffey Delamont, Lofland, and Lofland, 2001, p. 4)

As will be seen later in this chapter, there is an element of participant observation in the study from my attendance at the *Perry v. Schwarzenegger* trial in San Francisco. However, although I acknowledge ethnographic elements to the study, I would not label the study as an ethnography, as I do not feel that the level and duration of contact with participants as envisaged in the research design is sufficient to warrant this. Hammersley and Atkinson conceptualise ethnographic research in terms of, “participating, overtly or covertly, in people’s daily lives for an extended period of time” (2007, p. 3). I cannot make this claim for this research study. Although the qualitative interviews that yielded the majority of data for this study were focused on gaining an understanding of marriage and civil partnership from couples’ own perspectives, they do not comply with Heyl’s understanding of ethnographic interviewing as part of an on-going relationship with participants (2001, p. 369). Rather than representing part of a continuing relationship with participants, the research interviews largely *constituted* my relationship with them, in that I met most of the participants only once, on the day the interviews took place. This one-off contact between researcher and participant suggests an “acquaintanceship role,” (Plummer, 2001, p. 209) rather than a more ethnographic engagement.

Research strategies: a comparative, evaluative study

The relatively brief personal contact with research participants was also a consequence of my decision to study legal recognition on two separate continents.

My interest in a cross-national, comparative study was informed by an awareness that legal recognition was being 'done differently' in different locations. The comparative focus of the research places the study within a long tradition of comparative research that can be traced back to ancient Greece (Kesselman, Krieger and Joseph, 2010), though comparative research remains an active field of inquiry in the context of globalisation and awareness of cross-national policy challenges (Bemelmans-Videc, Rist and Vedung, 1998). Comparative research has been defined in terms of,

Studies of societies, countries, cultures, systems, institutions, social structures and change over time and space, when they are carried out with the intention of using the same research tools to compare systematically the manifestations of phenomena in more than one temporary or spatial socio-cultural setting. (Hantrais, 2009, p. 15)

The selection of countries and of cases to be studied in cross-national, comparative research requires careful thought (Brannen and Nilsen, 2011). In terms of this study, Canada and the UK were chosen as providing case studies of different forms of legal recognition that had been in force for at least two years at the start of the research period. Although I had not originally intended to include California in the study, the Proposition 8 result in 2008 and the repeal of existing marriage rights for same-sex couples marked out California as a unique and potentially fruitful location for research. Recalling Bollen, Entwistle and Alderson's (2006) advocacy of deviant cases as an underused aspect of comparative research, this political and social anomaly presented a unique opportunity to consider the impact of the intense political debate on marriage equality from lesbian and gay perspectives. California also provides an opportunity to explore unintended consequences of legal recognition, both at the policy level and in terms of their impact on couples. Language and culture were further considerations in the geographical focus of the research, with predominantly English-speaking countries, influenced by Anglo-Saxon culture selected as focal points for the study. Although the geographical focus appears at first sight to follow a 'most similar' design (Przeworski & Teune, 1970),

the distinctions drawn in Chapter One show California, Canada and the UK as providing highly contrasting contexts for a comparative study of legal recognition.

The evaluative aspect of the research echoes Rossi and Freeman's definition of evaluation as, "the systematic application of social research procedures for assessing the conceptualization, design, implementation, and utility of social intervention programmes." (1993, p. 5). Whereas evaluation of public policy has long been an important aspect of public sector governance, this is often conceptualised in relatively restrictive terms, focusing on narrow financial objectives and highlighting statistical outcomes (Furubo and Sandahl, 2002). Conversely, Carol Smart (2007, p. 14) has advocated a greater role for small-scale empirical projects to contribute to policymaking. This study takes a qualitative approach to assessing the effectiveness of legal recognition, using couples' accounts of their experience of marriage or civil partnership to draw theoretical conclusions about. Rather than claiming generalisability to a wider population, this study provides a contribution to evaluating the impact of policy at grassroots level (Hudson and Lowe, 2004).

Methods of collection and analysis

In terms of generating grassroots accounts of legal recognition, I selected in-depth, narrative interviews with married and civil partner same-sex couples as the primary method of data collection. This decision was based on the potential for qualitative interviews to generate richer, more contextualised data than alternative methods such as surveys or focus groups might have allowed (Johnson, 2002, p. 105).

Interviewing has become a standard means of data collection in social research and has been defined as,

A method of data collection, information or opinion gathering that specifically involves asking a series of questions. Typically, an interview represents a meeting or dialogue between people where personal and social interaction occur. (Davies, 2006, p. 157)

Qualitative interviews were particularly attractive in terms of their scope for developing an understanding of participants' perspectives on their experience (Gomm, 2004, p. 176). Again, this was in line with the overall orientation of the study, with the interactive, collaborative nature of qualitative interviews, offering due prominence to research participants as, 'meaning-makers' (Warren, 2002, p. 83). In a similar vein, in-depth interviews provided much greater scope for participants to shape the topics covered and offered scope for a naturalistic, conversational context for data collection. Nonetheless, qualitative interviews have justifiably been described as an invasion of privacy (Burgess, 2005, p.194) with Briggs (2002, p. 920) going further in scrutinising the research interview as a form of confessional that is open to misuse and manipulation by the researcher. As Atkinson (1997) makes clear, claims that research interviews give a voice to the unheard appear romantic at best, or even patronising. These critiques of qualitative interviewing as a data collection method reveal that, despite lofty claims to the contrary, research activities often serve the needs of researchers rather than participants. This suggests a need for restraint in claiming an emancipatory impact for research activities.

The research design envisaged that members of each couple would be interviewed together rather than separately. The decision to interview separately or together is inevitably a compromise, and in this case was informed by a desire to minimise the time commitment required from participants, as well as an openness to using the interviews as a mechanism for couples to work together in producing narratives about their marriage or civil partnership. Gubrium and Holstein acknowledge the scope for narrative differences within close and intimate relationships (2009, p. 129), suggesting the potential for fruitful disruptions, discrepancies and contestations between partners. This suggests the couple interview as a more fruitful context for negotiating, building and contesting meanings than separate interviews (Veroff et al, 1993). Whereas separate interviews may prove richer in terms of facilitating greater frankness and reducing the risk of self-censorship, they are likely to prove more time-consuming and burdensome for participants (Sniezek, 2005). In any case, some couples may themselves prefer to be interviewed together, if given the choice (Smart, Mason and Shipman, 2006). In their research with younger civil partner

couples in the UK, Heaphy and Einarsdottir (2012) took the novel approach of interviewing members of the couple together and then separately during a single research visit. This allowed for contrasts to be drawn between couple narratives generated during the joint interview, and individual narratives produced when partners were interviewed separately.

With regard to the design of the research interviews, I was drawn towards a narrative approach, in line with my objective of gaining rich, participant-generated accounts of marriage and civil partnership. Definitions of what constitutes a narrative range from Sikes and Gale's unhelpfully broad understanding of, "an account of something," (2009, online), to more tangible understandings of narratives as, "highly structured, reportable ways of talking about the past with an understood chronology." (Cortazzi, 2001, p. 384). Coffey and Atkinson highlight the work that narratives do in assembling and conveying meaning, arguing that, "Social actors organize their lives and experiences through stories and in doing so make sense of them." (1996, p. 68.). Plummer draws broader conclusion in identifying a "narrative moment" in sociology (1995, p. 19), acknowledging the sociological significance of storytelling, in that, "the telling and reading of stories is always grounded in the social processes that by definition are 'beyond the stories'." (1995, p. 167). Stories around same-sex marriage and civil partnership are socially significant in that their telling reflects the shift from the stifling silence of compulsory heterosexuality towards a more inclusive sexual and intimate citizenship. As Ken Plummer puts it, these are, "tales whose time has come" (1995, p. 50), though as the empirical chapters of this thesis make clear, these new narratives of gay and lesbian love, commitment and equality may not attract universal approval. This contested aspect of narratives on same-sex marriage and civil partnership evokes the subjectivities that come into focus when narratives are told and heard.

In terms of a strategy for analysing narrative interview data, Plummer distinguishes between literary forms of narrative analysis, that focus on formal structure of stories, and those that investigate their social role; specifically,

the ways they are produced, the ways they are read, the work they perform in the wider social order, how they change, and their role in the political process. (1995, p. 19).

My approach to the analysis of interview data seeks to harness the clarity of structural analysis and use this as a basis for exploring the social meanings of couples' stories. My analysis draws on William Labov's model of the structure of the personal experience narrative (Labov, 1972). This model involves a structural analysis that splits a narrative into its component parts, beginning with an optional abstract which serves to summarise the general point the narrative seeks to make and to orient the audience to the point or moral of the story. According to this model, the narrative proceeds with an orientation, offering necessary background information, as a kind of contextualisation or scene-setter for the next component, the complication, which serves as the core of the narrative, often recounting a sequence of significant or noteworthy events. An evaluation then follows, where the point of the narrative is revealed or reiterated. Finally, the narrative's result is conveyed, perhaps offering a resolution to a point of difficulty or conflict. The final, optional, element is the coda, which signals that the narrative is complete, and returns listeners to the present.

Patterson (2008) identifies strengths and weaknesses in Labov's framework for narrative analysis. Despite offering the potential for rigorous and detailed analysis, she expresses concern at the structural inflexibility of Labov's approach, in that it requires complete narrative accounts that follow an apparently rigid format rather than allowing for more partial, tentative or fragmented storytelling. Bold (2012) criticises Labov's model as ethnocentric, in privileging Western forms and traditions of storytelling and overlooking the diversity of narrative structures in non-Western cultures. In response to these critiques, I draw on Atkinson and Coffey (1996) pragmatic acknowledgement that whereas some data will not conform to Labov's apparently prescriptive structure, this model remains a useful framework for analysing the work narratives perform in conveying meaning. In terms of my own research, the data and accompanying analysis contained in this thesis are presented

if not as a defence of Labov, then as an opportunity of putting his analytic model to work in a contemporary sociological context.

In terms of using narratives as providing insights into lived experience, Webster and Mertova point out that, "Narrative is not an objective reconstruction of life- it is a rendition of how life is perceived." (2007, p. 3). Labov's framework for narrative analysis allows for the dismantling of narrative structures to reveal the meanings that the teller wishes to convey. This focus on the meaning as understood by the teller is in line with my motivation to understand marriage and civil partnership from couples' own perspectives. This is not to overlook Atkinson's (1997) characteristically blunt suspicion of narrative as a blind alley, with emancipatory aims for narrative providing no substitute for methodological rigour or, indeed, Bury's (2001) caution about treating narratives as unproblematic statements of fact. For others, however, the unreliability of memory does not undermine the sociological value of storytelling:

When talking about their lives, people lie sometimes, forget a lot, exaggerate, become confused, and get things wrong. Yet they are revealing truths.

These truths don't reveal the past 'as it actually was', aspiring to a standard of objectivity. They give us instead the truth of our experiences.

(Personal Narratives Group, 1989, p. 261)

Riessman (2002, pp. 704-5) appears to agree, concluding that fact checking is less important in narrative analysis than understanding the meanings of events for individuals involved and their location in history and culture.

Interpretation and evaluation of data

Turning to the final stage of and Lincoln's five phases of research, interpretation and evaluation can be seen as the culmination of the process, as the point where data is brought together to provide insights, theory or answers, however tentative or

circumscribed they may be. From the outset, my understanding of marriage and civil partnership, homosexuality and stigma as socially constructed phenomena led me to question the black-and-white legislative and policy realities of legal recognition. This study acknowledges the multiplicity of constructions that are available, taking account of legal and policy constructions of marriage but privileging the meanings made by lesbian and gay couples. My strong interest in couples' perspectives drew me to research questions that would interrogate the research topic from their points of view, focusing on what it is like to be in a same-sex marriage or civil partnership.

The significant quantities of data generated by qualitative research methods means that representation is inevitably a matter of choice (Atkinson and Coffey, 1996, p. 109). This can prove challenging in terms of assembling the data collected, compiling narratives and identifying the points they aim to make. This is an inherently messy, often unsatisfactory process, giving rise to conflicting assessments and lack of consensus, particularly when comparative factors are taken into account. In terms of interpreting and presenting the data, the research design envisaged a series of theoretical concentric circles, rippling out from the married or civil partner couple. This allowed for the data to be sorted in terms of the impact of legal recognition on; 1) the couple; 2) close personal networks including family and friends; 3) less intimate contacts, for example at work or in the neighbourhood; and 4) with those beyond the couple's personal social network. This approach was envisaged as allowing the data to be used to examine the different effects of legal recognition at different locations and with different interlocutors. As set out in the previous chapter, Erving Goffman's *Stigma* provided a theoretical peg for generating insights from the data.

The choices made in designing any research open up particular possibilities, while closing off others. As I have set out in this first half of the chapter, the study was designed with a qualitative focus, geared towards providing a fine-grained evaluation of the impact of legal recognition at the micro-social level, and drawing on stigma as a concept that was directly relevant to its policy aims. The research design included in-depth narrative interviews as a method of data collection means

of eliciting stories from couples about their experience, and analysing these narratives in order to highlight the meanings that couples make around their experience of legal recognition.

The choices I have made in designing the study also require clarity about what the study does not offer. My deliberate choice to carry out a deep rather than broad study, focusing on a small number of couples, means that the research sample is not representative of the wider population. At the same time, the possibility of recurring themes within this small-scale study suggests the potential for generalising to theory, picking up on common themes and examining the impact of legal recognition in the context of lived experience. This was what I set out to do. In the second substantive section of this chapter, I will reflect on the implementation of the research design: what I did, and how it worked out.

Implementation of the research design

Getting it right, and getting into the field

You have to open yourself up in ways you're not in ordinary life. You have to open yourself up to being snubbed. You have to stop making points to show how 'smartassed' you are. And that is extremely difficult for graduate students, (Goffman, 1989, p. 128)

Although he provided little concrete guidance on the use of research methods in the field (Charmaz, 2004, p. 976), this nugget of advice from Erving Goffman chimes with my own experience of setting out on doctoral research. This second section of the chapter documents the implementation of the research design, including the conflicting priorities of attempting to demonstrate competence to research participants, while trying to avoid coming across as an expert on their own lives and experience.

Before beginning my doctoral research, I studied for a Masters degree in Social Science Research Methods at Cardiff University. This degree course had socialised me into the highly normative practice of social science research. A perennial theme of the MSc course was the importance of getting it right, of serving one's apprenticeship and paying due respect to established traditions and schools of thought; less a matter of standing on the shoulders of giants, than of trying not to tread too heavily on their toes. The hurdle of gaining ethical approval from the School Research Ethics Committee at Cardiff University presented an early test of getting it right and involved submitting supporting evidence such as draft topic guides, information sheets and consent forms relating to my proposed field work (at **Annexes A, B and C**). With ethical approval secured as a badge of apparent competence, I began my fieldwork in the UK, carrying out all but one of the interviews there by December 2009, with the final UK interview taking place in August 2010.

Participant recruitment

My approach to sampling was led by my research questions and focused on married or civil partner same-sex couples in the target locations. In numerical terms, the size of the married and civil partner couple populations was easily identifiable from statistical data on the take-up of same-sex marriage and civil partnership. In California, some 18,000 same-sex couples had married before the Proposition 8 result called a halt to lesbian and gay weddings (American Civil Liberties Union, 2009) whereas in the UK, there had been 33,965 civil partnerships at December 2008 (Office for National Statistics, 2009), and in Canada, 45,000 same-sex couples were recorded as married at the 2006 census (Statistics Canada, 2010). Although these figures do not capture the number of divorces or dissolutions that had taken place, nor subsequent marriages or civil partnerships, they show that there was a significant number of couples that were potentially available as research participants.

Participant recruitment proved to be one of the most unpredictable aspects of the implementation of the research design. Initially anxious at the prospect of not

generating enough interviews, I took a scattergun approach targeting a range of potential sources of participants. These approaches were more or less successful in different fieldwork locations. In the UK, I was able to draw upon a range of personal contacts, which proved the most reliable gatekeepers and providers of introductions to potential participants. The LGBT staff association of a large government department where I had worked was also particularly helpful in spreading the word, and once I had begun interviews with members of this group, a snowballing effect kicked in, with participants providing leads on other civil partner couples, though these leads were sometimes geographically distant, adding to travel and time costs. The blurring of public and private lives on the internet was also useful in enabling me to identify couples who had posted photos and videos about their civil partnerships on the internet, and made contacting them to let them know about the study both quick and easy.

Although I had made contact with LGBT scholars and activists at academic conferences in the UK and the US before travelling to Canada and California, I had neither the depth or breadth of my UK contacts to draw upon during the three months I spent in San Francisco (from January to March 2010), and Toronto (May to July 2010). I had chosen San Francisco as a fieldwork location in light of the city's place in the struggle for marriage equality, including Mayor Gavin Newsom's month of marriage. Toronto appeared an equally obvious choice, as the largest city in Canada and capital of the province of Ontario which itself accounted for more than a third of all Canadian same-sex marriages (Statistics Canada, 2010).

I timed my arrival in San Francisco to coincide with the *Perry v. Schwarzenegger* trial, which reviewed the constitutionality of Proposition 8. The court case was invaluable in terms of familiarising myself more fully with the Proposition 8 campaign and its implications, though daily attendance at the courthouse enabled me to make early contact with a number of marriage equality activists, who were blogging from the courtroom and providing regular updates via social media. Once I had established a degree of credibility; i.e. that I was not in court as a supporter of Proposition 8, the activists became important allies. This opened the door to a number of research

interviews within their own networks, and there was again a snowball effect, particularly within the close-knit lesbian and gay communities of San Francisco and the Bay Area. Again, I pursued a scattergun approach, contacting a range of LGBT organisations in an effort to publicise my research and seek participants, the most memorable and productive example being an invitation to address a Sunday morning service at the Metropolitan Community Church in San Francisco. Generally, I found that face-to-face contacts were by far the most reliable, even if this meant calling into a community centre or LGBT group in person, rather than emailing or phoning. Conversely, placing flyers and posters in LGBT bookshops in London, Toronto and San Francisco did not yield a single interview, and I took this as an indication that active approaches to participant recruitment are likely to prove more effective than passive ones.

Recruitment of participants was far easier in California than in Canada. As the empirical chapters of the thesis will show, the continuing struggle for marriage equality in California had had a politicising effect on couples, and those who took part in the study appeared keen to talk about their experiences, and were able to relate their personal experience to political and social developments. Without casting these interviews as therapeutic encounters (Atkinson, 2009, p. 221) there was a great deal of anger at the way marriage rights had been revoked, and this may have been a motivating factor in couples' decisions to take part, lending a sense of immediacy or heightened relevance to the research interviews. The situation in Canada could not have been more different. Strategies that had been tried and tested in the UK and California, such as contacting LGBT organisations, initially proved fruitless in Toronto. When I first arrived in Canada, Goffman's understanding of the research process as a process of getting snubbed appeared to have come true. Once again, tenuous personal contacts proved valuable, with several interviews taking place as a result of striking up a conversation with a straight couple at a concert in an ice-hockey stadium. As in California, timing may have been an issue here, in that five years after legalisation, same-sex marriage did not appear to be a live political issue. Indeed, some of the Canadian couples I interviewed expressed a kind of weary curiosity at the idea of a researcher bothering to travel all the way

from the UK to talk about same-sex marriage; an issue that had long been resolved, was no longer a matter of any real controversy and probably did not merit significant attention in any case. Whether or not this was a simple matter of conveying the utter banality of Canadian social liberalism to a foreigner, the task of getting couples interested in the research was a real struggle there. In the event I managed to interview eleven couples in Canada, compared with a sample of eighteen couples in the UK and sixteen in California. Because of time constraints, two of the UK couples were interviewed shortly before their civil partnerships, and these conversations capture the immediacy of the process of planning a civil partnership ceremony, as well as their aspirations for their future as civil partners. Short pen-pictures of the couples I interviewed are at **Annex D**.

Couples' perception of my own expertise also varied between locations. This usually involved treading a fine line between demonstrating a sincere interest in the research topic but without taking on the expert role that I wanted the couples to assume. This was perhaps more difficult to achieve in the UK, where couples could reasonably expect me to have a fairly detailed understanding of civil partnership, though this would have been from an academic or policy perspective. Conversely, in California and Canada couples could more safely assume that this foreigner, just arrived in the country, might not be aware of the legal and social intricacies of same-sex marriage. However, couples in North America were also keen to hear about the legal and social position in the UK, and in Canada, they appeared to relish the opportunity to make their own comparative evaluations, often highlighting the relative backwardness of US policy on same-sex marriage. I was happy to tell couples about my research elsewhere, but tended to focus on facts rather than evaluative statements, and made a point of leaving this kind of discussion until the end of the interview, so as to minimise the risk of contaminating the interview with my own opinions.

The geographical spread of participants was limited, particularly in Canada, where all interviews took place within the Greater Toronto Area. Similarly, most of the couples I interviewed in California were based in San Francisco or the Bay Area, with

the exception of two interviews carried out via Skype with couples in Los Angeles and Sacramento. The UK couples I interviewed were more dispersed, with clusters in South Wales and Greater London, though I also travelled to the Midlands and the south coast for interviews, and interviewed one Scottish couple online via instant messaging. This limited spread, restricted mainly to mainly urban areas, does not present a geographically comprehensive picture of legal recognition across the three target areas for this study. I acknowledge that the experience of marriage might be different for a couple in rural Saskatchewan than for a couple in downtown Toronto, and this is an inevitable limitation of this small-scale study. However, even within the restrictions of the sample, I encountered gay couples who were fully integrated within rural communities, and elsewhere, city dwellers who were not out as a couple to their neighbours.

The research interviews

I used the first two interviews in each country as an opportunity to pilot the topic guide. The data gained from these pilot interviews provided reassuring confirmation that the broad topics I had selected were understood as both relevant and meaningful, and that couples had responded to my interview questions with narratives on their history together, their wedding or civil partnership ceremony, and the impact of their new status. I had provided all couples with information sheets and consent forms (at **Annexes B and C**) by email a few days in advance of the interview, and used the email contact to provide couples with an opportunity to ask questions ahead of the interview itself. Few couples took me up on this, and at the start of each interview, I performed the ethical litany of introducing myself and offering a brief explanation of the research study as well as reiterating the voluntary nature of couples' participation and my commitment to maintaining their anonymity in transcripts and other representations of the interview. Having established these ground rules for the interview and given couples the opportunity to ask questions about the interview or the study, I invited participants to complete the consent forms. At every interview, I sought couples' consent to record the conversation and data were recorded onto a laptop using Audacity 1.2.5 software as well as onto a voice recorder as a backup.

I used the information sheets to disclose my identification as a gay researcher, and found that Goffman's *Stigma* had been a useful resource in sensitising me to the potential for stigma to be replicated in the context of the research interviews. This was not just a matter of signalling the potential for empathy between myself as a gay researcher and gay and lesbian participants, but was also made me aware of the likely consequences of adopting stigmatising language and behaviour during the interviews. This meant weeding out potentially normative lines of questioning about what I anticipated marriage or civil partnership to be about, and a narrative focus was helpful in this context as a means of casting participants as experts on their own experiences. The narrative slant of the interviews provided a relatively naturalistic form of encounter (Roberts, 2002; Berger & Quinney, 2005), with flowing, and sometimes meandering storytelling taking the place of a potentially more disjointed question and answer interview (Riessman, 1993, p. 203). This required a degree of patience on my part, and a balance between providing space for couples to tell their own stories, while keeping an eye on the focused but flexible topic guide that I had drawn up. The interviews lasted from forty-eight minutes to two and a half hours, with some couples much more responsive than others. One couple in the UK had gone to some lengths to prepare for the interview:

Eddie: We've given this some thought and we've put together some bullet points which will help guide the conversation. So we can just go through them.

Although this cut across my narrative aspirations for the interview, at least initially, this was a clear example of participants setting the agenda, with the researcher firmly consigned to a listening role. In terms of Plummer's framing of research interviewers as "coaxers, coaches and coercers," (1995, p. 21) I sought to place myself in the former role, with my interview questions framed to elicit narratives rather than ask more direct questions. Here, my decision to interview each couple jointly proved helpful, in that participants sometimes took on the role of coaching their partner, for example encouraging them to tell a particular story that they knew

better or could relate better; for example, during one of the Canadian interviews, one of the participants asked his husband to, "Tell Mike about the time you went to book the hotel." Speaking and listening roles tended to be shared between the couples, sometimes more equally than others. One member of the couple sometimes took the lead in the interview, prompting a kind of rear-guard effort on my part to involve the other more fully. This was met with varying success, with the more talkative participants often taking advantage of any hesitation, silence or pause to take the floor once more. This imbalance of participation and voice within the interviews can be seen as a shortcoming of interviewing couples together, with research interviews perhaps reflecting power dynamics within the couple relationship, or simply betraying different levels of interest in the subject matter. However, for the most part, I found the couple interviews provided a helpful and highly productive means of collecting data. These three-way conversations presented opportunities for couples to co-construct their narratives around marriage or civil partnership, with couples regularly talking between themselves, working together to construct and refine narratives, contradict, correct inaccuracies, or come up with the right word when the other was struggling.

The fieldwork stage of the research heightened my awareness of the commitment and proximity that qualitative interviewing implies, and often gave me cause to reflect on its implications. The process of qualitative interviewing meant that within the short space of one or two hours, I would meet a couple for the first time, hear about highly personal aspects of their lives, and then take my leave, knowing that we would probably never meet again. I experienced this part of the fieldwork as an intense, heightened, and ultimately unsatisfactory form of contact. Despite the masses of data that were generated, these short but intense glimpses into participants' lives left me with a sense of loss, or at least of wanting to know more.

There was also a significant emotional context for the interviews, particularly in California, where the impact of Proposition 8 was still prominent. I remember hearing one particularly emotional story that gave rise to strong feelings of empathy and frustration. In California, Annie and Carrie told me the story of how they felt

when their daughter's friend's grandmother expressed support for Proposition 8. This story is explored in detail in Chapter Eight, but is worth mentioning here in terms of the clear distress that this incident had caused for the couple. Hearing this story called my ethical claims about the research study into question: I had engineered the retelling of a painful story that drew attention to how Annie and Carrie felt stigmatised as lesbian parents, and their concern about the effect of this stigma on their daughter. I listened attentively, expressed my sense of empathy at hearing the story, and made sure that time was set aside in the interview for them to talk about the feelings that the incident had given rise to. At the end of the interview, they were very keen for me to stay on and meet their daughter, who was due to arrive home with a friend, so I stayed until she came home, and we spent a pleasant few minutes chatting (mainly about the UK and my 'weird' accent). I came away with the impression that, in the context of the difficult story they had told me, they wanted to show me that their daughter was ok, that they were a family that deserved respect, and I felt it was important for me to signal that I agreed with them, that I was on their side. Leaving this particular interview, I remember experiencing a range of feelings as I walked down the street towards the station; a sense of sadness and anger at the injustice this couple had faced, but at the same time an almost guilty sense of excitement that the interview had delivered such interesting data. This episode highlights the potential mismatch between researcher and participant needs in the context of a research interview.

In the context of the interview with Annie and Carrie, I felt that they were keen for me to bear witness to their family life and to understand the kind of family they were. Talking to them in their home, with Annie knitting as we talked, provided a further element of context to the interview, as well as offering easy access to useful props such as wedding albums and other memorabilia. This element was lacking from the interviews in public places such as coffee shops, bars or restaurants, though, of course, participants' choice of venue can also be seen as pointing towards the kinds of identities they wanted to present (Sin, 2003). During interviews in public places, I was concerned that the potential for others to overhear the conversation might prove inhibiting to participants, though this did not appear to

discourage couples from personal disclosure. However, meeting in a couple's favourite bar or coffee shop meant that the interview recordings were sometimes underscored by loud background music, the almost constant hiss of an espresso machine, or at the very least a constant jumble of background noise, making transcription a particularly tortuous and time consuming process.

In terms of gaining a sense of couples in their home surroundings, the small number of web-based interviews I carried out (2 in California, via Skype, and 1 in the UK, via instant messaging) was by far the least satisfying. Web-based interviewing may have many advantages, including the elimination of travel time and costs as well as, in the case of instant messaging, delivering an automatic transcript of the interview (Fontes and O'Mahony, 2008; Selwyn and Robson, 1998). In providing for audio and video interaction, packages such as Skype can offer some of the benefits of face-to-face interviewing, and can entail a less intrusive experience for participants than having to invite a researcher into their home (Hanna 2012). Using Skype went some way to alleviating a sense of self-consciousness about invading participants' homes and, "feeling like a nuisance these families could do without" (MacLean, 2011, p. 57). However, my experience of these different kinds of interviews left me with the strong impression that something was lost in web-based interaction, whether in terms of atmospherics, the context that access to the family home can offer, or as a result of missing out on non-verbal cues (Stewart and Williams, 2005).

Transcribing and analysing the data

I transcribed the data from the research interviews into word processing files and although this was a lengthy exercise, this was time usefully spent in familiarising myself with the data. Data were transcribed following Poland (2002), with pauses and overlapping speech annotated in the transcripts. In terms of data analysis, I found Labov's framework for structural analysis of narrative text a relevant and useful model in terms of identifying the meanings couples attached to their experience of marriage and civil partnership. An extract from the data, annotated to show the narrative's component parts, is at **Annex E**. The transcripts show that, although not every part of the data correspond to Labov's linear model, couples told

stories that largely followed to this framework, especially when given free rein to relate a story without interruption. Even where interview data did not follow a narrative structure, Labov's framework was useful in encouraging me to think about the role of that particular comment or aside for the speaker. In this respect, I found the narrative approach to analysis delivered a range of evaluative statements about marriage and civil partnership, in line with the focus of the study. These evaluations of marriage and civil partnership will be explored in the empirical chapters that follow.

Questioning anonymity

This chapter is structured to contrast the theory of research methods training with the practice of carrying out the research study. This second substantive section of the chapter concludes with a research anecdote that illustrates the potential for coming unstuck in the field regarding the principle of maintaining the anonymity of participants. Following my methods training and successful application to the university ethics committee, guarantees of participant anonymity were dutifully reiterated in the information sheets and consent forms I provided for potential participants. At the start of each interview I also restated the principle of anonymity and explained the use of pseudonyms in reporting the research data. In the UK, anonymity was a particular concern for Tess and Helen, a couple who were not out to their neighbours, and who were even concerned that they might have to explain my presence in their home to inquisitive neighbours. In California, I found myself re-evaluating this almost unthinking obedience to the principle of anonymity when Robin and Diane, one of the couples I interviewed, insisted that they wanted their real names to be used when it came to presenting the data. This was a proud, out, lesbian couple, and they were clearly annoyed that I should even consider disguising their identities. I felt embarrassed that I had potentially caused them offence, and that I had somehow undermined their confidence in me as a researcher.

This led me to re-examine my unquestioning commitment to anonymity, which also links back to the research topic and the theoretical framework for the study. If we consider that marriage and civil partnership are geared towards visibility and social affirmation, then enforced anonymity appears incongruous, inappropriate, and

potentially counterproductive. There are potential parallels here between anonymity and closeting, with blanket anonymity taking on connotations of keeping same-sex couples hidden from public view, as acknowledging something shameful and as having the effect of silencing their true voices. Another couple demonstrated this complexity in an extreme form, recounting their wedding reception, which had been paid for by a TV station and broadcast nationally as part of a reality show. In displaying their wedding party to the general public, they had not only rejected the idea of anonymity, but they saw this as an explicitly political gesture that would educate the American public about the lived experience of same-sex marriage. In this research context, blanket assumptions of anonymity appear in hindsight as unnecessary, unhelpful and even insulting to participants. As Tess and Helen made clear, anonymity was important as a matter of privacy, and ethical approval and data collection with research participants would become all but impossible if they thought that they could be traced, or their comments attributed to them later on.

My ethical commitments were exposed in this instance as relatively shallow and unreflexive, informed by a tick-box approach to ethical practice rather than an empathetic understanding of how participants might negotiate the concept of anonymity. To be clear, this is not an attack on the principle of anonymity in social science research, and I acknowledge that there are many instances where anonymity is both appropriate and necessary to protect the interests of participants and to encourage participation in research. However, this couple's response to the assumption of anonymity led me to question my largely unthinking commitment to this aspect of the study.

Conclusion

This chapter began with an exploration of my own personal commitment to the research field as a starting point for exploring the methodological considerations that drove the design of this research study. My own feelings of closeness to the research topic and to participants were acknowledged from the outset, with my motivation to focus on lesbian and gay couples' perspectives driven by an understanding of the possibility of different realities. This constructionist orientation

is also reflected in the comparative focus of this study, which itself focuses on the effects of different policies in different locations and from different perspectives. Epistemological considerations around my proximity to participants led me towards a qualitative strategy of inquiry, with in-depth interviews geared towards eliciting couples' narratives relating their lived experience of marriage or civil partnership. This focus on couples' narratives is, in turn, taken up in the framework I selected for analysing the interview data.

This chapter provides an account of the design, development and implementation of my research strategy. I have felt relatively exposed in writing this methods chapter, as it goes further than the other chapters in asserting my own interpretation of the norms and traditions that govern social inquiry. This chapter has made it clear that although my methodological decisions were not reached uncritically, they were at times the source of doubt and anxiety. However, the research paradigms and methods that I drew upon in planning and implementing the study proved fit for purpose, in that they delivered a substantial body of empirical data that relate to the research questions that drove the study. The data reveal multiple perspectives and realities around the lived experience of legal recognition not simply as a narrow, legalistic instrument, but as a vehicle and a strategy for developing new understandings of gay and lesbian relationships and identities. These new understandings will be explored in the four empirical chapters that follow.

Chapter Five: *For the first thirty-two years of my life I was a criminal: the impact of legal recognition on same-sex couple relationships.*

This empirical chapter and the three chapters that follow provide an analysis of data collected from in-depth qualitative interviews carried out from in 2009 and 2010. This first empirical chapter investigates the impact of legal recognition for same-sex couple relationships, and is followed in Chapter Six by an account of the effects of marriage and civil partnership within family and friendship networks. This ripple effect is extended further in Chapter Seven, which focuses on the impact of recognition in less intimate social settings, including the workplace and the neighbourhood, and evaluates marriage and civil partnership as aspects of sexual citizenship. Chapter Eight, the final empirical chapter, offers an assessment of the Proposition 8 referendum in California from same-sex married couple perspectives, drawing on interview data and field notes from the *Perry v. Schwarzenegger* trial. These first three empirical chapters are structured to highlight the impacts of legal recognition as rippling out from the couple into their close social networks and beyond. This is not to imply that these effects should be considered in isolation from each other; rather, they should be taken together as providing an overview of the social impact of legal recognition at different points in the couples' lives.

This chapter begins by presenting contrasting views from an older and a younger couple, both from the UK, on the personal impact of civil partnership. This is followed by an assessment of the wider impact of recognition on participants' couple relationships, including the legal rights and responsibilities that accompany marriage or civil partnership, the new labels and titles available to couples, and the normative expectations that their new statuses may imply.

Looking back and starting out

The couples who took part in this study were at very different stages of their lives and their relationships at the time of interview. This tour of the empirical data begins by contrasting two British couples: Billy and Eddie, both in their seventies and together for forty-six years at the time of interview; and Donna and Sharon, a couple

in their early twenties, whose imminent civil partnership was timed to coincide with their first anniversary together as a couple.

Looking back

I interviewed Billy and Eddie in their comfortable suburban home, a detached house in an affluent London suburb. Their living room looked out onto a meticulously-tended garden and framed photographs were dotted about the room, showing Billy and Eddie on holiday together, and with friends at social events over the forty-seven years they had spent together as a couple. The setting for the interview was in stark contrast to Billy and Eddie's rather bleak description of their early years together:

Eddie: For the first thirty-two years of my life I was a criminal. Then in 1967, the law changed, and it didn't get better, it got worse. The police and the Home Secretary were a pain in the backside. We never ever told anybody we were gay. We didn't dare.

Billy: For years, while it was illegal, we had to have two separate single beds and we slept in one. We had our first double bed in 1971. It was lovely to have a bit more room.

The startling admission that Eddie spent the first half of his life as a criminal conveys a keen awareness of legal consequences of the stigma attached to his sexuality, as well as an understanding of his sexuality as an intrinsic element of his identity. So powerful was this stigma, that his sexuality could not even be mentioned or named. Billy brings the impact of this hostile legal and social climate into the domestic sphere, where the risk of arrest and the constant fear of exposure as a gay couple led them to maintain the pretence of sleeping in two separate beds in the years before decriminalisation. Billy's addendum to Eddie's story highlights the penetration of law and social stigma into their domestic and intimate lives, and paints a tragicomic picture of two adult men crammed into a single bed. In the context of this study's focus on the impact of legal change, it is also significant that Eddie is keen to challenge assumptions that partial decriminalisation of male

homosexual acts in 1967 was an unqualified advance. Later in the interview, Eddie evaluated their new status as civil partners:

Eddie: Here are two people of the same sex who have gone the mile, demonstrated their reliability, their dependability, paid their taxes, lived a decent life. I think it has brought us in from the cold.

Here, we have a glimpse of the transformative potential of legal reform: civil partnership has brought Billy and Eddie in from the cold. Eddie's assessment is framed in terms of his and Billy's reliability, dependability and decency, and can be read as a riposte to stereotypical ideas about gay couple relationships as transient, shallow and lacking emotional depth. Eddie casts himself and Billy as two survivors who have been able to demonstrate the validity of their couple relationship through the length of their relationship and their conduct as upstanding citizens and dependable partners. There is a flavour here of civil partnership as a reward, or at least as a form of acknowledgement for this couple who have survived nearly five decades together despite the adverse social and legal circumstances of their early years. This suggests a symbolic role for civil partnership, as conveying and signifying the depth and longevity of Billy and Eddie's relationship. Billy and Eddie started out as criminals; their relationship was so despised that it had to be kept hidden, even in the private, intimate space of their bedroom. Now, they see themselves as a dependable, reliable, upstanding couple, with these desirable attributes reflected in their civil partnership.

As Eddie makes clear, he and Billy have 'lived a *decent* life'; an interesting formulation, if we recall that gross *indecent* was the charge levelled at men apprehended for illegal homosexual acts, even after partial decriminalisation in 1967 (Cretney, 2006, p. 91). Billy and Eddie's poignant account of their forty-seven year relationship makes clear the importance of time, age and the life-course in our understanding of legal recognition and its effects. Billy and Eddie's relationship of forty-seven years is a kind of testament to the transformation of the prospects of same-sex couples, not simply in terms of a legal status that was unimaginable when

they met and formed a couple, but also as a result of growing social acceptance which has allowed these former criminals to recast themselves as decent, upstanding citizens.

Starting out

Younger couples, on the other hand, enjoyed greater opportunities to integrate legal recognition more fully within their longer-term life goals. This was especially the case for couples that had formed since marriage or civil partnership had become available. For Donna and Sharon, a White, working-class couple in their early 20s, civil partnership formed a taken-for-granted part of their long-term plans. I interviewed them a fortnight before their civil partnership ceremony, and their small flat in inner-city Cardiff was already filling up with the party supplies they had gathered for their civil partnership reception. Donna and Sharon's civil partnership was timed to coincide with the first anniversary of their meeting each other at work, at a large retail store. When prompted to explore their motivation to enter a civil partnership, they framed their response in the context of a lifelong commitment:

Donna: Brings us together.

Sharon: Eternity, love, everything like that.

Donna: I wants to be with her, I don't wanna be with no-one else (..). It's just this, it's the bond, innit, giving us that bond together, innit (..) legally.

Sharon: Like, my aunties and all that, they understand how it is with us. It's just some certain people will be like, I don't know if all this is, you know, gonna last and all that. Well, this just shows that it IS gonna last, cos I'm not gonna marry her just to be with her for a couple of months and then that's it. [Turning to Donna.] So, once we're, like I said to you, once we're married, we're married. I won't be divorcing you [laughs].

Although there is a passing mention of a legal bond, Donna and Sharon emphasise the affective role of civil partnership in cementing their exclusive commitment to each other and signalling the depth of this commitment to others. There is also an acknowledgement that some may doubt whether the relationship will endure, though these pessimists are dismissed in favour of wiser aunties and others who know the couple better and understand that the relationship is for keeps. Here, Sharon and Donna have made it clear to each other that their decision to get married is a mark of the permanent nature of their relationship: divorce is not an option, and they are confident that they will be together for the rest of their lives. Sharon is also entirely comfortable in equating civil partnership to marriage, a use of language sometimes appropriated and sometimes resisted by couples in the study, as will be seen later in this chapter.

These first excerpts from the data highlight very different perspectives on civil partnership from an older and a younger couple. Clearly, Donna and Sharon's civil partnership was interpreted as a rite of passage, as setting the scene for a lifetime together, as well as providing a legal and social context for long-term projects including buying a house and adopting a child. Their insistence that their relationship will last suggests evokes a romantic view of marriage as a lifelong commitment. Billy and Eddie told a different story. After forty-seven years together, rather than representing a deepening of their relationship, civil partnership was more a matter of the law and society catching up the unrecognised, unacknowledged commitment that Billy and Eddie had made to each other decades earlier. For Billy and Eddie and other older couples I interviewed, conventional scripts around falling in love, getting married, setting up home and building a life together had been largely unavailable to them at the start of their relationship. For Billy and Eddie, the transition from being criminals to being civil partners was particularly striking. More generally, partnership and marriage were seen by older couples as a matter of better late than never, and had come more as a footnote than as a foreword in their histories together. Older couples had had to build lives without access to marriage as a rite of passage, and its supportive role in providing social recognition, approval and support for couples embarking on life together,

whereas younger couples could take for granted the opportunities that marriage or civil partnership offered.

Views from the middle

The length of the relationship was a factor in couples' understandings of the transformative potential of legal recognition. This was made clear by Patrick and Evan, a white-collar couple in suburban Toronto, both in their forties:

Patrick: We'd already been together fifteen years when got married, so it didn't make much of a difference.

Evan: Yeah. I didn't think marriage would make big difference to our relationship. I mean, we already had the emotional stuff, we already had our finances together, we own a home, we have joint bank accounts. It was nothing, just a ceremony.

Here, marriage is played down as a significant milestone in the relationship, in contrast to other pivotal events in Evan and Patrick's relationship such as the development of an emotional bond between them, the pooling of their finances, and their decision to buy a home together. It is almost as if marriage had come too late to be understood or experienced as a transformative experience, but was seen more a means of rounding off or formalising commitment, or even just as a matter of legal status catching up with the affective, social and financial realities of these couples' lives together. Patrick and Evan's evaluation of getting married suggests that aside from the wedding or civil partnership ceremony and the time spent arranging it, there appeared to be little scope for legal recognition to have much of an impact on their day to day lives as a couple. In South Wales, Simon, a member of a couple in their thirties, together for seven years at the time of interview, spoke in similar terms about the impact of his civil partnership:

And whether we feel differently as a couple, I think no, we don't, because we've been together for seven years, although we were only living together

for two years before we had it. I think that was the big change, living together. In some ways, civil partnership is like a box you've ticked, but life pretty much carries on as normal.

Whereas these extracts suggest that long-established couples appear dismissive of the impact of legal recognition on their couple relationships, others acknowledged a more fundamental shift. In east London, Andy together with his partner Kelvin for seventeen years, provided a different perspective on the impact of their civil partnership:

I think in an emotional way, there's a further cementing of our relationship because we've made that public commitment to continue to live together. I think that the partnership for me, apart from the legalistic side, it's also a further expression for me of how much I love him. And to me, that's important.

Seventeen years into their relationship, Andy frames his civil partnership as cementing the emotional content of his relationship with his partner Kelvin. Andy's evaluation makes it clear that although legal aspects of civil partnership were a factor, he interpreted the civil partnership as an opportunity to express the depth of his love for Kelvin. He also emphasises the importance of civil partnership as a public commitment, offering them a context for professing the depth and quality of their relationship.

Other participants appeared to be taken aback by the impact of marriage or civil partnerships, with the ceremony or service often providing a focal point for this kind of realisation. In San Francisco, Louis explained the impact of his wedding to his long-term partner, Turner:

Once you live with someone on a daily basis, you know, it becomes about all these other things. So, to actually go and take that moment and say here is

why I love you and why I'm committed to you, that's powerful, no matter when it happens, it's still very powerful to say it.

Turner responded:

Getting married drew us closer, it was very spiritually transformative. It really gave me an appreciation of the power of ritual in a way that I maybe hadn't previously. I was obviously exposed to lots of weddings, lots of rituals, what have you, but you know, as a gay person you go through a better portion of your adult life, and most of your friends aren't having weddings, so, how can you understand what it really means to stand up in front of all of the people you know and love and characterise why you love this person and are committed to them.

Here, Louis acknowledges the potential for love and passion to be overtaken by the day to day grind of domestic life, and appears to view his marriage to Turner as a means of recapturing a sense of the affective content of the relationship. The power of marriage in this respect is echoed by Turner, who also provides a sense of the alienation that he had experienced with regard to marriage, with those in his largely lesbian and gay social network having been denied the right to marry.

In Toronto, Roy recalled his wedding ceremony in almost Damascene terms, as a real revelation:

I was pretty calm, but once we got into the ceremony (.) when she was reading the vows, the words were just blaring in my ear. They said I was doing something with my hands. First I had my hands in my pockets and she told me to take them out. I was twitching my hands or something. I was so nervous at that moment when it was actually happening. That's when it hit me, oh my god, I am actually getting married right now, like, like something I never thought I'd see or I'd do. It's actually happening and it's legal, because I'd been to other ceremonies in the States since back in the 80s and they

were very beautiful and nice or whatever but the weird thing was they were broken up within two years. And it wasn't legal in the first place so it really didn't matter.

This narrative makes a number of points. Roy orients his story to contrast his initial calmness on his wedding day with his highly emotional state once the ceremony began. He introduces complications such as fidgeting to convey his nervousness, which then leads into the result of the narrative, which is the realisation that he is actually getting married, and, significantly, that it is legal. There is a sense of incredulity that he is getting married, as something he never thought possible. Roy also contrasts his wedding ceremony as having a legal validity that commitment ceremonies lack. He appears quite dismissive of commitment ceremonies as having no legal basis, even suggesting this as a factor in the subsequent breakdown of these couple relationships. A number of participants in this study had devised their own commitment ceremonies, often many years in advance of marriage or civil partnership becoming available. These ceremonies had been highly individual, and ranged from an entirely private exchange of rings and vows, to large-scale gatherings of family and friends, with the form and content of these ceremonies often acknowledging couples' religious and spiritual beliefs. These unofficial ceremonies, and the creativity and imagination they displayed meant that these events retained a special significance for couples, who often chose to mark their anniversary on the date of their commitment ceremony rather than their wedding or civil partnership. Whereas these commitment ceremonies appeared to meet a need for the couple to signal the primacy of their couple relationship to each other and to family and friends, marriage or civil partnership filled an important gap in couples' legal rights.

For some couples, their decision to marry or form a civil partnership or marriage had been a foregone conclusion. One British couple, Maggie and Susan, together for ten years, saw this as a matter of duty, interpreting the political struggle to achieve legal recognition as creating a personal responsibility:

Maggie: And we were obviously following the progress of the political debate all the way through, and so when the legislation was passed, we knew then it was only a matter of time before we entered into a civil partnership. First because we wanted the rights and responsibilities, and we wanted to make a social declaration, a proclamation of our love for each other. But in a way, there's also a moral responsibility, when people have campaigned to get a piece of legislation through which is intended to support same-sex couples, I think in a sense you have a moral responsibility to make use of that because it's very easy for us all to complain about the rights we don't have, and yet at the same time, when it becomes possible I think you have to make use of it and say, we are here, we are going to make use of this.

Susan: Definitely, yeah.

Maggie recalls following the progress of the bill on civil partnerships through Parliament, and saw civil partnership as a foregone conclusion for her and her partner Susan. Maggie's narrative combines legal and social aspects of civil partnership, acknowledging the importance of rights and responsibilities alongside its potential for social affirmation. It is interesting that Maggie, an active supporter of LGBT rights organisation Stonewall, frames her civil partnership as something of a moral responsibility, even as a way of paying tribute to those who campaigned for legal recognition. As part of the first cohort of civil partner couples, there is a clear sense of responsibility here, as if Maggie and Susan have a duty to take advantage of opportunities not previously available to them, to make a reality of the legislation, and to ensure that civil partnership lives up to its promise. There is an element here of visibility, of standing up to be counted almost as an act of defiance against heterosexual dominance (Cooley and Harrison, 2012). This suggests a performative aspect to legal recognition, or at least an expectation that couples should be prepared to take advantage of opportunities for legal recognition, as if they owe a debt to the political struggle that others have undertaken on their behalf.

Legality, labels and normative expectations

Alongside new legal rights, marriage and civil partnership offer couples new names and labels to describe their relationship. For some couples, these labels took some getting used to, as did some of the largely unspoken, normative assumptions that couples attached to their new status. This section of the chapter considers the relatively clear legal impact of marriage or civil partnership for couples, alongside the less more ambiguous linguistic implications of legal recognition, and the even trickier moral and sexual expectations that couples attached to their new status.

Legality

Beginning with legal rights, the entitlements and responsibilities that accompanied marriage and civil partnership were identified by all participants as a key aspect of their decision to formalise their relationship. This was an especially prominent theme in the UK, where lesbian and gay couples had been largely overlooked in law prior to the introduction of civil partnerships (Department of Trade and Industry, 2004). In California, same-sex partners had enjoyed limited access to couple rights since 1999 through domestic partnership legislation, though even same-sex marriage had not granted parity of treatment with opposite-sex couples, as a result of the Defense of Marriage Act. The picture was different again in Canada, where comprehensive partnership rights had been available to cohabiting same-sex couples since the 1999 *M. v. H.* ruling (Smith, 2002).

British, Canadian and Californian couples all framed legal recognition as a kind of insurance policy, safeguarding legal and property rights in case of death, accident or injury. The vulnerability of same-sex couples was a regular theme, and interviews were littered with second-hand accounts of other same-sex couples who had been denied access to a sick partner by homophobic medical staff, or were excluded from the funeral and denied access to property on the death of a partner, with an indifferent legal system offering no prospect of redress. The frequency of these atrocity stories (Dingwall, 1977; Stimson and Webb, 1975) in the research interviews suggest that they have assumed a folkloric status for same-sex couples. Individual atrocity stories have become the subject of legal and political campaigns to improve

the legal protections available to same-sex couples. For example, Karen Thompson's protracted fight for the right to care for her partner Sharon Kowalski drew international attention (Eaklor, 2008). As set out in Chapter 8, the hardships faced by individual couples arising from the lack of legal protection were also a theme of the *Perry v. Schwarzenegger* trial. These atrocity stories are replicated in popular culture, with the HIV-AIDS epidemic exposing the vulnerability of same-sex partners as carers or as a surviving partner when the other dies. Sean and Alex, a British couple in their forties, together for fifteen years at the time of their civil partnership, drew on the Hollywood film *Philadelphia* to illustrate the lack of protection available to same-sex couples:

Sean: The legal issues are also very important. The experience of life within the NHS (.) it harks back (..) even in America, in the film *Philadelphia*, when Antonio Banderas goes to see Tom Hanks, he's told, who are you? Go away. You don't mean anything. Well, actually, I probably do.

Alex: It's happened with people we know, who've had similar experiences. Turned away from hospital, kicked out of hospital, all that sort of thing.

Sean: If you spoke to someone from Stonewall they could give you documented evidence where people who've been partners for twenty, thirty years and if one partner dies the surviving partner has no claim on the house. If there's no legal claim, they're dismissed. And they're not even allowed to the funeral, all those sort of things, and they're not allowed any personal items. It's just awful.

Here, the lack of legal recognition is presented as a threat to next of kin rights and property rights for lesbian and gay partners. Sean backs up his own experience as an IT specialist in the health sector with a reference to the 1993 film *Philadelphia*, one of the first mainstream films to deal with HIV and its impact on gay couples. Sean re-narrates a plotline from the film, where Antonio Banderas's character is turned away from the hospital ward because he is not recognised as his partner's relative. Clearly

Sean's new status as a civil partner provides a degree of reassurance that he does count as next of kin, that he enjoys a legally enforceable status as Alex's partner. Following up on Sean's telling of the film plot, Alex confirms that he knows same-sex partners who have been in the unenviable position of being denied recognition as partner or next of kin. In response, Sean is keen to establish that this is not simply an anecdotal problem, claiming that LGBT organisations such as Stonewall would provide more authoritative evidence that this was a widespread problem for lesbian and gay couples. Indeed, this was one of Stonewall's own arguments in favour of legislation on civil partnerships (Stonewall, 2003). Alex and Sean's exchange conveys the precariousness of their legal position as a couple prior to their civil partnership. More generally, participants equated the historical lack of legal recognition with a more general disrespect for same-sex partners on the part of medical staff, the legal profession and family members, all of whom were seen as posing a potential threat to the primacy of same-sex partners. The authority invested in these figures, whether as professionals or as relatives, is contrasted with the powerlessness of same-sex partners. There is a feeling here of injustice and impotence, expressed here in extreme terms, in the context of being excluded from one's partner's funeral.

Later in the interview, Sean imagines himself in a position where he has become incapacitated, and emphasises the importance of his civil partnership as a means of establishing and safeguarding the primacy of his partnership with Alex:

If I were in an accident and I wanted someone to make decisions about me, I would want it to be Alex. I wouldn't want it to be some relative I haven't spoken to other than at funerals, I'd want it to be someone important to me, who knows me as an adult and not as a child. That's a very key thing.

Here, Alex's primacy as next of kin is expressed as an important practical benefit, with civil partnership working to neutralise the power of problematic or distant family relations. This aspect of legal recognition was a source of comfort for many couples who took part in the study. In a suburban Essex, Tess and Helen, a couple in

their sixties and together for thirty-six years, highlighted next of kin rights as a key aspect of their civil partnership:

Tess: I think after being together for so many years, it wasn't a thing that you think, oh, we must do it because we might split up if we don't. It's more of a financial thing. It's not much when we're alive, but it's what's going to happen if one of us dies, whoever goes first. It's the fact of the next of kin. I know you can do that when you go to a hospital now, but next of kin in terms of family and so on, and you're the one who can actually act for the other. And financially, obviously, as well. Helen will be able to get part of the pension if I go first. I'm hoping not to, but [laughs]. After so long, you don't have to prove anything to each other.

For Tess, civil partnership was a matter of securing legal and financial protections around next of kin rights and pension rights, rather than as a reflection of the quality or depth of their partnership. Tess and Helen's civil partnership was not a matter of demonstrating commitment, as after more than thirty-five years together, they felt they had nothing to prove to each other in this regard. Neither was their civil partnership about generating social acceptance: Tess and Helen were in fact very keen to guard their privacy, were not out to their neighbours in the short cul-de-sac where they lived, and had chosen to have a low-key civil partnership ceremony miles from where they lived in order to avoid attracting unwelcome attention. In this context, they saw civil partnership as adding a new legal underpinning to their couple relationship, rather than as a social or affective statement.

For other couples, legal aspects of their civil partnership were even more prominent. For example in the south of England another British couple, Phillip (aged 48) explained the process of drawing up a pre-nuptial agreement ahead of his civil partnership:

Phillip: We had a conversation which culminated in us being able to write pre-nuptial agreements, so that if for whatever reason, god forbid, we did

want to separate, we could be clear and peaceful about what the implications were going to be. (.) And I found it quite a loving process, actually writing in detail about how I would want to be in terms of disposal of assets and conduct in the event of a dissolution.

Phillip's confident and fluent explanation reflects his professional training as a lawyer and his subsequent career as a freelance writer. Rather than explaining the pre-nuptial agreement as a matter of protecting property and assets, he explains this as a strategy to make a dissolution less disruptive, in the unhappy event that his partnership with his partner Barney should come to an end. Phillip's evaluation of this legal formality of dividing their property and assets as, "quite a loving process," is striking. His reference to the pre-nuptial agreement offers a calm, considered acknowledgement of the possibility of the relationship breaking down, bringing to mind Giddens's notion of confluent love and a pure relationship that might at some point come to an end (1992). This is in clear contrast to Donna and Sharon who, earlier in this chapter, were keen for their civil partnership to convey the permanence of their relationship.

The prominence of the legal rights that come with marriage and civil partnership can, at least in part, be understood as a factor of the research sample. It is perhaps to be anticipated that middle-aged, middle-class couples might see legal recognition as an insurance policy to safeguard next-of-kin rights, or protect the assets they have built up during their time together. It is tempting to frame this aspect of the data as evidence of a qualitative difference between the scripts that opposite- and same-sex marriage might draw upon to describe their aspirations for married life. Certainly, heterosexual marriage is more likely to be framed as a matter of falling in love and building a life together, in comparison to the more downbeat accounts here of dealing with incapacity, bereavement or separation. At the same time, Donna and Sharon's more traditionally romantic account of falling in love, getting married and building a life together provides contrary evidence, pointing towards age as a key variable rather than sexual orientation.

Labels

The linguistic possibilities available to same-sex couples as a result of legal recognition are also significant. The historical lack of legal status, together with the stigma attached to gay and lesbian relationships rendered same-sex relationships both unmentionable and beyond definition, leaving couples and families lost for words in attempting to describe same-sex relationships and the meanings attached to them. Marriage and civil partnership appeared to present opportunities to make couples' relationships more intelligible, not only to family and friends (as will be seen in the following chapter) but also to couples themselves. In southern England, Barney, gave an eloquent assessment of the impact of his civil partnership with Phillip:

It formalised something that was already very well established. It was a social upgrade in a way, it changed the way I talked about us and about myself, and although I've been an out gay man for thirty years, it was very new and I realised that I was talking to some people in a different way about who I was and what we were doing, because there was now a language which had something to do with the mainstream and I had less of a concern about it being something that people wouldn't understand. We've been legitimised in a very formal way.

Barney makes it clear that although his relationship with Phillip was already well established after a decade together, civil partnership had both formalised this commitment and elevated the social standing of their relationship. There is a clear thread of de-stigmatisation running through Barney's account of civil partnership as a social upgrade, as bringing him closer to the mainstream and offering a sense of legitimacy. This is perhaps the kind of evaluation that would appear to confirm the worst fears of queer critics around the role of recognition bringing same-sex couples closer to the mainstream and engendering a sense of belonging based on heterosexist norms. In any case, civil partnership appears to have changed the way Barney sees his relationship with Phillip, though its new discursive possibilities appear to have come as something of a surprise. He goes on to acknowledge the

interactive possibilities of this transformation and its effects in changing the way he talks to others about himself, his sexuality and his relationship with Phillip. These aspects of recognition will be explored in more detail in the following two chapters. However, for the moment, it is worth noting that the role of civil partnership in making his couple relationship more intelligible to himself and to others is welcomed. Again, this recalls Eddie's assessment of bringing lesbian and gay couples in from the cold.

The intelligibility of marriage was equally a consideration for couples getting married in Canada, and especially in California, where most couples who took part in the study had enjoyed limited legal rights as domestic partners prior to marriage. Couples in California often expressed dissatisfaction with the terminology of domestic partnership as an alternative status to marriage. In their suburban home outside Oakland, Joanne and Lisa explained the impact of this shift in terms of making a reality of their own understanding of their eight-year relationship:

Joanne: We said going in to get married, the thing that's going to change is that I can call you my wife. And it matters to be able to refer to your husband or wife as your husband or wife in conversation. Because it normalises things. And it makes it, (.), it puts it out there, and it's like well, you know, before we were legally married, she was functionally my wife, but it felt a little pretentious to say my wife.

Lisa: I couldn't say it. I had to say my partner.

Joanne: And partner is, you know, ambiguous.

Lisa: Could be business.

Joanne: And the power to refer to somebody as your husband or wife (.) is the ability to declare what that relationship is.

Lisa: Yeah, and I value that.

Joanne: And why shouldn't we be able to declare what our relationship is, and it's why domestic partner isn't good enough, because you don't refer to somebody as your domestic partner. You know, 'this is my DP.' What's that, Deputy Prosecutor? [laughs].

Here, it appears as something of a relief for Joanne and Lisa to be able to call themselves wives. Again, this is a matter of the law and society catching up with this couple's long-held understanding of their relationship as a marriage. Here, the normalising effects of appropriating the terminology of marriage are acknowledged and welcomed, with Joanne referring explicitly to the power that comes with the ability to claim the title, role, and privileges associated with this prized status. There is clear frustration with the inelegant term *domestic partner*, as not sufficiently capturing the affective nature of the couple relationship. Joanne and Lisa provide an emphatic rejection of domestic partnership as unclear, ambiguous and failing to convey the emotional and affective character of the couple relationship. Similar concerns were voiced by UK couples, many of whom expressed frustration with civil partnership as a new form of legal and social status. In east London, Andy and Kelvin gave vent to their frustration at the apparently narrow parameters of the terminology:

Andy: Civil partnership, it's sterile. It's taking away, deliberately removing, I hate the term spiritual because it's awful, but it's the emotional side it's taking away. It's like this is a legal document and we're not going to express it any other way than in a legal sense, you know.

Kelvin: It's only different because they don't want to give us married status. They don't want to call it a marriage and the church has put the kybosh on that. So they call it a civil partnership, and then people say you're getting special treatment. But we're not, we're getting lesser treatment because we're not being recognised as being married, even in a non-religious sense.

Here, we can understand civil partnership as a grudging, almost reluctant, form of recognition and glimpse the ambivalence that this new status has provoked. Andy sees the term civil partnership as cold and legalistic, and failing to conveying the warmth and emotional content of his relationship with Kelvin. There is also a real sense of anger at the denial of married status to civil partner couples, who may see their relationships as performing the functions associated with marriage, yet are denied this status. Kelvin's comment about his civil partnership offering lesser treatment because it is not recognised as marriage reveals a stigmatising element to civil partnership. Kelvin's reasoning is that civil partnership was created as a means of preserving the privilege attached to heterosexual marriage, in deference to organised religion. Rather than seeing the new status of civil partnership as special, Kelvin sees this as an inferior substitute for marriage, reflecting the disfavoured social status of same-sex couples. There is a clear sense of civil partnership as giving with the one hand and taking away with the other. Whereas civil partnership offers new legal and social status, at the same time it can be seen as reinforcing the primacy of heterosexual marriage, condemning same-sex couples to a subsidiary status. In other words, civil partnership can be seen as a new manifestation of stigma.

This distinction between straight marriage and gay or lesbian civil partnerships in the UK led to a degree of reticence around equating civil partnerships with marriage. Whereas some couples were happy to distance themselves from marriage, others who welcomed these parallels were nonetheless wary of appropriating language around marriage, weddings, husbands or wives. In south Wales, Hywel and Martin, together for eighteen years, described how their resistance to referring to themselves as married had been eroded:

Martin: We had a discussion and about four of my, our, closest friends came up and said, ooh, you're getting married. And I said, no, we're not getting married, we're having a civil partnership. However, having been through the ceremony and afterwards, if anyone comes up to us now and says you two

got married, I'd say yes, we did. And I will not challenge it. We couldn't maybe get into our heads the concept of getting married. But subsequently, that's what I feel.

Hywel: But there was a part of me in that sort of reaction, you know, I was making almost a political point. Saying, well, no, it's definitely not marriage because we're still being treated differently and not having the full-blown marital status. So I was very vehement towards calling it a civil partnership as a political thing. But like Martin says as well, having gone through it, I now consider myself as married.

This account suggests a kind of social learning, where Martin and Hywel's insistence that they were having a civil partnership rather than getting married had been worn down by the well-meaning, if patronising, platitudes of those around them. This could be interpreted as this couple being happy to take the lead from others in referring to a civil partnership as a marriage, though in Goffman's terms, this would suggest a normalisation strategy (Goffman, 1963, p. 44), with their straight friends taking the lead in referring to Hywel and Martin as a married couple, rather than this being led by the couple themselves. This would appear to reveal an unequal power relationship, as if this gay couple have been granted permission to call themselves married by their straight friends and have responded accordingly. However, Hywel says that his understanding of civil partnership as a subsidiary status to marriage influenced his initial refusal to call his civil partnership a marriage. He appears to frame this as an act of political resistance to the stigmatising implications of civil partnership.

Normative expectations

The review of literature at Chapter Two identified the role of heterosexual marriage as an inevitable reference point for same-sex couples. Explicit and implied linkages between heterosexual marriage, same-sex marriage and civil partnership reveal a number of normative expectations that accompany these new forms of recognition. In particular, some couples acknowledged the expectation of sexual fidelity as an

aspect of their marriage or civil partnership. In southern England, Ray and Jack, now in their forties, but together since their early twenties, saw civil partnership as a means of underlining this sexual exclusivity:

Ray: Basically we're both quite possessive people, we try not to be, but we're both prone to jealousy and all that sort of stuff. So it's nice to have that, 'you're mine, baby.' I do like that, because there are no certainties in life, and even this isn't a certainty, but it's a feeling of a bit more certainty, which is nice.

Jack: That's right.

Ray's analysis adds a further layer to our understanding of their civil partnership as anchoring this couple to each other and providing them with a basis for feeling more secure, more certain about their relationship. Ray acknowledges jealousy and possessiveness as a factor in his relationship with Jack, and although he acknowledges that there is no absolute certainty, he appears to see civil partnership as underlining their sexual exclusivity, or at least a strong aspiration to maintain a monogamous relationship. This is expressed as a kind of ownership over each other ('you're mine, baby'), which is the kind of understanding that might set alarm bells ringing for queer and feminist critics of legal recognition as a vehicle for conformity, domination and control. However, it is clear that Ray and Jack see their civil partnership as cementing their commitment to each other.

For others, the notion of forsaking all others was seen as less important. After forty-seven years with his partner Billy, Eddie offered a weary assessment of sexual exclusivity:

Eddie: Another thing, it does seem with straight relationships that if the man has an affair, they don't seem to be able to understand that sex and love are two different things. And the fact that you have it away with another person doesn't mean to say that you're not in love any more. And the marriage falls

to pieces. If that had happened to us every time, we wouldn't have lasted three years.

Here, Eddie seeks to make a distinction between love and sex, and draws a further contrast between straight and gay relationships, implying that gay couples may have more nuanced understandings of sexual freedom than their heterosexual counterparts. Again, this nod to sexual freedom is the kind of view that conservatives might cite as evidence that gay couples should be disqualified from marriage, though Eddie's analysis offers an interesting subversion of heterosexist discourses around marriage, monogamy and sexuality, with gay couples seen as having a more realistic understanding of sexual exclusivity than heterosexuals. Eddie's analysis recalls Goffman's suggestion that stigma can also generate positive stereotypes about members (1963, p. 15); in this case, that gay men are more honest and open about sex than others.

Although sex did not form a prominent part of the interviews, other couples highlighted a commitment to sexual fidelity as part of the commitment that marriage or civil partnership entailed. In Toronto, Paolo, two years into his relationship with Roy, and married for a year, was keen to contrast their behaviour before and since their marriage:

I know when I am walking down the street with him that like, we are a married couple. Its not just, it's different from he's just my boyfriend. It's a reality that's completely different from just dating. The difference is how I used to behave as a single gay man. I would only have come down to Church Street for one thing, so that's certainly changed. And I still go to bars, but it's to meet him. So I'm interacting with people who cruise me and I'm not in that mind-frame at all, so I don't notice it at all. And he works in a bar.

Paolo, an artist, explains that the gay village centred around Church Street in downtown Toronto is a place he goes to meet his bartender and drag artist husband rather than to cruise for sexual partners; indeed, he professes to be oblivious to

sexual advances from others since he married Roy. But at the same time, this does not come across as a moralistic diatribe against cruising; as he goes on to explain:

And there are tons, all kinds of relationships, marriages – of convenience, openness or whatever. And god bless 'em. If they want to do it, whatever works for them, that's fine. But he and I are thinking as one now.

Paolo presents his and Roy's decision to maintain a monogamous relationship as a matter of individual choice. He acknowledges the possibility of alternatives in a non-judgemental way, making clear that theirs is not the only way of doing marriage or commitment. But he is equally clear that getting married has transformed him and Roy into a unit. Paolo's touching assessment of the possibilities that marriage has opened up for him was mirrored by his husband Roy, who concluded the interview with a striking evaluation of the impact of getting married:

It sounds like *Star Trek* but it's the final frontier of a relationship for me. The final step of really showing what another person means to you. It's probably the deepest commitment I've ever made to someone and I just find it really wonderful. Even on days we're arguing, I still think this is my partner beyond my partner. It's the final frontier for me. This is it.

Here, Roy conveys a number of traditional, romantic framings of marriage. The idea of marriage as the final frontier in their commitment to each other is particularly vivid, as is the sense of commitment, and a determination to make the relationship work even when they argue. For Paolo and Roy, marriage appears to have lost none of its resonance as a means of signalling the primacy of their relationship, the depth of their mutual commitment, and their aspirations to make the relationship a success.

Conclusion

In this chapter, I have begun to explore the impact of legal recognition with regard to couples' sense of their relationship. Roy's framing of marriage as the final frontier of

his relationship with Paolo provide an appropriate point to offer some concluding thoughts on the impact of legal recognition on couple relationships.

The contrast between Eddie and Billy and Sharon and Donna at the start of this chapter makes clear that the couples I interviewed have sought legal recognition for a number of reasons. However, the research interviews highlighted a number of recurring themes. In terms of participants' understandings of their couple relationship, most established couples felt that the act of seeking legal recognition had had little impact on the relationship itself. This was perhaps to be expected, as these couples been together for years, or in some cases decades, and had been well established before marriage or civil partnership had become available. Younger couples who had been together for a shorter period of time were more open to the idea of legal recognition making a difference to their understanding of being together as a couple, viewing marriage or civil partnership as a rite of passage, as taking their commitment to a higher level.

As the chapter suggests, legal rights and protections were cited frequently as motivating factors for marriage and civil partnership, with couples in the UK and Canada expressing general satisfaction with the legal coverage that marriage or civil partnership offered. California was an obvious exception, in light of the barriers to married same-sex couples accessing federal-level benefits or being able to enforce their couple rights outside their home state, as a result of the Defense of Marriage Act (Clarkson-Freeman, 2004). Language and labels were less of an issue for couples in Canada, whereas in the UK and California, the terminology around civil partnerships and domestic partnerships were seen as problematic, with these statuses seen as often viewed by couples as less desirable and certainly less meaningful than marriage. As the exchange between Joanne and Lisa demonstrates, couples in California appeared glad to have shed the inelegant status of domestic partner in favour of marriage. There was, however, a degree of hesitancy about appropriating married status amongst civil partner couples in the UK, with some couples resisting parallels between marriage and civil partnership, whereas others were happier to equate civil partnership with marriage.

Couples demonstrated an awareness of potentially normalising and normative aspects of legal recognition. Most felt that their couple relationships displayed similar attributes and fulfilled similar roles to straight couples, and therefore appeared to welcome the prospect of normalisation, or moving closer to the mainstream, a kind of coming in from the cold. However, as we will see in the next chapter, some couples with queer or feminist commitments sought to resist this process. Normative aspects of legal recognition were potentially more problematic, with couples acknowledging a set of moral expectations arising from legal recognition. Often this was expressed in broad terms around marriage or civil partnership as setting expectations for mutual commitment, though this was also highlighted in relation to norms around sexual behaviour. Some couples saw sexual monogamy as an irrelevance, others as an aspiration, and others as a key ingredient of the commitment that marriage and civil partnership implied. Couples' understandings of these normative expectations suggest at least an awareness, and in some cases a self-consciousness, around the conduct that they might be expected to display as spouses or civil partners.

In highlighting participants' thoughts on their couple relationships, this chapter offers a first stage in developing an evaluation of marriage and civil partnership. In terms of the policy objectives of alleviating stigma, the narrow focus of this chapter on couples themselves offers some initial insights. The contrast between Billy and Eddie's account of their early years together, when homosexual acts were criminalised, and their life today as civil partners points to the transformative potential of legal recognition, at least for older couples who have been together through a time of significant social and legal change. In the UK, there were particular signs of dissatisfaction with civil partnership. Couples were not always convinced that civil partnership offered social parity with marriage, and some saw civil partnership as evidence of lesbian and gay couples' continued exclusion from the full social acceptance that access to marriage would imply. As will be seen in Chapter Eight, married couples in California were keenly aware of the lack of

acceptance afforded to them, particularly in the context of Proposition 8 and the Defense of Marriage Act.

This chapter offers brief glimpses of the role played by those outside the couple relationship, for example the role of Hywel and Martin's friends in encouraging them to talk about their civil partnership as a marriage. The following chapter explores the role of family and friendship networks more fully. It is within these wider networks and interactive contexts, outside the intimate sphere of the home, that couples' understandings of legal recognition have also been formed, tested and refined. It is also within this wider social context that an interactionist approach to understanding legal recognition will take fuller shape.

Chapter Six: *You get two hundred people to come out, just for two queers: the impact of marriage and civil partnership within couples' social networks.*

Legal recognition is not simply a matter of partners making a commitment to each other, but has a ripple effect across couples' social networks. These effects may be felt by family and friends in the context of being asked to attend or participate in a wedding or civil partnership ceremony, or through longer term effects of marriage and civil partnership as carving out a clearer presence for lesbian and gay couples within family and friendship networks. This domain of the close personal network is where same-sex couples call upon those around them to acknowledge their relationship, and provide affirmation. This may prove an unsettling process for all concerned, in that same-sex couples may be unused to the limelight, or given their socially disadvantaged status, they may feel uncomfortable in making demands on those around them. This potential disruption of established power relationships that marriage and civil partnership can imply may prove equally difficult for family members and friends. This chapter broadens out the analysis beyond the couples themselves to consider their assessment of the impact of marriage or civil partnership within their close social networks. The chapter begins by exploring couples' accounts of the impact of legal recognition from within their family networks, before broadening the focus to include friends, work colleagues and neighbours.

Family networks

As Chapter Five makes clear, one of the advantages of legal recognition cited by couples was its role in protecting them from interference from hostile relatives. This casts family members as potentially disruptive elements, with the power to deny couples the respect and recognition they feel they deserve. Family relationships may be particularly difficult for same-sex couples as a result of hostility towards lesbian or gay sexualities (Donovan *et al*, 1999), and of course the presence of a same-sex couple within a family network serves as a reminder of this unwanted difference. The couples I interviewed reported a range of family relationships, ranging from complete acceptance and integration of the couple within the family

network, to outright rejection and exclusion. In his history of heterosexual marriage in England and Wales, John Gillis highlighted the importance of the wedding ceremony as, “a social drama in which not just the couple but several parties play crucial roles.” (1985, p. 6), as a mechanism for bringing families together to give their blessing to the couple, and to underline the support the couple can expect to receive from their families. Thus, the marriage or civil partnership ceremony presents opportunities for the display of family relationships (Finch, 2007), and to gauge the quality of key personal relationships with family and friends alike. During the research interviews, wedding and civil partnership ceremonies provided a focal point for exploring contradictory experiences of affirmation and rejection, or in Goffman’s terms, whether or not family members saw the wedding or civil partnership ceremony as “jointly appreciated circumstances” (1982, p. 9).

Bringing families together

Decisions around involving family members in wedding or civil partnership ceremonies featured in couples’ deliberations from the outset. Couples often reported family members as welcoming marriage or civil partnership, and in some cases encouraging them to seek legal recognition, seeing this as filling an important legal gap. Wedding and civil partnership ceremonies were also seen as opportunities to bring family members together. In the UK, Eric, a public relations consultant in his late forties, recalled his civil partnership ceremony as an opportunity for a family reunion, as well as a means of formalising his relationship with his partner Tom’s family:

For me it was the first time all my family had been together probably for about twenty years. So it wasn’t just the civil partnership, it also brought all of my family together for the first time in a long, long time, so again it was quite useful to have an event to do it. There are other reasons why I think people have done it too. I’ve always been treated very much as an in-law, but now in my brain I do think I’m an in-law and I do feel a certain, more of a right’s not the right word, but I feel that I definitely am my nephews’ uncle

now. I remember Tom's sister introducing me as her brother-in-law for the first time and it felt good.

Eric's orientation of this aspect of his civil partnership ceremony is as a long-overdue family reunion. The second half of this excerpt highlights the role of civil partnership in making Eric feel more integrated within Tom's family. Eric's testimony accords with the UK government's ambitions for civil partnership as a means of integrating couples more fully within family networks:

traditional family names such as 'mother-in-law', 'brother-in-law', 'stepdaughter' should be interpreted to include relationships which arise as a result of civil partnership. (Department of Trade and Industry, 2005, p. 20).

Although Eric is clear that he had been treated as a member of the family before the civil partnership, this appears to make a tangible difference in formalising, or at least providing a name for these familial roles. Again, there is a sense of civil partnership providing access to new language and titles, even if this reflects existing, unnamed or unspoken arrangements. Eric's account of his and Tom's civil partnership offers an impression of the integrative potential of legal recognition, in bringing their families together and clarifying these same-sex partners' roles in each other's families. Many of the couples reported that their families were closely involved in preparations for the ceremony, taking on various roles including dressmaking, preparing food and taking part in the ceremony itself, whether acting as best man, bridesmaids or giving a reading. In Canada and California, the North American tradition of holding wedding showers presented a further opportunity for friends and relatives to gather ahead of the wedding to offer gifts to the couple, and several UK couples had been on stag nights or attended hen parties in the weeks before their civil partnership ceremonies.

For some, there was a sense of disbelief at the possibility of marriage or civil partnership. In the UK, Fred, a man in his late thirties, recalled his mother's reaction to a television documentary about a same-sex wedding at some point during the

1970s, and contrasted this with his own civil partnership ceremony, some thirty years later:

It reminds me, when I was a child I can remember *Whicker's World* showed a gay wedding in California and I remember my mother being slightly scathing of it, saying, 'It could only happen in America!' I don't think she had an inkling that years down the road she'd be attending mine, well civil partnership anyway, it just shows you how much things have changed.

Fred's evaluation of this narrative reflects the sense of transformation in the opportunities available to gay couples during his lifetime. His mother's dismissal of a same-sex commitment ceremony as a typically American curiosity back in the 1970s is juxtaposed with a sense of astonishment at having his own ceremony decades later. Fred also highlighted the transformation that his civil partnership entailed for his partner Simon's family, who, in the early stages, had not been not aware of Fred and Simon's relationship:

And it was difficult when Simon would go and visit his parents; it was difficult to call me when he was at his parents and we were apart for Christmas. So having gone through all that journey, to be there with them, our parents all in the room together, it was like laying that ghost to rest. We'd moved on from that and we were able to celebrate on an equal footing with our families beside us, that was very important.

This idea of laying a ghost to rest was a powerful one, with the difficulties of remaining closeted and the sense of isolation on important family occasions such as Christmas set in clear contrast to the satisfaction gained from standing in the spotlight as a couple, with family members on hand to acknowledge and celebrate their relationship.

In California, Brad drew on this theme of the ceremony as a rite of passage, interpreting his lavish wedding not only as cementing his place in the community but also as fulfilling an educative role for his family:

They got to see how important and how accepted we are in the community, (.) And how you get two hundred people to come out, just for two queers, and they're from all walks of life and all levels, and there's all this, just this outpouring of love, you know, a bunch of straight people can do all that and come out, then you know, our son must have done ok for himself, I guess it will be ok.

Brad worked as an engineer in a federal government agency and had been with his husband Marshall for seventeen years. Yet even at the age of fifty, having a couple of hundred guests attend his wedding ceremony was a means of demonstrating to his parents that he had made a success of his life, that they could and should be proud of him. There is an almost unthinking acknowledgement here of stigma, in that Brad betrays a need to prove himself to his parents as a success, not just as their son, but as their gay son who, despite his sexuality, has made a success of his life. Yet this is more than a matter of wanting to impress one's parents; Brad frames the wedding ceremony as evidence of social acceptance in the context of his stigmatised sexuality. Admittedly, Brad's apparent pride at 'a bunch of straight people' turning out for 'just two queers' can be read as a tongue-in-cheek reference to his parents' old-fashioned attitudes. Yet whether or not this is framed as a matter of irony, it lays bare an understanding of unequal power relations between queers and others. There is a clear acknowledgement of stigma here, with the extravagant wedding ceremony and the high turnout articulated as evidence of social success, almost in spite of Brad's sexuality. The attendance of 'a bunch of straight people' appears to assume particular significance, as perhaps the ultimate badge of social approval. This speaks of a strong desire for the couple to prove themselves as good enough, and to show authority figures such as their parents (and, by implication, straight people) that they really are worthy of esteem.

This highly positive experience of supportive family members offering acknowledgement and recognition was not shared by all of the couples. For some, telling family members about their plans to marry or enter a civil partnership was a focus for apprehension and dread. Participants were clear that getting married or entering a civil partnership did not always have a transformative effect within families, but were often a matter of replicating and entrenching existing patterns of interaction. Interestingly, a number of participants retold their coming out stories during the research interviews, highlighting the role of family members in offering or withholding support in coming out, suggesting that their experience of marriage or civil partnership echoed this experience. In this respect, marriage or civil partnership can be seen as replicating rather than necessarily challenging existing dynamics, in that participants reported that relatives who were uncomfortable with gay or lesbian sexualities or had difficulty accepting same-sex relationships within the family were unlikely to be swayed by news of a forthcoming wedding or civil partnership; indeed, they were likely to view this as a negative development, as evidence of the couple pushing their luck too far.

Dividing families

Decisions on whether family members would attend a wedding or civil partnership ceremony were rarely a matter of negotiation, as in many cases relatives had made clear their implacable opposition to the event. Couples had usually been able to predict which relatives would present difficulties, and this often led to the building of alliances within families, and an element of taking sides on the issue of whether to attend the ceremony or not, or in persuading a recalcitrant relative to adopt a more positive attitude. Some saw age as a factor, reporting that younger relatives tended to be more open to the idea of same-sex marriage and civil partnership than older generations. However, the closeness of the family relationship did not appear to influence this process, with parents and siblings often as unwilling to offer acceptance as more distant relatives such as cousins, aunts or uncles.

In California, news of his forthcoming wedding divided Rob's Korean-American parents:

It was my dad said, I can't have any part in this. I'm not going. My father just couldn't deal with the fact that we were having a wedding. We didn't know until the day whether he was going to turn up or not. I've a feeling that my mom threatened him with divorce. And on the day he had a great time.

This story highlights the role of ceremony as a focal point for exposing divisions within families and between parents, siblings and throughout family networks. It would have been ironic if Rob's wedding had led to his own parents' divorce, though his account ends on a relatively positive note, with his mother eventually persuading or coercing his father to attend the wedding. Although Rob made clear elsewhere during the interview that his father had accepted his same-sex partner long before they decided to marry, it appeared that marriage was a step too far; it may have been one thing to come to terms with a same-sex *relationship*, but somehow Rob was pushing his luck too far in asking his father to attend his same-sex *marriage ceremony*. This story is a clear reminder of Goffman's assessment of what can happen when bearers of stigma attempt to push their luck too far in demanding acceptance (1963, p. 146).

Rob's story suggests that a same-sex wedding or civil partnership ceremony may offer a particularly illuminating context for observing courtesy stigma in action (Goffman, 1963, pp.63-64). Although we do not have Rob's father's version of events, his reluctance to take part in his son's gay wedding can be seen in terms of having to make a public pretence of displaying acceptance that his son was marrying another man, with this apparent celebration of his son's stigmatised sexuality potentially calling into question his own character and morality, particularly in light of the semi-public nature of the wedding ceremony. Rob's evaluation of his narrative, that his dad had a great time on the day, suggests a happy ending, though this in itself is potentially problematic, in that it casts his father, following the intervention of his mother, as saviour of the situation. Yet this story can also be interpreted as a naked use of power on the part of Rob's father; as a parent, but also as a heterosexual man who considers using his privilege to show disrespect for his

son's sexuality on such a meaningful occasion as his wedding. The dramas that accompanied couples' marriage or civil partnership ceremonies highlight the dilemma that couples face in reconciling their own needs with those of family members. Of course, domineering parents and disapproving relatives may equally object to one's choice of opposite-sex partner or a decision to marry. However, in the case of same-sex weddings and civil partnerships, there may be a further aspect to the conduct of difficult relatives, in that couples may experience a layer of opposition that is grounded in and legitimised by their stigmatised sexuality, rather than on other forms of family dysfunction.

Generally, couples were remarkably forgiving of relatives who withheld their approval. They often anticipated and accepted negative reactions, citing a history of difficult family relationships, cultural and religious beliefs, or old age to explain, excuse, or forgive the withholding of acceptance. Some couples had more difficulty than others in coming to terms with this. In the UK, Fred and Simon recalled their reactions to Fred's sister-in-law's refusal to attend their civil partnership ceremony:

Fred: We invited my brother, sister-in-law and their two children and I think eventually my brother said he would come, but he would be coming on his own, and I think the official reason was that my sister in law had come to the conclusion that she wouldn't know how to explain it to her children, which I can't say I was particularly impressed with. And of course, I'd been best man at his wedding.

Simon: I was pretty furious with that for lots of reasons...And I was trying to think of ways they could accommodate it, I was prepared to make quite a lot of sacrifices by saying well, just come to the party or whatever. But I kind of thought, why should I?

Here, Fred's evaluation of this short narrative highlights the importance of reciprocity: he had been best man at his brother's wedding, yet his sister-in-law and their children were refusing to attend the civil partnership. Simon adds that he

initially tried to reach a kind of compromise, perhaps out of concern for his partner, but gave up on this. Here we have a clear picture of legal recognition raising expectations of equality that are not followed through in practice. Here, family reactions were a sobering reminder to Fred and Simon of their stigmatised social status. Goffman's acknowledgement of the fragility of acceptance is relevant here: once again, this is a couple who have pushed their luck too far, who appear to have forgotten their place in the social hierarchy, who make unreasonable demands for recognition. Even in the context of their civil partnership ceremony, they are called upon to seek acceptance and in doing so, they cede power to others and are expected to 'make sacrifices'. Simon's explanation of his attempt to accommodate his sister-in-law's objections and provide a compromise can be seen as betraying heteronormative power relations: it is Fred and Simon who have caused the problem here by issuing an invitation to an awkward social event and the onus to repair this breach is on them, at least initially, though Simon eventually appears to resist this: perhaps civil partnership has given him an opportunity to assert his own needs, or at least to pose the rhetorical question, 'why should I?' in terms of accommodating other, more powerful family members.

It is also significant that the sister-in-law's objections to attending the civil partnership are couched in terms of not knowing how to explain it to the children. This is a highly stigmatising statement, framing Fred and Simon's relationship as a family secret, as something shameful that needs to be covered up, to be hidden from view, particularly from the children in the family. In this case, acknowledgement of a same-sex relationship would shatter the illusion of the, "ideal or mythical family" (Smart, 2011, p. 541) that Fred's sister-in-law wishes to convey to her children and possibly to others outside the family. This 'not in front of the children' attitude towards civil partnership is in stark contrast to the numerous ways in which children are socialised to understand heterosexual marriage, through models within family structures and through cultural artefacts such as fairy stories that depict heterosexual marriage as a happy ending, or a dream come true (Cinderella is a notable example, though there are many others). For Fred and Simon, it appeared that their civil partnership had not broken the taboo on mentioning same-sex

relationship within the family. This was perhaps a missed opportunity, in that legal recognition and its ceremonial aspects in particular, can be seen as playing an important educative role in making children aware of same-sex relationships as a part of family life. There is a clear impression here, however, that awareness of homosexuality is dangerous knowledge that somehow presents a risk to children (Wintemute, 2012); that children must be protected from same-sex relationships, that it is inappropriate to acknowledge non-heterosexual relationship to children, not to mention celebrate or show approval for these relationships, that this might somehow corrupt children or pose a threat to their innocence.

Some of the couples I interviewed also saw the acknowledgment of lesbian and gay sexualities as a problem for adult family members. In particular, some couples appeared nervous about the expression of any kind of physical or even emotional intimacy during their wedding or civil partnership ceremony. This extended to the idea of making vows in front of family members and, in particular, the prospect of couples sharing a kiss at the end of the ceremony. The data show that this was a focus of real anxiety for couples, as reflected in the following, rather tortuous exchange between Mark and Joe, a British couple seven years into their relationship, looking ahead to their civil partnership ceremony due to take place the following week:

Mark: We just want to turn up on the day, get it done and over with, I mean, there's certain things we're not going to do on the day. We're not going to kiss on the day because of Joe's parents, because (.) you know.

Joe: I think my mother always knew, but initially (.) they, you know, they want me to be happy and [addressing Mark] they accept you. I think that's more us, probably out of respect for them, not wanting to do that. My parents are quite traditional and you don't talk about that, you know, that kind of aspect of the relationship. But I don't think, I don't think they'd be shocked by it at all.

Mark: Yeah.

Joe: And I don't think that comes into it, I think that's more us, probably out of respect.

Mark: Mmm. I just think (.) it would purely be the embarrassment factor.

Joe: Yeah.

Here, Joe and Mark reveal the extent to which their decisions about their imminent civil partnership ceremony are constrained by their awareness of the social unacceptability of their relationship as a sexual, intimate male couple. This forward-looking narrative begins with an orientation that plays down the significance of the ceremony. Although they had spent months planning a highly individual ceremony involving family and friends, they talk about the day itself almost as a chore, as getting it, "done and over with." This playing down of the importance of the ceremony is a precursor to the complication of the narrative, their decision not have a kiss during the ceremony, apparently as a matter of respect for Joe's parents. Joe is keen to stress that his parents accept the relationship and want him to be happy, yet Joe and Mark assume that it would be uncomfortable for them to witness a peck on the lips or cheek at the end of their civil partnership ceremony. The ambiguity of Mark's reference to the "embarrassment factor" is intriguing, in that it is not clear whether he means that Joe's parents would be embarrassed, or Mark and Joe themselves.

Mark and Joe frame this incredibly accommodating decision as a matter of their own choice, motivated by a desire to maintain respect and avoid embarrassment. There is clear inconsistency in this narrative: on the one hand, their assessment is that a kiss at the end of the ceremony would be seen as troubling and disruptive, though they also claim that this would not actually be shocking, framing their coyness as a matter of respect. Either way, Mark and Joe know that same-sex intimacy is a matter of embarrassment and disrespect. As well as highlighting an enduring

awareness of a stigmatised status, this also reveals the apparently concrete nature of family dynamics and the power relations they reflect, as even in the context of their civil partnership ceremony it is Joe's parents who are calling the shots. Moreover, Joe's parents do not even have to exert any overt pressure to achieve this; Mark and Joe understand the limits of acceptability and can be relied upon not to go beyond them. This is a matter of self-discipline: Joe and Mark know how far they can push their luck.

This apparent prohibition of same-sex desire in the context of the ceremony replicates a wider social taboo on same-sex intimacy in the public sphere. The so-called 'gay villages' in London, Manchester, Toronto, San Francisco and elsewhere are remarkable because they are areas where the expression of same-sex physical affection, such as holding hands, is tolerated. Wintemute (2012, p.235) highlights the "chilling effect that fear of hate crimes has on public expression of affection by lesbian women and gay men." Even for couples who were immersed in the gay and lesbian subcultures in their cities, the wedding or civil partnership ceremony led to soul-searching about these boundaries and how far they could be pushed. This calls to mind Goffman's writing in *Stigma* on mixed contacts (1963, p. 23), and the power relations at work where stigmatised and non-stigmatised people come into contact with each other. In any case, it is clear from Mark and Joe's conversation that this idea of self-censorship and discipline in mixed contacts extends to the civil partnership ceremony itself.

There is a paradoxical sense to this kind of reticence, with couples not wanting to stand out too much, even at their own wedding or civil partnership, when they might reasonably be expected to take centre stage. Again, this is not simply a matter of shyness or diffidence, but is related to an awareness of a stigmatised sexuality. Maggie's account of her anxiety before her civil partnership ceremony evokes a sense of Goffman's defensive cowering (1963, p. 28), of not wanting to be noticed:

I remember beforehand thinking, there's a part in the service where you turn to each other and hold hands and say the vows. And I thought, there's no

way I'll be able to do that, I'll feel mortified. I just can't. I will hold your hand, cuddle in the privacy of our own home, but there was that feeling of people looking and thinking, what are they doing now, that shouldn't be allowed. And again, we got into the room and everybody was so pleased for us, and I don't think I let your hand go the whole time."

The complication of this narrative highlights the taboo on same-sex physical contact ('that shouldn't be allowed'), with the idea of holding hands during the ceremony provoking feelings of anxiety at being visible to others and subject to the judgment of others. Maggie's evaluation of this narrative, that "everybody was so pleased for us," suggests that her nerves were unfounded, and that the ceremony may have led her to re-evaluate her fears about publicly expressing her love and affection for her partner. It appears that for Maggie, the risk of having family and friends at the ceremony paid off. Other couples, for example Kelvin and Andy in east London, were unprepared to take such a risk and opted not to have any family or even friends present at the ceremony:

Kelvin: I suppose it's an indication of my own hang-ups but I think I would have found it a bit embarrassing. Having people there would have been so alien to me. Remember, we're talking about civil partnership, but as a gay man I'm still getting used to it, all my life sort of single and the fact that I'm living with him is not the alien bit, but I think the notion of being in a registry office with members of the family around committing myself publicly to Andy, having been with him for seventeen years, it just would have been weird. I didn't want all that.

The orientation of this narrative frames the idea of a public commitment ceremony as embarrassing, as alien to Kelvin. It is worth considering whether this embarrassment stems from his feelings for Andy, or rather from his awareness that these feelings of love and affection for another man are stigmatised. He acknowledges that civil partnership takes some getting used to, though it is striking that he sees himself as "sort of single" after seventeen years with Andy. Again, this

suggests a kind social ambiguity for same-sex couples, who, in the absence of legal recognition, were neither single nor married. Equally, the idea of making a public commitment after seventeen years together seems, “weird”, as if it is too late, or somehow inauthentic for civil partnership to act as a vehicle for their commitment after such a long time together.

A very small number of participants; one man in Canada and a lesbian couple in the UK were not out to their families at all, and did not tell family about their couple relationship, or about their decision to get married or enter a civil partnership. Other couples, anticipating a negative reaction from individual family members, chose not to mention their plans to marry or enter a civil partnership until after the event. In Birmingham, Richard, a musician in his sixties, explained his decision not to involve his sister in his civil partnership in the following terms:

So my sister’s always been a problem and we’ve had holidays with her, she’s been here, she’s stayed, but it’s all been difficult. So I decided not to tell her and not to invite her. So after the event I spoke to her on the phone and said, are you sitting down, I’ve got something to tell you. Well, I got a very cool reaction: Well, I suppose if that’s what you want to do.

Here, Richard orients this story to the problematic nature of his relationship with his sister. This informed his decision not to tell her about his civil partnership until after the event. The coolness of her reaction, expressed as the result of this narrative, suggests that Richard feels he made the right decision.

This apparently negative account of family relationships was countered by contrary evidence of couples gathering together friends and family to honour and celebrate the relationship. There was sometimes a degree of anxiety about orchestrating this kind of mixed contact, bringing together blood families and families of choice agonising over seating plans and speculating whether the different members of couples’ close social networks would get along. Couples tended to conclude that this

was worth the effort, as reflected in Brad's retelling of his wedding ceremony in northern California:

I have to say, it affected me so much more than I EVER expected it to. Unbelievable. There was something about standing in front of people, people that I knew and loved, the idea of having to say to all these people, that this is the person I've chosen, I love and why. It was astonishing. It was so powerful. And it made me, it did change me, it did make me feel different, and that is SO not what I expected.

After twelve years with his husband Marshall, Brad was surprised at the emotional impact of having his wedding, with family and friends clearly adding a significant element to his experience of the wedding by bearing witness to their relationship. This is a positive note on which to conclude this examination of couples' accounts of family reactions to same-sex marriage and civil partnership.

This selective summary of participant data highlights mixed reactions to legal recognition from within family networks. For a number of couples, a wedding or civil partnership ceremony was an opportunity to elicit long-overdue affirmation and recognition from family members, though for others, this was more problematic, to the extent that they chose not to include relatives in their celebrations. Couples demonstrated awareness that a same-sex marriage or civil partnership might be difficult for family members to negotiate, and often made allowances, or even excuses for this. They also appeared to know their relatives well enough to be able to anticipate positive or negative reactions with some accuracy, though this did not appear to lessen the pain and frustration when acceptance was withheld. The old adage that 'you can choose your friends, but not your family' suggests qualitative differences between family and friendship relationships, as reflected in recent scholarship on friendship networks as 'families of choice' (Weston, 1991; Weeks, *et al*, 1997). Moving outwards from biological families, the next section of this chapter will consider the involvement of these friendship networks in couples' wedding or civil partnership ceremonies

Reactions from friendship networks

Testing out friendships

Given that friendships do not carry the obligations that accompany kinship ties and are often based on mutual acceptance and understanding, it is perhaps unsurprising that participants generally reported being well integrated within friendship networks as a couple. They also anticipated positive reactions to their plans to marry or enter a civil partnership from their friends, and were generally pleased to have these expectations confirmed. There was a distinction here between friendships with other gay men and lesbian women and friendships with heterosexuals, which sometimes carried an additional element of doubt. In Goffman's terms, this suggests a distinction between fellow bearers of homosexual stigma and 'wise' heterosexual friends (1963, p. 41). In Toronto, this sense of doubt was conveyed by Jenny, a woman in her early forties, who saw her wedding ceremony as a means of verifying acceptance from her straight friends:

I don't think I can remember ever experiencing so much love. Just that sense of affirmation and love. Because the thing often when you are in a same-sex relationship is it's sometimes difficult to know whether your friends are putting up with the fact that you happen to have fallen in love with someone of the same sex. And sometimes that's the question mark you can have (.). And if I'm honest, I didn't really know the answer to the question myself until the day we got married.

Again, there are signs of stigma here, in that Jenny is unsure whether friends may be 'putting up with' rather than genuinely accepting her relationship with her partner. She puts this down to being in a same-sex relationship, and it is this characteristic of the relationship that calls into question the level of acceptance from her friends. Though in this case, her doubts appear to have been unfounded, with her wedding ceremony seen in retrospect as a highly valued opportunity to bask in the love and affirmation of her friends.

Others were more confident of being accepted by heterosexual friends. In south Wales, Hywel, a lecturer, and Martin, a consultant spoke of their largely straight friendship network:

Hywel: Most of our friends really are straight (.) men, straight women and we're completely open with them. And (..) the acceptance there is that I think we've broken the stereotypical model they had of a gay man or a gay couple.

Martin: I think so.

Hywel: And what our friends have witnessed or have been getting to know over the years is that actually we're just like everybody else. At the end of the day, the fact that I'm waking up next to a man and not waking up next to a woman, you know, our activities are no different from anybody else.

Again, stigma is writ large here, with Hywel and Martin not only acknowledging an awareness of stereotypical images of gay men and gay couples, but also taking a degree of pride in the work they have performed as a couple to dispel these stereotypes. This narrative appears to be driven by a strong desire to demonstrate that Hywel and Martin had somehow behaved well enough to win the acceptance of their straight friends. Civil partnership may form a part of this strategy of proving themselves, in that it offers a state-sanctioned status, coming close to the ideal of heterosexual marriage, and signalling this couple's commitment to each other. There is a direct engagement with stigma here, in that they appear to shoulder the burden of their stigmatised identity, and take responsibility for overcoming this stigma, for demonstrating that their activities are, "no different from anybody else".

Here, there appears to be a desire to erase difference between this gay couple and their straight friends. This statement suggests that Hywel is prepared to ally himself with his "normal" heterosexual friends by rejecting stereotypical ideas about gay

men recalls Goffman's understanding of stratification within stigmatised groups (1963, p. 130), whereby some may attempt to find a degree of consolation in allying themselves with "normals" and siding against those who display his or her stigma more stereotypically. Power relations between this couple and their straight friends are also made clear when Hywel speaks of an acceptance that appears to be conditional upon conformity with heterosexual norms. The implication here is that acceptance by straight society is something that has to be earned by a rejection of unacceptable, 'stereotypical', or stigmatised, behaviour. This paints acceptance as highly conditional, and dependent upon stigmatised gay men demonstrating a rejection of promiscuity and hedonism as the anticipated characteristics of their stigmatised sexuality. In terms of legal recognition as drawing distinctions between good gays and bad gays (Stychin, 2000, p. 619), Hywel and Martin appear to be clear about where they position themselves.

Resisting acceptance and assimilation

This suggestion that civil partnership normalises same-sex couples and brings them into an engagement with the heterosexual majority was noted by another couple in the UK, with particular reference to friends' reaction to the couple's civil partnership. Here, Sally, an artist, and Jane, a charity worker in a small seaside town in Wales recall the reaction of their straight friends to their civil partnership:

Sally: It was quite an opportunity for some people, I think, to say, I'm fine about it.

Jane: To say, we're not like that, we're really fine about it, we know about you and we're really OK about it. Which was really, really quite lovely actually. People falling over themselves to be thrilled for us. Yes, you're really not so different from us, are you, really. And we're like, YES WE ARE. (laughs). We're really different. But you know, yeah. (...) It was lovely, really.

Here, civil partnership appears to have been an opportunity for friends to confirm their acceptance of Sally and Jane's sexual orientation, echoing the previous data

extract about recognition as a vehicle for verifying acceptance from within friendship networks. Jane's choice of words, "we know about you and we're really OK about it," evokes a sense of a stigmatised identity that friends are willing to accept or overlook: i.e. that they are friends *despite* their stigmatised status. Once again, this appears to be conditional on the assumption that, "You're really not so different from us"; an assumption that Jane resists, but acknowledges as seductive, attempting to resist this assimilationist impulse and assert her difference. This highlights something of an existential dilemma with regard to the renegotiation of stigmatised identities. Whereas Jane and Sally might acknowledge their stigma, this does not mean that they are prepared to shed their identity as lesbian women. It is perhaps their stigma that they want to be rid of, not their identity, but it is not clear that their straight friends are able to see this distinction as clearly. There is perhaps a sense of conditionality here, in that Sally and Jane's straight friends may be willing to accept them on the basis that they are being assimilated into their own (straight) norms, which itself implies the power relations that may be at work in these mixed contacts. There also appears to be a note of suspicion about the overly-enthusiastic professions of acceptance, with friends, "falling over themselves to be thrilled for us," as if somewhere in the back of their minds they doubt the veracity of these expressions of acceptance. This might suggest that awareness of stigma may be hard to shake off: stigma gives rise to learned behaviour, it is something that comes to be expected. These couples' stories of marriage and civil partnership suggest that the process of seeking social recognition may itself be disquieting, in that it disrupts expected patterns of behaviour (however oppressive the roots of these patterns may be), and that legal recognition gives rise to episodes of "anxious unanchored interaction" (Goffman, 1963, p. 29), that are characterised by doubt, uncertainty and worry.

To summarise, this section of the chapter suggests that marriage and civil partnership were seen as less problematic as for friendship networks than for family networks. This is perhaps unsurprising, given that friendship networks are more often based on voluntarism, with less of the sense of obligation and even fatalism that may be a feature of family relationships. For some couples, recognition meant a

long-overdue opportunity for couples to receive acknowledgment and affirmation from their friends. However, this is not to say that there were no negotiations taking place within friendship networks on the meanings attached to marriage and civil partnership. This process appears to reveal the nature of broader power relations between gay couples and their heterosexual friends. The experience of these couples would support a nuanced reading of the literature on families of choice, making it clear that blunt generalisations between controlling, homophobic families and accepting, open-minded friends are misleading. It would be a gross misrepresentation of family relationships to paint them as exclusively oppressive, and as the literature shows, friendships can prove every bit as problematic as family relationships (Smart et al, 2012). However, Hywel and Martin, Sally and Jane make it clear that negotiating the meaning of their civil partnership with their friends was not always easy. Hywel and Martin reveal the highly normative nature of their relationship with straight friends and the power relations that underpin their friendships. Although Sally and Jane appear more critical of this aspect of their civil partnership, they acknowledge that these normative assertions are hard to resist. These themes of power relationships and the dynamics of the de-stigmatisation that legal recognition promises are also visible in couples' wider social networks. The final section of this chapter will consider the impact of recognition in the workplace.

The workplace

Although occupational relationships were usually not as close as family or friendship relations, the workplace was, for most participants, an important social arena, where they spent a large proportion of their time and had a distinct social status to maintain. A number of occupations were represented in the research sample, including teachers, social workers, engineers, restaurant and catering staff, musicians, entertainers, administrators, businesspeople, academics, care workers and retail workers. Students, full-time parents and retirees are also represented in the research sample. The workplace offered a rich context for discussing the wider effects of legal recognition, and provided an additional layer to their understanding of its impact. Again, interaction in the workplace gave rise to positive and negative reactions to marriage or civil partnership.

Keeping a low profile

Most participants were out as gay or lesbian in the workplace, though this varied from sector to sector. Some participants, notably teachers and social workers, saw their professions as a difficult environment for being open to colleagues about their sexual orientation and personal life. Maggie, a primary school teacher in the UK, contrasted her experience in the run-up to her civil partnership with that of a straight colleague who had got married in the previous year:

Maggie: I think though for me I felt a little more constrained, because I teach and I felt there was a contrast where I work, where the year before one of the girls got married and there was literally the build up the whole year and there was the hen night and so on and I didn't feel I could do that in the staff room. I didn't feel like I could actually say (...). They all know about Susan but I was concerned there were quite a few members of staff who live in the community and know some of the parents of the kids and they're not being malicious at all, there was only one teacher I would have been concerned about, but because of that and the general chitchat that goes on inside and outside, I was just concerned that the parents might find out and possibly make some sort of comment that they didn't want me to be teaching, because that was my underlying sort of fear, so I was less (...) I think you [to Susan, who works as a radio producer] were a lot more vocal in telling people whereas I was more selective.

Maggie orients her narrative towards drawing a very clear distinction between reactions to her colleague's wedding plans and her own civil partnership. Although Maggie is out to her work colleagues, she appears to feel unable to appropriate the space of the school staff room to talk about her civil partnership. There is a further complication here, in that Maggie is afraid that news of her civil partnership might leak out into the local community and get back to the parents of her pupils. Unlike her straight colleague, who could apparently be open and relaxed about her forthcoming wedding, Maggie's account of the run-up to her civil partnership

suggests a constant fear of exposure, of being outed as a lesbian. Maggie's fear of being outed to the parents of her pupils offers an example of Goffman's distinction between virtual and actual social identity and the discreditable and discredited individual. Although she enjoys a position of authority as a teacher, it appears that this would be undermined if it became common knowledge that she was in a lesbian relationship and, of course, the civil partnership itself risks bringing this aspect of her identity to public attention. Her narrative evokes a tension between her positive feelings about her civil partnership and an awareness of the risks of making this information public and the threat that this could present to her position as a teacher. There appears to be a conditionality to her professional and personal identities; that it is just about alright to be a lesbian schoolteacher as long as lesbianism is kept hidden from parents and children. Colleagues can possibly be trusted with that information, but there is clear anxiety about this news leaking out to parents and children. There is also an undercurrent of guilt here, in that Maggie concludes her narrative by contrasting her own reticence at work with her partner's openness at the radio station where she works.

A higher profile

Other workplaces appeared more open to celebrating a same-sex marriage, at least at first sight. In California's Silicon Valley, Brad, an engineer in a federal government agency, talked about coming under pressure from his boss to hold a small pre-wedding party in the office:

My boss had a little party for me at work when I announced I was getting married. I was against it at first, and she said, if we don't, we're actually saying there's something different or wrong about it. I said some people might be uncomfortable about it and she said, we'd just be giving into that. We can't treat yours any differently. And someone wrote on the card at the party, congratulations to you and your bride, so at the party I said a few words. And explained it. One colleague who didn't attend invited me to lunch afterwards to explain why. She's a big Christian and wanted to tell me I was on the wrong path. I expected it. I said, that's fine, I disagree. And she

was genuinely concerned because she'd bought into all that Christian dogma and that I'd never know real happiness. I respected her for saying that because a lot of people wouldn't have the integrity to tell you why. You can't argue with them because they drank the KoolAid and you're not going to change their minds.

Here, Brad's boss's insistence on treating his marriage in the same way as a heterosexual marriage could be viewed charitably as a normalisation initiative by one of the "wise". This seems an attempt to create a kind of enforced equality that Brad was clearly uncomfortable with. The office party appears to be laden with contradictions; whereas Brad's boss insists on a display of equality, this event served to highlight the actual gap in equality, with one work colleague making inappropriate references to a bride, Brad having to explain himself to his assembled colleagues, and another colleague refusing to attend because she did not agree with same-sex marriage. This colleague then appears to have summoned him to lunch to explain her reasons for not attending the party. This is a striking display of power; that even in the context of Brad's forthcoming wedding, his Christian colleague takes it upon herself to offer him a sermon contrasting her virtue with his waywardness. Even in the midst of wedding preparations, a strong sense of stigma is maintained, and Brad is called on to account publicly for his forthcoming wedding. Once again, Brad seems remarkably forgiving of his colleague, even if he excuses her position as being beyond reasonable argument. This sense of inequality in the workplace has been maintained since his Brad got married. Here, he recalls how mentioning his same-sex relationship disrupts small talk in the office:

They talk about what they did at the weekend with their partners. But they have to be prepared to hear what I'm going to say. And one of them said, Marshall? And I said, my husband, Marshall. And what's interesting is that the personal conversation came to an end at that point and we went right back to business. Because they didn't know how to deal with it.

Here, Brad appears more assertive, maintaining that “they have to be prepared to hear what I’m going to say.” But there is clear embarrassment when his husband is mentioned in conversation; offering yet another reminder that Brad’s relationship is not seen as equal to straight relationships, marking him out as different, and exerting a chilling effect. His marriage is different, it is an embarrassing thing to talk about, it is literally a conversation stopper. Here we see the continuing stigma that is attached to same-sex relationships, in spite of Brad and Marshall having access to marriage.

An even higher profile

For Brad and for others in the sample, recognition provided something of an uncomfortable visibility within and beyond their immediate network of colleagues and workplace friends. There was also an official, administrative side to this visibility, particularly where their new legal status meant that they or their partner now qualified for workplace benefits such as pension rights or concessionary fares. As Maggie suggested earlier in this chapter, news of a wedding or civil partnership was a subject worthy of workplace gossip, whether good-natured or otherwise. In the UK, Bella unexpectedly fell foul of her wider workplace network once news of her civil partnership got out:

Bella: One story I want to say is about the ramifications that you just, I wasn’t prepared for. The people who I work with were very excited about it, and (.) while I was away, the cleaning lady came in and said, oh, where’s Bella? And my colleague just said, oh, she’s getting married today. And she apparently said, oh, she kept that quiet, and off she went. And told everybody. So I came back to work and EVERYONE was buzzing, oh, congratulations. And I was like, oh my god, they don’t know it’s a civil partnership. How do I tell them this? And all the cleaners and all the site people who I know, but not that well, were oh, congratulations. And I was just like, oh, I really don’t want to deceive them, but I don’t want to (.) what do I do? And then one day I was showing the photos to somebody in the office and this security guard walked in and said, oh are they the photos, can I

have a look? And I said yes, but there's something you need to know, my husband is a wife. (pause) and he went, ah, you worry too much, and he gave me a big hug and had a look and it was fine. And then he told everybody and the news went round like THAT [clicks fingers] and then it was a bit cool. The temperature dropped (...). It was really interesting. People were a bit, it wasn't all warm like it had been, the temperature dropped. But it was very interesting, because they all had shared in the, oh she got married, is married life suiting you dear? All of that. They'd bought into that and then, through no fault of my own, then, for me it was really interesting, then they all learnt it was a civil partnership (...) and they had to adjust, which they did. And I wouldn't have chosen to come out, but I suddenly was out, and now I am fully out.

It is clear from this narrative that people in the organisation who didn't know Bella very well had made the heterosexist assumption that she was getting married to a man. The exposure of the discrepancy between Bella's virtual and actual identity leads to a very literal discrediting. Her sense of discomfort at having been outed in this way is palpable, as is her sense of helplessness to rectify the situation. She is made to feel to blame for this; that she has been dishonest, that she has tried to get away with passing as straight. The prestige or positive affect gained from her civil partnership drained away when colleagues discovered that she had married a woman, and any hopes Bella might have had to achieve a degree of normification, coming closer to the mainstream, were thrown into reverse. News of her civil partnership meant that she stood out from the crowd in a very public way and was made to feel a keen sense of difference, or more specifically, stigma. One outcome of the civil partnership for Bella is that she was now completely out at work, and this kind of relinquishment of information control was an unforeseen, and unwelcome aspect of her civil partnership.

Couples' accounts of workplace reactions suggest that legal recognition has done nothing to erode the exclusion and marginalisation that some LGB people face in the workplace. If anything, participants' attempts to break the code of silence on same-

sex relationships may have exacerbated their sense of difference and of standing apart from the mainstream. There may be particular consequences for LGB employees, for whom legal recognition may have the unanticipated and undesired effect of disrupting workplace relationships and interaction. Brad's testimony suggests that stories of same-sex relationships were seen as an unwelcome intrusion in the workplace, as disrupting harmonious working relationships, whereas Bella may feel that her outing as a result of her civil partnership may have called into question her integrity as a colleague.

The neighbourhood and local community

This chapter concludes with a brief consideration of responses to marriage and civil partnership from within neighbourhood networks. These networks may vary from close friendships bordering on family relationships to looser acquaintanceships based on politeness and civility rather than close attachment. In any case, the close proximity of dwellings in most neighbourhoods, together with the visibility that marriage and civil partnership ceremonies mark out the street or neighbourhood as a further context for examining the effects of marriage and civil partnership on interaction.

Shouting from the rooftops, or keeping it quiet

The extent to which couples were out to their neighbours varied. Some couples were out to their nearest neighbours, and others assumed that their near neighbours would have worked out that they were a couple, anticipating this as a topic of talk or gossip in the street or neighbourhood. Some had invited neighbours to take part in their wedding or civil partnership celebrations, whereas others assumed that their preparations would not have gone unnoticed by the neighbours. In south east of England, Alan and Ken, long-term residents of their rural commuter village, chose to advertise their wedding to the street:

Alan: We had a banner outside, 'Just Married', and we had neighbours we didn't even know dropping off bottles of wine.

Ken: And this is a village.

There is a sense of daring here, in Alan and Ken's decision to advertise their wedding in the small rural village where they live. However, this appears to have paid off, with their initiative apparently leading to contact with previously unknown neighbours, with the civil partnership having the potential to widen this couple's neighbourhood social network. For others, the prospect of unwanted attention from the neighbours was a cause for concern, particularly for Tess and Helen, a couple in their sixties who were not out to their neighbours in on the Essex-London border. They told the story of their panic at the prospect of having to disclose their civil partnership to their inquisitive neighbours:

Tess: On the Friday before, you were at the hairdressers, the doorbell rang and it was the lady from the florists with three bouquets of flowers from friends. And within five minute the neighbour rings, asking what was going on. And fortunately, it had been Helen's birthday a few days before and I had to lie. I had to say it was friends who'd forgotten her birthday. There you are, you're hiding aren't you?

Helen: It was almost like we were ashamed, and that's not the way we were.

Tess: It wasn't.

This couple were particularly fearful of neighbours finding out that they were in a lesbian relationship, of being outed, and acknowledging a discredited identity. Despite Tess and Helen's denials, there are discordant notes here around shame and closeting, even in the midst of their civil partnership preparations. Equally, couples who were already out in their neighbourhood betrayed a sense of vulnerability with regard to their neighbours. Evan and Patrick, a couple in their forties who a couple of years before marrying had moved from Toronto's gay village to a larger suburban house on the edge of the city, reflected on their initial doubts about their neighbours:

Evan: I was a little nervous, and it was an average neighbourhood, there were, you know, Indians and Ukrainians and Portuguese, and some of them were immigrants, not even like first generation. But no problem at all.

Patrick: We cut the neighbours' grass and shovel their snow. We're good. But that comes with time.

Patrick and Evan clearly take the idea of being good neighbours seriously, but at the same time there is an acknowledgement that they have to prove themselves as neighbours; to go the extra mile in demonstrating that they are good neighbours. This recalls Goffman's understanding of acceptance for people with stigmatised identities as hard earned and fragile: it, "comes with time," and has to be worked at and maintained. Evan invokes the foreign origin of his neighbours as a complication, implying doubt as to whether the more recent arrivals were aware of, or had absorbed Canadian values of tolerance. This invokes both ethnicity and sexuality as factors in mediating neighbourhood relationships and, of course, makes clear a further element of the stratification of stigma: that members of stigmatised groups have the power to stigmatise those who possess other discredited identities.

On the other side of Toronto, Desiree talked about the impact of her marital status on her daily interaction with other neighbourhood mums at the school gates:

Right now I'm a stay-at-home mom, I'm basically rubbing shoulders with mostly mothers, all the time, and there's endless chitchat about our families and our partners. For me it's like, you know, just even to know I'm married, like this is for real. I always have my wedding ring on and whatever. And yeah, I think it helps me feel more comfortable at times about being queer and quite often the only queer person in a space. Yeah.

Here, Desiree is talking about marriage as helping her to fit in when she meets the other mums at the school gate. She appears to be keenly aware of her isolation as a

lesbian in the apparently straight environment of the school gate, and sees her wedding ring as some kind of a badge, or in Goffman's terms, as a prestige symbol (1963, p. 60) that demonstrates to others that she is part of a valid family, that her family is 'for real'. Again, this implies a kind of conditionality, that the acceptance of the other moms (interestingly, no dads appear to be present at the school gates) is grounded in Desiree's status as a married woman. Desiree also makes clear that this relates directly to her identity as a lesbian woman, with the wedding ring providing a kind of defence against her isolation, and pre-empting disrespect from other (straight) moms. There is also an element of display here (Finch, 2007), not only in terms of Desiree's deployment of her wedding ring to signify that she is part of a bona fide family, but also in her presence as a dutiful mother at the school gate.

This short account of the impact of legal recognition for neighbourhood relationships suggests a number of commonalities with the workplace. Both the neighbourhood and the workplace are social contexts where one is expected to get along, and to cooperate with those around us, though with less personal investment than is expected in family and friend relationships. Legal recognition brings couples' stigmatised sexuality to the fore, and as such, is potentially disrupting in the context of workplace and neighbourhood, particularly as lesbian and gay couples may not be as open about their sexuality in these contexts and may not know neighbours and colleagues well enough to predict reactions accurately. This suggests a further note of uncertainty around couples' experience of marriage and civil partnership. On a final note with regard to neighbourhood relationships, this is an appropriate place to acknowledge the particular tensions caused by the Proposition 8 campaign in California. The ubiquity of lawn signs supporting or opposing the ban on same-sex marriage meant that couples could identify allies and opponents among their neighbours just by looking out of the window. The disquieting effects of this aspect of Proposition 8 will be explored in Chapter Eight, the final empirical chapter.

Conclusion

This chapter has explored the impact of recognition for couples in the context of personal networks comprising family, friendship, occupational and neighbourhood

relationships. The quality and frequency of interaction make family and other close networks a key context for understanding the social implications of legal recognition. Family relationships presented a very complex picture, with legal recognition often providing couples with the opportunity to become more fully integrated within family networks. For some, this was a case of the law catching up with the reality of their family lives; they had long been accepted by their families as a couple, and legal recognition, although tardy, was welcomed as an opportunity to put things right legally, as well as providing a welcome excuse for a celebration. For others, legal recognition meant testing out acceptance and nudging families towards acknowledgement and acceptance. This could also mean pushing boundaries, with some relatives perhaps prepared to tolerate a same-sex couple in the family, but seeing marriage or civil partnership a step too far. The research data suggest that homophobic attitudes within families are not restricted to older age groups, with younger couples also reporting family hostility to their plans to marry or enter a civil partnership. Apart from one instance, where a participant's male relatives refused en bloc to attend his civil partnership, families more usually presented a patchwork of acceptance and denial. Legal recognition also seemed to confirm rather than transform family relationships, with relatives who accepted couples tending to welcome and participate enthusiastically in the wedding or civil partnership ceremony.

In the same vein, legal recognition did little to make difficult family relationships any easier and sometimes led to feelings of guilt and anger about exacerbating tension or rifts within the family. In these instances, I found couples remarkably forgiving, suggesting low expectation and an entrenched understanding of power relations and family dynamics. Relatives' reluctance to tell their children about a same-sex marriage, relationship or civil partnership was a matter of particular frustration, with attempts to quarantine children from this dangerous knowledge reinforcing couples' sense of stigma. Couples also appeared to be aware of the transgressive nature of same-sex intimacy, and some were particularly bashful, or even petrified at the idea of holding hands or giving their partner a kiss during the ceremony. This seemed to be a matter of couples' knowing their place within a power hierarchy that continues

to marginalise same-sex couples; this was a question of not rocking the boat or pushing their luck with family, doing the decent thing in not forcing their sexuality down other people's throats. This is particularly ironic, given the sexual and reproductive connotations of opposite-sex weddings, and the parade of heterosexual imagery presented daily in British, American and Canadian popular culture.

Friendship networks were generally seen by couples as more supportive, though in some cases there were traces of heterosexist power relations, with straight friends apparently welcoming couples into a heterosexual fold as married or civil partner couples. Some couples, no doubt wanting to put their experience of stigma behind them, eagerly embraced this kind of induction into married respectability, though others, particularly those with feminist or queer commitments, were much more critical of its implications. Workplace relationships also proved complex, in combining a mix of occupational hierarchies and relationships of varying closeness, based on purely professional contact, or blending working relationships with friendship. The data make it clear that couples struggled to make space to acknowledge their same-sex couple relationships in the workplace. There was evidence of a chilling effect for gay men and lesbian women in particular professions, notably in school teaching, where there was palpable fear of being outed as a result of loose talk about a gay wedding or civil partnership. And even in the cutting-edge knowledge economy of the San Francisco Bay Area, there appeared to be something of an expectation even after marriage that a same-sex couple's weekend activities were not quite an appropriate topic for office small talk.

Couples' accounts of their relationships with neighbours also suggested a kind of vulnerability. While couples clearly did not fear being run out of their neighbourhoods by a homophobic mob, they often felt they had to prove themselves as good neighbours and could not take their acceptance for granted. For same-sex couples who were parents, marriage and civil partnership were also seen as a kind of shield, or proof of their integrity and validity as a family. In comparison to the first empirical chapter, which focused on the couples, the accounts in this

chapter of couples' close social networks offer much greater scope for understanding the effects of marriage and civil partnership in relation to stigma. The next chapter broadens this analysis further to consider the impact of legal recognition beyond couples' close social networks, focusing on interaction in commercial and public service contexts, and investigating the impact of legal recognition on couples' understanding of citizenship.

Chapter Seven: *We're treated that way now: the impact of recognition beyond couples' social networks.*

An important effect of legal recognition is that it suddenly makes same-sex couples visible in a range of new contexts beyond their own social networks. Building on Chapters Five and Six, this third empirical chapter broadens the analysis further to investigate the impact of marriage and civil partnership on couples' interaction with relative strangers. This chapter draws on the research data to explore couples' experience of this newfound visibility, focusing on preparations for the civil partnership or wedding ceremony, and the effects of their new status after this milestone event. This unprecedented contact with public officials and commercial service providers as lesbian or gay couples will provide further insights with regard to couples' status as gay men or lesbian women, and as consumers and citizens. The chapter also explores the limitations couples placed on the recognition available to them.

Legal recognition as social visibility

The notion of visibility is a thread that runs through recognition policies for same-sex couples. With regard to interaction beyond couples' personal social networks, the marriage and civil partnership mean that homosexuality, a stigmatised attribute long assumed to be an entirely private matter, is brought firmly into the public sphere. This new visibility that comes with legal recognition is reflected in administrative arrangements for marriage in Canada and California and for civil partnership in the UK, all of which include provision for ceremonies, as well as for the recording of same-sex relationships in government databases. Marriage and civil partnership also act as passports to a range of rights and responsibilities including next of kin privileges, tax liabilities and access to welfare benefits. These new, legally enforceable rights available to married and civil partner same-sex couples render them visible in a variety of settings including the courtroom, the lawyer's office, the bank or the hospital ward. Marriage and civil partnership ceremonies also propel couples into a variety of locations, including the church, register office or marriage bureau, as well as commercial premises including clothing stores, jewellery shops,

department stores, restaurants and hotels. The anxieties set out in Chapter Six about presenting as a couple, even within family and friendship networks, suggests the possibility of similar difficulties in public settings. However, these dilemmas may prove to be qualitatively different, in that whereas service and commercial transactions are usually predicated on civility, the disclosure of a stigmatised sexuality may prove disruptive. Additionally, the reactions of strangers to this disclosure may be even less predictable than those of friends, relatives, work colleagues or neighbours.

Whereas the various acts of engaging with public and commercial services together may not have been completely new to the participants in the study, the rhythm, intensity and comprehensiveness of the wedding or civil partnership preparations led to a sense of prolonged exposure, as if couples were suddenly wearing their sexuality on their sleeves. Couples in the research sample reported experiencing feelings of enhanced visibility on a variety of occasions, in numerous locations and with a range of interlocutors. There were numerous understandings of this new visibility, though a common thread throughout the research interviews was its novelty.

At this point, it is also worth recalling the interplay between visibility and stigma. Social situations can require stigmatised individuals to remain invisible in order to avoid troubling or disrupting interaction. In the case of concealable forms of stigma, such as homosexuality, this may be achieved by passing; a strategy of attempting to conceal a discredited identity (Goffman, 1963, p. 57). Lesbians and gay men may choose to withhold any evidence of their sexuality; a strategy which, in light of the heterosexist presumption, is taken not as assuming a neutral sexuality, or even an asexuality, but is seen as *passing* as heterosexual, as the default. These attempts at concealment may take a number of forms; from outright displays of apparent heterosexuality (so-called “straight acting”) to completely desexualised, self-censored forms of conduct. Where same-sex *couples* take part in interaction with others, they may have the option of denying their mutual connection or hiding the nature of their relationship, recasting themselves as friends, flatmates or other less

troubling dyads. Of course, stigmatised individuals usually perform this labour of invisibility themselves, whether by excluding themselves from social situations where their presence would be seen as difficult, for example, by not attending family or other social events as a couple (Oswald, 2000), or by doing their best to hide their stigmatised identity wherever possible by attempting to pass as straight. In those situations where a discredited identity does not rule out one's presence outright, the stigmatised are often called upon to do the decent thing, to blend into the background and not make their stigma too prominent, what Goffman referred to as, "defensive cowering" (1963, p. 28).

Where people with stigmatised identities are tolerated, there is an element of self-censorship that creeps into conduct; a sense of being on one's best behaviour, and, in the case of same-sex couples, of not being too 'flamboyant' or acting out. In this context, gay men and lesbians are required to hide their sexuality from public view, or where their sexuality is tolerated, to modify its expression and tone down their behaviour. As has been seen in Chapter Six, marriage and civil partnership fundamentally disrupt same-sex couples' internalised sense of 'knowing their place', and there is a clear contrast here between the possibility of passing and the heightened sense of visibility that accompanied marriage and civil partnership. This process often began when couples were faced with the task of arranging their wedding or civil partnership ceremony.

Coming out to authority: getting licensed

For the couples in the research sample, the first step in arranging their ceremony was to contact the relevant department at the local authority. For couples in the UK, this was the local authority register office; in Canada, the local provincial or territorial office, and in California the city or county Clerk's office. Research participants reported mixed experiences of this process. These conflicting emotions are encapsulated by Mary and Bella's account of their visit to the local register office in inner London:

Bella: That was a funny experience. I thought it was hilarious, that whole thing about waiting. And also I felt really self-conscious about being in the waiting room. And because a lot of people were there to register births and deaths and marriages, I felt like I was the only gay person and then everyone can hear, you know, when you go up to the desk. I remember feeling really self-conscious.

It is clear that Bella's initial attempts to orient this narrative of her trip to the register office as a funny, or even hilarious experience, this narrative betrays an overriding feeling of self-consciousness (mentioned twice in this short narrative) at attending the register office as a member of a lesbian couple. Bella makes clear her feelings of exclusion from the heterosexualised space of the register office waiting room, where she expects others to be engaged in the *legitimate* business of registering births, marriages or deaths. These, of course, are the milestones of a heterosexual life-course, all of which imply forms of privilege in the social roles of parent, heterosexual spouse or carer/next of kin. Historically, these socially prestigious roles have all been denied to lesbian women and gay men; public policy has overlooked and marginalised gay and lesbian parenting, and same-sex couples have, of course, been denied access to marriage as well as to next of kin rights. Bella clearly feels a kind of exclusion and there is a sense that she feels she does not belong in the register office. Bella's feelings of being out of place are compounded by the lack of privacy, "everyone can hear, you know, when you go up to the desk." There is a sense of unwelcome visibility and a clear discomfort at the prospect of having to disclose her stigmatised sexuality in a public setting where she might easily be overheard. This suggests a clash between Bella's understanding of her sexuality as a private, personal aspect of her identity and the demands placed upon her in the public setting of the register office enquiry desk.

Clearly, there is a discomfort that goes with this new visibility, though this is countered by Bella's civil partner, Mary, who responds directly to Bella's narrative with her own very different account of their visit to the register office together:

Mary: And I felt a bit differently actually. I felt, wow, this is amazing that I can come into this place and say, you know, we'd like to (.) make an appointment about being civil partnered. I can pick up a brochure and say, look, there's a brochure about it, it really is ok.

Mary seems to understand her visit to the register office as gaining access to a kind of respect and recognition. There is another kind of visibility here through the acknowledgement that they exist, that they are members of society, that people of their ilk are worthy of depiction in a local authority brochure on civil partnership. Her reference to the brochure on civil partnership as tangible evidence of her legitimacy as a member of a same-sex couple is particularly striking; that, "it really is ok". Mary's story appears to chime more clearly with the stated policy objectives of civil partnership as a means of tackling discrimination and raising the status of same-sex relationships. For Mary, a British woman in her fifties, this shift in policy towards recognition of same-sex relationships appears to be a matter of personal empowerment. Taking this exchange between Bella and Mary in its entirety, it becomes clear that this visit to the register office evoked feelings of both pride and self-consciousness and a kind of unease, or even ambivalence about the implications of legal recognition and the visibility that it entails.

Local officials are usually on the front line in implementing the legislation on civil partnership and same-sex marriage. In this context, the demeanour of these local officials takes on a particular significance for the research participants who, in arranging a wedding or civil partnership, were often interacting with authority *as a couple* for the first time. Most reported that local officials were helpful and positive in arranging and performing wedding or civil partnership ceremonies. In the UK, Ken, a retired headteacher in the South East, recalled the trip from his rural village to the nearest town to arrange his civil partnership:

The two registrars were very excited about it. They kept on saying, we're making history. They were so happy about it all, but they had to fill in all the forms by hand because there was no computer format for it.

Ken and Alan, one of the first couples to form a civil partnership in their area, highlighted the newness of this process and the excitement of the registrars at their role in 'making history', though it is striking that the local authority had not managed to update their computer system to take account of the introduction of civil partnerships. Other couples were more sceptical of the positive reactions they received from local officials. In east London, Andy admitted to a degree of cynicism:

They couldn't have been any more helpful, though I felt they were slightly patronising at times. They overdid the, it's about time, we're so pleased. And almost over-extended their openness and friendliness towards it. I'm a bit cynical about that.

Andy's assessment of their registrars reflect the complexity of couples' emotional responses to being placed in the position of seeking a public service directly related to their status as a same-sex couple. On the one hand, there was a sense of appreciation at the positive response from the registrar, though in Andy's case, this was tempered by doubts about the sincerity of this response. Whether or not this was a case of Andy expecting to be met with indifference or hostility, or of a local authority registrar taking his role as one of the accepting 'wise' a bit too enthusiastically, this is a further reminder of Goffman's understanding of the fragility of acceptance for people with stigmatised identities (1963, p. 25).

In California, Turner reported on his trip to City Hall to arrange his wedding to Louis:

It didn't seem that bureaucratic, and the warmth of the people at City Hall, they were just so happy for you. This is San Francisco. Other officers across California were apparently not so accommodating or friendly.

Clearly, Turner was satisfied with the response of the officials at City Hall, yet this is again couched in terms of this being exceptional, and not being taken for granted across the state. It appears that even where acceptance is given, it is open to doubt

or qualification and is not necessarily taken at face value. This recalls Maggie's doubts in Chapter Six about whether her same-sex relationship was truly accepted by her friends; there are niggling doubts about whether acceptance is real or not.

Legal recognition for same-sex couples has also politicised the role of local authority registrars and other marriage celebrants. Although a small minority, the refusal of individual officials to preside at same-sex ceremonies suggests that same-sex couples may not receive the welcome they might anticipate when they go to register a marriage or civil partnership. In the UK, the Lillian Ladele case has become a cause celebre for those who oppose civil partnerships on religious grounds. Ladele worked as a registrar at the London Borough of Islington and lost her job as a result of her refusal to officiate at civil partnership ceremonies on the grounds of her religious beliefs. UK courts have upheld her dismissal (Bowcott, 2012), and in January 2013, her dismissal was upheld by the European Court of Human Rights (European Court of Human Rights, 2013). Similar cases have been brought before the courts in Canada; for example, Orville Nichols sued the provincial authorities in Saskatchewan on similar grounds to Ladele, though he was also unsuccessful (CBC, 2009). These individual refusals to provide a public service to same-sex couples recall Lipsky's (1971) analysis of the power invested in 'street level bureaucrats' to resist or reinterpret policy directives from the centre. The attention that the Ladele and Nichols have received in the media serves to maintain an air of stigma around same-sex couples and their aspirations to marriage and civil partnership. These well-publicised cases of officials' opposition to same-sex marriage or civil partnership may have a chilling effect for couples in approaching the task of arranging a ceremony, or at the very least, remind them of the possibility of non-acceptance.

Coming out to complete strangers: arranging the ceremony/party

For couples in the research sample, their visit to local government office was usually the first step in the process of arranging a wedding or civil partnership ceremony. In most cases, this process subsequently involved sharing the news of the forthcoming ceremony with friends and family, an aspect of couples' experience discussed in the previous chapter. Having set a date, couples usually turned their attention to finding

a venue, agreeing the detail of the ceremony and engaging service providers to arrange a wedding party, catering, clothing, photographs and buy wedding rings.

This brought couples into contact with a range of service providers, and once again, this was a matter of apprehension and ambivalence. In common with couples' interaction with local officials, accessing commercial services was often a loaded experience, as it meant revealing their stigmatised identities and at the same time attempting to appropriate a new status and the recognition that goes with it. In Chapter Five, Barney referred to legal recognition as a 'social upgrade'. This process of requesting administrative or commercial services can be seen as a matter of couples attempting to forge temporary alliances with their interlocutors, with the expectation that they would play along and signal their allegiance in an appropriate manner, such as offering the couple congratulations about their wedding or civil partnership. At the same time, as a factor of their stigmatised identities, participants often knew better than to take this for granted. In this light, interaction with service providers (as indeed with family, friends and others), entailed a temporary ceding of power to their interlocutors who could either concur, dissent, or claim not to understand their new status and its implications.

In terms of the process of arranging the ceremony, some participants relished the opportunity to plan the big day and receive the attention they felt they deserved. In Goffman's terms, this can be seen as evoking a sense of bravado, though probably not of a hostile nature (1963, p. 29). Others saw the process of dealing with service providers as something of a trial, entailing a repetitive process of coming out, gauging acceptance and having to make innumerable decisions about clothing, food, drink, flowers and jewellery. The commercial possibilities set in train by legal reform were evaluated by one of the couples from the UK who had attended a gay and lesbian wedding fair before their civil partnership:

Barney: There was this horrible experience shortly after we decided we were going to commit, there was this big expo, basically a kind of gay wedding fest. All sorts of commercial interests were coming together to say

Phillip: [Pink pound

Barney: [We can basically package your fabulously gay wedding. It was so embarrassingly vulgar... There's a paradox here. In one sense it was awful, in another it was, wow, we really ARE normal.

This kind of aggressive commercialisation was clearly not to this couple's taste, though Phillip acknowledges the commercial value of the pink pound, calling to mind misleading stereotypes of same-sex couples as affluent, materialistic consumers. At the same time, there is another glimpse of the seductive nature of inclusion here, in that despite their apparent keenness to distance themselves from a 'vulgar' commercialised mainstream, Barney's evaluation evokes the sheer wonder that comes from being treated as 'normal'.

Other couples acknowledged commercial aspects of legal recognition in a positive way, and used their ceremony to support gay or lesbian businesses such as florists or caterers. In Toronto, Roy and Paolo had travelled all the way to New York to buy rings from a gay jeweller's, and their wedding ceremony was rounded off by dinner in a gay restaurant, followed by a reception in a gay bar on Church Street. The opportunity to engage with gay businesses was sometimes seen as preferable to dealing with 'mainstream' providers. In Goffman's terms, this can be seen as a deliberate strategy of avoiding 'mixed contacts' (1963, p. 23), who, in this context who might not understand or approve of couples' plans to marry. One British couple reported a complete lack of awareness of civil partnerships from a member of staff at the hotel where they held their reception:

Sean: When we went to see the catering manager, we said it was a civil partnership and he asked what kind of company we were, and we explained and he was absolutely mortified. It was very early on. Civil partnerships hadn't got very far and ours was probably the first one he'd done. He

couldn't make it on the day, which was probably a good thing, so we had the deputy, who was great.

The confusion here can be attributed to the sterile and ambiguous terminology that the UK government adopted for its form of recognition for same-sex couples. With the hapless catering manager mistaking their booking as some kind of business meeting, there is a clear sense of embarrassment at this couple having to explain the meaning of a civil partnership.

Elsewhere, there was evidence of a subtler withholding of recognition from commercial service providers. In Scotland, Hamish and Drew recalled their trip to the jeweller's to buy wedding rings:

Hamish: We found the guy who was doing it quite frosty and we just weren't sure what he was making of the fact that two men were coming in to buy rings. He wasn't nasty, he was just very matter of fact. He was just a bit cold with us. I mean, we spent quite a bit of money. I wouldn't go back there again though.

Drew: That was a shame really, it was one of the only things, I felt as though he would have been different with a straight couple.

Here, there seems to be a general feeling of coldness, and Hamish speculates whether this was part of the jeweller's general demeanour, or whether this was because they were a same-sex couple trying to buy wedding rings. In response, Drew insists that the jeweller would not have reacted in the same way to a straight couple. Whether this was a case of homophobic behaviour or more routine rudeness, their recollection of this event highlights the relatively weak starting point from which same-sex couples enter into interaction. This story recalls Goffman's account the sociological effects of stigma in that,

an individual who might have been received easily in ordinary social intercourse possesses a trait that can obtrude itself upon attention and turn those of us whom he meets away from him, breaking the claim that his [sic] other attributes have on us. (1963, p. 15)

Hamish and Drew's stigmatised identity as a gay couple appears to have been the key attribute in their interaction with their jeweller. Hamish's comment that, "I mean, we spent quite a bit of money," suggests that they expected their spending power as consumers to set the tone of their transaction with the jeweller. However, this appears to have been neutralised by their sexuality, implying that, in this context, recognition was not something that even money could buy.

Goffman reminds us that even where stigma is not acknowledged explicitly within an interaction, its presence continues to be felt through a pervasive self-consciousness about the impression that one is making, and the degree to which one's stigma is influencing the interaction (1963, p. 25). This nuanced understanding of stigma can offer insights into the double-edged effects of same-sex marriage and civil partnership. Here, the excitement and emotion of choosing and buying wedding rings is accompanied by an apprehension born out of the anticipation of disapproval and disrespect as a result of a stigmatised identity. In Oakland, California, Hector recounted his husband's sense of apprehension at going to buy their wedding rings:

The jewellery shop to choose the ring, they were fine. The embarrassment was Dominic going into a shop to buy a wedding ring. They were all perfectly normal, happens every day.

For Hector and Dominic, the awkwardness of buying wedding rings appears to have been more anticipated than real, though this reflected the higher stakes for same-sex couples who encroach on the heterosexual territory of the jeweller's shop, the outfitter's or the hotel. An ironic, and sometimes unanticipated aspect of couples' experience of legal recognition is that propels them into locations and interactive situations that, historically, have been monopolised by heterosexuals. These

encounters appear to exacerbate, rather than diminish, lesbian and gay couples' sense of difference.

The big day and beyond: ceremony, visibility and citizenship

Moving on from the preparations to the ceremony itself, a number of couples reported feelings of intense exposure on the day of their wedding or civil partnership. In the UK, Iwan recalled a feeling of being on display during the ceremony, an emotion that reached a peak when he emerged from the register office in central Birmingham with his civil partner and their assembled guests:

We went out, there were a few photos taken and some of them threw confetti, and the buses were passing and I was wondering, god, what are they all thinking? But it didn't matter.

This very literal coming out has Iwan and his civil partner Richard emerging from the register office into the bustling city centre to wonder, "what are they all thinking?" This evokes the idea of an uncomfortable parading or performance, where the couple is exposed to public view if not for the first time, then in a new incarnation as civil partners. This suggests a fleeting sense of shock, or even panic linked to the visibility of the ceremony. Despite the momentary shock of emerging into public view and public life as a legally recognised couple, most participants saw this visibility as both legitimate and long overdue. This was seen as a particularly important aspect in terms of accessing public services as a couple. Iwan's civil partner, Richard, reported on a visit to the hospital since becoming a civil partner:

Richard: Just recently I had to go to outpatients and the receptionist was typing in and she said, next of kin? And I said Iwan and she said who's that? And I said that's my civil partner and she didn't bat an eyelid, she just typed it in. That's the first time I've had to say it.

MT: And what did that feel like?

Richard: Yes, great. Absolutely fine.

This story of routine acknowledgement and acceptance assumes particular significance in light of the frequency of hospital-related atrocity stories as told to me by couples in the UK, Canada and California. The hospital seems to have assumed a mythological status as a place where same-sex couples could expect rejection, marginalisation, separation and powerlessness. These stories may reflect the devastating impact of the HIV-AIDS epidemic in the lives of gay men the West (Washer, 2010). For older couples, the hospital was a further repository of fear as they looked towards the future and the prospect of ceding control over their lives and living arrangements to health and social care professionals. Taking these factors into account, Richard's visit to the hospital can be seen as a highly symbolic test for the enforceability of legal recognition, and provides a contrast to the retelling of the hospital plotline in the film, *Philadelphia*, in Chapter 5. For Richard, the hospital receptionist's apparent acceptance of his status provides a contrast with the tone of earlier atrocity stories: civil partnership brings recognition and is seen as a matter of righteous relief to partners who see caring responsibilities as a basic and integral aspect of their couple relationship.

The wider impact of legal recognition interaction with strangers

Although the empirical chapters of this thesis have explored couples' feelings of self-consciousness in the context of legal recognition, there is also contrary evidence from the research data that marriage and civil partnership may facilitate greater confidence and assertiveness. Billy, for example, makes clear that civil partnership has made him more confident in dealing with service providers:

Billy: I've found myself being far more confident saying to people, anyone, from a hotel to people ringing up cold calling, saying can I speak to Mr and Mrs Jones. And I say sorry, there isn't a Mrs, there's another Mr. Or ring a hotel and say it's for me and my male partner. Just having the civil partnership makes you feel more confident about saying, you know, we're a male couple. There's nothing wrong with being a male couple, we've got a

civil partnership the law recognises us, so if you want to make a fuss about it you can, but you're the ones in the wrong.

This account is oriented to convey the feeling of confidence that civil partnership has brought to Billy's interaction. There is also a clear evaluation here: that 'there's nothing wrong with being a male couple', and that those who object are 'the ones in the wrong'. Here, Billy appears to acknowledge the potential for a disconnect between legal equality and its social effects equality, though he places his confidence in legal recognition as a protective factor against those who disapprove of his couple relationship, with legal recognition somehow trumping social disapproval or stigma.

Billy also touches on another same-sex couple atrocity story: the ordeal of hotel stays, where the heterosexist presumption means that same-sex couples are made to feel that they stand out, with, for example, receptionists feeling the need to check whether, having booked a double, the couple would really prefer a twin room. This reflects a potentially overlooked element of interaction which same-sex couples face: the process of being scrutinised by others seeking to establish the nature of their relationship to each other. When two adults of the opposite sex book into a hotel or order a meal in a restaurant, the quick and easy assumption that they are a couple can be made relatively safely. When two adults of the same-sex engage in these activities, they are faced with a kind of nonplussed response, with staff trying to work out what is going on: are these two siblings, friends, business colleagues or a couple?

Although legal recognition may not make this initial confusion any clearer, the status itself may offer a degree of comfort to couples, or at least provide an intelligible label for others. In Toronto, this was expressed by Julian, a man in his fifties, in the following terms:

Although I've been an out gay man for thirty years, it was very new and I realised that I was talking to some people in a different way about who I was

and what we were doing because there was now a language which had something to do with the mainstream and I had less of a concern about it being something that people wouldn't understand.

Clearly, marriage has had a profound effect for Julian who, despite being out as a gay man for thirty years, said that he now approached interaction in a different way. Recalling Mary's positive reaction earlier in this chapter to the brochure on civil partnership, this suggests that the law exerts a kind of constitutive power in creating new categories of person and relationship that will somehow be intelligible to others, and that this in itself involves a kind of legitimacy.

The novelty of banal acceptance

In contrast to the atrocity stories that form a part of LGBT folklore, legal recognition offers the prospect of new, more positive stories, involving recognition rather than rejection. Evan and Patrick, both in their forties, recalled a trip to the video store in suburban Toronto:

Evan: I was at the local video store with one of my friends, and when it came time to check out a video, we picked out a DVD, the guy said, you have your card? And I said, no, I said, but just look it up in my husband's name. So he looked it up on the system, blah, blah, blah, runs it through, nothing happens, he didn't look up or even bat an eyelash, he didn't even notice. And we walked outside and [friend] looked at me and she said, that was pretty impressive. And I said, what? And she said, that guy reacted as if it was nothing, she said, it was like he'd seen it a million times before.

Patrick: And we're treated that way now.

Evan: I didn't even notice it.

At the video store, his married status enabled him to rent a DVD on Patrick's account. In this instance, access to a commercial service is presented as a fairly

commonplace example of the privileges Evan and Patrick have gained through marriage. Evan presents this as a routine example of the difference that marriage has made to his everyday life: the fact that commercial service providers recognise the status of his same-sex marriage. The evaluation of his narrative is that this was completely unremarkable to the store clerk, and Evan adds a coda that he did not even notice this himself, that it took his straight friend to bring this to his attention.

Echoing Richard's account of his trip to the hospital, Evan presents the very opposite of an atrocity story, with his tale of the trip to the video store oriented towards demonstrating acceptance rather than exclusion. And there is a clear element of de-stigmatisation here, in that Evan is providing evidence that he does not stand out from the crowd as a gay married man, that his status is entirely unremarkable. There is a sense here of Evan and Patrick wanting to distance themselves from stigma, to put stigma behind them and consign it to a dark, distant past. Evan's trip to the video store is presented as evidence marriage as a means of de-stigmatising his identity as a gay man, the effects of which are so complete that Evan appears no longer sensitised to his former stigma. Indeed, he has to be reminded of this by his straight friend, who, in referring to the video store clerk's conduct as, "pretty impressive," was saying that the absence of stigma is itself of note. But there is nonetheless an element of novelty here, in that although Evan plays down this newfound recognition, it is clearly sufficiently memorable and significant to be retold during the research interview.

The Proposition 8 referendum in California placed same-sex couples under unprecedented scrutiny, and the campaign to end same-sex marriage rights repeatedly, and ultimately successfully, called into question gay and lesbian couples' fitness for marriage. Yet couples in Canada and the UK also felt that legal recognition placed them in a kind of moral spotlight and spoke of the importance of somehow proving that they were worthy of legal recognition and social acceptance. As we saw in the previous chapter, Hywel and Martin sought to distance themselves from stereotypical gay behaviour. Others voiced similar sentiments in the UK, Canada and California, with gay men claiming to eschew sexual promiscuity and

lesbian women rejecting the cliché of the couple who move in together on or soon after their first date (Wood, 2012). Divorce was widely seen as an undesirable, if unavoidable aspect of legal recognition that would somehow bring same-sex couples into disrepute and, in demonstrating that same-sex couples were simply not up to the demands of married life, serve to justify and reinforce stigma. Again, there is a flavour here of the transmission of stigma effects and the fragility of the social reputation of same-sex couples. This notion that all would be tainted by bad behaviour reflects a kind of reputational deficit that couples may feel they have to disprove.

They know where you live

Legal recognition is not just of potential benefit at the video store. Same-sex marriage and civil partnership also offer new access to forms of official classification. One UK participant made clear her frustration at having being overlooked in the typology of relationship status:

Susan: It used to be really awkward filling in a form before. Are you single, married, divorced or what? And where do you fit in that?

This frustration at the historical lack of labels or titles to describe same-sex relationships recalls Kelvin's comment from Chapter Six that he had been "sort of single" before his civil partnership, despite having been with his partner Andy for seventeen years. Susan's apparent relief that the availability of an official category that describes her couple relationship highlights the significance of documentary realities (Atkinson and Coffey, 2004) in delineating citizenship and social life. Here, Susan expresses genuine puzzlement at not finding a place in the typology of marital status. There is a clear sense of not belonging, with civil partnership rectifying this by acknowledging the existence of same-sex couples. For Susan, civil partnership appears to offer a kind of closure on this official, bureaucratic denial of existence, yet the creation of a new legal status in the UK, reserved exclusively for same-sex couples, also brings an unanticipated visibility:

Ed: Because the terminology is different it means you have to go through the process of identifying yourself as gay, even when you're doing something as simple as sorting out finance for the car.

This suggests a shortcoming of the UK's policy response to legal recognition. Civil partnership is a status reserved for same-sex couples, and disclosing one's status as a civil partner also means disclosure of a stigmatised sexual orientation. Another UK participant had wider reservations about civil partnership as marking him down officially as a gay man:

Phillip: I found it really unsettling that after thirty years of having at any point the choice of whether or not I was going to be gay in any situation, I was now going to be officially on paper as a homosexual. That was really unsettling. And I don't think that society's come anywhere near to the point where I'd be happy that lots of people I might meet on paper will already know that I'm gay.

Phillip appears to express concern about being inscribed on a de facto register of homosexuals as a result of his civil partnership. There are clear concerns here about a significant and far-reaching loss of information control, with these concerns informed by mistrust of what others might do with this information. Speculating about the future, another UK participant voiced similar concerns:

Kelvin: But there's absolutely no certainty in my view that in another generation's time things could change around and there could be an act of parliament rescinding civil partnership. History has a habit of repeating itself and there's no guarantee that fifty years from now it will all be hunky dory. It could be completely the opposite. You just don't know where things are going to go.

There is a clear skepticism about the role of the state as guarantor of lesbian and gay rights, and this is certainly a valid perspective in light of the long history of

criminalisation and stigmatisation of homosexuality in public policy, not just in the UK, Canada or California but across the globe (ILGA, 2012a). This raises a further contrast with heterosexual marriage, in that Kelvin's take on lesbian and gay couple rights is that they remain fragile and open to contestation or reversal. In this context, individual decisions to enter a same-sex marriage or civil partnership can be understood as highly political and potentially risky step.

Town and country

Participants also identified geographical limitations to their acceptance as same-sex couples. Adam, a Canadian living in the UK with a British partner, acknowledged differences between the UK and Canada in terms of same-sex couple rights, but felt that in terms of everyday life, the differences between rural and urban areas were more significant:

I don't think there's much difference between here and Canada. The big difference for me is city versus country. If you're from a big city it's fine, if you're from a rural locality it's much more difficult. Canada's a bit ahead on certain things, like for instance gay couples have been allowed to adopt for longer, but that's about it.

In suburban Toronto, Evan and Patrick recounted a visit to relatives in Calgary, Alberta, a city and province that they described as, "very redneck, very homophobic." Reflecting on their trip, Evan acknowledged the spatial limits of tolerance of homosexuality within Canada:

I kind of forget sometimes that in Toronto we live in a kind of a bubble. Being gay here is actually pretty easy. You know, like, I haven't not been out for so long. I don't even bother to hide it. There it is, deal with it, if you don't like it then go away!

The significance of this excerpt of the data lies in its acknowledgement of the limitations of legal recognition. Clearly, Evan judges that it would be harder to be a

gay couple in Calgary than in the 'bubble' that is Toronto, even though the same marriage law applies in both cities and provinces. This kind of spatial consideration informs couples' decisions about employment, where to live and where to socialise. Halberstam refers to this as reflecting a 'metronormativity' that understands gay and lesbian lives as only being viable in large, metropolitan cities (2005, pp. 35-39). Even within the boundaries of large metropolitan areas, acceptance and the freedom it implied were seen as restricted. In east London, Andy contrasted his and Kelvin's legal status as civil partners with the enduring taboo on expressions of physical affection between same-sex partners:

Partnership arrangements is very much small fry in terms of shifting of attitudes and people's beliefs. If we left here and went to the station holding hands, I'd put money on it that one or both of us would end up in hospital.

This comment highlights the disciplinary effects of stigma and the violence sometimes used to enforce the power relations that underpin interaction between members of stigmatised groups and others. Whereas the previous chapter investigates couples' reluctance to display physical affection in the presence of family members, it is clear that this remains a powerful social taboo beyond immediate social networks. It appears that for Andy and his partner Kelvin, their 'bubble' consists of their own home and does not even extend into their neighbourhood. The same can be said for Tess and Helen a few miles away, who were not out to their neighbours and were worried that they would find out about their civil partnership. It appears that legal recognition has done nothing to widen the geographical area where they felt safe to express themselves as a same-sex couple, or to challenge the taboo on physical displays of affection. Once again, this highlights the difference between the ambitions of legal recognition and the lived experience of couples in the research sample.

Legal recognition as nationalism

In contrast to concerns about the future reversal of lesbian and gay rights, or the geographical limitations of tolerance, other participants perceived legal recognition as evidence that they were living in a modern, progressive society. There were clear elements of uncritical homonationalism (Puar, 2007), with legal recognition presented as an example of social and legal tolerance, providing evidence of democratic and progressive national values. In the UK, civil partnership was seen by Alan, a man in his early forties, as both representing a break with a repressive past and marking out the UK as a beacon of tolerance:

In a way it's great that our country is progressive in that sense, because we're way ahead of a lot of countries, which is surprising considering Thatcher's time.

There is perhaps a degree of ambivalence here, with Alan claiming the UK to be a progressive country, while acknowledging that in terms of LGB rights, this is a relatively recent development. Similarly, in Canada, Patrick voiced optimism about the direction of travel of social attitudes on homosexuality:

The under-thirty crowd now, they're like that. (...) you get down below thirty, they regard being gay or lesbian as sort of like a preference of ice-cream flavours. They really (.) don't (.) care.

Patrick appeared optimistic about the future of gay and lesbian people in Canada. However, the kind of reversal of legal recognition that Mark could foresee in the UK and which has come about in California as a result of Proposition 8 had nonetheless been a concern for couples in Canada as well. Several couples recalled Conservative Prime Minister Stephen Harper's pledge to re-open the debate on same-sex marriage during his 2006 re-election campaign, and this was a factor in the timing of a minority of the couples' weddings:

Beth: We were just sitting there eating soup, like sad lesbian spinsters sort of thing, and we heard on the radio that he'd been re-elected and I was like,

well, we should just get married then. As a kind of ‘fuck you’ to Stephen Harper [laughs].

Despite the playful tone of this narrative, depicting soup-eating lesbian spinsters raising a metaphorical finger to Stephen Harper, this story frames this couple’s decision to marry as both a form of resistance to Harper’s re-election, but also as an insurance policy against the prospect of a reversal of their eligibility to marry.

Conclusion

This chapter focuses on a number of easily overlooked aspects of legal recognition. Couples’ accounts of their experience of legal recognition highlight an unprecedented level of visibility, starting at the register office or county clerk’s office and penetrating their daily lives following marriage or civil partnership. Although as the previous chapter makes clear, couples also identified a sense of visibility within family and other social networks, there was perhaps a greater degree of reliability from those already known to the couples than they could expect from officials, service providers and other strangers, lending further unpredictability to this kind of, “anxious unanchored interaction.” (Goffman, 1963, p. 29).

Couples’ experience and awareness of stigma provoked a number of complex reactions and entailed reconciling apparently contradictory emotions of acceptance and rejection, pride and self-consciousness, assertiveness and submission, spontaneity and circumspection. The data presented in this chapter suggest that stigma remains a relevant and powerful concept for same-sex married and civil partner couples, and that the brave new world of inclusion could, on occasion, prove illusory. Some couples were eager to frame legal recognition as part of a progressive national project, even in California where the reversal of marriage rights was seen as an anomaly that would eventually be corrected. At the same time, political opposition to same-sex marriage, particularly in California, but also in the UK and to a much lesser extent in Canada, has served to keep lesbian and gay couples in the spotlight, framing them as suspect, and calling into question their eligibility for marriage. In this context, it is perhaps unsurprising that couples are on the one hand

sceptical about claims to irreversible progress, and on the other, continue to feel self-conscious about themselves or others letting the side down through apparently inappropriate conduct such as non-monogamy or divorce.

In Canada, participants were keen to draw favourable comparisons between their own country and the US's troubled response to demands for same-sex marriage rights. This reflects the friendly rivalry that exists between Canada and the US, with Canadians ready to seize on the US's entanglements over same-sex marriage as an instance where their larger, more powerful neighbour could learn from Canada's example. This comparative context was not lost on Californian participants, with Ellen, a scientist in her sixties, commenting, "I'm sure people in Canada are laughing at us." However, for Ellen and her wife and the other Californian couples, the repeal of same-sex marriage rights as a result of the Proposition 8 referendum was no laughing matter. The final empirical chapter of this thesis provides an account of the Proposition 8 campaign and referendum as a case study of the re-stigmatisation of lesbian and gay couples.

Chapter Eight: *I don't think I'm being paranoid, but they ARE out to get me: The Proposition 8 referendum in California as an exercise in re-stigmatising lesbian and gay couples.*

California deserves special attention in this comparative study of legal recognition for lesbian and gay couples as the only jurisdiction where existing same-sex marriage rights have been repealed by a popular vote. Chapter Eight differs from the other empirical chapters of the thesis by focusing exclusively on California, and beginning with an account of the Proposition 8 referendum as a successful counter-attack on the de-stigmatisation of lesbian and gay couples. Proposition 8 sheds light on homosexual stigma in its current forms, as well as offering insights into the frames deployed by LGB activists and their opponents during the campaign. This chapter brings together Proposition 8 campaign material, my field notes from observation of the *Perry v. Schwarzenegger* trial in San Francisco, and research data from the interviews with couples in California. This allows for a consideration of what Proposition 8 might tell us about homosexual stigma and same-sex marriage, and how the referendum has affected the lives of lesbian and gay couples in California. This approach brings the concentric analysis of legal recognition to an outer level, This chapter seeks to weave together the high level political messages about homosexuality and same-sex marriage from the Proposition 8 campaign, insights from the *Perry v. Schwarzenegger* trial that ruled the referendum to be unconstitutional, and couples' own stories of Proposition 8 and its impact on their lives. The chapter continues with an overview of the Proposition 8 campaign, before exploring evidence presented at the Perry trial. The final section of the chapter investigates the impact of Proposition 8 from same-sex couple perspectives.

The tortured history of marriage equality in California

Chapter One of the thesis set out the historical background to the legalisation and subsequent repeal of same-sex marriage in California. California's reputation as a gay-friendly state rests on its relatively long tradition of legal protections extended to the LGB minority, though there is evidence of countervailing forces, for example the Proposition 22 initiative of 1999 that defined marriage as exclusively between

one man and one woman. California's status as the US's most populous state, with a highly visible LGBT population, meant that same-sex marriage in California was bound to receive national and international attention.

The Proposition 8 campaign

As soon as the California Supreme Court published its *Re: Marriage Cases* ruling in May 2008, a coalition of religious and conservative groups united to push for a ballot initiative to re-impose the ban on same-sex marriage. Opponents of same-sex marriage soon gathered the required number of signatures of registered voters to trigger a vote on same-sex marriage, and the statewide referendum took place on 4th November 2008, coinciding with the general election. The result was agonisingly close for LGBT activists, with electors voting by a margin of 52% to 48% to re-establish the ban on same-sex marriage.

Proposition 8 provides that, "Only marriage between a man and a woman is valid or recognized in California" (California. Secretary of State, p. 128). With immediate effect, Proposition 8 amended the California Constitution to restrict marriage to opposite-sex couples. This meant the repeal of same-sex marriage, which had only been available in the state since the 17th of June 2008, and a ban on further same-sex marriages that remains in force at the end of 2012.

Proposition 8 delivered the sobering result that 7,001,084 Californians had turned out to strip their gay and lesbian peers of their newly-won marriage rights, against the 6,401,482 voters who opposed the initiative. At 79.2%, the high turnout, boosted by the Presidential poll that saw Barack Obama elected, lent further democratic legitimacy to the referendum, though the proportion of voters opposing same-sex marriage had fallen from 61% to 52% in the eight years since Proposition 22, suggesting a longer-term trend towards majority support for marriage equality. The vote was the culmination of a high profile and explicitly stigmatising campaign that reaffirmed the resonance of gay and lesbian marriage as a key issue in the culture wars between social liberalism and conservatism in the US. Conservative pressure group, the Family Research Council, a key player in the 'Yes on 8' campaign,

locates same-sex marriage firmly within the liberal political agenda, and therefore as a threat to its version of American values:

On every issue from abortion to counterfeit marriage, to embryonic stem cell research to tax hikes to health care, and many more, they want to undermine our values (Family Research Council, 2008).

This statement gives a flavour of the state of the culture wars, with the perennial issue of abortion joined by more recent phenomena such as stem cell research and same-sex marriage. There is also a mix of economic and social conservatism here, with tax and healthcare also seen as an attack on conservative values. Liu and Macedo (2005) detected a change in tone in conservative opposition to LGB rights following the *Lawrence v. Texas* ruling that set aside the remaining sodomy laws in the US. Following *Lawrence*, conservatives began to adjust the tone of their opposition to same-sex marriage, reducing the volume of moralistic attacks on lesbian and gay people and focusing instead on the primacy of heterosexual marriage as an optimal environment for child rearing. However, the tone of opposition to same-sex marriage during the Proposition 8 campaign was deliberately stigmatising.

The notion of same-sex marriage as 'counterfeit' was taken up with enthusiasm by the 'Yes on 8' campaign, which combined high-level lobbying with local, grassroots activism, ably assisted by the Catholic and Mormon churches, other religious denominations and their state-wide networks of volunteers. Judged within the LGBT communities as, "one of the ugliest anti-gay campaigns in our nation's history" (National Gay and Lesbian Task Force, 2008), the referendum can be seen as a contest between LGBT activists seeking to frame marriage equality as a civil rights issue, and conservative groups opposing same-sex marriage as a damaging sign of the de-institutionalisation of marriage (Cherlin, 2004). The 'Yes on 8' campaign framed the fight against same-sex marriage in typically dramatic terms:

The institution of marriage is in cardiac arrest in California and I am pleading with you to help save it... Marriage as we know it is in a life or death moment. (Yes on 8/ProtectMarriage.com, 2008).

The dramatic medical imagery, depicting the institution of marriage on its deathbed was matched by the 'No on 8' campaign's militaristic depiction of Proposition 8 as a decisive battle:

We're down to the wire, we're under attack, and today's new field poll shows that Prop. 8 in California could go either way. (National Gay and Lesbian Task Force, 2008)

The supposedly detrimental impact of same-sex marriage on Californian children was a prominent feature of the 'Yes on 8' campaign, which appeared to breathe new life into stereotypes of homosexuality as a threat to children. Another campaign message alerted supporters to a new 'Yes on 8' TV advertisement, placing children at the centre of the campaign and aiming to highlight perceived threats to religious freedoms and parental rights:

The ad reminds voters that there are implications for religious freedoms, for parents and students when gay marriage is taught in public schools, and most importantly for children. The spot ends poignantly with viewers focused on a girl who wonders if voters have thought about, "me." (Yes on 8/ProtectMarriage.com, 2008a)

These themes of protecting religious freedoms, safeguarding parental rights and maintaining childhood innocence were a prominent feature of the campaign, portraying gay marriage as a threat to the wellbeing of families across the state. The Yes on 8 campaign also drew parallels with other states and countries where same-sex marriage was legal. Massachusetts in particular provided fertile ground for scare stories about young children being indoctrinated at school by storybooks depicting LGB families. Again, the implication of this supposed concern is one of contagion;

that if children are exposed to information or images about homosexuality they might form the idea that homosexuality is acceptable and grow up to be gay themselves.

Meanwhile, the 'No on 8' campaign was busy deploying its own arsenal against Proposition 8. This included the recruitment of Hollywood actors to get their message across to voters:

Our new hard-hitting television ad, narrated by actor Samuel L. Jackson, reminds voters of the history of discrimination starting with the internment of Japanese Americans during World War Two. (National Lesbian and Gay Task Force, 2008).

Although this advertisement appears to offer a highly selective account of the history of discrimination in California, the choice of a very well-known African American actor to front this commercial (with a message apparently geared towards ethnic minority communities and those who may be sympathetic to campaigns for racial and ethnic equality) suggests an attempt at wider alliance-building between the LGBT communities and other minority groups.

After their victory on polling day, the 'Yes on 8' campaign were less than magnanimous about their LGB opponents. Their interpretation of the protests that took place against the enactment of Proposition 8 paint the lesbian and gay communities in wholly unflattering terms:

Every protest our opponents launch features angry gays screaming at California voters. They call voters bigots and homophobes and many of them have used racially derogatory terms in referring to African Americans and their strong support for Proposition 8. Their protests are doing great harm to their public position. (Yes on 8/Protect Marriage.com, 2008c).

Not only are these protestors painted as hysterical queens, 'screaming' at respectable voters, they are also framed as racists. This was a prominent theme of the Proposition 8 post mortem, following the publication of a National Election Pool exit poll that overestimated the extent of Black, Hispanic and Latino support for Proposition 8 (Egan and Sherrill, 2009). However, a fuller analysis of the vote shows support for Proposition 8 as coming from older, religious, socially conservative Republican voters rather than from any particular ethnic group. This analysis shows that although African American and Latino or Hispanic voters were more likely to support Proposition 8 than White or Asian voters, this disparity was a factor of higher levels of religiosity within these communities rather than of ethnicity (Sherkat, de Vries and Creek, 2010).

Although Egan and Sherrill (2009) paint an almost reassuringly predictable picture of older, religious Republicans as implacable opponents of gay rights, this suggests a failure on the part of LGB activists to reach beyond their 'natural' constituencies of younger, secular, socially liberal, Democrat voters. Egan and Sherrill's most startling statistical evidence relating to the vote is the high proportion of people with gay and lesbian family or friends who were willing to support the repeal of same-sex marriage. Some 49% of voters who voted for Proposition 8 stated that they themselves had gay or lesbian relatives or friends. Clearly, same-sex marriage was not simply an abstract political issue for these voters, but was instead an issue that was likely to have a clear and negative impact on friends, neighbours, colleagues or relatives.

This presents an unpalatable truth for the lesbian and gay communities across California: opponents of gay and lesbian rights are not just out of sight in conservative areas such as the Inland Empire and Orange County, or packing into Mormon or Catholic churches every Sunday: they are also in San Francisco and West Hollywood, they are in the neighbourhood; they may be even be family members, friends or colleagues. Proposition 8 has turned a gay rallying-cry on its head: if LGBT people are everywhere, then so are our opponents. Awareness of this troubling

aspect of the Proposition 8 vote is explored in the context of interview data later in this chapter.

In the immediate aftermath of the vote, Proposition 8 was condemned as, “an unprecedented assault on the California constitution and the rights of the LGBT community in California.” (National Center for Lesbian Rights, 2008). Alongside anger at the outcome of the campaign, there was a plaintive plea for tolerance, framing the struggle for LGBT rights as a long-term objective: “Our movement for social justice rests on the understanding that, over time, people around us can change their hearts and minds about LGBT people.” (National Gay and Lesbian Task Force Action Fund, 2008). The proponents of Proposition 8 claimed to have reasserted the will of the people over that of activist judges, who they accused of abusing their judicial role in imposing their liberal political objectives on the people of California, aided and abetted by out of touch legislators in the state capital, Sacramento. In any case, the Proposition 8 result suggests that the state Supreme Court justices did not have public opinion on their side in legalising same-sex marriage.

On the day that Proposition 8 was passed in California, voters in Arizona and Florida approved similar initiatives (New York Times, 2008), joining the ever-increasing number of states to prohibit same-sex marriage. The apparent willingness of US electorates to vote down LGBT equality initiatives has made ballot initiatives an essential political tool for conservative opponents of LGBT rights (Stone, 2011). This trend across the US appears to lend weight to political scientist Garry Segura’s description of the ballot initiative process as, “the Waterloo of gay rights” (Perry trial field notes, p. 93), noting the frequency with which legislative advances in LGBT rights have been targeted by ballot initiatives. However, there are signs that voter attitudes may be changing. The November 2012 US elections were notable not just for the re-election of President Obama, but also in that majorities of voters in Maine, Maryland and Washington voted in favour of marriage equality. There was a further victory for LGBT activists in Minnesota, where a constitutional amendment to prohibit same-sex marriage was defeated (Equality California, 2012).

From the ballot box to the courtroom

The relatively narrow majority in favour of Proposition 8 sparked calls for a further referendum to reverse the decision. However, the electoral cycle offers limited opportunities for challenging the ban on same-sex marriage at the polls, and tentative plans for a referendum to overturn Proposition 8 in either 2010 or 2012 (Equality California, 2009) did not come to fruition. Instead, the focus has moved back to the courts. Both approaches have their strengths and weaknesses: litigation, if successful, would avoid the expense and uncertainty of a further political campaign on same-sex marriage, as well as framing the issue as a matter of fundamental civil rights and freedoms, rather than as a narrow minority interest. However, the case for a litigation strategy is hampered by claims that Proposition 8 is democratically legitimate and reflects the will of the people.

The litigation strategy began with a legal challenge to Proposition 8 filed by a coalition of LGBT and civil rights organisations on the day after the referendum. This lawsuit sought to strike down Proposition 8 as an improper revision of the California Constitution on the basis that its effect was to eliminate a fundamental right for a targeted minority only. In May 2009, the California Supreme Court, by a majority ruling (*Strauss v. Horton*), found against this challenge, maintaining that domestic partnership arrangements provided an adequate alternative to marriage rights, thereby contradicting the same court's *Re. Marriage Cases* ruling from 2008. However, *Strauss v. Horton* did offer a degree of comfort in confirming the legality of the marriages of the 18,000 same-sex couples who had married between June and November 2008.

Perry v. Schwarzenegger

Opponents of Proposition 8 immediately launched a legal challenge in a higher, federal court, which was heard in San Francisco in January 2010 as *Perry v. Schwarzenegger*. The fieldwork stage of my research in California coincided with this trial, and I attended the court on a daily basis as an observer. A number of key points stand out from the 235 pages of field notes I compiled during the hearing. Most of the witnesses called to give evidence against Proposition 8 were historians

and social scientists, and their cross-examination by the 'Yes on 8' legal team offered insights into the thinking that had informed the campaign. In this context, the hearing took assumed an air of public sociology, with experts lined up to give their interpretation of homosexual stigma, the impact of same-sex marriage and the effects of its withdrawal. This section of the chapter summarises key testimony from the trial.

In her overview of the history of marriage as a social institution and an element of public policy, historian Nancy Cott drew attention to similarities between same- and opposite-sex couples in terms of the importance of commitment and couples' aspirations for legal and social recognition through the right to marry. From psychology, Letitia-Ann Peplau made a case for the beneficial effects of marriage in terms of spouses providing mutual support, as well as highlighting the detrimental impact of denying these benefits to same-sex couples. Edmund Egan, chief economist for the City of San Francisco, set out the economic impacts of banning same-sex marriage, including the loss of tourism and service revenue for the city, and higher public spending on healthcare for those denied access to their partner's health insurance as a result of their ineligibility for marriage. This testimony was supplemented by Lee Badgett, an economist from the University of Massachusetts, Amherst, who set out the economic benefits available to couples setting up home together and the financial penalties that arise from being excluded from marriage.

The testimony outlined so far suggests an assimilationist case for same-sex marriage: gay and lesbian couples are seen as being similar to heterosexual couples in terms of their needs, characteristics and aspirations; a largely unsurprising case, given that one of the objectives of the testimony was to argue for equal treatment under the law. The economic testimony also implies a neo-liberal case for same-sex marriage in framing same-sex couple households as economic units, with marriage as a means of maximising tax revenue and household income, while simultaneously reducing demands on the public purse.

Other testimony focused on discrimination and homosexual stigma, its

characteristics and impact. George Chauncey outlined the history of discrimination against LGB people in the United States, and gave his assessment of contemporary developments, including the 'Don't Ask, Don't Tell' policy in the US military and the anti-gay stance of mainstream religious organisations. Ilan Meyer summarised his work on homosexual stigma and minority stress, and the role of marriage policy in alleviating such stigma. With regard to domestic partnership and civil unions, Meyer asserted that any policy provisions short of full matrimony would, in themselves, have a stigmatising effect in cementing and reinforcing same-sex couples' exclusion from marriage as key social institution.

Political scientist Garry Segura offered his analysis of the political power of the LGBT communities in the US. He concluded that despite the election of a small number of LGBT officials, sexual minorities in the US did not have access to meaningful political power and enjoyed few protections against discrimination. Ballot initiatives in particular had been used in California and elsewhere to restrict lesbian and gay rights and often presented mass membership religious organisations with opportunities to mobilise supporters and resources against LGBT equality initiatives.

Helen Zia, spoke as one of the plaintiffs in this case, having been through four separate forms of legal recognition with her partner (domestic partnership at city level, registered partnership at state level, a Newsom marriage in 2004 which was then invalidated, and finally a marriage in 2008). Zia spoke of the 'Yes on 8' campaign's strategy of asserting linkages between homosexuality and paedophilia, polygamy and bestiality; the 'slippery slope' arguments suggesting that if same-sex marriage were legalised, polygamous, incestuous and paedophile marriages would be sure to follow.

The attorneys for the 'Yes on 8' campaign refused to call witnesses to the trial, claiming that they were unable to testify as they feared retribution in the wake of the Proposition 8 result. However, Ms. Zia's assessment of the Proposition 8 campaign was confirmed by Dr. Hak-Shing William Tam, one of the original proponents of Proposition 8, called to testify by the plaintiffs. In his testimony Tam

highlighted the importance of prohibiting gay marriage as a means of protecting the next generation, and he confirmed his authorship of campaign materials linking same-sex marriage to paedophilia, incest, prostitution, bestiality and polygamy; material that included the unsubstantiated claim that homosexuals were twelve times more likely than others to molest children.

The *Perry v. Schwarzenegger* ruling

Justice Walker's ruling was delivered on the 4th of August 2010 (United States Courts, 2011) and ruled Proposition 8 as unconstitutional on the grounds of due process (in preventing individuals from marrying a partner of their choice, with domestic partnership rejected as an adequate substitute) and equal protection (as Proposition 8 sought to discriminate against gay men and lesbian women only). The ruling frames marriage as a civil rather than religious matter in law and defines the right to marry as an essential freedom. In response to calls to tradition, the ruling acknowledges the historical evolution of marriage, citing, for example, the loosening of restrictions applying to inter-racial couples, making the point that tradition alone does not provide justification for the withholding of the right to marry.

Significantly, the ruling rejected domestic partnership as an alternative to marriage:

The availability of domestic partnership does not provide gays and lesbians with a status equivalent to marriage because the cultural meaning of marriage and its associated benefits are intentionally withheld from same-sex couples in domestic partnerships. (*Perry v. Schwarzenegger* ruling, p82.)

The stigmatising aims of Proposition 8 are also made clear:

a primary purpose of Proposition 8 was to ensure that California confer a policy preference for opposite-sex couples over same-sex couples based on a belief that same-sex pairings are immoral and should not be encouraged in California. (*Perry v. Schwarzenegger* ruling, p. 20)

As are its effects:

Proposition 8 singles out gays and lesbians and legitimates their unequal treatment. Proposition 8 perpetuates the stereotype that gays and lesbians are incapable of forming long-term loving relationships and that gays and lesbians are not good parents. (*Perry v. Schwarzenegger* ruling, p. 93).

The ruling concludes with a clear dismissal of Proposition 8 as a basis for altering the state constitution:

Moral disapproval alone is an improper basis on which to deny rights to gay men and lesbians. The evidence shows conclusively that Proposition 8 enacts, without reason, a private moral view that same-sex couples are inferior to opposite-sex couples (*Perry v. Schwarzenegger* ruling, p. 135).

Again, this ruling rehearses familiar themes around the social significance of marriage, the failure of alternative statuses to convey similar meanings, and the stigmatising aims of Proposition 8, based on a moralistic understanding of homosexuality and of same-sex couple relationships.

Inevitably, the proponents of Proposition 8 lodged an appeal on the day the *Perry v. Schwarzenegger* ruling was handed down, and as a result, the judgment was stayed and the ban on same-sex marriages remained in force. Following the trial, it emerged that Justice Walker identified as gay and was himself in a long-term same-sex couple relationship. This led to further, unsuccessful court action by the proponents of Proposition 8 to strike down the ruling on the basis that Walker's sexuality and domestic situation meant that he had a personal interest in the outcome of the case that disqualified him from ruling objectively. This presents a further twist to the stigmatisation that runs through the Proposition 8 saga; not only were gay men and lesbian women seen as unfit to marry, but a gay man was seen as unfit to sit in judgment of this case.

This brief overview of the trial seeks to highlight the arguments that were marshalled in defence of and in opposition to Proposition 8. The clear sense of stigmatisation that came across during the trial was not simply a matter for legal discussion within the confines of the court. The real impact of Proposition 8 has been felt in communities across the state, where the gay and lesbian communities have had to deal with the 'Yes on 8' campaign's onslaught on their rights and reputation. The final section of this chapter considers the impact of Proposition 8 on same-sex couples, drawing upon interview data gathered during early 2010.

Since *Perry v. Schwarzenegger*

Proponents of Proposition 8 appealed the ruling to the federal Court of Appeals, which ruled in 2012 that Proposition 8 violated the Equal Protection Clause of the United States Constitution (*Perry v. Hollingsworth*). The Ninth Circuit's ruling marked the first time in the nation's history that a federal appeals court struck down a state-wide ban on marriage by same-sex couples. In December 2012, the US Supreme court announced that it would review these cases, and implementation of the rulings against Proposition 8 are currently on hold pending the Supreme Court's consideration of the case. The Supreme Court is expected to rule by the end of June 2013, though in the meantime, Proposition 8 remains in force in California (Equality California, 2012a).

The impact of Proposition 8 on married gay and lesbian couples

Proposition 8 exposes the de-stigmatising promise of same-sex marriage in California as a cruel illusion. For lesbian and gay couples, the campaign and its outcome provided a reality check on the acceptance they thought they could count on, leading them to question their understandings of community and citizenship at a number of levels, as well as to doubt California's reputation within the US as a progressive state.

Casting a shadow

The prospect of the Proposition 8 referendum in California had cast a shadow over couples' wedding celebrations from the outset. In the North San Francisco Bay area, Brenda spoke of the impact of the campaign:

Brenda: I personally never thought it was ever going to be legal, and was surprised when things started moving along as they did. And of course, when they (.) when Prop 8 came along, I wasn't surprised [laughs]. But we've never been major fight for the cause types, we're just living our lives, we're a stronger marriage than a lot of heterosexuals, I think, so, we're just raising a child and doing our best.

There is an air of resignation here, in that Brenda did not anticipate ever being able to marry her partner, and was not surprised at political opposition to same-sex marriage. She attempts to de-politicise her stance on same-sex marriage, maintaining that she and her wife just want to get on with their lives and raise their daughter. Brenda may be, understandably, frustrated with the politicisation of same-sex marriage and its effect on her family. There is also an implicit acknowledgement of the stigmatising effects of Proposition 8 here, in that Brenda feels the need to offer a defence of her family, insisting that, "we're a stronger marriage than a lot of heterosexuals, I think."

Another Californian participant acknowledged the campaign as a factor in the timing of his wedding:

Fred: We got married in August as an insurance policy, because by the time the polls came out for post-Labor day it was looking really good.

Here, the timing of the wedding was an "insurance policy", with Fred taking heart from opinion polls and anticipating that the electorate would not approve Proposition 8. Others used their wedding ceremony as an overtly political event to raise awareness of Proposition 8, with some asking for donations to the "No on 8"

campaign in place of wedding gifts. Couples' involvement in the campaign varied: two couples had been heavily involved in campaigning against Proposition 8 with two different activist organisations, and the involvement of other couples ranged from donating money, to displaying lawn signs or bumper stickers, to talking about the likely impact of Proposition 8 with their straight relatives, friends and neighbours.

Casting aspersions

Although opportunities for activism may have engendered feelings of solidarity and pride for some, these were likely to be outweighed by the sense of stigma and conflict that characterised the campaign (Maisel and Fingerhut, 2011). Routine social interaction during the Proposition 8 campaign led to some particularly uncomfortable encounters with stigma. Annie told the story of an uncomfortable discussion with other moms about Proposition 8, while waiting for their children's dance class to finish:

I had a really interesting conversation when the whole Prop 8 campaign was at its height with, um, it's actually the grandmother of one of the girls our daughter does dance class with. There were a number of us dance moms hanging out, waiting for the dance class to be over, and we're talking about the Prop 8 thing, and this woman's African American, and was talking about how she's going to vote for Prop 8, and the rest of us went, WHAT? [in disbelief] And she was pretty forthright about, you know, things she was uncomfortable with, you know, she was uncomfortable with effeminate gay men, and, um, and she didn't necessarily think that gay people were going to be good parents. And everyone was like, um, HELLO? [laughs], like, do you think that Annie and Carrie are bad parents? And she was like, no, no, no. And I don't know that she had really put together in her brain, although she certainly knows us, and our daughters like each other, and our daughter's African American, so there's a sort of connection, you know, between the Black kids in the class, and whatever. And I don't know that in her thinking about Prop 8 and what she's been told and in her community about gay

parents, she hadn't connected that up with us and our daughter, who looks like a pretty cheerful kind of girl.

I referred to this story in Chapter Four, as part of my discussion of the implementation of the research study, as it had struck me as a particularly moving narrative. For Annie, this was a direct encounter with stigma, where her cherished capabilities as a parent were called into question as a result of a discredited identity based on her sexuality. This stigmatisation of gay and lesbian parents was perhaps even more difficult for Annie to deal with given that she was, at that very moment, acting in a dutiful parental role, waiting to collect her daughter from dance class. In this story, the grandmother appears to be able to differentiate between this generalised stigma that she attaches to gay or lesbian people and her more positive assessment of Annie as a lesbian parent who is known to her personally. At first sight, this would suggest conformity with the notion that acquaintanceship between 'normals' and stigmatised individuals can work to break down prejudice towards members of the discredited group (Goffman, 1963, p. 69). However, in the context of Annie's story, the grandmother's loose talk in support of Proposition 8 suggests that Goffman's scepticism about the impact of individual acquaintances on stigmatising attitudes is justified (1963, p. 70), in that her negative, stereotypical views of gay and lesbian people do not appear to have been eroded as a result of her personal acquaintance with Annie.

Annie's expectations of solidarity on the basis of the common ethnicity of the children (Annie and Carrie are White, though their daughter is African American) remains unmet, though the other moms dutifully assume the role of the 'wise' in joining Annie's contestation of the grandmother's views. However, the intervention of the other moms is of little comfort, in the context of this perceived attack on Annie's reputation, witnessed by other parents in an interactive setting that Annie takes very seriously. Her sense of injustice, hurt and frustration is clear. Here, Proposition 8 led to Annie having to account for herself as both a parent and a lesbian woman. This highlights the asymmetry of power relations, with lesbian women and gay men placed clearly on the defensive. Annie's coda to the story

appears to strike defensive note, emphasising that her daughter, “looks like a pretty cheerful kind of girl”; that despite pejorative views about lesbian parenting, she and Carrie are doing a good job.

Dividing lines

The campaign also presented Annie with challenges to her professional identity as a teacher. In the suburban East Bay, she recounts the painful experience of seeing one of her former pupils demonstrating in favour Proposition 8:

Annie: It really affected me. I work in an area that’s very different than where we live. It’s more Republican, it’s very White, it’s way less diverse than here and, and there’s (.) I saw former students [she becomes tearful], you know, with the picket signs, you know, vote Prop 8, and save our children, and all this sort of thing and I got.(..) I mean this student, I had him for two years, and he knew I was a lesbian, everybody in my department, all my drama students know because they meet my wife, you know. I’m very open with that, and it was VERY painful.

Again, there is a clear sense of injustice here. Annie’s emotional reaction at seeing her former students campaigning for Proposition 8 conveys a betrayal and a lack of reciprocity. In terms of the evaluation part of this narrative, Annie’s openness about her sexuality and her domestic life, itself a brave and potentially risky strategy, is not repaid with respect or esteem, but is instead traduced in a very public manner.

There is also a kind of reversal of authority and power here, in that the respect Annie could reasonably expect from her students is undercut by her discredited sexuality.

Annie’s wife Carrie recalls a similar event in the neighbourhood, and the impact of former friends putting up a ‘Yes on 8’ sign on their front lawn:

Carrie: Some former friends of ours, we drove by their house and they’d put up a Prop 8 sign on front lawn. And I was, you’re talking about ME here. You get, right, that we’re talking about OUR family. When you’re

talking about gay people are not fit to be parents, you're talking about ME, right. You understand that?

Here, Annie and Carrie's anger at these insulting political statements and their effect on her family is palpable. These are not just statements about an abstract political idea: they are calling into question the character of lesbian women and gay men, the quality of same-sex relationships and are making a clear distinction between gay and straight. They call into question Carrie's place in society, but by placing a sign on their front lawn, they also challenge her status as a member of her local community.

Shock and disbelief

The key messages of the successful Yes on 8 campaign were equally clear for other couples:

Joanne: It was the state of California and my neighbors in the state saying, whack! You're not good enough. It hit me just like a ton of bricks. I felt the real sting of discrimination in a way that I'd never felt (..) Everyone, at least in our San Francisco bubble was just sent reeling at this shock value.

For Joanne, a woman in her fifties who had only been out since her forties and lived in a liberal district of San Francisco, Proposition 8 delivered an unprecedented engagement with stigma; the message that she was 'not good enough' proving difficult to reconcile with her self-image as a mother, a wife and a successful professional woman.

The sense of hurt, incredulity, insecurity and fear of persecution provoked by the stigmatising effects of Proposition 8 are clearly expressed by one of the male couples I interviewed:

Giovanni: When it passed, it hit me hard. It hit me hard. I couldn't believe it. I don't think people realised the harm they were doing when they voted yes. They are telling people that they are not worth it. If you were here during

the campaign, they were saying that we were harming people, little children. They were saying it's wrong to tell little kids that Nick and I love each other and we want to get married. That's terrible, that you have to protect children from me and Nick? The harm isn't only to us, it's to the children, especially to the children.

Giovanni reinforces the personal impact of Proposition 8 by repeating the phrase, "it hit me hard," as the orientation of this narrative. His sense of disbelief at being labelled a risk to children is turned around in his assertion that the effects of stigma are felt beyond the bearers of stigma themselves, to the detriment of all who are socialised to internalise stereotypical prejudice. Giovanni's husband Nick framed Proposition 8 as a civil rights matter:

Nick: I don't care if you're gay, straight, black, white, yellow, whatever, your civil rights should not be put to a popular vote. The majority should never get to decide on the rights of a minority, and that's what the Supreme Court says, that we can vote on anything. I don't think I'm being paranoid, but they ARE out to get me [laughs].

Nick attempts to find common cause with the wider civil rights struggle in the US and, although he jokes about being paranoid, there is no doubt that he perceived Proposition 8 as a demonstration of anti-gay feeling. Nick and Giovanni's incredulity that Proposition 8 proceeded, passed and was allowed to stand was shared by other Californian couples. Gabe and Steve, a White couple living in a wealthy district of San Francisco, expressed this in the following terms:

Gabe: Everyone we knew was convinced it would fail. They couldn't imagine people voting for it, to take away something you already had.

Steve: It was like telling Black people they had to go to the back of the bus again. If you had a vote on it, we'd still have slavery. It was hurtful and you asked yourself which way people you knew voted.

Although easy parallels between the fine-grained effects of stigma on different discredited identities are not always helpful or accurate, a point alluded to by Steve and other research participants in California was that Proposition 8 would never have even been allowed to proceed if it had been a matter of prohibiting inter-racial marriages. In the context of Steve's comments, whereas this kind of stigma contest between oppressed categories may be unhelpful, he nonetheless makes clear his understanding that same-sex couples not only rank below Black and minority ethnic couples in the social hierarchy, but also lack the political power that makes a referendum on inter-racial marriage unthinkable in contemporary California, or anywhere else in the US.

There still appeared to be a sense of shock at the outcome of the Proposition 8 campaign when I interviewed couples during the first quarter of 2010, over a year after the referendum. However, there were occasional expressions of optimism, that Proposition 8 would be overturned whether through the courts or through the ballot box. For Bert, a man in his 60s, the inevitability of this reversal was a source of comfort, irrespective of whether or not he would live to see it himself:

Bert: For me, I just think it's a matter of time. People can't vote to take away other people's rights, you know. It's unconstitutional, and no matter how many people voted to take away people's rights, it doesn't make it right [laughs]. So it's just a matter of time. And I feel like we took advantage of the window that was opening, and I think we thought about that at the time, well we'd better do it now, cause we don't know how long it will last. (.) The understanding in the general community that you just keep moving and keep fighting for what is right, and it might not happen in your lifetime, but you can't stop, you know.

This poignant account reveals Bert's understanding of his place within the historical struggle for LGBT equality, and frames his decision to marry his partner as an

explicitly political gesture. Others expressed frustration that same-sex couples had not featured prominently enough in the 'No on 8' campaign:

Brad: One thing I remember about Prop 8 was they had these advertisements where there were no gay people AT ALL. It was like these two straight women sitting round, having a spot of tea, talking about, oh, my gay friend, whatever. And they thought that was gonna, without any images of gay or lesbian people, that they were going to be able to win this campaign.

Several couples expressed a sense of disempowerment by the campaign going on around them, and of their sense of being excluded from the political process to the extent that their voices could not be heard at the very time that their fate was being decided. In presentational terms, the 'No on 8' campaign was widely criticised within the LGBT communities for not featuring same-sex couples prominently enough in their campaign materials (Rauch, 2008), relying instead on allies including parents, children, siblings and colleagues of same-sex couples, to make the case for marriage equality. The decision not to feature idealised same-sex couples more prominently in the campaign as, "living models of fully-normal achievement" (Goffman, 1963, p. 37) may have been based on an understanding that same-sex couples were such a small minority in the state of California, that a more effective political approach would be to concentrate the campaign on potential allies instead. Portraying apparently 'innocent' others as being adversely affected by Proposition 8 may also have been considered a less risky strategy than beaming images of indignant gay and lesbian couples into people's homes. However, this suggests a kind of defensiveness about putting same-sex couples on display, implying an acknowledgement of the taboo on visible homosexuality that the 'Yes on 8' campaign was seeking to maintain. This may point towards a certain ceding of political ground to the 'Yes on 8' campaign; a kind of soft-pedal approach that sought to mobilise support rather than risk antagonising potential allies by placing same-sex couples centre-stage.

No you can't

Others drew attention to the irony of the Proposition 8 vote delivering a victory for social conservatives on the day the Barack Obama was elected as President:

Fred: It was the most politically bipolar experience of my life, because Obama won that night and we were literally screaming out of the windows. I mean, people were pouring into the streets of San Francisco, it was euphoria. So that was really exciting, but then we were hanging by a thread on Prop 8.

Although President Obama has recently declared qualified support for same-sex marriage (White House, 2012), his previously ambiguous position on the subject also came in for criticism. Ted, a lifelong Democrat, expressed his anger with Obama's equivocal support for the rights of same-sex couples, and its impact on the Proposition 8 campaign:

Ted: I think it would have made all the difference in the world if Obama had been in favour of it. Obama has let us down. He has really let us down. Not just with this, but generally.

Int: Why do you think he didn't he come out more strongly in support?

Ted: I think he's homophobic. He's uncomfortable with gay people. He doesn't feel any of our pain. Either he doesn't understand it, or he doesn't want to feel it.

In 2012 same-sex marriage remains illegal in the State of California and the public perception, as a result of the Proposition 8 campaign, is that lesbian and gay couples cannot be legally married. This confusing situation continues to create difficulties for married lesbian and gay couples. This was highlighted by Paula, an activist and therapist living with her lawyer wife in Oakland:

People don't realise it's still legal. So you have to keep reminding them. No, actually, I'm one of the elite 18,000 couples who ARE legally married.

Paula's tongue-in-cheek description of those 18,000 or so couples who managed to get married before Proposition 8 was passed as, 'the elite' reflects not only the privileged social status that continues to be attached to marriage, but also acknowledges the uniqueness of this cohort of couples. Married, same-sex couples California exist in a kind of limbo, attracting disbelief from those who assume that same-sex marriages were annulled, and possibly a degree of envy from other same-sex couples who are now denied the right to marry. This implies yet another twist on visibility for these married couples who have unwittingly assumed the status of a legal and social anomaly and are condemned to endlessly relive the effects of Proposition 8; to have to account for themselves and explain to others that they are in fact legally married. These 'lucky' couples are condemned to endlessly perform the task of explaining themselves and educating others about the effects of Proposition 8, process which brings their sense of difference, and, in mixed contacts, their sense of stigma to the fore. As Goffman makes clear, this is a common and enduring aspect of stigma; the need to explain oneself, to account for one's difference, and manage the self-consciousness this entails (1963, p. 25). This is undoubtedly an unanticipated outcome of Proposition 8: the creation of an anomalous cohort of gay and lesbian married couples.

Conclusion

It is clear that in California, same-sex marriage has provided an arena for the enactment of stigma against lesbian and gay couples. This stigma is quantifiable in terms of the seven million voters who saw fit to remove marriage rights from lesbian and gay couples, the \$35 million spent to convince California voters of the moral, sexual and emotional deficiency of these couples, and, most directly, in the daily lives of the thousands of gay men and lesbian women in California and elsewhere for whom the Proposition 8 campaign has led to feelings of anger, fear, shame and alienation.

As the empirical data show, there was clear frustration about the management of a political campaign that saw defeat effectively snatched from the jaws of victory, but this pales in comparison to the resentment and anger voiced by married couples who were at the epicentre of this political struggle, subjected to slurs and scrutiny that few would be able to tolerate, or indeed be asked to tolerate. Hearing these stories made me angry, and I am angry as I write these words.

There is a sense in the couples' narratives that they are at something of a loss to understand what has happened to them. In line with the overall tenor of the previous three empirical chapters, the Californian couples presented themselves as loving partners, caring parents, dutiful neighbours, loyal friends and conscientious workers, yet it appears that their efforts to prove themselves in society are doomed to failure. Legal change, greater visibility, and the apparent softening of social attitudes towards homosexuality appear to have lulled these men and women into believing that homosexual stigma was becoming a thing of the past. In offering access to a privileged status based on their couple relationship, the availability of marriage rights may have offered what they saw as the chance to make a definitive break with stigma, or at least to find legal and official protection from some of its effects. Yet Proposition 8, as an exercise in re-stigmatisation, highlights the tenacity of homosexual stigma in its ugliest forms, recasting these couples as paedophiles, sexual predators, corruptors of children and social and sexual outcasts who brought Proposition 8 on themselves by indulging in the delusional pretence that they might consider themselves to be as good as heterosexuals. In this context, and with the hindsight that comes from their dramatic reversal of fortune, their individual decisions to marry can be seen as particularly courageous.

Chapter Nine: Conclusion: evaluating civil partnerships in the UK and same-sex marriage in Canada and California.

This thesis has investigated legal recognition for lesbian and gay couples from a number of perspectives. The study presents a comparative analysis, not only with regard to the locations that provide the focus for the study, but also in terms of bringing together policy perspectives, theoretical understandings and empirical insights drawn from married and civil partner same-sex couples. This final chapter reassembles these perspectives and offers concluding thoughts on the impact and implications of marriage and civil partnership for lesbian and gay couples.

The chapter begins by assessing comparative insights emerging from the study, before considering the contribution of the research to sociological knowledge, highlighting the theoretical framework that informed the research. The chapter also assesses the design and implementation of the research and explores the impact of marriage and civil partnership from couples' perspectives. The chapter also draws lessons from the Proposition 8 campaign in California. Finally, this concluding chapter acknowledges the inevitable limitations of this small-scale study and puts forward suggestions for further sociological research in this area.

Comparative insights

I came to this study with the idea of finding clear, neat differences between the UK, Canada and California on the issue of legal recognition for same-sex couples. As Chapter One made clear, these differences were clearly visible in terms of policy choices and structures of governance, with the UK's parliamentary initiative on civil partnerships contrasting with protracted battles to legalise same-sex marriage in North America. I also approached this study with the foreshadowed understanding that Canada had probably taken the most effective approach towards social and legal recognition for same-sex couples, having supplemented well-established cohabitation rights with full marriage equality. When I began this study in autumn 2008, it appeared that California was heading in the same direction, though I had not accounted for the reversal of existing marriage rights as a result of Proposition 8.

The pace of developments on same-sex marriage since I began this research in late 2008 has been surprisingly rapid, most notably in California, where legal challenges to Proposition 8 and DOMA have gathered pace. The decision of the US Supreme Court to review these cases might bring the unenviable impasse on same-sex marriage to an end, with implications not only for California but also for the whole of the United States. Although it would be foolish to try and predict the outcome of the case, a Supreme Court ruling in favour of marriage equality would be taken up by activists across the US to press for the repeal of state-level constitutional amendments prohibiting same-sex marriage. This could bring about a dramatic reassessment of the legal and social position of same-sex couples across the United States.

There are also signs of movement in the UK, where marriage equality is receiving serious consideration as a policy option. Without predicting the outcome of a parliamentary vote, the UK is at best likely to lag ten years behind Canada in granting marriage rights to same-sex couples. Complacency about British pragmatism and fair play has also been dented by the tone of the debate on marriage equality, with consultation exercises providing a platform for the importation of US-style culture wars rhetoric and tired slippery slope arguments. The Christian Right in the UK is also beginning to test out its support at the ballot box. When I went to the local primary school to vote in the May 2012 local elections, I was presented with the option of voting for a candidate representing, "Christian Alliance- Protect Traditional Marriage." Standing in the voting booth, with the ballot paper in my hand, I gained a new understanding of the stigmatising role of the Proposition 8 referendum in California. The probability of a free vote in Parliament on same-sex marriage is also unhelpful in framing same-sex marriage as a matter of conscience rather than a question of equalities. This, again, legitimises the idea that moral objections to same-sex relationships are valid, and provides a further element of stigmatisation. In any case, there is a realistic possibility of the UK following a policy trend observed in locations as diverse as Massachusetts, Norway, Sweden and Spain of alternative forms of recognition leading relatively quickly to full marriage rights. This appears to bear out Robert Wintemute's (2001) prediction of a gradual convergence

between marriage and other forms of partnership recognition, but also points towards the continuing social significance of marriage as an institution and as a status that couples are keen to appropriate for themselves.

A sociological understanding

This study seeks to provide a contribution to the literature on same-sex marriage and civil partnership by engaging with sociological theory to offer evaluative assessments of legal recognition policies. This approach privileges social interaction as a testing ground for the impact of same-sex marriage and civil partnership. In this sense, legislation and policy can be understood as expressions of intent, as setting in train innumerable assertions and contestations of the meanings attached to same-sex marriage and civil partnership. These negotiations take place through day-to-day social interaction and the impact of marriage and civil partnership can best be judged from the lived experience of couples, rather than from legal or policy aspirations.

The international spread of legal recognition has sparked increasing sociological interest. As explored in Chapter Two, the sociology of same-sex marriage is in its infancy, and has not managed to break free from understandings of same-sex marriage as an offshoot of heterosexual matrimony. This is an accusation that could be levelled at the present study, though the theoretical focus on stigma has sought to understand and present same-sex marriage and civil partnership as being qualitatively and essentially different to their opposite-sex counterparts. Sociological understandings of personal and family life provide a context for understanding the ways in which marriage and civil partnership impact on couples' relationships with those closest to them. Marriage and civil partnership provide opportunities for couples to take stock of the shape and quality of their close personal networks, to reflect on family practices (Morgan, 2011; 1996), and understand the ways in which they are integrated, marginalised or excluded from family structures. The concentric analysis applied in this research also acknowledged qualitative differences within couples social networks, not simply

between biological families and families of choice, but also in terms of the distinctions between friendship, occupational and neighbour relationships.

Stigmatising the stigmatised?

The furore over same-sex marriage in California, the UK and elsewhere has revealed the extent to which the social relations of non-heterosexuals are predicated by stigma. The lived experiences of same-sex marriage and civil partnership that are outlined in this study provide compelling evidence of stigma as a relevant and highly pervasive aspect of gay and lesbian identities in the modern Western world. Stigma is particularly relevant to the research topic in that the political message conveyed by those who seek to exclude same-sex couples from legal recognition is one of marginalisation, exclusion and dismissal. Furthermore, same-sex couples may also carry a sense of stigma that informs their thoughts and behaviour in interaction. A focus on stigma therefore offered the prospect of exploring nuanced and potentially contradictory effects of legal recognition policies.

This thesis is constructed around Erving Goffman's key text, *Stigma*, as providing a theoretical peg for my analysis of policy and interview data. My decision to focus on this fifty year-old text might appear to overlook more recent theoretical contributions. However, whilst acknowledging the valuable work of Ken Plummer, Jeffrey Weeks, Gregory Herek and Ilan Meyer which themselves draw on Goffman to explore homosexual stigma in particular, I found myself returning to Goffman's text as providing the most comprehensive and operational account of stigma as a feature of social interaction. As this thesis has made clear, I find Goffman's analysis of stigma to be highly persuasive. One of the most striking experiences of my doctoral studies was what Manning and Smith describe as the,

shock of recognition readers often encounter when reading Goffman's writings as they realize that they too have done or felt something exactly as Goffman describes it (2010, p. 47)

However, this is not to overlook criticisms of Goffman's analysis or approach. I have asked myself whether the concept of stigma is something of a blunt instrument, with the potential to cast all heterosexuals as oppressors and non-heterosexuals as victims. Looking back on the study, the theoretical value of Goffman's stigma can be seen in terms of illuminating the rules and assumptions that govern interaction between bearers of stigma and, 'normals', rather than unthinkingly casting members of these groups as heroes and villains. At the same time, I acknowledge that aspects of Goffman's text have not dated particularly well, and some of Goffman's claims appear to have been overtaken in the fifty years since the text appeared. For example, some of his assertions about homosexual stigma are bound up with an understanding of homosexuality as a criminal matter (for example, his assertion that a homosexual would be unlikely to disclose his despised sexuality even to close family members; 1963, p. 71), and have been overtaken by legal reform. However, the bluntness and clarity of Goffman's exploration of normals, natives, tortured learning and defensive cowering are particularly valuable in that, as the data presented in this thesis make clear, they continue to be relevant concepts for an understanding of the rules governing social interaction for gay and lesbian people. The sociological shock value of 'defensive cowering' or 'tortured learning' lies in their continuing relevance to the life experiences of non-heterosexuals. I also acknowledge that stigma might appear an unhelpful theoretical concept for a study of same-sex marriage and civil partnership. However, as Chapter One makes clear, the notion of stigma is both relevant and highly revealing of the policy objectives of legal recognition as expressed by government, the courts and lesbian and gay activists. In this context, it is both appropriate and necessary to examine legal recognition through the prism of stigma. Nonetheless, I have experienced numerous momentary crises around the messages that might be conveyed in framing this study around stigma.

I have asked myself repeatedly whether Goffman's *Stigma* is perhaps a negative, backward-looking, pessimistic starting point, perhaps relating to my own biography and life experience as a gay man approaching middle age, rather than as a means of facilitating an understanding of couples' experience of marriage. This personal 'crisis

of representation' in terms of my interpretation of others' thoughts and actions (Murphy and Dingwall, 2001, p. 345) can be over-simplified as contrasting my own pessimism about the impact of legal recognition with the optimism of others. In short, I was clear in my own mind that I saw this research study as a means of exploring legal recognition with these couples, rather than for them, and was acutely aware of the ethical implications of misrepresenting the diversity of couples' lived experience to make a personal political point about equality. My decision to focus on stigma as a theoretical concept led to further soul-searching about the extent to which this would be made explicit in the research interviews: I did not want the interviews to be about stigma. Neither did I approach the interviews as an opportunity to project a stigmatised status onto couples, nor to encourage them to volunteer a personal understanding of stigma. Instead, the research interviews relied upon narratives generated by couples themselves, covering a range of topics including the decision to seek recognition, the process and the impact of recognition on the couple relationship and their social interaction. Couples' accounts of these topics revealed a pervasive sense of stigma running through their experience of marriage or civil partnership and suggested that, paradoxically, recognition itself offered new possibilities for the enactment of stigma.

In preparing for and reflecting on the research interviews, I found myself re-evaluating *Stigma* itself as a research methods resource. Goffman's analysis of how people are made to feel stigmatised in routine social interaction is of relevance in the context of social science research interviewing and made me aware of my own conduct as an interviewer and the need to avoid potentially stigmatising questions or lines of enquiry. This suggests an explicitly political reading of *Stigma* as providing a contribution to "underdog sociology".

Reassessing Labov and narrative analysis

As set out in Chapter Four, my decision to use narrative interviews to elicit data from couples was influenced by considerations around privileging their understandings of legal recognition. I found that interviewing both members of a couple together worked well, in that it facilitated collaborative storytelling and story building. In

terms of the analysis of interview data, I acknowledge critiques of Labov's framework. In particular, not all the data I gathered conformed to the rigid, linear structure envisaged by Labov, though a significant amount of the data was presented in this form, suggesting that his structural analysis of storytelling remains valid. One of the most useful aspects of Labov's framework was its focus on highlighting evaluative statements as offering insights into the work that narratives perform. This meant that even where data did not take a conventional narrative form, evaluative statements could be identified as pointing towards the meanings participants were seeking to make.

Labov's framework for narrative analysis also lent itself particularly well to joint interviews, in that it allowed for comparisons between partners' evaluations of particular stories. Thus, in Chapter 7, when Bella and Mary are giving their very different accounts of their visit to the register office together, we see the same event evaluated in very different terms, with Bella recalling, 'I remember feeling really self-conscious' and Mary, on the other hand, concluding that 'it really is ok' (pp. 161-162). Similarly, with regard to the two couples I interviewed just before their civil partnership ceremonies took place, I found that Labov's analysis of narrative structure could also be applied to imagined, anticipated narratives rather than just to narratives of past events. For example, in Chapter Six, when Joe and Mark look ahead to their civil partnership and explain their decision not to kiss at the end of their ceremony (pp. 135-6), we see evidence of an orientation, complicating event and evaluation in this imagined narrative.

Evaluating legal recognition

Couple relationships

These considerations around the policy background to legal recognition, literature, theory and methods provide the context and rationale for this study and are linked to the objective of gaining access to couples' understandings of legal recognition. This study envisages the impact of legal recognition in terms of concentric circles, placing the couple at the centre, with the effects of marriage or civil partnership then rippling out into their interaction with close personal networks (family, friends,

colleagues, neighbours) and in their dealings with strangers as consumers, service users or citizens.

These different interactive contexts suggested different effects. Chapter Five suggests that in terms of the couple relationships, the impact of marriage or civil partnership appeared greatest for younger couples who appeared to understand marriage or civil partnership as moving their relationship up a gear, either as a means of demonstrating their love and commitment to each other and to family and friends, or as setting a foundation for longer-term projects such as parenthood or setting up home together. These younger couples appeared to replicate discourses around marriage or civil partnership as a rite of passage in young adulthood, signalling the choice of a long-term partner, making their partnership public and seeking affirmation. For younger couples, marriage or civil partnership can be seen as a strategy for setting and signalling boundaries for their adult lives. This contrasted with older, long-established couples that had settled down together years, or even decades, before legal recognition became available to them. In lieu of legal marriage, these some of these older couples had sought to formalise their mutual commitment by devising their own commitment ceremonies. For a small number of participants this had been an entirely private occasion, though for others a commitment ceremony, even without legal validity, had performed the role of a wedding ceremony in signalling their mutual commitment within family and friendship networks.

Legal rights

One aspect of marriage and civil partnership that generated almost universal approval was the package of legal protections that marriage and civil partnership entailed. All couples expressed a kind of vulnerability around their legal position. For older couples, next of kin rights were seen as vitally important in the context of making decisions about medical treatment, social care provision and as a means of securing property and financial rights. Older participants recounted atrocity stories of same-sex partners being denied recognition by medical staff, or of being excluded from a partner's funeral. This aspect of legal recognition did not appear as

important to younger couples, though these couples did acknowledge the importance of next of kin rights in the context of family hostility to their sexual orientation and choice of partner.

In terms of the ambitions of legal recognition as an antidote to stigma, there appeared to be few intra-couple effects, though a small number of participants reported that marriage or civil partnership had made them feel more legitimate as a couple. One older couple in the UK, Billy and Eddie, had been together for almost fifty years and were able to contrast their civil partnership with the extremely hostile social and legal environment that formed the backdrop of their early years together. Billy and Eddie's poignant account of their civil partnership appeared to represent the culmination of a process of social rehabilitation; as signalling an acceptance of their relationship that decriminalisation alone had not delivered.

Close personal networks

Participants' accounts of the importance of next of kin rights suggest that interaction beyond the couple may have been more problematic. The impact of legal recognition within couples' close personal networks provided the focus of Chapter Six. This chapter offers a mixed and complex picture of affirmation and rejection, belonging and exclusion. In terms of reactions to marriage or civil partnership within families, couples reported responses ranging from enthusiastic acceptance to outright rejection. Where couples had ambitions for marriage or civil partnership to bring about a transformation in family dynamics, these were likely to go unmet. In summary, difficult, homophobic relatives were unlikely to change their ways as a result of receiving a wedding or civil partnership invite. Indeed, for some, this appeared to confirm the waywardness (or, in Goffman's terms, the 'hostile bravado') of their gay or lesbian relatives. Some couples did however report happier endings, with recalcitrant relatives caving in at the last minute and turning out to be the life and soul of the wedding party. In California, Rob's account of his father's last-minute decision to attend his wedding (pp. 131-2) is touching in his desire to portray this reconciliation as a happy ending. Rob's story suggests that the wedding ceremony provided a focal point for negotiating acceptance and rejection, a factor that was

reported by couples in the UK, Canada and California alike. The wedding or civil partnership ceremony appeared to offer couples a rare glimpse of the power that is routinely available to heterosexual couples. This power was expressed in terms of the wedding or civil partnership invitations being issued as a kind of demand for affirmation and respect. This suggests a kind of assertiveness within family networks that, for some participants, represented a break with family dynamics and tradition.

For some, this turned out to be a question of pressing their luck too far, their relatives signalling their disapproval by refusing to attend the ceremony. This withholding of respect and affirmation was often expected, understood and even forgiven: a case of the leopard not changing its spots. In other cases, relatives' coolness about the wedding or civil partnership ceremony was taken as an indication of a lack of reciprocity and a sense of a denial of the credit that lesbian and gay couples felt they had built going through the ordeal of attending heterosexual weddings year after year (Oswald, 2000). In some cases, a refusal to attend a wedding or civil partnership was framed by stigma; relatives made it plain that they did not agree with the idea of a same-sex wedding or civil partnership, and in several cases, told couples that they did not want their children exposed to this kind of spectacle. This offers a particularly clear illustration of legal recognition being used to reproduce stigma rather than address heterosexist power relations.

Most couples in Canada, California and the UK saw their ceremony as an opportunity to take centre stage for a change, and some were determined to make the most of it. One couple took this notion of the wedding ceremony as visibility to the extreme, volunteering to get married on national television as part of a reality show. For others, the ceremony took on an element of proving themselves to others; this could be geared towards a public display of the couple's wealth or good taste, or to reveal to family and friends the extent of their social networks. Some took the opportunity to subvert heterosexual marriage traditions through their choice of music, attire or through their vows. Whether or not this should be seen as an instance of "hostile bravado" (Goffman, 1963, p. 29), there may also have been evidence of "defensive cowering" (Goffman, 1963, p. 28.), with others taking the ceremony as an extremely

serious, solemn business and as something of an induction into married life. For these couples, gravity and respect for (heterosexual) tradition took precedence over playfulness or queering the marriage ceremony.

Whereas family networks presented their own problems in terms of challenging entrenched dynamics and power relationships, this was not entirely absent from couples' negotiation of marriage and civil partnership within their friendship networks. Straight friends in particular appeared to cast themselves as experts on married life, taking a couple's decision to marry or enter a civil partnership as an indication that they were turning respectable at last. For some, this was unproblematic and even welcome, in that they seemed to be actively seeking respectability in any case. Others were more critical of the normative and assimilatory subtext of these conversations, though they acknowledged that affirmation from friends was seductive and difficult to resist.

Couples reported that lesbian and gay friends were also supportive of the decision to marry or enter a civil partnership, which was often seen as a pragmatic move and a cause for celebration. There was little mention of couples being accused of selling out to straight norms. This might suggest that queer and feminist critiques of legal recognition were not in the forefront of couples' minds, though a study of couples who had decided against marriage or civil partnership (such as Rolfe and Peel, 2011) might have provided more fertile ground for this kind of material.

The workplace and the neighbourhood

In Chapter Six, as the focus moves outwards from friendship networks to the workplace, there is evidence of a slight shift in the implications of legal recognition. With workplace relationships often less intimate and of a more public nature than family and friendship networks, the risk of loss of information control (Goffman, 1963, p. 67) appears to increase. As Bella's long narrative in Chapter Six makes clear (pp. 149-50), entering a civil partnership can result in being outed as lesbian or gay, with far-reaching consequences for workplace relationships. For those who were only out to selected work colleagues, marriage or civil partnership meant the ceding

of information control and was a cause of great anxiety, particularly in sensitive professions such as teaching.

Again, the workplace provides evidence of couples' reticence about pushing their luck: in the UK, Maggie seemed to accept, and indeed was reassured, that her civil partnership would not attract the same level of attention and interest that a straight colleague's wedding had attracted the year before (p. 146). In California, the well-meaning attempt by Brad's boss to throw a pre-wedding party for him resulted in him being lectured on the error of his ways by a fundamentalist Christian colleague (pp. 147-8). Again, Brad appeared incredibly understanding and forgiving of this blatant use of power.

In terms of neighbourhood relationships, couples enjoyed varying degrees of closeness and distance with their neighbours, reporting some as close friends, others as relative strangers. For some couples, marriage or civil partnership gave the game away, in terms of confirming to neighbours that they were a same-sex couple, rather than housemates or siblings. Most couples were relaxed about this, though there was one notable exception in the UK, where Tess and Helen felt that they could not share news of their civil partnership with their inquisitive neighbours. There were, however, signs of stigma in couples' relationships with their neighbours. Several couples in the UK, Canada and California spoke of the efforts they had made to demonstrate that they were good neighbours, ranging from clearing snow from neighbours' paths (the ultimate act of neighbourliness in Canada) to taking an active role in the local neighbourhood watch scheme. This suggests an acknowledgment of stigma on the part of same-sex couples, in that they may feel a need to resort to acts of neighbourliness as a means of compensating for their discredited identity.

Consumers and citizens

Moving the analysis out a stage further, interaction with strangers provides another twist on couples' understanding of stigma. A reading of Goffman's *Stigma* suggests that these contacts with strangers may be qualitatively different to interaction with members of couples' own networks in that there is access to less personal

information in our dealings with strangers. In these less familiar interactive contexts, it is possible for stigma to assume even greater proportions, with 'normals' falling back on stereotypes in lieu of background knowledge of an individual's personal character. Couples' decisions to marry or enter a civil partnership brought them into contact with a range of people not previously known to them. This process often began when couples attended the local government office to apply for a marriage licence or civil partnership and set a date for their ceremony. For some, fronting up at the town hall to ask for a marriage licence was an indication that they had finally arrived as a legally and socially recognised couple. Others were much more nervous about this process, admitting to a crippling self-consciousness arising from their stigmatised status as a gay or lesbian couple. Again, information control was impossible to maintain in these contacts, a factor which points towards an understanding of same-sex marriage and civil partnership as a sustained coming-out process.

This self-consciousness was not simply a matter of dealing with a public authority, but was also a factor in couples' contact with commercial service providers. This offers an alternative understanding of power relations between buyers and sellers, again, as a factor of stigma. Participants often felt that they stood out uncomfortably in notionally heterosexualised spaces such as the jeweller's or bridal store and some reported a distinct lack of the obsequiousness one might expect from service providers when planning a wedding. Couples were quick to ascribe this to prejudice arising from their own stigmatised identities.

Goffman suggests that the degree to which stigma obtrudes on interaction can vary according to the context and content of the interaction (1963, p. 66). These commercial contexts for interaction involved the task of disclosing a stigmatised sexual identity to a complete stranger, while at the same time claiming access to a privileged legal and social status. This suggests a kind of ambivalence for couples, with the interaction driven by an explicit acknowledgement of their stigmatised identities, in that they were choosing rings, clothing or food for a same-sex wedding or civil partnership ceremony.

It would appear that this kind of interactive background noise continues once couples have married or entered a civil partnership, though the stakes may be even higher, initially at least, as couples test out their new legal and social status. Early evidence from the UK and Canada suggests that couples were broadly happy with the recognition they received, though there were peculiarities in each location that muddied the waters. For example, in Canada, the well-developed system of cohabitee rights had been available to same-sex couples long before marriage, with the result that same-sex couples had already had access to recognition in the context of public and legal services. The biggest difference seemed to have been felt in the UK, where couples reported a sense of relief at being acknowledged as civil partners in the mythical context of hospital visits. The situation in California had been muddied by Proposition 8, which appears to have erased existing same-sex marriages from public consciousness, leaving the 18,000 married gay and lesbian couples as a tiny, invisible minority.

Evan and Patrick's tale of the trip to the video store, back in Chapter Six, (pp. 172-3) provides a useful place to round off this consideration of couples' assessments of the impact of legal recognition. Evan's story provides a fundamental insight on the significance of legal and social recognition, and its relation to stigma. His conversation with the video store clerk highlights the fact that his marriage to Patrick is entirely ordinary and unremarkable. This in itself reveals the de-stigmatising promise of legal recognition: it aims to make same-sex couples *ordinary*. Evan and Patrick appear to have found the holy grail of ordinariness; they can be open about their relationship and their sexuality without attracting disapproval, or even curiosity. This suggests a kind of decoupling of their homosexuality from stigma, at least in this instance, on that one happy day in Toronto. As we have seen, the deployment of couples' married or civil partner status is destined to be endlessly replayed throughout their lives. The noteworthiness of acceptance suggests that rejection is also acknowledged as a possibility, reflecting that, in a sense, these couples are victims of their time, in that they have been socialised to accept and internalise stigmatised identities. Yet the law has taken a huge leap forward, at

least in Canada and the UK, and is dragging lesbian and gay couples and those around them in its wake. Whereas it is possible that, over time, their awareness of stigma will recede, the stories of same-sex marriage and civil partnership I have assembled in this thesis suggest that these couples retain an awareness of their sexual orientation as a stigmatised identity, and of their couple relationship as embodying this stigma. It is perhaps unrealistic to expect marriage or civil partnership to wipe this awareness away.

Epic fail: Proposition 8 in California

Those who claim marriage equality as the wrong fight for the LGBT communities (D'Emilio, 2006) need look no further than Proposition 8 as evidence of the unintended consequences of the push for marriage equality.

The Proposition 8 referendum has dispelled any pretence that same-sex couples in California are ordinary and revealed the prevalence and the political potency of homosexual stigma in the state. Proposition 8 is at least instructive in puncturing the naïve and wishful complacency that consigns homophobia and prejudice to history. Proposition 8 shows that not only do many people in California not approve of gay and lesbian couple relationships, but that they are willing to back this up by flocking to the ballot box to strip same-sex couples of their right to marry. There is a sense here of teaching LGBT a lesson for having had the audacity to claim that they are equal to heterosexuals. The data from the research interviews presented in Chapter Eight show that Proposition 8 has had a devastating effect on lesbian and gay couples in California. The Yes on 8 campaign drew on predictable homosexual stereotypes, including framing gay and lesbian marriage as a threat to children and to religious freedom. The *Perry v. Schwarzenegger* trial, with its focus on evidence from the social sciences, can be seen as an exercise in public sociology that set out the stigmatising effects of Proposition 8. As an exercise in re-stigmatisation, is hard to put a positive spin on the position in California. Perhaps the only value of Proposition 8 has been to puncture complacency about the extent of homophobia that exists in California and to re-energise the LGBT communities to redouble their efforts to secure equality.

Limitations, gaps and opportunities

As the introduction to this chapter made clear, legal recognition for same-sex couples is a rapidly evolving area of policy. This research study has offered a snapshot of legal recognition for a particular sample of couples at a particular point in time. This relatively early study acknowledges the inevitability of further changes and adaptations to the ways in which same-sex couples are recognised legally and socially, and should be read as a snapshot of marriage and civil partnership at a particular point in their history. Recalling Jeffrey Weeks's counsel that, "ideas that seem compelling, insightful, even liberatory at one moment, can appear time-bound at another" (2012, p. 248), the findings of this doctoral thesis should be read in the context of its limited scale, and highly specific parameters within which it was carried out. The relatively small research sample means that these findings are not generalisable to other married or civil partner same-sex couples, and I do not claim these ambitions for this study. However, the commonalities that are present in couples' narratives of marriage and civil partnership provide a contribution to theoretical understandings of legal recognition: namely that stigma remains a relevant and useful sociological concept in the context of lesbian and gay couples' social interaction, and a pervasive awareness of stigma may inform their understanding of their lived experience of marriage or civil partnership.

My scattergun approach to participant recruitment also generated some anomalies, in that White professionals in middle age or older are strongly represented in the sample. This may be as a result of drawing on particular religious organisations and workplace LGBT networks to recruit participants, with snowballing compounding these effects by recruiting more of the same. In order to acknowledge the difference that age might make to couples' understandings of recognition, I have attempted to draw out the voices of younger or working class couples, for example Donna and Sharon in Chapter Five. The contrast between Donna and Sharon, just starting out on adult life together, and Bill and Eddie, looking back on nearly fifty years together, suggests that age may be a significant important differentiating factor in couples' understandings of homosexual stigma and its impact on marriage and civil

partnership. At the same time, Rob's story of his father's last-minute agreement to attend his wedding, in Chapter Six, suggests that stigma remains relevant to younger couples.

The research sample also limits the study's scope in terms of gender and ethnicity. In Chapter Four, I explored my concerns about including male and female couples in this study and the risk of conflating gay and lesbian experiences. The study does not entirely answer these concerns and does in fact point towards commonalities between the experiences of male and female couples. This would appear to support Harding and Peel's (2006) findings of few differences between the attitudes of lesbian women and gay men about the role of law in same-sex relationships and parenting. However, my interpretation of the commonalities identified in the present study is to draw attention to the pervasive effects of stigma on gay male and lesbian couples alike, rather than to assume that men and women perceive these experiences in exactly the same way. There are likely to be further, fine-grained differences between male and female couples' experiences of stigma, and this kind of exploration would provide a useful starting point for a further study in this area, not least of providing an evidence base for assertions that same-sex marriage can be free of some of the power dynamics that plague opposite-sex marriage. Neither does ethnicity form a major part of the analysis. To an extent, this was also a factor of the research sample, in that the majority of participants identified as White or Caucasian.

On the subject of family, the present study introduces a range of characters that do not speak for themselves. In the interview data, the voices of relatives, children, friends and others are appropriated by the couples themselves, and we do not hear from these others directly. The research interviews with couples left me wanting to hear other sides of these stories, to find out what parents or relatives thought about having a same-sex wedding in the family, or what couples' friends made of the whole process. The opportunity to match up couples' stories with those of family members, friends and others could offer valuable insights into the extent to which couples accurately predict or interpret others' reactions to marriage or civil

partnership. Oswald's account of the alienation felt by LGBT people at heterosexual weddings (2000) could also be turned on its head to explore how heterosexual people negotiate in the relatively queer space of a same-sex wedding or civil partnership ceremony.

My account of the policy background to legal recognition suggests rapidly evolving policy and social contexts for same-sex couples. This presents a further limitation to the findings of this study, in that couples' narratives of their experience of marriage and civil partnership are highly specific in terms of time and location. If re-interviewed today, the couples I met during 2009 and 2010 might offer very different accounts of their experience of marriage or civil partnership, not just in terms of their personal lives, but also in the context of the wider social effects of recognition. At a personal level, couples' evolving understandings of marriage and civil partnership will depend on the progress of their own relationships. I am aware that at least one married couple I interviewed have since divorced; an event that is likely to have coloured their personal understanding of marriage.

This temporal aspect of the research frames the research interviews and data as providing snapshots of marriage and civil partnership, taking the temperature of couples' understandings of marriage and civil partnership at that particular moment. In terms of further research, longitudinal work with same-sex couples could usefully assess the degree to which their understandings of the social effects of legal recognition alter over time. Longitudinal research could usefully explore the extent to which couples consider the social ambitions of legal recognition policy are being met in terms of their experience of inclusion, belonging and acknowledgement, particularly as same-sex marriage beds down and becomes more established, in Canada at least. The approach that this study has taken in terms of theorising social networks as concentric circles moving outwards from the couple could provide a model for further research in this area.

Conclusion

Ken Plummer (1995) has highlighted the need for new stories around lesbian and gay experience. This thesis presents a number of new stories that have been made possible by changes in government policy. In some cases, legal recognition means that atrocity stories of rejection and denial have given way to new stories of acceptance, recognition and affirmation. Elsewhere, legal recognition has not challenged the sense of stigma that some couples continue to feel, nor has it had a transformative effect on couples' sense of themselves or their concept of the assumptions that govern their interaction with others. This suggests a degree of ambivalence, with the social ambitions of legal recognition apparently fulfilled in some situations, while remaining out of reach to others. This would appear to confirm one of the theoretical understandings of this thesis; that the law can only go so far in defining social phenomena such as marriage, civil partnership, sexuality and intimate relationships.

Epilogue

It is June 2010 and I am spending three months in Toronto, carrying out fieldwork for my PhD. My partner for the past eighteen years has made the long journey from London to visit me in Canada.

It is a bright, breezy day, and the sun is shining as we walk into City Hall together.

We get married. We post the photos on the web. We tell everyone.

ANNEX A: TOPIC GUIDE FOR COUPLE RESEARCH INTERVIEWS

1) Introduction & consent

Introduce self and recap on the study. Re-show information sheet, give time to read.

Reiterate anonymity, voluntary participation, that they can withdraw at any time without giving an explanation, or refuse to answer particular questions without explanation.

Ask permission for use of recording device, provide opportunity to ask questions before starting. Ask if happy to sign consent forms.

2) couple background

ask for short biographical introduction of self.

Can you tell me the story of your getting together and forming a relationship?

2) Preparations for CP/marriage

can you remember when you heard that civil partnership/marriage had become legal?

How did you decide to get married, have a civil partnership?

Where did you go for information?

How did people react to your news?

What kind of ceremony were you planning?

Who was involved in planning and the ceremony?

3: The big day

Can you tell me the story of your wedding day/the day of the civil partnership?

What things stick in your mind from the wedding day/civil partnership?

4: what difference has it made?

What was important to you about getting married/civil partnership?

What difference has being married/civil partnership made?

e.g. family, friends, workplace

Can you think of a time when you've used the rights you get from civil partnership/being married?

Closing

opportunity to ask me about the study;

thank them for participation

offer to provide summary of findings: confirm details.

“A comparative study of civil partnership and same-sex marriage in the United Kingdom, Canada and the State of California”

Research Participant Information Sheet

My name is Mike Thomas and I am a PhD student at Cardiff University in the UK. I am doing some research on the different forms of legal recognition available to lesbian and gay couples in the UK, Canada and the California. I want to find out what lesbian and gay couples think about their experience of getting married or having a civil partnership.

As a gay man, I think that the voices of lesbian and gay couples have not been heard enough by policymakers and decision-makers. The focus of my research is to present same-sex marriage and civil partnership from lesbian and gay perspectives. I am inviting married and civil partner same-sex couples to discuss their experience of marriage (in California and Canada) and civil partnership (in the UK). The interview should take no more than 60-90 minutes and will give you an opportunity to tell me about your history as a couple, your decision to get married or have a civil partnership, any ceremony you might have had, and to think about the difference that legal recognition has made to your life.

If you decide to take part, the interview will take place at a time and location which is convenient for you. All of the interviews will be recorded digitally and typed out. The recordings and the typed sheets will be stored securely and the recordings will be destroyed as soon as they are no longer needed. When the report is written up and published, nobody taking part will be identified by name, location or any other identifying factor and your identity will not be disclosed to anybody else. Your participation in the research project will be entirely voluntary and if you decide to take part, you will be free to withdraw at any time. If you decide to withdraw you will not need to tell me why. During the interview, if there are any questions you don't want to answer, you can tell me to move onto something else. You will not need to explain why you might not want to answer a particular question.

The findings of this research will be written up in a PhD thesis and could also be included in articles or in a book. The findings that come out of these interviews will help policymakers and LGBT organisations to understand some of the strengths and weaknesses of different approaches to recognition from the perspective of same-sex couples. This project is funded by the United Kingdom Economic and Social

Research Council and has received ethical approval from the School of Social Sciences at Cardiff University.

Thank you for reading this information sheet. If you and your partner are interested in being interviewed or would like more information about this research, then I would be very happy to hear from you.


Contact details for further information

Name of Researcher:	Mike Thomas School of Social Sciences Cardiff University, Glamorgan Building, King Edward VII Ave, Cardiff CF10 3WT, Wales, United Kingdom.
Researcher's email:	ThomasMJ2@cardiff.ac.uk
Telephone:	415 706 4866
Research Supervisors:	Professor Amanda Coffey & Dr. Matt Williams
Supervisors' telephone numbers:	Amanda Coffey: +44 29 208 0265 Matt Williams: +44 29 208 74853
Supervisors' e-mail addresses:	Amanda Coffey: coffey@cardiff.ac.uk
	Matt Williams: williamsM7@cardiff.ac.uk

ANNEX C: CONSENT FORM

“A comparative study of civil partnership and same-sex marriage in the United Kingdom, Canada and the State of California”

AGREEMENT TO PARTICIPATE IN A RESEARCH INTERVIEW

		
The participant should complete the whole of this sheet him/herself		
<i>Please tick the appropriate box</i>		
	YES	NO
<i>Have you read the Information Sheet?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you had an opportunity to ask questions and discuss this study with the researcher?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you received satisfactory answers to all your questions?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you understand that you will not be referred to by name in any report concerning the study?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you understand that you are free to withdraw from the study or refuse to answer a question:</i>		
<i>- at any time</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>- without having to give a reason?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you understand that the interview will be recorded?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you agree to take part in this study?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Signature of Research Participant:</i>		
<i>Date:</i>		
<i>Name in capitals:</i>		

ANNEX D: PEN-PICTURES OF RESEARCH PARTICIPANTS

UK couples (18)

Adam and Gary² live with their nine year-old son in a large house on the edge of London. Adam, 35, is an investment banker, and Gary, 40, originally from Canada, is a lecturer. They had been together for nine years and had been in a civil partnership for eight months at the time of interview.

Alan and Ken live in a rural village in the south Midlands. Alan, 42, works at a local further education college in a nearby town, and Ken, 66, is a retired head-teacher. They had been together for nineteen years at the time of interview, and had been in a civil partnership for just over a year.

Andy and Kelvin live in east London. Andy, 42 is a social worker and Kelvin, 45, is a musician. Together for seventeen years, their civil partnership took place a year before the interview.

Barney and Phillip live in a university town in southern England. Barney, 48, works as a university lecturer, and Phillip, 50, is a writer. They had been together for a little over ten years, and in a civil partnership for nearly two years at interview.

Bella and Mary live in a fashionable area of south London. Bella is 44 and works as a senior manager in a college. Her partner Mary is 48 and is an actor and a therapist. They had been together for ten years, and in a civil partnership for a year at interview.

Billy and Eddie were the longest-established couple in the sample. Both in their early seventies, they had been together for forty-seven year at the time of interview and had been one of the first couples in their area to form a civil partnership, four years before the interview. They were retired from careers in nursing and lived in a large house in suburban London.

Donna and Sharon live in a small flat in inner city Cardiff. Both in their early 20s, they met at their workplace, a large retail store. They had planned their civil partnership to coincide with their first anniversary as a couple. I interviewed them a fortnight before their ceremony.

Eric and Tom live in an affluent suburb in south Wales. Eric is 48 and works in public relations, and Tom, a year younger, is a journalist. They have been together for twenty-seven years, and in a civil partnership for nearly two years.

² With the exception of Robin and Diane, who wanted their real names to be used, all names have been changed to maintain anonymity.

Fred and Simon live in an affluent part of a city in south Wales. Fred, age 37, works as a local councillor, and Simon, 36 works for a large public sector organisation. Together for seven years, they had formed a civil partnership five months before the interview.

Hamish and Drew live in Glasgow. Hamish, 35, is a civil servant, and Drew, 33, works in the services sector. Together for six years, their civil partnership had take place eighteen months before the interview.

Helen and Tess live in a suburban cul-de-sac just outside London. Both retired, Helen, 64, worked in telecommunications, and Tess, who declined to disclose her age, was a nurse. Tess was born and brought up in Italy, but has lived in the UK for most of her adult life. They had been together for thirty-six years at the time of interview, and had been in a civil partnership for just over a year.

Hywel and Martin: Hywel, aged 48, is a lecturer in healthcare. His partner Martin is 50 and works as a freelance consultant. They live in an affluent suburb of a city in South Wales and have been together for eighteen years. Their civil partnership took place five months before they were interviewed.

Iwan and Richard live in a suburban location in the West Midlands. Richard, 57, is a musician and Iwan, 61, is a teacher. They had been together for thirty years when interviewed, and in a civil partnership for eighteen months.

Jack and Ray live in a university city in the south of England. Jack, 42, works for a publisher, and Ray, 43, is an archivist. Jack and Ray became a couple in their early twenties, and had been together for just over twenty years, and in a civil partnership for eighteen months at the time of interview.

Mark and Joe live in a modern town house in a seaside town on the south coast of England. Mark is aged 29 and works locally as a solicitor. Joe is 42 and is a human resources manager in a large company on the outskirts of London. They have been together for seven years and their interview took place ten days before they their civil partnership.

Sally and Jane live with their adopted son in a Victorian terraced house in a small town in South Wales. Sally is 49 and works for a charity and Jane, 52, is an artist. They have been together for twenty-three years and had their civil partnership two years before the interview.

Sean and Alex live in a city on the south coast of England. Both in their mid forties, Alex works in the further education sector, and Sean is an IT manager in the health service. They had been together for fifteen years, and in a civil partnership for two years at the time of interview.

Susan and Maggie live in a suburb of a city in South Wales. Susan, aged 42 works as a primary school teacher and Maggie, 37, works in the media. They had been together for just over ten years and in a civil partnership for a year when they were interviewed.

Canadian couples (11)

Adele and Vanessa rent an apartment in eastern Toronto. Adele is 39 is an administrator and Vanessa, 37, cares for their one year-old daughter. They had been together for fifteen years, and married for two years at the time of interview.

Barry and Henry live in a large house in eastern Toronto. Henry is 51 and Barry is 40. Both work in IT in the finance sector. Together for twenty years, they had been married for four years when interviewed.

Danny and Dmitri live near downtown Toronto. Dmitri is 47 and works as a care manager and Danny is 43 and works as a carer. Both migrated to Canada in their late teens; Danny from Indonesia, and Dmitri from the US. Together for twenty-three years, they had been married for nearly four years at the time of interview.

Desiree and Sarah began their relationship six years before the interview, had set up home together in western Toronto and had been married for four years. Sarah, 38, is a high school teacher and Desiree, 39, cares for their daughter.

Evan and Patrick live in the western suburbs of Toronto. Evan, 43, is a lawyer and Patrick, 47, works in local government. They had been together for fifteen years when they married in 2007.

Franklin and Justin had an apartment in Toronto's gay village. Franklin, 66, was a retired car salesperson and Justin, 79, had had a career in the hospitality sector. They were about to celebrate their tenth anniversary as a couple together when the interview took place, and had been married for two years.

Juan and Melvin live in a modern condominium on the edge of downtown Toronto. Juan, 46, migrated from South America to the US, where he met Melvin, 61 who is American. Juan works in social care and Melvin has recently trained as a psychotherapist. Both have taken Canadian citizenship since moving to Canada eight years previously. They had been together for twelve years and have been married for four years at interview.

Jenny and Denise live in the western suburbs of Toronto. Jenny is 40 and works in education. Denise is 35 and works in equalities training. They had been together for eight years and married for three years at the time of interview.

Benjamin and Julian live near downtown Toronto. Julian, 52, is a healthcare manager, and Benjamin, 55, runs his own consultancy business. They had been together for twelve years at the time of interview and had been married for two years.

Paolo and Roy live in downtown Toronto. Paolo is 44 and makes a living as a visual artist. Roy, 42, moved to Canada from the US to be with Paolo and had applied for Canadian citizenship at the time of the interview. He is of African American heritage and works as a DJ and female impersonator. They had been together for two years and married for a year at the time of interview.

Shelley and Beth I interviewed Shelley and Beth in a gay restaurant in downtown Toronto. They live in an apartment nearby that they have shared for the past seven years. They had been married for four years at the time of interview. Shelley manages a retail store and Beth is a teaching assistant.

Californian couples (16)

Annie and Carrie live in the East Bay. Annie 50, is a teacher, and Carrie, 46 is a religious minister. They have been together for fifteen years and married in summer 2008.

Bert and Stan live near downtown San Francisco. Bert, 62, and Stan, 73, met in 1981 and married in 2008. They are both retired from their jobs in the hospitality industry.

Brad and Marshall live in a city in the East Bay, outside San Francisco. Aged 51 and 53, they had been together for seventeen years and married for nearly two years at the time of interview. Marshall manages a care home for older people and Brad is an engineer in a federal government agency.

Clancy and Jay live in Sacramento and have been together since 1995. Jay, 38, is a social worker and Clancy, 40, is an administrator in a law firm. They married in 2008.

Ellen and Brenda have been together for 21 years. Ellen, 68, works for a federal government agency and Brenda, 56, is in full-time education. They share a home in the North Bay area outside San Francisco.

Giovanni and Nick live in the Castro district of San Francisco. Together for seventeen years, they met after Giovanni, 68, migrated to San Francisco from his native Italy to work in the fashion industry. Nick, 65, is a photographer. They married in 2008.

Hector and Dominic live in a mountainside suburb in the East Bay. They both work as lawyers and have been together for twelve years. Hector is 36 and Dominic is 38. They married in 2008.

Joanne and Lisa Together for eight years, they share a home in the western suburbs of San Francisco. Joanne, 53, is a nursing manager and Lisa, 56, works for a community development charity.

Paula and Meg Paula, 36, is a therapist and LGB rights activist and Meg is a lawyer. Together for eight years, they married during 2008 and share a suburban home in the East Bay.

Robin and Diane live in Los Angeles. Robin, 56, is an author and Diane, 48 works in real estate. Together for sixteen years, they married in summer 2008.

Sandy and Lesley live in an affluent district of San Francisco. Sandy, 61, is a marketing consultant for a bank, while Lesley, 55 works as an administrator in a university. Together for nine years at the time of interview, they married in 2008.

Louis and Turner live in downtown San Francisco. Louis, 36, is a graphic designer and Turner, 42, is a management consultant. They have been together for eight years and married in 2008.

Peg and Marianne live in San Francisco. Both retired, they volunteer for their local church. Peg was 58 at the time of interview and Marianne was 56. They had been together for three years and married for two at the time of interview.

Steve and Gabe: Steve, 46, works in information technology, and Gabe, 49, works for a local bank. They live in a condominium on the outskirts of San Francisco. Together for eight years, they married in summer 2008.

Ted and Brandon: Ted, 66, had recently retired from his job in human resources when I interviewed him and Brandon in their apartment overlooking San Francisco Bay. Brandon had also retired from his job as a finance officer in a large organisation. They had been together since 1965, and married in 2008.

Eliot and Ralph: Eliot, 31, and Ralph, had been together for five years at the time of interview and had married in 2008. Eliot works in the wine industry near their home in the North Bay and Ralph is an elementary school teacher.

ANNEX E: EXCERPT OF INTERVIEW TRANSCRIPT, ANNOTATED TO SHOW NARRATIVE ANALYSIS

A= abstract
O= orientation
C= complication
R= result
E= evaluation
CO= coda

Transcript of research interview with Mark and Joe

INT: Can you tell me a bit about your reasons for having a civil partnership?

Mark: I think it's being recognized legally as Joe's partner.	O
Joe had a stroke a couple of years ago	C
and it kind of brought it home	R
because effectively I wasn't his next of kin	R
and I was, you know (..)	
he's the most important person in my life and vice versa	E
and really I wouldn't have any say in what was to happen to him	R
and that's one of the most important factors for me.	E
And obviously you get the other factors as well, you know,	O
the same benefits in terms of inheritance tax etcetera, etcetera.	
But my main point was, er, for the commitment to each other	E
and also for that point because it was legally	E
I can make those decisions if anything were to happen to him,	E
and that's what brought it on for me.	E
Well that's one of the main reasons for me, I don't know about you Joe?	E
Joe: I think it was (...) if anything happened to me.	E
Because I'm twelve years older than Mark	C
that Mark would have everything and be in control.	R
I mean, we've bought a house together	C
so there'd be no family coming out of the woodwork	R
or claiming anything.	R
So everything would go to Mark, my half.	R
I wanted to make sure that was secure.	E
That was it really.	CO

REFERENCES

- Adam, B. 2003. The Defense of Marriage Act and American exceptionalism: the 'gay marriage' panic in the United States. *Journal of the History of Sexuality* 12(2), pp. 259-276.
- Adams, M. 2004. *Fire and ice: The United States, Canada, and the myth of converging values*. Toronto: Penguin.
- American Civil Liberties Union. 2009. *Strauss v. Horton- Case Profile*. [Online]. Available at: http://www.aclu.org/lgbt-rights_hiv-aids/strauss-v-horton-case-profile [Accessed 10 March 2009].
- Armbrecht, T. J. D. 2010. Universal particularities: conceptions of sexuality, nationality, and culture in France and the United States." In: Hayes, J., Higonnet, M. R., and Spurlin, W. J. *Comparatively queer: interrogating identities across time and culture*. Basingstoke: Palgrave.
- Atkinson, P. 1997. Narrative turn or blind alley? *Qualitative Health Research* 7(3), pp. 325-344.
- Atkinson, P. and Coffey, A. 2004. Analysing documentary realities. In: Silverman, D. ed. *Qualitative research: theory, method and practice*. (2nd ed.) London: Sage, pp 56-75.
- Atkinson, P. and Housely, W. 2003. *Interactionism*. London: Sage.
- Atkinson, P., Coffey, A., Delamont, S., Lofland, J. and Lofland, L. 2001. Editorial introduction. In: Atkinson, P., Coffey, A., Delamont, S., Lofland, J. and Lofland, L. eds. *Handbook of ethnography*. London: Sage. pp. 1-8.
- Auchmuty, R. 2004. Same-sex marriage revived: feminist critique and legal strategy. *Feminism & Psychology* 14(1), pp.101-126.
- BBC. 2012. *Why are four Christians accusing their employers of discrimination?* [Online]. Available at: <http://www.bbc.co.uk/news/uk-19467554> [Accessed 4 September 2012].
- BBC. 2012a. *Gay marriage plan 'barking mad' says Tory MP David Davies* [Online]. Available at: <http://www.bbc.co.uk/news/uk-wales-20657595> [Accessed 10 Decemer 2012].
- BBC. 2005. *'Gay weddings' become law in UK* [Online]. Available at: <http://news.bbc.co.uk/1/hi/uk/4493094.stm> [Accessed 10 February 2007].
- Badgett, M. V. L. 2009. *When gay people get married: what happens when societies legalize same-sex marriage*. London: New York University Press.

- Bailey-Harris, R. 2001. Same-sex partnerships in English family law. In: Wintemute and Andenaes, M. eds. *Legal recognition of same sex partnerships: a study of national, European and international Law*. Oxford: Hart Publishing, pp. 605-619.
- Bala, N. 2006. The debates about same-sex marriage in Canada and the United States: controversy over the evolution of a fundamental social institution. *BYU Journal of Public Law* 20(2). pp. 195-231.
- Ball, C. A. 2006. The backlash thesis and same-sex marriage: learning from Brown v. Board of Education and its aftermath. *William & Mary Bill of Rights Journal*, Vol. 14, pp. 1-48.
- Balsam, K. F., Beauchaine, T. P., Rothblum, E. D. and Solomon, S. E. 2008. Three-year follow-up of same-sex couples who had civil unions in Vermont, same-sex couples not in civil union, and heterosexual married couples. *Developmental Psychology* 44(1), pp. 102-116.
- Bartlett, A., Smith, G. and King, M. 2009. The response of mental health professionals to clients seeking help to change or redirect same-sex sexual orientation. *BMC Psychiatry* 9(11). doi:10.1186/1471-244X-9-11
- Bauman, Z. 1990. *Thinking sociologically*. Oxford: Blackwell.
- Bawer, B. 1993. *A place at the table: the gay individual in American society*. New York: Poseidon Press.
- Beals, K. P., Peplau, L. A. and Gable, S. L. 2009. Stigma management and well-being: the role of perceived social support, emotional processing, and suppression. *Personality and Social Psychology Bulletin* 35(7), pp. 867-879.
- Becker, H. S. 1966. Whose side are we on? *Social Problems*, 14 (Winter). pp. 239-247.
- Bell, A. P. and Weinberg, M.S. 1978. *Homosexualities: a study of diversity among men and women*. New York: Simon & Schuster.
- Bell, E. 1999. "Performing 'I do': weddings, pornography and sex. In Lovas, K. E. and Jenkins, M. M. eds. *Sexualities and communication in everyday life: a reader*. London: Sage, pp 41-53.
- Bemelmans-Videc, M. L., Rist, R. C. and Vedung, E. 1998. *Carrots, sticks and sermons: policy instruments and their evaluation*. London: Transaction Publishers.
- Berger, P. & Kellner, H. 1964 Marriage and the construction of reality: an exercise in the microsociology of knowledge. *Diogenes* Summer 1964, pp. 1-23. In: Handel, G. ed. 1985. *The psychosocial interior of the family*. 3rd ed. New York: Aldine Publishing Company.

- Blumer, H. 1969. *Symbolic interactionism*. Berkeley, CA: University of California Press.
- Bold, C. 2012. *Using narrative in research*. London: Sage.
- Bollen, K. A., Entiwisle, B and Alderson, A. S. 2006. Macro-comparative research methods. In Sica, A. ed. *Comparative methods in the social sciences*. Volume I. London, Sage, pp. 209-240.
- Bosche, S. 1983. *Jenny lives with Eric and Martin*. London: Gay Men's Press.
- Boswell, J. 1995. *The marriage of likeness: same-sex unions in pre-modern Europe*. London: Harper Collins.
- Bourassa, K. and Varnell, J. 2002. *Just married: gay marriage and the expansion of human rights*. Toronto: Doubleday Canada.
- Bowcott, O. 2012. Christian rights cases go before Strasbourg court. *The Observer* 2 September 2012 [Online]. Available at: <http://www.guardian.co.uk/law/2012/sep/02/christian-rights-cases-strasbourg-court?INTCMP=SRCH> [Accessed: 2 September 2012].
- Branaman, A. 1997. "Goffman's social theory." In: Lemert, C and Branaman, A. eds. *The Goffman reader*. Oxford: Blackwell, pp. xlv-lxxxii.
- Brannen, J. and Nilsen, A. 2011. Comparative biographies in case-based cross-national research: methodological considerations. *Sociology* 45(4), pp. 603-618.
- Britten, N. 2007. Wife faces jail for bigamy with lesbian lover. *Daily Telegraph* 10 July 2007, p. 15.
- Bronski, M. 2011. *A queer history of the United States*. Boston, MA: Beacon Press.
- Browne, K., Bakshi, L. and Lim, J. 2011. 'It's something you just have to ignore': understanding and addressing contemporary lesbian, gay, bisexual and trans safety beyond hate crime paradigms. *Journal of Social Policy*. 40(4), pp 739-756.
- Burgess, E., and Locke, H. J. 1945. *The family: from institution to companionship*. New York: American Book Company.
- Burr, V. 2003. *Social constructionism*. London: Routledge.
- Calhoun, C. 2000. *Feminism, the family and the politics of the closet: lesbian and gay displacement*. Oxford: Oxford University Press.
- California Courts Service. 2008. *Re: Marriage Cases* [Online]. Available at: <http://www.courts.ca.gov/documents/S147999.pdf> [Accessed 3 September 2009].

California. Legislative Analyst's Office, 2012. *Ballot propositions*. [Online]. Available at: http://www.lao.ca.gov/laoapp/ballot_source/propositions.aspx?d=11/4/2008%2012:00:00%20AM [Accessed 8 January 2012].

California. Secretary of State. 2011. *Statewide initiative guide*. [Online.] Available at: <http://www.sos.ca.gov/elections/ballot-measures/initiative-guide.htm> [Accessed 15 March 2012]

California. Secretary of State. 2008. *Text of proposed laws* [Online]. Available at: <http://voterguide.sos.ca.gov/past/2008/general/text-proposed-laws/text-of-proposed-laws.pdf> [Accessed 17 April 2009].

Canada Unitarian Council. 2012. *Carrying the Rainbow with PRIDE* [Online]. Available at: <http://cuc.ca/carrying-the-rainbow-with-pride/> [Accessed: 3 August 2012].

Capeheart, J. 2012. The Supreme Court takes up DOMA. *Washington Post*. [Online]. Available at: <http://www.washingtonpost.com/blogs/post-partisan/wp/2012/12/07the-supreme-court-takes-up-doma/> [Accessed: 12 December 2012].

CBC. 2010. *Marriage officials can't refuse gays: Sask. court*. [Online]. Available at: <http://www.cbc.ca/news/canada/saskatchewan/story/2011/01/10/sk-marriage-commissioners-1101.html> [Accessed 10/02/11].

CBC. 2009. *Commissioner who refused to marry same-sex couple loses appeal*. [Online]. Available at: <http://www.cbc.ca/news/canada/saskatchewan/story/2009/07/23/marriage-ruling.html> [Accessed: 17 June 2010].

Census Canada. 2012. *Detailed explanation: differences between Statistics Canada's census counts and population estimates*. Available at: <http://www12.statcan.gc.ca/census-recensement/2011/ref/estima-eng.cfm> Accessed 19/02/12.

Chambers, D. 2012. *A sociology of family life: change and diversity in intimate relations*. Cambridge: Polity Press.

Charmaz, K. 2004. Premises, principles, and practices in qualitative research: revisiting the foundations. *Qualitative Health Research* 14(7), pp. 976-993.

Chauncey, G. 2004. *Why marriage? The history shaping today's debate over gay equality*. New York: Basic Books.

Cherlin, A. J. 2004. The deinstitutionalization of American marriage. *Journal of Marriage and Family* 66(4), pp. 848-861.

- Clark, D. 1991. Constituting the marital world. In: Clark, D. ed. *Marriage, domestic life and social change: writings for Jacqueline Burgoyne (1944-1988)*. London: Routledge, pp. 139-166.
- Clarkson-Freeman, P. A. 2004. The Defense of Marriage Act (DOMA): its impact on those seeking same-sex marriage. *Journal of Homosexuality* 48(2), pp. 1-19.
- Clay-Wareham, H. 2009. *Bill Clinton 'regrets' DADT, DOMA, but blames LGBT community* [Online]. Available at: <http://www.baywindows.com/bill-clinton-regrets-dadt-doma-but-blames-lgbt-community-95115> [Accessed 2 September 2009].
- Coffey, A. and Atkinson, P 1996. *Making sense of qualitative data: complementary research strategies*. London: Sage.
- Cohen, C. 1999. *Boundaries of Blackness: AIDS and the breakdown of Black*. London, University of Chicago Press.
- Coleman, T. F. 1995. The Hawaii Legislature has compelling reasons to adopt a comprehensive Domestic Partnership Act. *Law and Sexuality: A Review of Lesbian and Gay Legal Issues*. Vol. 5, pp. 541-582.
- Cook, M. 2007. From gay reform to Gaydar: 1967-2006. In Cook, M. (ed) with Cocks, H. G., Mills, R. and Trumbach, R. *A gay history of Britain: love and sex between men since the Middle Ages*. Oxford: Greenwood World Publishing, pp. 179-214.
- Cooley, D. R. and Harrison, K. 2012. "Introduction." In Cooley, D. R. and Harrison, K. eds. *Passing/Out: sexual identity veiled and revealed*. Farnham: Ashgate. pp. 1- 12.
- Coolidge, D. O. 1998. Playing the *Loving* card: same-sex marriage and the politics of analogy." *BYU Journal of Public Law*. 12(2), pp. 201-238.
- Coontz, S. 2004. The world historical transformation of marriage. *Journal of Marriage and Family* 66(4), pp. 974-979.
- Cortazzi, M. 2001. Narrative analysis in ethnography. In: Atkinson, P., Coffey, A., Delamont, S., Lofland, J. and Lofland, L. 2001. *Handbook of ethnography*. London: Sage, pp. 384-394.
- Cott, N. F. 2000. *Public vows: a history of marriage and the nation*. Harvard University Press.
- Cox, B. 2000. But why not marriage: an essay on Vermont's civil unions law, same-sex marriage and separate but (un) equal. *Vermont Law Review*, 25, pp. 113-147.
- Cox, B. 1997. A (personal) essay on same-sex marriage. In: Baird, R. M. and Rosenblum, S. E. eds. *Same-sex marriage: the moral and legal debate*. Amherst, NY: Prometheus Books, pp. 27-29.

- Cretney, S. 2006. *Same sex relationships: from 'odious crime' to 'gay marriage.'* Oxford: Oxford University Press.
- Crocker, J. and Quinn, D. M. 2004. Psychological consequences of devalued identities. In: Brewer, M. B. and Hewstone, M. eds. *Self and social identity*. Oxford: Blackwell, pp. 124-146.
- D'Emilio, J. 2006. The marriage fight is setting us back." *Gay and Lesbian Review*. 13(6) p.10.
- Daily Telegraph. 2012. *Christian B&B owners who refused gay couple win right to Supreme Court appeal* [Online]. Available at: <http://www.telegraph.co.uk/news/uknews/law-and-order/9476757/Christian-BandB-owners-who-refused-gay-couple-win-right-to-Supreme-Court-appeal.html> [Accessed 12 October 2012].
- David, H. 1997. *On Queer Street: a social history of British homosexuality, 1895-1995*. London: Harper Collins.
- Davies, P. 2006. Interview. In: Jupp, V. ed. *The Sage dictionary of social research methods*. London: Sage, pp. 157-8.
- De Haan, L. and Nijland, S. 2002. *King and King*. Berkeley, CA: Tricycle Press.
- Delamont, S. 2002. *Fieldwork in educational settings: methods, pitfalls and procedures*. London: Falmer.
- Dennison, L. 2012. *Gay marriage cases: now up to seven*. [Online]. Available at: <http://www.scotusblog.com/2012/08/gay-marriage-cases-now-up-to-seven/> [Accessed 15 September 2012].
- Denzin, N. K. 1978. *The research act*. 2nd ed. Chicago: Aldine.
- Denzin, N. K. and Lincoln, Y. S. 2011. Introduction: The discipline and practice of qualitative research. In: Denzin, N. K. and Lincoln, Y. S. eds. *Handbook of qualitative research*. 4th ed. London: Sage, pp. 1-20.
- Department of Trade and Industry. 2005. *Civil partnership: legal recognition for same-sex couples from December 2005*. London: HMSO.
- De Sipio, Louis. 2010. The United States. In: Kesselman, M., Krieger, J. and Joseph W. A. eds. *Introduction to Comparative Politics*. Boston, MA: Wadsworth, pp. 313-360.
- De Vaus, D. 2012. Social trends and their impact on couple and family relationships. In: Noller, P. and Karantzas, G. C. eds. *The Wiley-Blackwell handbook of couples and family relationships*. Oxford: Blackwell, pp 25-35.

Dingwall, R. 1977. 'Atrocity stories' and professional relationships. *Sociology of Work and Occupations* 4(4), pp. 371-396.

do Mar Castro Varela, M. and Dhawan, M. 2011. Normative dilemmas and the hegemony of counter-hegemony. In: do Mar Castro Varela, M., Dhawan, N. and Engel, E. eds. *Hegemony and heteronormativity: revisiting 'the political' in queer politics*. Farnham: Ashgate, pp. 91-120.

Donovan, C., Heaphy, B. & Weeks, J. 1999. Citizenship and same sex relationships. *Journal of Social Policy* 28(4), pp. 689-709.

Eaklor, V. L. 2008. *Queer America: A GLBT history of the twentieth century*. Westport, CT: Greenwood Press.

Earnest, J. 2012. *President Obama supports same-sex marriage* [Online]. Available at: <http://www.whitehouse.gov/blog/2012/05/10/obama-supports-same-sex-marriage> [Accessed 13 May 2012].

Economic and Social Research Council. 2010. *Framework for research ethics* [Online], Available at: [http://www.esrc.ac.uk/images/Framework for Research Ethics tcm8-4586.pdf](http://www.esrc.ac.uk/images/Framework%20for%20Research%20Ethics%20tcm8-4586.pdf) [accessed 14 November 2010].

Egan, P. J. and Sherrill, K. 2009. *California's Proposition 8: what happened, and what does the future hold?* National Lesbian and Gay Task Force [Online]. Available at: http://www.thetaskforce.org/downloads/reports/reports/pi_prop8_1_6_09.pdf [Accessed 10 January 2009].

Einarsdottir, A. 2010. 'Marriage' and the personal life of same-sex couples. In: May, V. (ed). *Sociology of personal life*. Basingstoke: Palgrave, pp. 48-58.

Eldridge, N. S. & Gilbert, L. A. 1990. Correlates of relationship satisfaction in lesbian couples. *Psychology of Women Quarterly* 14(1), pp. 43-62.

Elia, J. P. 2003. Queering relationships: toward a paradigmatic shift. *Journal of Homosexuality*. 45 (2-4), pp. 61-86.

Engel, S. M. 2001. *The unfinished revolution: social movement theory and the gay and lesbian movement*. Cambridge: Cambridge University Press.

Equality and Human Rights Commission. 2012. *About us*. [Online]. Available at: <http://www.equalityhumanrights.com/about-us/> [Accessed 1 June 2012].

Equality California. 2012. *Victories for equality* [Email: 7 November 2012].

Equality California. 2012a. *Supreme Court to review Prop 8* [Email: 7 December 2012].

Equality California. 2009. *Winning back marriage equality: analysis and plan* [Online]. Available at: [http://www.eqca.org/atf/cf/%7B34f258b3-8482-4943-91cb-08c4b0246a88%7D/EQCA-WINNING BACK MARRIAGE EQUALITY.PDF](http://www.eqca.org/atf/cf/%7B34f258b3-8482-4943-91cb-08c4b0246a88%7D/EQCA-WINNING_BACK_MARRIAGE_EQUALITY.PDF) [Accessed 5 September 2009].

Eskridge, W. M. Jr. and Johnson, H. 2012. *Commentary on marriage grants: marriage equality's Cinderella moment* [Online]. Available at: <http://www.scotusblog.com/2012/12/commentary-on-marriage-grants-marriage-equalitys-cinderella-moment/> [Accessed 10 December 2012].

Eskridge, W. M. Jr. 1996. *The case for same-sex marriage: from sexual liberty to civilized commitment*. London: The Free Press.

Eskridge, W. M. Jr. 1993. A history of same sex marriage. *Virginia Law Review* 79 (7), pp. 19-1513.

Eskridge, W. M. Jr. and Spedale, D, R. 2006. *Gay marriage: for better or for worse? What we've learned from the evidence*. Oxford: Oxford University Press.

Ettelbrick, P. and Stoddard, T. 1989. Legalizing gay marriage: a must or a bust? *Outlook: National Lesbian and Gay Quarterly* No. 6, Fall. pp. 8-17.

European Court of Human Rights. 2013. Case of Eweida and others v. the United Kingdom [Online]. Available at: <http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-115881> [Accessed 25/02/13].

Family Research Council. 2012. Human sexuality [Online]. Available at: <http://www.frc.org/human-sexuality#homosexuality> [Accessed 15/03/12].

Family Research Council. 2011. *The top ten harms of same-sex 'marriage'*. [Online]. Available at: <http://downloads.frc.org/EF/EF11B30.pdf> [Accessed 08/03/12].

Family Research Council. 2008. Donate now and double your gift: \$250,000 matching grant available. Email: 10 December 2008.

Fejes, F. 2008. *Gay rights and moral panic: the origins of America's debate on homosexuality*. Basingstoke: Palgrave.

Finch, J. 2007. Displaying Families. *Sociology* 41(1), pp. 65–81.

Findlaw.com. 2012. *Loving v. Virginia (1967)* [Online]. Available at: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=388&invol=1> [Accessed 19 January 2012].

Findlaw.com. 2012a. *Goodridge v. Department of Public Health (2003)* [Online]. Available at: <http://www.caselaw.findlaw.com/ma-supreme-judicial-court/1447056.html> [Accessed 15 June 2012].

- Findlaw.com. 2012b. *Re: Marriage Cases (2008)* [Online]. Available at: <http://caselaw.findlaw.com/ca-supreme-court/1467147.html> [Accessed 10 June 2012].
- Flick, U. 2006. *An introduction to qualitative research*. 3rd ed. London: Sage.
- Fontes, T. O. and O'Mahony, M. 2008. *Social research update*. Issue 53: Spring
- French, M. 1992. Loves, Sexualities and Marriages: Strategies and Adjustments. In: Plummer, K. ed. *Modern Homosexualities: Fragments of Lesbian & Gay Experience*. London: Routledge, pp. 87-98.
- Furubo, J. E. and Sandahl, R. 2002. A diffusion perspective on global developments in evaluation. In: Furubo, J. E., Rist, R. C. and Sandahl R. eds. *International atlas of evaluation*. London: Transaction Publishers.
- Gallagher, M. 2003. A reality waiting to happen: a response to Evan Wolfson. In: Wardle, L. D., Strasser, M., Duncan, W. C., and Coolidge, D. O. eds. *Marriage and same-sex unions: a debate*. Praeger: Westport CT, pp. 10-12.
- Gamson, J. 2000. *Sexualities, queer theory and qualitative research*. In: Denzin, N.K. and Lincoln, Y.S. eds. *Handbook of qualitative research* 2nd ed. London: Sage, pp. 347-365.
- General Register Office. 2005. *Civil partnerships: registering a civil partnership* [Online]. Available at: http://www.gro.gov.uk/content/civilpartnerships.registeringacivilpartnership/Can_we_include_a_ceremony.htm [Accessed 30 January 2008].
- Giddens, A. 1992. *The transformation of intimacy: sexuality, love and eroticism in modern societies*. Cambridge: Polity Press.
- Gillis, J. R. 1998. Cultural heterosexism and the family. In: Patterson, C. J. and D'Augelli, A. R. eds. *Lesbian, gay, and bisexual Identities in families: psychological perspectives*. Oxford: Oxford University Press, pp. 249-269.
- Gillis, J. R. 1985. *For better or worse: British marriages, 1600 to the present*. Oxford: Oxford University Press.
- Gilreath, S. 2011. *The end of straight supremacy: realizing gay liberation*. Cambridge: Cambridge University Press.
- Goffman, E. 1989. On fieldwork. *Journal of Contemporary Ethnography* 18. pp. 123-132.
- Goffman, E. 1982. The interaction order: American Sociological Association, 1982 Presidential Address. *American Sociological Review* 48(1), pp. 1-17.

- Goffman, E. 1979. *Gender advertisements*. London: Macmillan.
- Goffman, E. 1974. *Frame analysis: an essay on the organization of experience*. Cambridge, MA: Harvard University Press.
- Goffman, E. 1967. *Interaction ritual: essays in face-to-face behavior*. Garden City, NY: Anchor Books, Doubleday & Co..
- Goffman, E. 1963. *Stigma*. London: Penguin.
- Goffman, E. 1961. *Asylums*. London: Anchor Books, Doubleday & Co.
- Goffman, E. 1959. *The presentation of self in everyday life*. New York: Anchor Books.
- Goldstein, R. 2002. *The attack queers*. London: Verso.
- Gomm, R. 2004. *Social research methodology: a critical introduction*. Basingstoke: Palgrave.
- Gordon, S. B. 2010. *The spirit of the law: religious voices and the Constitution in modern America*. Cambridge, MA: Belknap Press.
- Gove, W. R., Style, C. B. and Hughes, M. 1990. The effect of marriage on the well-being of adults: a theoretical analysis. *Journal of Family Issues* 11(1), pp. 4-35.
- Government Equalities Office 2012. *Equal civil marriage: a consultation*. London: TSO.
- Government Equalities Office. 2011. *Summary of Responses: civil partnerships on religious premises: a consultation*. London: TSO.
- Graham, H. 2012. Smoking, stigma and social class. *Journal of Social Policy*. 41(1), pp. 83-99.
- Great Britain. Parliament. House of Commons. 2004. *The Civil Partnership Bill [HL] : background and debate. Bill 132 of 2003-04. Research Paper 04/64*. London: TSO.
- Green, R. 1997. The United States. In: West, D. J. and Green, R. eds *Sociolegal control of homosexuality: a multi-nation comparison*. London: Plenum Press, pp.145-168.
- Gubrium, J. F. and Holstein, J. A. 2009. *Analyzing narrative reality*. London: Sage.
- Halberstam, J. 2005. *In a queer time and place: transgender bodies, subcultural lives*. New York: New York University Press.
- Hammersley, M. 2001. Whose side was Becker on? Questioning political and epistemological radicalism. *Qualitative Research*, 1(1), pp. 91-110.

- Hammersley, M. and Atkinson, P. 2007. *Ethnography*. 2nd ed. London: Routledge.
- Hanna, P. 2012. Using internet technologies (such as Skype) as a research medium: a research note." *Qualitative Research*. 12(2), pp. 239-242.
- Hantrais, L. 2009. *International comparative research: theory, methods and practice*. Basingstoke: Palgrave.
- Harding, R. 2011. *Regulating sexuality: legal consciousness in lesbian and gay lives*. Abingdon: Routledge.
- Harding, R. and Peel, E. 2006. We do? International perspectives on equality, legality and same sex relationships. *Lesbian and Gay Psychology Review* 7(2), pp. 123-140.
- Harding, R. and Peel, E. 2004. Civil partnerships: a new couple's conversation. *Feminism & Psychology* 14(1), pp. 41-46.
- Harding, S. 1993. Rethinking standpoint epistemology: what is 'strong objectivity?' In: Alcoff, L. and Potter, E. eds. *Feminist epistemologies*. London: Routledge, pp. 49-82.
- Harry, J. 1984. *Gay couples*. New York: Praeger Publishers.
- Heaphy, B. and Einarsdottir, A. 2012. Scripting civil partnership: interviewing couples together and apart. *Qualitative Research* 22, pp. 1-18.
- Heaphy, B., Smart, C. and Einarsdottir, A. 2012. *Same-sex marriage*. London: Palgrave Macmillan.
- Herek, G.M. 2011. Anti-equality marriage amendments and sexual stigma. *Journal of Social Issues* 67(2), pp. 413-426.
- Herek, G. M. 2007. Confronting sexual stigma and prejudice: theory and practice. *Journal of Social Issues* 63(4), pp. 905-925.
- Herek, G. M. 2006. Legal recognition of same-sex relationships in the United States: a social science perspective. *American Psychologist* 61(6), pp. 607-621
- Herek, G. M. 2000. The psychology of sexual prejudice. *Current directions in psychological science* 9(19), pp. 19-22.
- Herising, F. 2005. Interrupting positions: critical thresholds and queer pro/positions," In: Brown, L. and Strega, S. eds. *Research as resistance: critical, indigenous and anti-oppressive approaches*. Toronto: Canadian Scholars' Press, pp. 127-151.
- Herzog, D. 2011. *Sexuality in Europe: a twentieth-century history*. Cambridge: Cambridge University Press.

Heyl, B. S. 2001 Ethnographic interviewing. In: Atkinson, P., Coffey, A., Delamont, S., Lofland, J. and Lofland, L. *Handbook of ethnography*. London: Sage, pp 369-383.

Higgins, P. 1996. *Heterosexual dictatorship: male homosexuality in post-war Britain*. London: Fourth Estate.

Hill-Collins, P. 1991. Learning from the outsider-within: the sociological significance of Black feminist thought. In: Fonow, M. and Cook, J. eds. *Beyond methodology: feminist scholarship as lived experience*. Bloomington: Indiana University Press, pp. 35-59.

Ho, S. I. and Rolfe, M. E. 2011. Same-sex partner immigration and the civil rights frame: a comparative study of Australia, Israel and the USA. *International Journal of Comparative Sociology* 52(5), pp. 390-412.

Hogg, P. W. 2006. Canada: The constitution and same-sex marriage. *International Journal of Constitutional Law* 4(3), pp. 712-721.

Home Office. 2012. *CRB and the Protection of Freedoms Act 2012* [Online]. Available at: <http://www.homeoffice.gov.uk/agencies-public-bodies/crb/about-crb/crb-pofa-2012/> [Accessed 2 September 2012].

Homfray, M. 2008. Standpoint, objectivity, and social construction: reflections from the study of gay and lesbian communities. *Sociological Research Online* 13(1). Available at: <http://www.socresonline.org.uk/13/1/7.html> [Accessed 5 May 2008.]

Hooper, J. 2009. *Steele talking, Steele ticking off the far right*. Available at: http://www.goodasyou.org/good_as_you/2009/03/steele-talking-steele-ticking-off-the-far-right.html Accessed 17 February 2010.

Hudson, J. and Lowe, S. 2004. *Understanding the policy process: analysing welfare policy and practice*. Bristol: Policy Press.

Hull, C. 2006. *The ontology of sex: a critical inquiry into the deconstruction and reconstruction of categories*. London: Routledge.

Human Rights Campaign. 2012. *Statewide marriage prohibitions*. [Online]. Available at: http://www.hrc.org/files/assets/resources/US_Marriage_Prohibition.pdf [Accessed 6 November 2012.]

Hunter, J. D. 1992. *Culture wars: the struggle to define America*. New York: Basic Books.

Huston, M. and Schwartz, P. 1995. The relationships of lesbians and of gay men. In: Wood, J. T. and Duck, S. eds. *Under-studied relationships: Off the Beaten Track*. London: Sage, pp. 89-108.

International Lesbian, Gay, Bisexual, Trans and Intersex Association. 2012. *Lesbian and gay rights in the world*. [Online] Available at: http://old.ilga.org/Statehomophobia/ILGA_map_2012_A4.pdf [Accessed 10 December 2012].

International Lesbian, Gay, Bisexual, Trans and Intersex Association. 2012a. *State-sponsored homophobia: a world survey of laws criminalising same-sex sexual acts between consenting adults* [Online]. Available at: <http://ilga.org/ilga/en/article/nxFKFCd1iE> [Accessed 10 June 2012].

Jennings, R. 2008. *A lesbian history of Britain: love and sex between women since 1500*. Oxford: Greenwood World Publishing.

Jivani, A. 1997. *It's not unusual: a history of lesbian and gay Britain in the twentieth century*. London: Michael O'Mara Books.

Johnson, C. 2010. The politics of affective citizenship: from Blair to Obama. *Citizenship Studies* 14(5), pp. 495-509.

Johnson, G. 2007. Civil unions: a reappraisal. In: Strasser, M. ed. *Defending same-sex marriage: 'separate but equal' no more: a guide to the legal status of same-sex marriage, civil unions and other partnerships*. Westport, CT: Praeger Publishers, pp. 29-44.

Johnson, J. L. B. 1997. The meaning of 'General Laws': the extent of Congress's power under the Full Faith and Credit Clause and the constitutionality of the Defense of Marriage Act. *University of Pennsylvania Law Review* 145(6), pp.1611-1647.

Johnson, J. and Altheide, D. L. 2002. Reflections on professional ethics. In: van den Hoonaard, W. C. ed. *Walking the tightrope: ethical issues for qualitative researchers*. Toronto: University of Toronto Press, pp.59-69.

Johnson, J. M. 2002. In-depth Interviewing. In: Gubrium, J. F. and Holstein, J. A. eds. *Handbook of Interview Research*. London: Sage, pp.103- 119.

Johnston, C. 2008. The PACS and (post-) queer citizenship in contemporary republican France. *Sexualities* 11(6), pp. 688-705.

Jones, R. W. and Bates, J. E. 1978. Satisfaction in male homosexual couples. *Journal of Homosexuality* 3(3), pp. 237-245.

Judicial Council of California. 2009. News release: Supreme Court rejects challenges to Prop. 8 but finds existing marriages of same-sex couples valid. 26th May 2009. Available at: <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR29-09.PDF> [Accessed 24/09/09].

Kendell, K. 2007. The right to marry, the San Francisco experience, and lessons learned. In Strasser, M.(ed.) *Defending same-sex marriage. "Separate but equal" no*

more: a guide to the legal status of same-sex marriage, civil unions, and other partnerships. Westport, CT: Praeger Publishers, pp. 107-118.

Kesselman, M. Krieger, J. and Joseph W. A. 2010. Introduction: introducing comparative politics. In: Kesselman, M., Krieger, J. and Joseph W. A eds. *Introduction to comparative politics.* Boston, MA: Wadsworth, pp. 3-44.

Kiernan, K. 2004. Redrawing the boundaries of marriage. *Journal of Marriage and Family.* 66(4), pp. 980-987.

Kinsman, Gary. 1996. *The regulation of desire: homo and hetero sexualities*, 2nd ed. Montreal and New York: Black Rose Books.

Kirkup, J. 2012. Give married couples tax break, MPs tell David Cameron. *Daily Telegraph.* 13 November 2012. [Online]. Available at: <http://www.telegraph.co.uk/news/politics/9676562/Give-married-couples-tax-break-MPs-tell-David-Cameron.html> [Accessed: 13 November 2012]

Kleinman S. 2007. *Feminist fieldwork analysis.* Newbury Park. CA: Sage.

Kollman, K. 2007. Same-sex unions: the globalisation of an idea. *International Studies Quarterly* 51(2), pp. 329-357.

Koppelman, A. 2007. The Defense of Marriage Act: federal level. In: Strasser, M. ed. *Defending same-sex marriage. "Separate but equal" no more: a guide to the legal status of same-sex marriage, civil unions, and other partnerships.* Westport, CT: Praeger Publishers, pp.141-160.

Krieger, J. 2010. Britain. In: Kesselman, M. Krieger, J. and Joseph W. A. eds. *Introduction to Comparative Politics.* Boston, MA: Wadsworth, pp. 47-97.

Kuhar, R. Humer, Z. and Maljevac, S. 2012. Integrated, but not too much: homophobia and homosexuality in Slovenia. In: Trappolin, L., Gasparini, A. and Wintemute, R. eds. *Confronting homophobia in europe: social and legal perspectives.* Oxford: Hart Publishing Ltd, pp. 51-77.

Kurdek, L. A. 2004. Are gay and lesbian cohabiting couples really different from heterosexual married couples? *Journal of Marriage and Family* 66(4), pp. 880-900.

Labov, W. 1972. The transformation of experience in narrative syntax. In: Labov, W. *Language in the inner city.* Philadelphia: University of Pennsylvania Press, pp 352-96.

Lahey, K. A. 1999. *Are we 'persons' yet? Law and sexuality in Canada.* London, University of Toronto Press.

Land, V. and Kitinger, C. 2007. Contesting same-sex marriage in talk-in-interaction. *Feminism and Psychology*, 17(2), pp. 173-183.

- Land, V. and Kitzinger, C. 2005. Speaking as a lesbian: correcting the heterosexist presumption. *Research on Language and Social Interaction*, 38(4): pp. 371-416.
- Lannutti, P. J. 2011. Security, recognition and misgivings: exploring older same-sex couples' experiences of legally recognized same-sex marriage. *Journal of Social and Personal Relationships* 28(1), pp. 64-82.
- Lannutti, P. J. 2008. Attractions and obstacles while considering legally recognized same-sex marriage. *Journal of GLBT Family Studies*. 4(2), pp. 245-264.
- Lannutti, P. J. 2005. For better or worse: exploring the meanings of same-sex marriage within the lesbian, gay, bisexual and transgendered community. *Journal of Social and Personal Relationships* 22(1), pp. 5-18.
- Larocque, S. 2006. *Gay marriage: the story of a Canadian social revolution*. Toronto: James Lorimer & Co. Trans: R. Chodos, L. Blair and B. Waterhouse.
- Law Commission of Canada. 2001. *Beyond conjugality: recognizing and supporting close personal adult relationships*. [Online]. Available at: <http://ssrn.com/abstract=1720747> [Accessed 10 March 2009].
- Lehr, V. 1999. *Queer family values: debunking the myth of the nuclear family*. Philadelphia, Temple University Press.
- Lewin, E. 2008. "Location, location, location: same-sex marriage as a moving target." *Sexualities* 11(6), pp. 777-781.
- Lewin, E. 2001. Weddings without marriage: making sense of lesbian and gay commitment rituals. In: Bernstein, M. & Reimann, R. eds, *Queer families, queer politics: challenging culture and the state*. New York: Columbia University Press, pp. 44-52.
- Liazos, A. 1972. The poverty of the sociology of deviance: nuts, sluts and perverts. *Social Problems* 20, pp. 103-120.
- Lipsky, M. 1971. Street-level bureaucracy and the analysis of urban reform. *Urban Affairs Review* 6(4), pp. 391-409.
- Lock, A. and Strong, T. 2010. *Social constructionism: sources and stirrings in theory and practice*. Cambridge: Cambridge University Press.
- MacLean, A. 2011. Unfamiliar places and other people's spaces: reflections on the practical challenges of researching families in their homes. In: Jamieson, L., Simpson, R., and Lewis, R. eds. *Researching families and relationships: reflections on process*. Basingstoke: Palgrave, pp. 56-58.
- Maisel, N. C. and Fingerhut, A. W. 2011. California's ban on same-sex marriage: the campaign and its effects on gay, lesbian, and bisexual individuals. *Journal of Social*

Issues 67(2), pp. 242-263.

Manning, P and Smith, G. 2010. Symbolic interactionism. In: Elliott, A. ed. *The Routledge companion to social theory*. Abingdon: Routledge.

Marriage Equality USA. 2012. *State-level marriage equality*. [Online.] Available at: <http://www.marriageequality.org/sites/default/files/National%20Map%20%2307%20%2807-Nov-2012%29.pdf> [Accessed 10 November 2012].

Marriage Equality USA. 2011. *Get the facts! Because, marriage matters...* [Online.] Available at: <http://www.marriageequality.org/get-the-facts> [Accessed 17 February 2012].

Marriage Law Project. 2001. *California Proposition 22*. [Online]. Available at: <http://www.marriagewatch.org/media/prop22.htm> [Accessed 15 February 2010].

Matthews, J. S. 2005. The political foundations of support for same-sex marriage in Canada. *Canadian Journal of Political Science*, 38(4), pp 841-866.

McLeod, D. 1996. *lesbian and gay liberation in Canada: a selected annotated chronology, 1964-1975*. Toronto: ECW Press/Homewood Books.

McGhee, D. 2004. Beyond toleration: privacy, citizenship and sexual minorities in England and Wales. *The British Journal of Sociology* 55(3), pp. 357-375.

McGhee, D. 2003. Joined-up government, 'community safety' and lesbian, gay, bisexual and transgender 'active citizens'. *Critical Social Policy* 23(3), pp. 345-374.

Meeks, C. and Stein, A. 2006. Refiguring the family: towards a post-queer politics of gay and lesbian marriage. In: Richardson, D., McLaughlin, J. and Casey, M. E. *Intersections between feminist and queer theory*. Basingstoke: Palgrave, pp. 136-155.

Mello, M. 2004. *Legalizing gay marriage*. Philadelphia: Temple University Press.

Merin, Y. 2002. *Equality for same-sex couples: the legal recognition of gay partnerships in Europe and the United States*. London: University of Chicago Press.

Meyer, I. H. 2003. Prejudice, stress and mental health in the lesbian and gay population. *Psychological Bulletin* 129(5), pp, 674-697.

Meyer, I. H. 1995. Minority stress and mental health in gay men." *Journal of Health and Social Behavior* 36(1), pp. 38-56.

Mitchell, M., Dickens, S. and O'Connor, W. 2009. *Same-sex couples and the impact of legislative changes*. London: National Centre for Social Research.

Morgan, D. 2011. *Rethinking family practices*. Basingstoke: Palgrave.

Morgan, D. 1996. *Family connections: an introduction to family studies*. Cambridge: Polity Press.

Morgan, D. J. H. 1991. Ideologies of marriage and family life. In: Clark, D. ed. *Marriage, Domestic Life and Social Change: Writings for Jacqueline Burgoyne (1944-1988)* London: Routledge, pp. 114-138.

Morse, J. 2012. *The limited government/libertarian case for man woman marriage* [Online]. Available at: <http://www.nationformarriage.org/atf/cf/{39d8b5c1-f9fe-48c0-abe6-1029ba77854c}/LIBERTARIAN-CASE-FOR-MAN-WOMAN-MARRIAGE.PDF> [Accessed: 22/02/12].

Murphy, E. and Dingwall, R. 2001. The ethics of ethnography. In: P. Atkinson, S. Delamont, A. Coffey K. Lofland and L. Lofland (eds). *Handbook of ethnography* London: Sage, pp. 339- 351.

Naphy, W. 2004. *Born to be gay: a history of homosexuality*. Stroud: Tempus.

National Center for Lesbian Rights. 2008. *Five stages of grief in 14 days*. Email: 18 November 2008.

National Centre for Social Research. 2010. *British Social Attitudes 26th Report- Britain becoming increasingly liberal* [Online]. Available at: <http://www.natcen.ac.uk/media-centre/press-releases/2010-press-releases/british-social-attitudes-26th-report--britain-becoming-increasingly-liberal> [Accessed 10 February 2010].

National Lesbian and Gay Task Force. 2008. *Urgent challenge match -- Keep our new ad on TV*. Email: 1 November 2008.

National Organization for Marriage. 2011. *The National Organization for Marriage* [Online]. Available at: <http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.3479573/k.E2D0/AboutNOM.htm> [Accessed 15/12/11].

National Organization for Marriage. 2011a. *Marriage Talking Points* [Online]. Available at: <http://www.nationformarriage.org/site/c.omL2KeN0LzH/b.4475595/k.566A/MarriageTalkingPoints.htm> [Accessed 10/03/12].

National Organisation for Marriage. 2009. *The gathering storm* [Online]. Available at: http://www.youtube.com/watch?v=Wp76ly2_NoI [Accessed: 17/03/12].

National Post. 2012. *Same-sex marriage in Canada will not be revisited, Harper says*. [Online.] Available at: <http://news.nationalpost.com/2012/01/12/same-sex-marriage-in-canada-will-not-be-revisited-harper-says/> [Accessed 15 February 2012.]

New York Times. 2008. *Bans in 3 States on Gay Marriage*. 5 November 2008 [Online]. Available at: <http://www.nytimes.com/2008/11/06/us/politics/06marriage.html> [Accessed: 7 November 2008].

Newman, L. 1989. *Heather has two mommies*. Los Angeles: Alyson.

Nicol, N. and Smith, M. 2008. Legal struggles and political resistance: same-sex marriage in Canada and the USA. *Sexualities* 11(6), pp. 667-687.

Nierobisz, A. Searl, M. & Th  roux, C. 2008. Human rights commissions and public policy: the role of the Canadian Human Rights Commission in advancing sexual orientation equality rights in Canada. *Canadian Public Administration* 51(2), pp. 239-264.

Office for National Statistics. 2012. *Statistical bulletin: civil partnerships in the UK, 2011* [Online]. Available at: <http://www.ons.gov.uk/ons/rel/vsob2/civil-partnership-statistics--united-kingdom/2011/sb-civil-partnerships-in-the-uk--2011.html#tab-Number-of-civil-partnership-formations> [Accessed: 4 August 2012].

Office For National Statistics. 2009. Civil partnerships: numbers continue to fall [Online]. Available at: <http://www.statistics.gov.uk/cci/nugget.asp?id=1685> [Accessed 27 September 2009].

Ontario Courts. 2003. *Halpern et al. v. Attorney General of Canada et al* [Online]. Available at: <http://www.ontariocourts.on.ca/decisions/2003/june/halpernC39172.htm> [Accessed 10 April 2010].

Osterlund, K. 2009. Love, freedom and governance: same-sex marriage in Canada. *Social and Legal Studies* 18 (1), pp. 93-109.

Oswald, R. F. 2000. A member of the wedding? Heterosexism and family ritual. *Journal of Social and Personal Relationships* 17(3), pp. 349-368.

Otis, M. D., Rostosky, S. S., Riggle, E. D. B. and Hamrin, R. 2006. Stress and relationship quality in same-sex couples. *Journal of Social and Personal Relationships* 23(1), pp. 81-99.

Pachankis, J. E. 2007. The psychological implications of concealing a stigma: a cognitive-affective-behavioral model. *Psychological Bulletin* 133(2), pp. 328-345.

Parsons, T. 1955. The American family: its relations to personality and the social structure. In: Parsons, T. and Bales, R. F. *Family, socialization and interaction process*. Glencoe, IL: Free Press, pp. 3-33.

Patai, D. 1991. U.S. academics and Third-World women: Is ethical research possible? In: Gluck, S. B. and Patai, D. eds. *Women's words: the feminist practice of oral history*. New York: Routledge and Kegan Paul, pp. 137-153.

- Patterson, W. 2008. Narratives of events: Labovian narrative analysis and its limitations. In: Andrews, M., Squire, Q. and Tamboukou, M. eds. *Doing narrative research*. London: Sage, pp. 22-40.
- Perron, G. 2007. *La lutte pour le mariage de conjoints de même sexe au Canada*. Montreal: Centre de Recherche sur les Innovations Sociales.
- Personal Narratives Group. 1989. *Interpreting women's lives: feminist theory and personal narratives*. Bloomington: Indiana University Press.
- Pinello, D. R. 2006. *America's struggle for same-sex marriage*. New York: Cambridge University Press.
- Plummer, K. 2010. The social reality of sexual rights. In: Aggleton, P. and Parker, R. eds. *Routledge handbook of sexuality, health and rights*. Abingdon, Oxon: Routledge, pp. 45-55.
- Plummer, K. 2001. *Documents of life 2: an invitation to a critical humanism*. London: Sage.
- Plummer, K. 1995. *Telling sexual stories: power, change and social worlds*. London: Routledge.
- Plummer, K. 1975. *Sexual stigma: an interactionist account*. London: Routledge and Kegan Paul.
- Poland, B. D. 2002 Transcription quality. In Gubrium, J. F. and Holstein, J. A. eds. *Handbook of interview research: context and method*. London: Sage, pp. 629-649.
- Polikoff, N. 2008. *Beyond (straight and gay) marriage: valuing all families under the law*. Boston, MA: Beacon Press.
- Porche, M. V. and Purvin, D. M. 2008. 'Never in our lifetime': legal marriage for same-sex couples in long-term relationships. *Family Relations* 57(2), pp. 144-159.
- Prime Minister's Office. 2012. *Transcript of Prime Minister's speech and Q&A at Airbus plant*. [Online]. Available at: <http://www.number10.gov.uk/news/transcript-of-prime-ministers-speech-qa-at-airbus-plant/> [Accessed 17 December 2012.]
- Probert, R. 2012. *The changing legal regulation of cohabitation: from fornicators to family, 1600-2010*. Cambridge: Cambridge University Press.
- Przeworski, A. & Teune, H. 1970. Research designs. In: De Vaus, D. ed. *Research design*. Volume III. Sage Benchmarks in Social Research. London: Sage. pp. 367-383.
- Puar, J. K. 2007. *Terrorist assemblages: homonationalism in queer times*. London: Duke University Press.

- Punch, K. F. 1998. *Introduction to social research: quantitative and qualitative approaches*. London: Sage.
- Quakers in Britain. 2011. *Civil partnerships consultation response* [Online]. Available at: <http://www.quaker.org.uk/civil-partnerships-consultation-response> [Accessed 10 October 2012].
- Radin, B. A. and Boase, J. P. 2000. Federalism, political structure and public policy in the United States and Canada. *Journal of Comparative Policy Analysis* 2(1), pp. 65-89.
- Rauch, J. 2008. Prop. 8 ads' invisible gays. *Los Angeles Times*, 26/10/08. Available at: <http://www.latimes.com/news/opinion/la-oe-rauch26-2008oct26,0,3675742.story> Accessed 10/03/12.
- Rauch, J. 1997. For Better or Worse? In: Sullivan, A. ed. *Same-sex marriage: pro and con*. New York: Vintage, pp. 169-181.
- Rayside, D. 2008. *Queer inclusions, continental divisions: public recognition of sexual diversity in Canada and the United States*. London, University of Toronto Press.
- Reczek, C. Elliott, S. and Umberson, D. 2009. Commitment without marriage: union formation among long-term same-sex couples. *Journal of Family Issues*. 30(6), pp. 738-756.
- Richardson, D. 1998. Sexuality and citizenship. *Sociology* 32(1), pp. 83-100.
- Reidel, L. 2008. Religious opposition to same-sex marriage in Canada: limits to multiculturalism. *Human Rights Review* 10(2), pp. 61-81.
- Riessman, C. K. 2002. Analysis of personal narratives. In: Gubrium, J. F. and Holstein, J. A. eds. *Handbook of interview research*. London: Sage, pp. 695-710.
- Riessman, C. K. 1993. *Narrative analysis*. London: Sage.
- Robinson, P. 2005. *Queer wars: the new gay right and its critics*. London: University of Chicago Press.
- Robson, R. 1998. *Sappho Goes to Law School*. New York: Columbia University Press.
- Rolfe, A. and Peel, E. 2011. 'It's a double-edged thing': the paradox of civil partnership and why some couples are choosing not to have one. *Feminism and Psychology* 21(3), pp. 317-335.
- Ross, H., Gask, K. and Berrington, A. 2011. *Civil partnerships five years on. Population Trends, nr. 145*. London: Office for National Statistics.
- Rossi, P. H. and Freeman, H. E. 1993. *Evaluation: a systematic approach*. London: Sage.

Rotello, G. 1997. *Sexual ecology: AIDS and the destiny of gay men*. New York: Dutton.

Rubin, G. 1984. Thinking sex: notes for a radical theory of the politics of sexuality. In: Vance, C. S. ed. *Pleasure and danger: exploring female sexuality*. London: Pandora, pp. 267–319.

Ryan, L. 2011. Muslim women negotiating collective stigmatization: 'We're just normal people'. *Sociology* 45(6), pp. 1045-1060.

Scottish Government. 2012. *Same sex marriage to be legalised* [Online.] Available at: <http://www.scotland.gov.uk/News/Releases/2012/07/same-sex25072012> [Accessed: 26 July 2012].

Scottish Government. 2011. *The registration of civil partnerships and same sex marriage. A consultation*. Edinburgh: Scottish Government.

Seidman, S., Meeks, C. and Traschen, F. 1999. Beyond the closet? The changing social meaning of homosexuality in the United States. *Sexualities* 2(1), pp. 9-34.

Selwyn N. and Robson, K. 1998. *Using email as a research tool. Social research update, Issue 21*. Guildford, University of Surrey.

Sherkat, D. E., de Vries, K. M. and Creek, S. 2010. Race, religion and opposition to same-sex marriage. *Social Science Quarterly* 91(1). pp. 80-98.

Shipman, B. and Smart, C. 2007. 'It's made a huge difference': recognition, rights and the personal significance of civil partnership. *Sociological Research Online* 12(1) Available at: <http://www.socresonline.org.uk/12/1/shipman.html>> doi:10.5153/sro.1340 Accessed 10 March 2008.

Sikes, P., and Gale, K. 2006. *Narrative approaches to education research*. [Online.] Available at: <http://www.edu.plymouth.ac.uk/resined/narrative/narrativehome.htm> Accessed: 14 October 2009.]

Sin, C. H. 2003. Interviewing in 'place': the socio-spatial construction of interview data. *Area*. 35(3), pp. 305–312.

Smart, C. 2011. Families, secrets and memories. *Sociology* 45(4), pp. 539-553.

Smart, C. 2008. 'Can I be bridesmaid?' Combining the personal and political in same-sex weddings. *Sexualities* 11(6), pp. 763-778.

Smart, C. 2007. *Personal life: new directions in sociological thinking*. Cambridge: Polity Press.

Smart, C. 2007a. Same sex couples and marriage: negotiating relational landscapes with families and friends. *The Sociological Review* 55(4), pp. 671–686.

- Smart, C., Davies, K., Heaphy, B. and Mason, J. 2012. Difficult friendships and ontological insecurity. *The Sociological Review* 60(1), pp. 91-109.
- Smart, C., Mason, J. & Shipman, B. 2006. *Gay and lesbian 'marriage': an exploration of the meanings and significance of legitimising same-sex relationships*. Manchester: Morgan Centre for the Study of Relationships and Personal Life/Manchester University.
- Smith, M. 2011. Canada: the power of institutions. In: *The lesbian and gay movement and the state: comparative insights into a transformed relationship*. In: Tremblay, M., Paternotte, D., and Johnson, C. eds. Farnham: Ashgate, pp. 73-85.
- Smith, M. 2007. Framing same-sex marriage in Canada and the United States: *Goodridge, Halpern* and the national boundaries of political discourse. *Social Legal Studies* 16 (1), pp. 5-26.
- Smith, M. 2002. Recognizing same-sex relationships: the evolution of recent federal and provincial policies. *Canadian Public Administration* 45(1), pp. 1-23.
- Smith, M. 1999. *Lesbian and gay rights in Canada: social movements and equality-seeking, 1971-1995*. London: University of Toronto Press.
- Smock, P. J. 2004. The wax and wane of marriage: prospects for marriage in the 21st century. *Journal of Marriage and Family* 66 (4), pp. 966-973.
- Solomon, S. E., Rothblum, E. D. and Balsam, K. F. 2004. Pioneers in partnership: lesbian and gay male couples in civil unions compared with those not in civil unions and married heterosexual siblings. *Journal of Family Psychology* 18(2), pp. 275-286.
- Statistics Canada. 2012. *Portrait of families and living arrangements in Canada*. [Online]. Available at: <http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-312-x/98-312-x2011001-eng.cfm> [Accessed 26 September 2012].
- Statistics Canada. 2010. *Persons in same-sex unions by broad age groups and sex for both sexes, 2006 counts, for Canada, provinces and territories - 20% sample data* [Online]. Available at: <http://www12.statcan.gc.ca/census-recensement/2006/dp-pd/hlt/97-553/pages/page.cfm?Lang=E&Geo=PR&Code=01&Table=3&Data=Count&Age=1&StartRec=1&Sort=2&Display=Page> [Accessed: 10 April 2011].
- Steinert, H. 2005. Sociology of deviance: the disciplines of social exclusion. In: Calhoun, C., Rojek, C. and Turner, B. eds. *The Sage handbook of sociology* London: Sage, pp. 471- 491.
- Stewart, K. and Williams, M. 2005. Researching online populations: the use of online focus groups for social research. *Qualitative Research* 5(4), pp. 395-416.
- Stimson, G. V. and Webb, B. 1975. *Going to see the doctor*. London: Routledge.

Stone, A. L. 2012. *Gay rights at the ballot box*. Minneapolis: University of Minnesota Press.

Stonewall. 2012. *Brief overview of Stonewall*. [Online]. Available at: http://stonewall.org.uk/about_us/2532.asp [Accessed 10 June 2012].

Stonewall. 2009. *The age of consent* [Online]. Available at: http://www.stonewall.org.uk/at_home/hate_crime_domestic_violence_and_criminal_law/2643.asp [Accessed: 10 January 2010].

Stonewall. 2003. *Stonewall Response to: Civil Partnership- a framework for the legal recognition of same-sex couples*. Stonewall: London.

Strasser, M. 2010. Marriage, parenting, and sexual orientation." In Scales, S., Potthast, A. and Oravec, L. eds. *The ethics of the family*. Newcastle: Cambridge Scholars Publishing, pp. 133-143.

Stychin, C. F. 2006. 'Las Vegas is not where we are': queer readings of the Civil Partnership Act. *Political Geography* 25, pp. 899-920.

Stychin, C. F. 2000. A stranger to its laws – sovereign bodies, global sexualities and transnational citizens. *Journal of Law and Society* 27(4), pp. 601-25.

Sullivan, A. 1995. *Virtually normal: an argument about homosexuality*. London: Picador.

Sullivan, N. 2003. *A critical introduction to queer theory*. Edinburgh: Edinburgh University Press.

Thom, D. 2011. "Britain." In: Skinner, Q. ed. *Families and states in Western Europe*. Cambridge: Cambridge University Press, pp. 18-41.

Thomas, S. L. 2011. The rise and fall of civil unions: lessons from the Connecticut Legislature's abandonment of gay and lesbian citizens. *Journal of Homosexuality* 58(3), pp. 315-329.

U.S. Census Bureau. 2012. *State and county quick facts: California* [Online]. Available at: <http://quickfacts.census.gov/qfd/states/06000.html> [Accessed 19 February 2012].

United States Court of Appeals for the Ninth Circuit. 2012. *Perry v. Brown*. Available at: <http://www.ca9.uscourts.gov/datastore/opinions/2012/02/07/1016696com.pdf> Accessed 07/02/12.

United States Courts. 2011. *Perry v. Schwarzenegger* ruling. [Online]. Available at: <http://www.ca9.uscourts.gov/datastore/opinions/2011/01/04/10106751op.pdf> [Accessed 5 January 2011].

United States. General Accounting Office. 2004. *Defense of Marriage Act*, Pub no. GAO-04- 353R. Washington, DC: Office of the General Counsel.

United States Republican Party. 2004. *2004 Republican Party platform: a safer world and a more hopeful America*. www.gop.com/media/2004platform.pdf [Accessed 3rd September 2009.]

Valdes-Greenwood, D. 2007. *Homo domesticus: notes from a same-sex marriage.*, Cambridge MA.: Da Capo Press.

Vasquez , C. 1999. Citizen queer. In: Kleindienst, K. ed. *This is what a lesbian looks like: dyke activists take on the 21st century*. Ithaca, NY: Firebrand, pp. 269-78.

Veroff, J. Sutherland, L, Chadiha, L. and Ortega, R. M. 1993. Newlyweds tell their stories: a narrative method for assessing marital experiences. *Journal of Personal and Social Relationships* 10(3), pp. 437-457.

Vetri, D. Domestic partnerships. In Strasser, M. (ed.) 2007. *Defending same-sex marriage. "Separate but equal" no more: a guide to the legal status of same-sex marriage, civil unions, and other partnerships*. Westport, CT: Praeger Publishers, pp. 45- 80.

de Vos, P. 2008. A judicial revolution: the court-led achievement of same-sex marriage in South Africa. *Utrecht Law Review*. 4(2), pp.162-174.

Waldijk, K. 2001. Small change: how the road to same-sex marriage got paved in the Netherlands. In: Wintemute and Andenaes, M. eds. *Legal recognition of same sex partnerships: a study of national, European and international law*. Oxford: Hart Publishing, pp. 437-464.

Walters, S. D. 2001. Take my domestic partner please: gays and marriage in the era of the visible. In: Bernstein, M. and Reimann, R. eds. *Queer families, queer politics: challenging culture and the state*. New York: Columbia University Press, pp. 338-357.

Wardle, L. D. 2007. A response to the 'conservative case' for same-sex marriage: same-sex marriage and 'the tragedy of the commons'. *BYU Journal of Public Law* 22, pp. 441-474.

Warner, M. 1993. "Introduction." In: Warner, M. ed. *Fear of a queer planet: queer politics and social theory*. Minneapolis: University of Minnesota Press, pp. vii-xxxi.

Warner, T. 2002. *Never going back: a history of queer activism in Canada*. Toronto, University of Toronto Press.

Warren, C. A. B. 2002. Qualitative interviewing. In: Gubrium, J. F. and Holstein, J. A. eds. *Handbook of interview research*. London: Sage, pp. 83-101.

Washer, P. 2010. *Emerging Infectious Diseases and Society*. Basingstoke: Palgrave.

- Watney, S. 1994. *Practices of freedom: selected writings on HIV/AIDS*. London: Rivers Oram Press.
- Webster, L. and Mertova, P. 2007. *Using narrative inquiry as a research method: an introduction to critical event narrative analysis on learning and teaching*. London: Routledge.
- Weeks, J. 2012. Reflections on the new frontiers in sexualities research." In: P. Aggleton, Boyce, P., Moore, H. L. and Parker, R. eds. *Understanding global sexualities: new frontiers*. Abingdon: Routledge, pp. 248-257.
- Weeks, J. 2008. Regulation, resistance, recognition. *Sexualities* 11(6), pp. 787-792.
- Weeks, J. 2007. *The world we have won: the remaking of erotic and intimate Life*. Abingdon: Routledge.
- Weeks, J. 2000. *Making sexual history*. Cambridge: Polity Press.
- Weeks, J. 1991. *Against nature: essays on history, sexuality and identity*. London: Rivers Oram Press.
- Weeks, J., Donovan, C., and Heaphy, B. 1996. *Families of choice: patterns of non-heterosexual relationships: a literature review*. London: South Bank University.
- Weinberg, M. S. & Williams, C. J. 1974. *Male homosexuals: their problems and adaptations*. New York: Oxford University Press.
- Weston, K. 1991. *Families we choose: lesbians, gays and kinship*. New York: Columbia University Press.
- White, E. 2012. Now Obama's come out on same-sex marriage, maybe so will I. *Guardian*. 11 May 2012, p. 8.
- White House. 2012. *Obama administration record for the LGBT community*. [Online]. Available at: http://www.whitehouse.gov/sites/default/files/docs/lgbt_record.pdf [Accessed 1 December 2012].
- Wiley, N. 1985. "Marriage and the construction of reality." In: G. Handel ed. *The psychosocial interior of the family*. New York: Aldine, pp. 21-32.
- Williams, W. L. 1998. Social acceptance of same-sex relationships in families: models from other cultures. In: Patterson, C. J. and D'Augelli, A. R. eds. *Lesbian, gay, and bisexual identities in families: psychological perspectives*. Oxford: Oxford University Press, pp. 53-71.
- Wintemute, R. 2012. Homophobia and United Kingdom law. In: Trappolin, L., Gasparini, A. and Wintemute, R. eds. *Confronting homophobia in Europe: social and legal perspectives*. Oxford: Hart Publishing, pp. 233-264.

Wintemute, R. 2001. Conclusion. In: Wintemute, R. and Andenaes, M. eds. *Legal recognition of same sex partnerships: a study of national, European and international Law*. Oxford: Hart Publishing, pp. 759-773.

Wintour, P. 2012. Tory backlash against same-sex marriage. *Guardian*. 10 December 2012 [Online]. Available at: <http://www.guardian.co.uk/society/2012/dec/10/gay-marriage-tory-backlash> [Accessed: 18 December 2012].

Witte, John Jr. 2003. The tradition of traditional marriage. In Wardle, L. D., Strasser, M., Duncan, W. C., and Coolidge, D. O. eds. *Marriage and same-sex unions: a debate*. Praeger: Westport CT., pp. 47-59.

Wolfson, E. 2005. "Marriage equality and some lessons for the scary work of winning." *Tulane Journal of Law and Sexuality* 14, pp. 135-147.

Women and Equality Unit. 2005. *Civil Partnership Act 2004 – frequently asked questions*. Available at: <http://www.womenandequalityunit.gov.uk/lgbt/faq.htm> Accessed 30/01/2008.

Women and Equality Unit. 2004. *Final regulatory impact assessment: Civil Partnership Act 2004*. London: HMSO.

Women and Equality Unit. 2003. *Civil partnership- a framework for the legal recognition of same-sex couples*. London: HMSO.

Women and Equality Unit. 2003a. *Responses to 'Civil partnership: a framework for the legal recognition of same-sex couples'*. London: HMSO.

Wood, L. 2012. *Lesbian clichés (Part 2)*. [Online]. Available at: <http://allthingslesbeau.blogspot.co.uk/2009/06/lesbian-cliches-part-2.html> [Accessed 10 December 2012].

Wright, W. K. 2006. The tide in favour of equality: same-sex marriage in Canada and England and Wales. *International Journal of Law, Policy and the Family* 20(3), pp. 249–285.

Wright Mills, C. 1959. *The sociological imagination*. London: Oxford University Press.

Yep, G. A., Lovaas, K. E. and Elia, P. 2003. A critical appraisal of assimilationist and radical ideologies underlying same-sex marriage in lesbian, gay, bisexual and transgender communities in the United States. *Journal of Homosexuality* 45(1), pp. 45-64.

Yes on 8/ProtectMarriage.com. 2008. *Code Blue for Marriage* [Email: 23 October 2008]

Yes on 8/ProtectMarriage.com. 2008a. *Three New Commercials Urge Voters to Approve Proposition 8.* [Email: 29 October 2008].

Yes on 8/ProtectMarriage.com. 2008b. *You did it!* [Email: 6 November 2008].