



Published as I Do, but I Can't: The Impact of Marriage Denial on the Mental Health and Sexual Citizenship of Lesbians and Gay Men in the United States; *Sexuality Research and Social Policy: Journal of NSRC*, Vol. 3, Issue 1, pp. 33-49, online ISSN 1553-6610. Copyright © 2006 by the National Sexuality Resource Center, San Francisco State University. **Copying and permissions notice:** Authorization to copy this content beyond fair use (as specified in Sections 107 and 108 of the U. S. Copyright Law) for internal or personal use, or the internal or personal use of specific clients, is granted by University of California Press on behalf of the Center for libraries and other users, provided that they are registered with and pay the specified fee via Rightslink® on Caliber (<http://caliber.ucpress.net/loi/srsp>) or directly with the Copyright Clearance Center, <http://www.copyright.com>."

## **I Do, but I Can't: The Impact of Marriage Denial on the Mental Health and Sexual Citizenship of Lesbians and Gay Men in the United States**

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**Abstract:** Marriage is a fundamental institution in American culture that provides a social structure of advantages for wedded couples. Unlike heterosexual citizens in the United States, lesbians and gay men are denied the tangible and intangible benefits of marriage, a deprivation that restricts their citizenship and hinders their mental health and well-being. While research findings confirm the psychosocial capacity of gay men and lesbians to form committed relationships and to parent successfully, marriage denial continues to perpetuate an opportunity structure that disenfranchises gay men and lesbians in the sociocultural, legal, economic, and political aspects of their lives. This article reviews the particular impact of marriage denial on the mental health and well-being of gay men and lesbians and provides an analysis of the historical and cultural factors present in the United States that serve to maintain denial of marriage as an act of discrimination against gay men and lesbians.

**Key words:** same-sex marriage; discrimination; heterosexism; LGBT rights<sup>2</sup>

The question of marriage rights for lesbians and gay men has intensified debate on the social advantages and cultural meanings of marriage in modern-day society. Some gay men and lesbians view marriage as central to the legitimization of their relationships. It is, therefore, relevant to ask: Is marriage denial injurious to the well-being of gay men and lesbians? Does it cause distress and social disadvantage? Conversely, would marital enfranchisement improve their social and psychological well-being? Despite almost daily media coverage of same-sex couples aspiring to marry, of advocates who claim that the denial of marriage is harmful, and of conservative opponents who resist the extension of marriage, there has been little systematic review of the adverse consequences on individuals of limiting marriage to opposite-sex couples. What does that denial mean for the mental health and well-being of lesbians and gay men? This article explores these issues with respect to lesbians, gay men, and their families in the United States from the dual perspectives of the social sciences and psychiatry and psychology.

No significant research has directly investigated the effects of marriage equality on the well-being of lesbians and gay men in the United States, and marriage equality itself is a relatively new concept (Wolfson, 2004). While only one state, Massachusetts, has granted lesbians and gay men

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the legal right to marry, several countries, including The Netherlands, Belgium, Spain, Canada, and, more recently, the Republic of South Africa, have passed laws to affirm marriage and parental rights for same-sex couples. We have restricted our review of same-sex marriage to lesbians and gay men, largely because the research that does exist in this area has been conducted primarily with gay men and lesbians, not with bisexual, transgender, or other queer-identified people.

Three additional considerations have guided this study. First, other researchers (Laumann, Ellingson, Mahay, & Paik, 2004) have affirmed that marriage is a highly heterogeneous institution with a complex profile in the United States, characterized by distinctive cultural and chronological developments derived from ethnic, social class, and regional differences. Second, even among heterosexuals there has always been significant ambivalence toward marriage (Horowitz, 2002). The women's movement in particular has long critiqued marriage as a patriarchal institution that has perpetuated the social oppression of women, as well as some men (Cott, 2002; D'Emilio & Freedman, 1988; Gay, 1998; Rich 1980). Third, over the generations, lesbians and gay men have created alternative family formations, which Weston (1991) described in her groundbreaking anthropological study. While lesbians and gay men have celebrated this history (Lewin, 1998), the general public knows much less about it.

Considering the complex heritage of the intellectual, social, legal, and political efforts to reform marriage, it is not surprising that a significant degree of ambivalence surrounds the extension of marriage rights to gay men and lesbians even within LGBT communities. The advantages and benefits of marriage must be weighed against the conformity and normalization associated with heterosexual marriage, including notions of patriarchal domination of one partner over the other and the possible abandonment of LGBT communities' alternative definitions of identity, intimacy, and relationships, which critics such as Michael Warner (1999) described. Interestingly, as David Halperin noted (see Howe, 2004), some of these critics have failed to acknowledge that the marriage equality movement has generated a vast and unexpected mobilization of LGBT communities. This campaign is not just a fight for marriage rights; in the view of some advocates, it is a crusade for equal rights in the long history of reforming American society (Wolfson, 2004; see Chauncey, 2004). In 1963 Michel Foucault forewarned, "There will be no civilization as long as marriage between men is not accepted" (Eribon, 1991, quoted in Howe, 2004, p. 35). On the other hand, conservative opposition has struck back with equal force. Cultural anger, antigay campaigns, and legislative measures, such as the Defense of Marriage Act (Adam, 2003; see Duggan, 2003), have complicated matters (Frank, 2004), making ambivalence toward marriage among progressive heterosexual allies and LGBT people quite understandable.

A momentous debate now surrounds the question of extending marriage rights to lesbians and gay men: Does scientific evidence from psychological and mental health studies or a human rights framework better support such social policy advocacy? Here, we were influenced by Kitinger and Wilkinson (2004), who advocated for the latter. They stated that "equal access to marriage is a fundamental human right" (p. 186) that is not, and should not be, contingent upon the effects of discrimination on the psychological functioning of lesbians and gay men. While compelling and well reasoned, their position differs from ours in its primary appeal to a fundamental concern for human rights; by contrast, the evidence compels us to also base our argument on the psychological and social harm done to gay men and lesbians through the denial of access to marriage.

### **Marriage and Citizenship**

As an institution, marriage was central to the definition of personhood in premodern societies, and it is fundamental to participation in social life and to citizenship in the modern state. Researchers have found that matrimony in some form or another is an integral part of all human societies, past and present (Ford & Beach, 1951, p. 106). Typically, marriage leads a couple toward greater social engagement in the community and, concomitantly, to greater rights and duties. In this way, modern marriage, particularly in the United States, grants couples the full privileges of citizenship.

Parallel to the West, marriage in non-Western societies has been viewed as a vehicle for the expansion of family and kinship that connected individuals to the larger community. Social maturity in these societies was recognized by having children or adopting them and then engaging in social exchange with in-laws, thereby creating a social network of extended kinship with significant others

(Malinowski, 1922). So important were the resources provided through marriage and kinship that traditionally anthropologists classified groups as *kinship-based* and *familial*. With few exceptions (Herdt, 1991), the institutions of marriage, family, religion, kinship, and economics also regulated gender development and sexuality (Greenberg, 1988; Herdt, 1997; Mead, 1935). In virtually all cultures, marriage informed the transition to adulthood (Mead, 1950). For example, in the Pacific Islands, the passage from childhood to adolescence and on to adult roles required marriage (with sexual and reproductive correlates) in order to attain full adult personhood (Herdt & Leavitt, 1998; Mead, 1961). Marriage and parenting were also the prerequisites for achieving power, knowledge, and most social privileges, including economic support and socioreligious status (Mead, 1935). It is this bundle of rights and duties that surrounds marriage in the great majority of societies today.

Historically, marriage has also created or reproduced social inequalities. Men traditionally have controlled the reproductive activities of women and they have governed arranged marriages, which are based on sociopolitical contracts and coercion rather than on love, romance, and personal choice (Collier & Yanagisako, 1987; Friedl, 1984; Horowitz, 2002). Indeed, many societies continue to permit men to have multiple wives (i.e., polygyny).<sup>3</sup> Until recently, female subordination remained the norm in marriage (Johnson, 2002, p. 319). Associated with this subordination was the absence of women's social entitlements (D'Emilio & Freedman, 1988; Foucault, 1980). As the twentieth century proceeded, women became increasingly dissatisfied with this form of social control and marriage (Bellah, Madsen, Sullivan, Swidler, & Tipton, 1985; Laumann, Gagnon, Michael, & Michaels, 1994). And yet, many Americans today relate their well-being to marriage and household security (Duggan & Kim, 2005). Marriage is still widely perceived to bestow a variety of resources and benefits (Waite & Gallagher, 2000).

### Marriage, Well-Being, and Mental Health

What is well-being and how is it related to marriage? We reviewed the large research literature on well-being and its relationship to marriage (House, Landis, & Umberson, 1988; Ross, Mirowsky, & Goldstein, 1990; Umberson & Williams, 1999; Waite & Gallagher, 2000), the culture of expectations surrounding marriage, and the meanings commonly associated with the sense of wellbeing of spouses in marriage. We found that well-being— an aspect of mental health—has been systematically studied in a variety of social arenas that intersect with marriage (Brim, Ryff, & Kessler, 2004). We defined well-being from both social and psychological perspectives, as it was described in the pioneering work of Erikson (1959). Erikson suggested that social institutions such as marriage provide a critical context for the realization of individual potential via the social opportunities afforded through them to adults to fully develop capacities for love, care, and self-transcendence. Americans still enter marriage in order to express themselves as authentic selves and, thus, enhance their well-being, even though they know that somewhere along the way divorce is a possibility and that the death of a spouse is inevitable. As Bellah and colleagues (1985) wrote in a classic synopsis, “For most Americans, the only real social bonds are those based on the free choices of authentic selves” (p. 107).<sup>4</sup>

This psychosocial dimension of well-being extends the conceptualization of mental health to include positive factors (Diener, Lucas, & Oishi, 2002; Keyes, 1998; Ryff, 1989) such as personal growth, sense of purpose in life, and engagement in life challenges, all relevant to an understanding of the mental health effects of marriage. Conversely, these constructs are useful in the analysis of the meaning of marriage denial in the lives of lesbians and gay men. For example, perceived discrimination, both a major cause and effect of marriage denial, is linked to a decreased sense of personal growth, diminished environmental mastery, and lowered self-acceptance in women in studies of the general population (Ryff, Keyes, & Hughes, 2003). Among lesbians and gay men, sexual orientation stigma and discrimination are associated with decreased quality of life and increased rates of psychological distress and mood and anxiety disorders (Mays & Cochran, 2001; Meyer, 2003). Although the specific psychological effects of marriage denial on lesbian and gay

<sup>3</sup> In Ford and Beach's study (1951), in 84 percent of 185 societies compared, “men were permitted to have more than one mate at a time” (p. 1070).

<sup>4</sup> It should be noted that many believe that authentic selves can be experienced in intimate relationships that are not marriages. We do not take a position on this issue.

persons have not yet been formally studied, we would expect effects similar to those noted historically from other forms of sexual orientation discrimination. Thus, we think that well-being provides a lens for examining the central focus of this article: the psychological and social costs of the exclusion of lesbians and gay men from marital eligibility.

Many lesbians and gay men have expressed an interest in, indeed a lifelong concern with, being legally married (Henry J. Kaiser Family Foundation, 2001). The realization of this deep interest, as would be occasioned by marriage enfranchisement, is likely to translate into an enhanced sense of well-being given the possibilities for increased family and social support associated with marriage that is especially helpful during times of personal hardship in life and the broadened developmental options for lesbian and gay adolescents and young adults, who could then envision marriage as a key element of their adulthood. As is true for heterosexuals, however, marriage for same-sex couples will have variable meanings, desirability, and mental health significance for specific individuals. The importance of this psychosocial variation in the meanings of marriage should not be ignored or understated.

The relationship between mental health and marriage in the general population has been described in literally hundreds of studies of the general (heterosexual) population over a period of decades. These studies have suggested that, on average, married individuals have better mental health, more emotional support, less psychological distress, and lower rates of psychiatric disorder than the unmarried (see Ross et al., 1990; Umberson & Williams, 1999; and Waite & Gallagher, 2000, for reviews). Concomitantly, other studies have suggested that mental health improves across the transition into marriage (Marks & Lambert, 1998; Simon, 2002; Simon & Marcussen, 1999; Williams, 2003; Williams & Umberson, 2004; see Horwitz & White, 1991, for an exception). Although emotionally supportive relationships are strongly and positively associated with physical health and well-being (House, Landis, & Umberson, 1988), it is striking that, of all such relationships in contemporary society, marriage as an institution appears to have the greatest positive impact on well-being. Important qualifications to these statements are examined below.

For citizens in North American societies such as the United States, marriage is uniquely associated with tangible and intangible benefits that are linked to and support psychological health. These institutional effects include spousal benefits, such as social security and public pensions; income tax benefits; inheritance, insurance, and survivorship rights including estate tax benefits; health insurance in spouses' group plans; the right to sue for wrongful death of a spouse; and power to make medical decisions on behalf of a spouse (Rutter & Schwartz, 1996). More than 60 percent of insured Americans received health care through their own employer or that of their spouse or other family member (Badgett, 2004, p. 8), much higher than in other countries. Diminished health care due to denial of marriage remains as much of a problem for lesbians and gay men as for poor people in general (Duggan & Kim, 2005).

Moreover, marriage is positively associated with other economic resources that seem to support mental health over the long term (Kessler, 1982; Ross & Huber, 1985). On average, married individuals report less economic strain and slightly higher incomes than the unmarried (see Ross et al., 1990; Waite & Gallagher, 2000; Zick & Smith, 1991). Economies of scale that accrue from sharing household expenses with a partner account for some of the economic advantages of marriage (Oppenheimer, 2000). Marriage also appears to provide a wage premium, at least for men. One estimate found that married men earned up to 27 percent more than their unmarried counterparts, though this difference has not been adequately explained (Antonovics & Town, 2004).

Married individuals report more emotional support and are more likely to have a close confidant than the unmarried (Gerstel, Riessman, & Rosenfield, 1985; Ross & Mirowsky, 1989; Turner & Marino, 1994; Umberson, Chen, House, Hopkins, & Slaten, 1996). Not only is emotional support directly associated with health and wellbeing, but to some extent, its effects seem to provide protection against the negative health consequences of stress (Thoits, 1995). Although little research has directly investigated how marriage confers greater purpose and self-worth in life, married individuals scored significantly higher on a Purpose in Life scale compared to unmarried counterparts (Marks, 1996). *Purpose*, in such studies, was defined by having a sense of meaning, directedness, and goals in life.

Although marriage is identified with a number of sources of well-being, the cultural expectations associated with marriage may also produce stress for individuals, and the difficulties of negotiating successful marital relations should not be downplayed. What is known about this side of the

meaning of marriage? Some research (Umberson & Williams, 1999; Williams, 2003; Williams, Takeuchi, & Adair, 1992) has suggested that the overall positive association of marriage with well-being may result more from the greater strains associated with marital dissolution than directly from the benefits of marriage. In support of this idea, marital status differences—that is, the differences between those who are married versus those who are not—were found to be greater when the mental health of married people was compared to that of divorced or widowed people. By contrast, marital status differences were less significant when the mental health of married people was compared to that of the never married (Williams et al., 1992). Longitudinal research (Aseltine & Kessler, 1993; Booth & Amato, 1991; Menaghan & Lieberman, 1986; Simon, 2002; Umberson, Wortman, & Kessler, 1992; Williams, 2003; Williams & Umberson, 2004) examining transitions into and out of marriage offered additional insight; for example, the transitions to divorce and widowhood were clearly associated with declines in psychological well-being. Another question concerns whether the mental health improvement of married people may only be a *honeymoon effect* evident only for a period of time after first marrying because cohort differences in well-being between the never married and those married for a longer period of time are relatively small (Williams, 2003).

Research has found that well-being does vary somewhat in relation to a range of sociodemographic and relationship characteristics, but of all these differences, the quality of the marriage itself is the most critical. Being in a strained marriage undermines psychological well-being more than being unmarried (Gove, Hughes, & Briggs-Style, 1983; Williams, 2003). Race/ethnicity and age also appear to be important moderators of marital status differences in mental health. The available evidence has suggested that these differences are smaller for African Americans than for Whites (Williams et al., 1992) and for older adults than for younger adults (Marks & Lambert, 1998). Although gender differences in the mental health consequences of marriage have received a great deal of attention in the literature, recent studies have revealed that both entering and exiting marriage have similar consequences for men's and women's well-being (Marks & Lambert; Simon, 2002; Williams; also see Waite & Gallagher, 2000).

Little is known about the potential role of parental status in moderating the impact of marriage on mental health, though some recent evidence has suggested that unmarried single mothers and childless women receive similar psychological benefits following marriage (Williams, Sassler, & Nicholson, 2005). Among the married, however, the age of children is consequential for mental health. Studies (for a review, see Umberson & Williams, 1999) have indicated that having young children in the home is associated with greater psychological distress, especially for women.

### **Marriage, Heterosexuality, and Sexual Citizenship**

In the words of Laumann and his colleagues (1994), "Marriage is the most socially visible of relationships" (p. 33), constitutive of what sociologists call a "*master status*" (p. 31). These researchers studied the formation of community and sexual networks, including both short- and long-term intimate relationships, and found that relationships were revealed socially to the extent that they were legitimate—a significant conclusion when looking at the impact of marriage denial on gay men and lesbians. "This becomes important because relationships not considered to be legitimate are more likely to be concealed by partners or ignored by those around them" (p. 33). As a marker of social prestige, marriage also provides an opportunity to demonstrate to friends and family alike that a milestone in life has been reached (Cherlin, 2004). In the eyes of many Americans, this milestone is also the achievement of social maturity and full citizenship. Laumann and his colleagues offered the example of a young woman who lived with her boyfriend and hid that fact from her family and significant others, fearing they would think she was sexually permissive. Unlike gay men and lesbians, though, this young woman had the choice to marry or to hide the relationship.

Citizenship status in modern society, by which especially we mean to include intimate sexual citizenship, has been broadly defined by the institution of marriage, and increasingly, according to some authorities (Cott, 2002), marriage has influenced the context for all intimate relations. Citizenship in the United States historically favored men and the regulation of all intimate relationships by men (Horowitz, 2002). Generally, the cultural meanings of citizenship have also served to regulate sexual conduct and what was permissible in the public sphere of sexual and

marital relations (Gagnon & Simon, 1973; Weeks, 1985). For example, women have been denied the right to refuse sexual advances and thus secure their own bodily integrity, even within the marital relationship (Petchesky, 2002).

Understanding the regulative dimension of marriage has led social science in recent years to focus on how intimacy and sexuality have limited or mediated citizenship in modern society and how the state has targeted intimacy to control the individual. *Intimate sexual citizenship* is defined as the conditions under which the state controls a person's body and emotional expressions, access to relationships and public spaces, and ability to make "socially grounded choices about identities, gender experiences, [and] erotic experiences" (Plummer, 1994, pp. 46–47; see Weeks & Holland, 1996). Marriage also brings restrictions, such as regulation of extramarital relations, which are sometimes sanctioned by severe punishment such as imprisonment, or even death, in some societies. Viewed historically, marriage and family have taken on a centrality in social and sexual life nonexistent before the modern period, a change that has pitted marriage against other forms of intimate relationship like friendship (Bray, 2003). Extended through the law over the past century, marriage has also become an increasingly important instrument underlying U.S. social policy (Badgett, 2004; Waite & Gallagher, 2000).

The regulation of sexual citizenship and intimacy grew with increasing industrialization and urbanization during the past two centuries. The growth in the strength of the conjugal bond and secular marriage increasingly transformed a host of related arenas of social life, including kinship and extended family relations, gender and sexual expression, and how sexual expression was anchored to marriage (Foucault, 1980; Giddens, 1991; Greenberg, 1988; Herdt, 1997). In the United States, the reach of kinship has narrowed to focus on the conjugal couple to a degree extraordinary in the cross-cultural record (Ford & Beach, 1951). Historically, Americans seemed to regard marriage as a "God-given but also a civilized practice, a natural right that stemmed from a subterranean basis in natural law" (Cott, 2002, p. 9). Because marriage was widely perceived to be natural, it was difficult to challenge or amend. Moreover, public preservation of marriage became associated with private life (Cott, p. 3) and more broadly with the requirement of heterosexuality (Chodorow, 1992; Katz, 1995) for citizenship.

Citizenship in the nineteenth century privileged White men and discriminated against others. This social regulation was achieved through a variety of cultural, moral, political, and legal mechanisms. Slavery was perhaps the most sinister example of such regulation. Before the Civil War, African Americans were generally prohibited from having legal marriages (Cott, 2002). Because they could not legally marry and benefit from the entitlements and protections of marriage, their citizenship was restricted. After the Civil War, the Civil Rights Act of 1866 and the Fourteenth Amendment to the Constitution became lightning rods that challenged racial restrictions on marriage and interracial marriage throughout the first half of the twentieth century (Cott, 2002, p. 101).

Resistance by women, African Americans, and more recently gays and lesbians to historically patriarchal definitions of citizenship and state control thus form a powerful part of the social history of marriage in the United States. The women's emancipation movement in the nineteenth century viewed marriage as a form of slavery and divorce as a form of freedom. Ironically, freedom not to marry constituted a gain in the development of gender and women's citizenship (Horowitz, 2002). For example, in the nineteenth century, professional women's opposition to heterosexual marriage led them to create *Boston marriages* and *Wellesley marriages*—committed same-sex relationships between two women, though not necessarily erotic in character—as a means of combating injustice and male privilege (Fadderman, 1999, p. 192). The history of homosexuality reveals many other examples of how same-sex couples created alternative intimate relationships, either in response to marriage denial or because of their opposition to the institution of marriage (Chauncey, 1994; D'Emilio & Freedman, 1988). Social movements in the mid- to late twentieth century endeavored to expand notions of intimate citizenship to include protection of sexual minorities, resulting in an alliance of feminists, progressive heterosexual men and women, and lesbians and gay men (D'Emilio & Freedman).

Thus, citizenship in the United States is based to a significant extent on *hegemonic heterosexuality* (Richardson, 2000; reviewed in Hubbard, 2001). Living and acting as heterosexual, with the advantages provided by this status, provide access to full citizenship rights, and marriage regulation serves to define this hegemony. In its denial of marriage for lesbians and gay men, "Civil

society can be conceptualized as a heterosexual construction that serves to make entry into the public realm,” for example, being elected to political office, “very difficult for those whose sexual lives are judged ‘immoral’ “ (Hubbard, p. 55). Immorality in this rhetoric is a proxy for an older notion that homosexuality is mentally abnormal, a disease, or a sin. In this view, gay men and lesbians are rendered *partial citizens* (Richardson, 1998), who are excluded from marital entitlements, though expected to pay the taxes that support them.

Citizen rights and duties—including in the United States the duty to pay income tax, the right to welfare and medical and death benefits, as well as the right to adopt and foster children (Johnson, 2002, p. 320)—are significantly determined by marital status, which extends the reach of heterosexual relationships economically, morally, socially, and legally for individuals and the institution alike. From this perspective, gay men and lesbians, who are unable to marry, are “doomed to failure because their sexual orientation cannot be accommodated by what may be termed the *heterosexist opportunity structure*, defined as those norms and institutions that restrictively promote opposite-sex relationships, while they also devalue and discourage same-sex relationships” (Meyer & Dean, 1998, p. 165; see Herek, 2004; Mays & Cochran, 2001).

Marriage must be distinguished from heterosexuality, which is less directly sanctioned or regulated by custom or law (Gagnon & Simon, 1973). However, historically, marriage and heterosexuality in the United States have come to be seen as integral to each other and tied to the benefits, rights, and roles that constitute marriage. In addition, heterosexual networks that enlarge resources at home, school, and work and through the local neighborhood or church are subtle but critical mechanisms that support marriage. This aggregate of moral and social support enables married people to more effectively negotiate the ordinary and extraordinary challenges that occur in social life, through the provision of a set of recurring advantages (Meyer & Dean, 1998). For example, a case study of a town in rural Oregon (Stein, 2001) revealed how heterosexuals routinely relied on churches, schools, and neighborhood visibility to secure or enhance jobs, access social support such as child care, and form local political alliances. To many married heterosexuals, these resources and opportunities were considered “natural” and unexceptional means for negotiating life’s challenges and enriching the quality of social participation, although a same-sex couple residing in the same town was continually shut out of this structure of opportunities.

In their review of stress experienced by members of minority groups, Meyer and Dean (1998) refer to opportunity structures that permit or prevent individuals from realizing culturally prescribed goals and institutionally legitimate means of achieving these goals. In an earlier formulation of opportunity structure (Merton, 1957), minority group members were seen as disadvantaged in attaining monetary success because of exclusion from common social structures. Minority group members are thus led to experience a disjunction between culturally prescribed goals (e.g., having a job, being married, and owning a home) and institutionally legitimate means of achieving those goals (see, for example, Laumann et al., 2004, pp. 30–31).

For lesbians and gay men, marriage denial leads to a similar minority group disjunction between goals and opportunities. Like other Americans, gay men and lesbians grow up and internalize major cultural goals with deep historical meaning, including the social value placed on being married and having children to attain love, intimacy, and authentic selfhood. Accordingly, thwarted opportunities in the arena of marriage may impact negatively upon the perceived and actually experienced well-being and intimate relationships of lesbians and gay men. Of course, as already mentioned, gay men and lesbians are not the only social categories of people denied full intimate citizenship in the United States, but they remain the only group still denied the right to marry. Thus, just as marriage was historically denied to interracial couples (Cott, 2002, p. 220) because such relationships violated the norms of sexual citizenship of those times, lesbians and gay men today continue to be caught in a similar dilemma of violated normality and compromised citizenship.

### **The Psychosocial Fitness of Lesbians and Gay Men for Marriage**

Marriage denial to same-sex couples in the United States has been based in part on assumptions about the immorality and sexual promiscuity of gay men and lesbians (Jordan, 2005). Such cultural stereotyped attitudes have undermined the full sexual citizenship of millions of individuals and have, just as importantly, reinforced the claim that the instability of same-sex couples makes lesbians and gay men unfit for marriage. A well-established body of research has examined these

stereotyped attitudes regarding the fitness to marry and has challenged them. For example, Kurdek (2003) found that there were far more similarities than differences in the psychological attributes and advantages associated with being coupled in same-sex and opposite-sex relationships. Peplau (1991) reported that lesbians and gay men in general were no more likely to experience dissatisfaction in their relationships than heterosexuals. Numerous other studies (Blumstein & Schwartz, 1983; Kertzner, 1999; Peplau & Spalding, 2000; Sang, 1991) have shown that a significant number of lesbians and gay men form committed long-term relationships that provide stability, support, increased life satisfaction, and an enhanced sense of personal meaning over the life span. Being in a relationship is also associated with decreased depression regardless of sexual orientation, and for lesbians and gay men, relationships may confer additional benefits because of the protective effects of relationships in countering discrimination and sexual prejudice (Mills et al., 2004; Sandfort, de Graaf, Bijl, & Schnabel, 2001).

While marriage equality for same-sex couples is still a nascent cultural idea in the United States, the motivation and desire for marriage among gay men and lesbians have been broadly described and measured. A large percentage of lesbians and gay men have expressed the desire to marry when and if marriage for same-sex couples becomes legal (Henry J. Kaiser Family Foundation, 2001). Gay men and lesbians who have been married in religious ceremonies have done so for a variety of reasons, including to publicly affirm their relationships, to identify with traditions within their ethnic communities, to continue their family lines, and to solemnize the religious or spiritual meanings of their relationships (Alderson, 2004; Lewin, 2004). Blessing these unions has embroiled American churches and synagogues in controversy and revealed contradictions between the spiritual view and the sanctioned view of marriage as an exclusively heterosexual compact (Jordan, 2005, p. 157). Civil marriage has also been seen by lesbians and gay men as an opportunity for benefits such as economic gains, legal protections, increased parental rights and social and extended family support, the legitimization of sexual bonds, and the provision of a legal and normative template for couplehood (Green, 2004). All of these advantages fall within the historically normative cultural range of what Americans in general expect of marriage and why they desire to have public declarations of marriage to complete their citizenship (Cott, 2002, p. 216).

A long legacy of marriage denial and discrimination has resulted in particular cultural adaptations that are apparent in the creative relationship arrangements that currently exist within gay and lesbian communities. For example, lesbian and gay couples, less bound by conventional notions of marriage, have subscribed to diverse intimate and romantic relationships (Huyck, 2001), including the model of being together and living apart, an idea that is more common in western Europe, though it has grown in popularity among Americans (Laumann et al., 2004, pp. 128–129). Such arrangements have evolved in part to provide social support in the face of adversity and less reliance on one's natal family (Barker, 2004). These bonds have provided friendship and the extension of friendship networks, which have been described as particularly important to lesbians and gay men (de Vries & Blando, 2004) compared with their heterosexual peers, in part due to the legacy of discrimination and familial rejection. The invention of fictitious kinship in intimate circles is now widely known as *families of choice* (Weston, 1991). According to this cultural model, the creation of families of choice made possible a "new basis for rendering heterosexuality and lesbian or gay identity commensurable" (Weston, p. 202). A study (Herdt & Koff, 2000) in Chicago demonstrated how bonds created through families of choice included not only gay men and lesbians but also their biological parents and de facto in-laws, and, in some cases, the extended family members of one or both partners. These creative adaptations of traditional family structures have strengthened the meanings of intimacy and love in American society at large, according to some researchers critical of marriage as a panacea (Glenn, 2004).

Such adaptations have not, however, successfully blunted the effects of marriage denial on large numbers of lesbians and gay men. In addition, marriage denial has had particular effects on the well-being of children reared by lesbians and gay men by undermining family stability and perpetuating false claims about parental fitness. In a recent position statement supporting civil marriage for same-sex couples, the American Psychiatric Association (APA) noted that long-term spousal and family support, which marriage rights would strengthen, enhance physical and mental health at all stages of childhood development (APA, 2005). The APA noted how opposition to marriage rights occurs in spite of the lack of evidence from research to demonstrate that the children reared by lesbians and gay men are less well-adjusted than those reared by heterosexual

relationships.

The extensive research on children raised in same-sex families has been reviewed in several recent publications (e.g., see Stacey & Biblarz, 2001; see review in Kitzinger & Wilkinson, 2004). One study on this topic (Wainright, Russell, & Patterson, 2004) showed that American adolescents with same-sex parents drawn from a large national school-based sample had the same personal, familial, and school adjustments as adolescents living with opposite-sex parents. In the United Kingdom, another study (Golombok et al., 2003) reported that a sample of children with lesbian mothers was as well-adjusted and had the same gender role behaviors as children of heterosexual parents. A longitudinal study (Tasker & Golombok, 1995, 1997) of adults reared as children in lesbian-mother families found that these young men and women continued to function well in adult life. Studies comparing children in lesbian-mother families and children in two-parent heterosexual families have also failed to find marked differences with respect to psychological well-being or gender development (Bos, 2004; Brewaeys, Ponjaert, Van Hall, & Golombok, 1997; Chan, Raboy, & Patterson, 1998; Flaks, Ficher, Masterpasqua, & Joseph, 1995; Golombok, Tasker, & Murray, 1997; MacCallum & Golombok, 2004).

The findings from the large number of studies conducted over several decades of the qualities of same-sex relationships and of the effects on children of being reared by gay and lesbian parents have confirmed that these individuals have the same capacities as heterosexual men and women for being in long-term committed relationships and for parenting. Nonetheless, denial of marriage rights to gay men and lesbians persists in the United States and continues to reproduce the same potentially deleterious effects as before.

### **The Impact of Marriage Denial on the Mental Health of Gay and Lesbian Couples**

Several mental health clinical studies (Bell, 1990; Green, 2004; Greenan & Tunnell, 2003) of gay men and lesbians who are coupled but who have been denied the right to marry have revealed the difficult and sometimes poignant struggles faced by these couples. These studies have noted that the lack of legally recognized marriage has contributed to significant common problems faced by many same-sex couples in areas such as defining the boundaries and nature of their relationships, eliciting social and family support for the couple, and valuing relationships as legitimate expressions of love, commitment, and intimate sexual citizenship.

Given the restrictions on accessing full intimate citizenship through marriage, it is not surprising that gay and lesbian couples face unusual and specific stressors due to the absence of social and legal rights and duties that would define same-sex couplehood. Green and Mitchell (2002) suggested that the absence of legal and social definitions for same-sex couples has necessitated the development by these couples of personal definitions of their commitment and relationship boundaries. They also observed that some lesbian and gay couples presented with a sense of *ambiguous commitment* consisting of uncertainty about when relationships started; the extent of mutual obligations; the recognition of the partnership by family, friends, coworkers, and other important figures; and when relationships are over. According to Green and Mitchell, this commitment ambiguity results from decisions that were not preceded by an extended courtship or engagement phase, demarcated by a commitment ceremony, governed by statutes for legal marriage, approved by the partners' respective families of origin, or solidified by becoming co-parents to children. Green and Mitchell also noted that discrimination and fear of discovery can undermine relationships if the partners do not have internal ways of countering the social stigma of homosexuality and do not have a social support system to buffer the stress associated with discrimination.

Greenan and Tunnell's (2003) clinical studies demonstrated how relationship ambiguity can affect same-sex couples. They described a gay couple who had lived together for 25 years in mutual commitment but experienced difficulties in recognizing the legitimacy of their relationship. They had no plans to recognize the 25th anniversary of their relationship and had not come out to their families, employers, or neighbors, either as gay individuals or as a male couple. In their 25 years together neither partner's family members had referred to them as a couple. On the verge of ending their relationship, they sought couples therapy. The therapists believed that their social invisibility as a couple had resulted from lifelong experiences of stigmatization and fear of discrimination and violence and that it underlay this couple's distress.

Such invisibility of some same-sex relationships serves to deprive people of the social and family

support that could help to counteract a destructive sense of shame and social isolation (Cohler & Galatzer-Levy, 2000). In the case of the couple described above (Greenan & Tunnell, 2003) and many others, social invisibility perpetuated stigma and shame and undermined a sense of life meaning, morale, and well-being for them. It can also cause individuals to distance themselves from their partners, resulting in devaluation of the relationship (Herdt & Koff, 2000). Interestingly, heterosexuals who live in close proximity to gay couples failed to understand these feelings of shame in their gay and lesbian couple counterparts (Stein, 2001, p. 216), perhaps in large part because of their invisibility. These destabilizing factors would be difficult for most ordinary people in ordinary circumstances to transcend. As Green and Mitchell (2002) wrote,

The overall message from the mainstream of American politics to lesbian and gay couples is something like: “We don’t want you to exist, so we simply decline to acknowledge or support your relationships in the way we support heterosexual relationships.” (p. 7)

Green and Mitchell went on to say that marriage denial is “presumptive and exclusionary rather than overtly aggressive,” engendering “marginality and invisibility for lesbian and gay couples” (p. 7).

Yet for many lesbians and gay men, as well as for heterosexuals, the creation of intimate and loving relationships is a significant pathway to well-being (Hendrick & Hendrick, 2002; Isaacowitz, Vaillant, & Seligman, 2003; Sang, 1991), and for most people marriage is the primary means to validate such relationships. The intimate sexual bonds expressed through marriage in particular have the potential to impart distinctive qualities to relationships beyond the emotional fulfillment associated with other relationships, such as those with children, parents, or friends (Blumstein & Schwartz, 1983; Waite & Gallagher, 2000). In the following section we explore what the alternative approaches of mental health and human rights can offer to the understanding of the continued denial to gay and lesbian couples of the relationships and bonds established and maintained through marriage.

### **Marriage Denial, Mental Health, and Human Rights**

As we described in our introduction, Kitzinger and Wilkinson (2004) have argued that marriage equality as a human right is a separate issue from marriage as it impacts mental health and psychological well-being. We do not fundamentally disagree with their analysis, recognizing the difficulty of making policy dependent on mental health research alone. However, we continue to believe that in the United States, mental health considerations are also imperative for the successful formation of policy in relation to marriage equality and for their role in court decisions that influence such policy, because of the psychosocial effects on gay men and lesbians of the persistent belief on the part of some individuals and institutions that homosexuality is abnormal. We further agree with Kitzinger and Wilkinson’s argument that marriage rights for lesbians and gay men is critical to the historic relationship between human rights and citizenship. Indeed, as an intellectual principle of social democracy in the twenty-first century, human rights are an inviolable part of human existence upon which all social policy should stand (Herdt, 2004; Teunis & Herdt, in press).

Kitzinger and Wilkinson (2004) suggested that advocates make a human rights argument in support of marriage equality rather than rely on mental health data because they believe that those data are changeable and do not provide firm enough support. Though the view is valid in general, it must be remembered that courts in the United States have previously used data regarding mental health and well-being as a long-term test of the impact of discrimination (Kitzinger & Wilkinson). Moreover, as we have shown, the correlation between marriage and well-being is robust—a crucial test for the scientific validity of a hypothesis. Numerous investigators across a broad range of disciplines, populations, and communities have confirmed the correlation.

The long-standing debate within LGBT communities surrounding the value and desirability of marriage rights, noted by important commentators such as Duggan (2003) and reviewed by Chauncey (2004), may be viewed as challenging the idea of access to marriage as a human right as a good and just outcome. As reviewed by Yep, Lovaas, and Elia (2003), these continuing debates reflect conflicting arguments about whether legal marriage is necessary to confer equal status and legitimacy to lesbian and gay lives or if marriage is inherently oppressive, less desirable than alternative relationship structures, and more likely to have negative than positive effects.

Another historical matter that may challenge Kitzinger and Wilkinson’s (2004) argument concerns the differences between the cultural norms, beliefs, and policies of the United States and

those of Canada and western Europe. These authors ignored this difference in their analysis. Western European and Canadian policies are attuned to human rights and to sexual/reproductive rights in a compelling way, and have been for some time, while American policies and laws continue to resist, as they have historically resisted, the framework of human rights as a basis for social policy formation. On a cultural level, the concept of *sexual rights* remains poorly understood in American values and public discourse (Herdt, 2005). Moreover, having recently increased its resistance to a rights framework, the current U.S. administration has been in general opposed to the research-based enhancement of sexuality policies and the relevance of human rights to such policies—not only at home but also abroad (Girard, 2004).

In contrast, Canada recently passed a marriage equality law and the United Kingdom has adopted legislation recognizing domestic partnerships. These laws stand at a very significant distance from U.S. policy. How could these two countries, sharing such a long history of economic, legal, and political ties with the United States, now diverge so radically from the U.S. position? The United Kingdom's policy shift was linked to changes in the European Union, which has increasingly extended marriage rights (Badgett, 2004). More broadly, the United States' recent divergent social and political policies may be part of the explanation. Canadian sociologist Barry Adam (1999) showed that Canadian and U.S. policies have historically differed substantially on issues of sexuality, social welfare, and marriage equality, and he later argued (Adam, 2003) that this divergence has increased. While geographically close, Canada and the United States have taken different paths toward social planning: "Canada has yet to develop the potent combination of neoconservative economic and social agendas that has become ascendant in the United States" (Adam, 1999, p. 24). Over the past quarter century, neoconservative and sexual conservative platforms surrounding sexuality and social rights in the United States have become hegemonic (Irvine, 2002). Consequently, strong and organized opposition to human rights arguments for social policy exists in the United States today, which creates a barrier to the appeal to rights in the arena of marriage equality. This policy lag requires an additional level of analysis of the U.S. moral panic surrounding gay and lesbian marriage (Frank, 2004) before a more rational human rights policy can be built and employed in gaining marriage equality for same-sex couples.

The scientific literature reviewed in this article has served to document some of the harmful effects of sexual orientation discrimination on lesbian and gay mental health and to refute claims that same-sex couples and families headed by lesbian and gay parents are psychologically unfit for legal recognition. The fact that U.S. courts have referenced this literature in their opinions further supports the rationale for use of mental health arguments in support of marriage equality (*Goodridge & others vs. Department of Public Health & another*, 2003). As Cott (2002, pp. 216–218) has suggested of pivotal earlier court cases in Alaska and Hawaii, respectively, questions of the right to choose one's partner and the effect of bias on marriage law may ultimately call into play the same arguments historically drawn upon in post–Civil War desegregation and miscegenation cases, and negative mental health effects were vital to those cases. *Lawrence v. Texas* (2003) could be seen as change in this direction, decriminalizing private intimate same-sex sexual relations between consenting adults and appealing in part to mental health arguments.

In addition, the major mental health organizations have referred to the same body of literature in issuing their opinions regarding same-sex marriage, thereby underscoring the links between well-being and marriage opportunity and, conversely, denial of marriage rights. Both the American Psychological Association (American Psychological Association Council of Representatives, 2004) and the APA (2005) have issued statements in favor of marriage equality for lesbians and gay men, citing the harmful effects of discrimination on mental health. Expressing similar concerns, the Massachusetts Supreme Judicial Court (*Goodridge & others vs. Department of Public Health & another*, 2003) noted the discriminatory nature of marriage denial and stated that it "works deep and scarring hardship" (p. 14) on same-sex families.

Sexual conservatives have challenged the fitness of gay men and lesbians to marry, to be parents, and to adopt children. These ideas are based in large measure on an older but persistent discourse that views homosexuality as a sin, disease, or decadent lifestyle. These stereotyped attitudes and ideas, as noted above, are still operative today, and conservative and neoconservative Web sites

actively disseminate antihomosexual views of this kind (Irvine, 2005). For example, sexual and religious conservatives have fostered a theory, opposed by all major mental health organizations, that sexual orientation can be altered or cured. Such a position goes against long-standing scientific research and policy formation (Haldeman, 1991) and is based not on fact but largely on opinion, faith, and social prejudice (Herek, 2004; Irvine). In contrast, the current scientific view reflects a convergence of research, professional mental health, and legal opinion that recognizes gay men and lesbians as fit for marriage and posits that access to marriage would provide same-sex couples with full intimate citizenship and thus ensure their more complete participation in civil society. From this mental health perspective, the denial of marriage to gay men and lesbians represents at the very least a rejection of the social and legal enfranchisement that could diminish the stigma and marginalization of lesbians and gay men.

### Conclusion

We have argued in this article that policymakers in the United States should be concerned about the impact the denial of marriage has on the mental health and wellbeing of gay men and lesbians. We believe that the potential harm to these individuals and their communities is significant enough to call for immediate attention to and rectification of laws and policies in the United States to allow same-sex marriage based on the findings of denied well-being. We have further asserted that policymakers should not wait for the American people to accept a rights discourse that may or may not be ruled viable. This review has grounded these claims in social science theory and history as well as in findings from research on mental health and well-being.

Historically homosexuality was treated in the United States as a sin, disease, crime, and form of mental abnormality. This history (Lewes, 1988; Rosario, 1996) gives salient context for the claims of psychological harm caused by the denial of marriage to lesbians and gay men and helps to explain a vicious cycle: Cultural stereotypes attribute abnormality and immorality to gay men and lesbians, which in turn fuel the belief that they are immoral and abnormal because they are sexually active without being married, which then supports the further stereotypes that deny the psychosocial fitness of lesbians and gay men to marry or to be parents. As reviewed above, we have shown that there is no scientific basis for these negative stereotypes. Moreover, this review has provided substantial support for the notion that marriage supports mental and physical health and therefore that the denial of marriage rights to gay men and lesbians not only compromises their well-being, that of their children, and the well-being of future generations but also ultimately undermines the citizenship of these individuals.

More than 20 years ago, a landmark study by Robert Bellah and colleagues (1985) noted that a variety of new forms of commitment were emerging in the United States while marriage was losing its importance. These researchers observed that Americans during the period from 1957 to 1976 had become increasingly tolerant of people who rejected marriage, whereas previously individuals who had refused to marry had been described as sick and neurotic. They went on to suggest that in “this more tolerant atmosphere,” alternative forms of committed relationship “long denied legitimacy,” such as same-sex relationships, were “becoming widely accepted” (p. 110).

On the other hand, over the past quarter century, conservative and extremist organizations have employed a politics of cultural anger (Frank, 2004) to destabilize such public acceptance of new forms of commitment and to undo this historical trend toward tolerance. This change occurred through a process of aggressively reasserting negative stereotypes about gay men and lesbians in the media and public opinion (Herman, 1997; Irvine, 2005). Such moral politics have also advanced the extreme idea that marriage and increasingly any recognition of same-sex partnerships should be legally—including by constitutional prohibition—denied to all gay men and lesbians. Politically, this publicity campaign has reinforced prejudicial attitudes toward gay men and lesbians that are held not only by cultural conservatives in the United States (Marshall, 2004) but also by a large number of people in the general population, as evidenced by declining but still widespread public disapproval of homosexuality as a lifestyle (Herek, 2002) and of extension of marriage equality to lesbian and gay couples. In contrast, current research, health science, and the mental health professions have uniformly rejected these negative stereotypes and earlier attributions of mental

psychopathology, impaired function, or decreased capability linked to homosexuality because they are not based on empirical facts (APA, 1974; American Psychological Association, 1975). The irony in this situation is that well-being obviously requires continuous social support, which can only be accessible and fully developed across the life course if one has full citizenship unburdened by stigma.

Herdt and Boxer (1993) reported that in prior generations many gay men and lesbians did not realize their sexual desires, attachments, and behaviors until after adolescence, typically when they left home and went to college or into military service. However, today, younger people have a greater expectation of openly expressing their sexual identities in adolescence (Savin-Williams, 2005; Teunis & Herdt, in press). Among the current generation of lesbian and gay youth, this heightened expectation to express their sexuality is psychologically and socially frustrated by campaigns to continue to deny them the choice of marriage. This marriage denial again reinforces stigma associated with sexual identity and undermines well-being, an effect to which adolescents and young adults are particularly sensitive (Herdt & Boxer; Paul et al., 2002).

While it is beyond the scope of this article to address all these issues, we are sensitive to their meaning and impact on quality of life for lesbians and gay men. As demonstrated in this article, marriage is not only a primary means for the achievement of social, legal, moral, political, and economic benefits and rights in the United States but also a critical way to enhance the authenticity of the self and intimate relations. We have focused on the denial of marriage rights to understand what is perceived to be lost by individual gay men and lesbians and by their communities in terms of well-being. Robert Bellah and colleagues (1985) described this loss by suggesting that what is at stake in the denial of the choice to marry is the refusal to allow them to do as “Americans have classically done— each, as an individual, making a fuller, freer choice of the other based upon a true, more authentic sense of self” (p. 107). This right to choose one’s partner should be a basic right of sexual citizenship; yet this right continues to be denied to gay and lesbian citizens in the United States.

### **Acknowledgments**

The authors wish to thank Terry Stein and Ryan Crowder for their significant editorial support of this project and article. The authors are especially grateful to Joyce Nishioka for her careful editorial eye in the completion of this article. In addition, we wish to acknowledge the suggestions of a group of anonymous reviewers and the support of several consultants to this article: Greg Herek for his pioneering work and advice on this project; Susan Golombok and Kristi Williams for their written contributions to this report; Brian de Vries and Davina Kotulski, respectively, for their suggestions and review of this manuscript; and Lee Badgett, Kimberly Arlinghaus, and Joy O’Donnell for their feedback. Finally, we wish to thank Tim Sweeney and the Evelyn and Walter Haas Jr. Fund for providing support of a generous grant to Gilbert Herdt and the NSRC on “Denial of Marriage: The Mental Health Implications,” which supported this study.

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