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Amber J. Royea

University of New Hampshire, Durham

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**EFFECTS OF NEW HAMPSHIRE'S SAME-SEX MARRIAGE LEGISLATION ON
MARRIED SAME-SEX COUPLES AND THEIR FAMILIES:
A PRELIMINARY STUDY**

BY

AMBER J. ROYEA

BS, Early Childhood Special Education, University of Maine at Farmington, 2009

THESIS

**Submitted to the University of New Hampshire
in Partial Fulfillment of
The Requirements for the Degree of**

**Master of Science
in
Family Studies**

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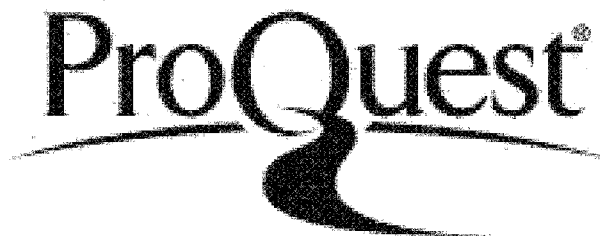


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ABSTRACT

EFFECTS OF NEW HAMPSHIRE'S SAME-SEX MARRIAGE LEGISLATION ON MARRIED SAME-SEX COUPLES AND THEIR FAMILIES: A PRELIMINARY STUDY

By

Amber J. Royea

University of New Hampshire, September 2012

This study explores the effects of New Hampshire's revised marriage statute and the ability to marry on married, resident same-sex couples and their families. The researcher used qualitative research methods in order to investigate the experiences of eleven participants in regards to the effects that marriage has had in their lives and the lives of their dependent and adult children. Based on the data and content analysis, a grounded theory of developing a same-sex marital identity emerged showing that the effects of marriage depend on an on-going interplay between personal and social contexts. Participants' lives were affected by marriage in multiple and varied ways based on their spousal relationship, personal surroundings, and interactions with those in their families and communities. Discrepancies between state and national laws governing marriage also influenced the way that marriage impacted the lives of participant couples.

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CHAPTER I

INTRODUCTION

The purpose of the present study is to gain knowledge about the effects of New Hampshire's recently revised same-sex marriage statute, and the ability to marry, on same-sex couples and their families. The issue of marriage equality is on the forefront of many political and social agendas in present day society. The effects of marriage in the lives of same-sex couples are of particular interest and importance in a time where individuals in several states across the nation are debating whether to revise statutes governing marriage in favor of marriage equality or to ban marriage between same-sex individuals. This study seeks to shed light on the effects of marriage equality in the lives of same-sex couples that have married since the revision of the New Hampshire marriage statute, providing a personal context and perspective through which to view the issue. In order to understand the experience of same-sex couples who have married in New Hampshire, it is important to first review the details of the current federal and state laws surrounding marriage, as well as the definition of marriage.

Marriage in the United States

The history of marriage law in the United States is long and varied. Although marriage is not specifically mentioned as an inherent right in the U.S. Constitution, it has been deemed a fundamental right by many justices under the equal protection clause of the 14th Amendment, which states that no state shall "deny to any person within its jurisdiction the equal protection of the laws" (U.S. Constitution, amend. XIV, § 1). As

with all rights in the Constitution, the right to equal protection (U.S. Constitution, amend. XIV, § 1) is not without exceptions as interpreted by the U.S. Supreme Court, and is left to the individual states for review and enforcement within their own unique jurisdictions (Gerstmann, 2004).

In the 19th century, many marriages were defined under the model of a common-law marriage, which could be entered into by several means, including informally as a verbal contract (*Meister v. Moore*, 1877). Common-law marriage merely required that the couple concur that they are married, reside together, and consider themselves spouses (National Conference of State Legislatures [NCSL], 2012a). In the case of *Meister v. Moore* (1877), the Court noted that while states could create statutes establishing rules for the solemnization of marriage and eradicating common-law marriage, without explicit laws forbidding such marriages, they are adequate. Most states have eliminated common-law marriages in order to both prevent fraud and uphold traditional marriage (NCSL, 2012a). Nine of the fifty states, including Alabama, Colorado, Kansas, Rhode Island, South Carolina, Iowa, Montana, Oklahoma, and Texas, as well as the District of Columbia, still actively recognize common-law marriages (NCSL, 2012a) in addition to other forms of marriage.

Currently, federal marriage law is defined by the Defense of Marriage Act (Defense of Marriage Act [DOMA], 1996). Individual states vary in their definitions of marriage based on having chosen to adopt DOMA at the state-level or not, while some allow civil unions, and civil or domestic partnerships in addition to their customary marriage laws. The Defense of Marriage Act is to be discussed in greater detail later on in this chapter. First, however, the definition of marriage will be discussed.

Marriage

As aforementioned, the term "marriage" is not specifically referred to within the U.S. Constitution, but has been described and upheld as an inherent right under the 14th Amendment in multiple court cases in the history of the United States (see Baker et al. v. Vermont; Goodridge et al. v. Department of Public Health; Loving v. Virginia; Perez v. Sharp; Varnum et al. v. Brien). In its own right, marriage has been a term unbound by any single definition, as it carries several legal and cultural meanings that vary within populations (Hull, 2006).

Merriam-Webster (2012) defines marriage as:

- a (1) : the state of being united to a person of the opposite sex as husband or wife in a consensual and contractual relationship recognized by law (2) : the state of being united to a person of the same sex in a relationship like that of a traditional marriage <same-sex marriage>
- b : the mutual relation of married persons
- c : the institution whereby individuals are joined in a marriage

Culturally, marriage is full of symbolic meanings. Culture's role in the tradition of marriage has long involved ceremonies and commitment rituals often involving communities, families, and religious or spiritual components, as well as the exchanging of vows and/or rings, and the use of particular marriage-related references in relation to their partners or relationship (Hull, 2006; Mucciaroni, 2008).

Regardless of the cultural and dictionary definitions, however, in many states marriage is legally defined as a union between one man and one woman (NCSL, 2012b). Many states have also created constitutional amendments prohibiting same-sex marriage (NCSL, 2012b). Additionally, there have been proposals before Congress to amend the federal Constitution to define marriage as a union between a man and a woman (NCSL, 2012b), including *H. J. Res. 56: Proposing an amendment to the Constitution of the*

United States relating to marriage (2003), which was introduced to the 108th Congress and referred to the Judiciary Committee. No measures have currently passed in the House or Senate, although the Defense of Marriage Act is still actively adhered to at the federal level (DOMA, 1996). A thorough discussion of this Act is to follow.

Defense of Marriage Act

The Defense of Marriage Act, commonly referred to as DOMA, was introduced to the 104th U.S. Congress as H. R. 3396 in 1996. The purpose of the Act was “to define and protect the institution of marriage” by both granting individual states the ability to avoid recognition of same-sex marriages from other states, and defining “marriage” as a legal union between one man and one woman under federal law (DOMA, 1996). Prior to the passage of this Act, there was no explicit statement about the sex of the persons wishing to be married. When signed into law by former President Bill Clinton, he issued a statement regarding the bill, saying that although he opposed recognition of same-sex marriages by the federal government, this Act allowed states to determine their own policies (Clinton, 1996; Government Printing Office [GPO], 1996). He additionally noted that the Act does not offer a justification for the use of discrimination against a person based on his or her sexual orientation, but serves to clarify the meaning of both “marriage” and “spouse” under federal law (Clinton, 1996; Government Printing Office [GPO], 1996).

On Wednesday, February 23, 2011, the United States Department of Justice, however, released a statement explaining that current President Barack Obama has instructed the Department not to defend Section 3 of DOMA, which defines marriage as a union between a man and a woman. Although DOMA will continue to be enforced by the

Executive Branch of the U.S. government, its constitutionality can no longer be defended in court as applied to same-sex couples that are legally married (Attorney General, 2011).

Additionally, S598 a bill titled the “Respect for Marriage Act of 2011” to repeal the Defense of Marriage Act was introduced to the Senate Judiciary Committee on March 16, 2011 by primary sponsor Dianne Feinstein (D-CA) along with 27 co-sponsors (S.598—Respect for Marriage Act, 2011). The first hearing for this bill was scheduled to take place on July 20, 2011 (Tolle, 2011). In the time since, the Senate Judiciary Committee has passed the bill with a 10-8 vote along party lines, with all ten committee Democrats voting in favor of the repeal and all eight Republicans in opposition (Sneed, 2011; Welna, 2011). As of November 10, 2011 the bill has been placed on the Senate Legislative Calendar, but no action has taken place in the Senate.

Actions and efforts have been made at the judicial level to challenge the constitutionality of this federal marriage regulation as well, including the cases of *Pederson v. O.P.M.* (2010) and *Gill v. O.P.M.* (2010) as defended by Gay and Lesbian Advocates and Defenders (GLAD). The three-judge panel in the 1st U.S. Circuit Court of Appeals in Boston, Massachusetts voted unanimously in a May 2012 ruling that the federal Defense of Marriage Act deprives married homosexual couples, in states that allow same-sex marriage, of the rights issued to their heterosexual counterparts under federal law (Ellement, Finucane & Valencia, 2012; Lavoie, 2012). This was the first court to rule in opposition to the benefits section of DOMA, however the ruling cannot be enforced until heard and ruled on by the U.S. Supreme Court (Lavoie, 2012).

Since its enactment in 1996, many states have adopted statutory Defense of Marriage Acts (Estin, 2008; NCSL, 2012b). Some states have altered state constitutional

language to define marriage as being between one man and one woman, and a handful of states have adopted legislation surrounding same-sex marriage, civil unions (which typically provide equal but separate marital rights to same-sex couples), and civil or domestic partnerships that extend some select marital rights to same-sex couples (NCSL, 2012a; NCSL 2012b).

Since each state is expected to govern their jurisdiction according to the needs and desires of their own distinctive population, it is also the states' responsibility to bear the burden of justifying any bans that they might place on the institution of marriage (Gerstmann, 2004). With such room for interpretation, there have been many cases of exclusion within the history of United States marriage law based on moral preferences and what were thought to be social interests (Gerstmann, 2004). Such historic bans have brought about marriage reform in ways that could be used to parallel the current issues surrounding the legalization of same-sex marriage. These parallels will be addressed within the literature review in Chapter 2. In order to provide an accurate depiction of the current marriage law in New Hampshire, a brief summary of this law will be visited next.

New Hampshire Marriage Law

As of January 1, 2010 the most recent statutory changes to New Hampshire marriage law went into effect. Modification of the law through the repeal and reenactment of RSA 457:1-RSA 457:3 via the passage of HB 0436, An Act Relative to Civil Marriage and Civil Unions (2009) served to transcend the traditional definition of marriage thereby extending the right to marry to resident same-sex couples.

Modifications made to New Hampshire RSA 457:1 state both the intent of the statute change and redefine the legal definition of marriage to eradicate the exclusion of same-sex couples in the following way:

457:1 Purpose and Intent. The purpose of this chapter is to affirm the right of 2 individuals desiring to marry and who otherwise meet the eligibility requirements of this chapter to have their marriage solemnized in a religious or civil ceremony in accordance with the provisions of this chapter.

457:1-a Equal Access to Marriage. Marriage is the legally recognized union of 2 people. Any person who otherwise meets the eligibility requirements of this chapter may marry any other eligible person regardless of gender. Each party to a marriage shall be designated “bride,” “groom,” or “spouse.”

Additional modifications to the state statutes governing marriages included: a change in the portion relating to who is deemed marriageable, to include same-sex couples over the age of 18; clarifications about how marriage may be solemnized through civil or religious means; and an affirmation of members of the clergy’s religious freedom, thereby freeing them of the obligation to marry any couple who approaches them.

The revised statute also includes an addendum following RSA 457 regarding civil unions. RSA 457:45 and 457:46 stipulate the following:

457:45 Civil Union Recognition. A civil union legally contracted outside of New Hampshire shall be recognized as a marriage in this state, provided that the relationship does not violate the prohibitions of this chapter.

457:46 Obtaining Legal Status of Marriage.

I. Two consenting persons who are parties to a valid civil union entered into prior to January 1, 2010 pursuant to this chapter may apply and receive a marriage license and have such marriage solemnized pursuant to RSA 457, provided that the parties are otherwise eligible to marry under RSA 457 and the parties to the marriage are the same as the parties to the civil union. Such parties may also apply by January 1, 2011 to the clerk of the town or city in which their civil union is recorded to have their civil union legally designated and recorded as a marriage, without any additional requirements of payment of marriage licensing fees or solemnization contained in RSA 457, provided that such parties’ civil union was not previously dissolved or annulled. Upon application, the parties shall be issued a marriage certificate, and such

marriage certificate shall be recorded with the division of vital records administration. Any civil union shall be dissolved by operation of law by any marriage of the same parties to each other, as of the date of the marriage stated in the certificate.

II. Two persons who are parties to a civil union established pursuant to RSA 457-A that has not been dissolved or annulled by the parties or merged into a marriage in accordance with paragraph I by January 1, 2011 shall be deemed to be married under this chapter on January 1, 2011 and such civil union shall be merged into such marriage by operation of law on January 1, 2011.

Specific details regarding the course taken within the State of New Hampshire to secure these statutory changes will be discussed in greater detail within the body of Chapter 2, as will details regarding similar actions in the five other states that currently allow same-sex marriage licenses.

CHAPTER II

LITERATURE REVIEW

In order to better understand the impact of marriage legislation on same-sex couples and their families, it is important to take a look at some of the literature surrounding marriage and families. In order to set the backdrop, a discussion of the broader quest for marriage equality for other diverse couples over the course of U.S. history will first be addressed. This will be followed up by a discussion of the statutory changes that have been made within various states across the United States, as well as a look at the impacts of marriage, and a review of the literature on children of same-sex couples.

Diversity and Marriage Restrictions

Throughout U.S. history there has been an ongoing struggle for the rights of individuals to marry the partner of their choice, as well as to maintain equal rights within their marriage. This has included battles over women's rights within marriage, the right to interracial marriage, immigration restrictions for spouses and family from certain parts of the world, and even the right to divorce. All of these diverse restrictions could be used to parallel the debate over same-sex marriage today.

Under early common law marriage, women were essentially considered the property of their husbands, bearing little to no legal rights under the laws of coverture (Coverture, 2012; Dolan, 2008; Estin, 2008; Wolfson, 2004). Marriage was seen as a form of unity between husband and wife under which a wife was protected and concealed

by her husband's cover (Dolan, 2008). Women could not execute a will, enter into contracts, sue or be sued, or give away property of their own volition, as they were considered a single entity with their husbands, and the husband was the one with power and responsibility in the relationship (Coverture, 2012; Wolfson, 2004b). It was not until the early 1800's that states began enacting laws expanding women's property rights, the first of which occurred in 1809, extending to them the right to write wills in the State of Connecticut (Library of Congress, 2012). Beginning in 1839, U.S. law slowly began to expand the legal rights of married women on the national level until women were considered equal partners in the marriage, via the Married Women's Property Acts (Married Women's Property Acts, n.d.).

Around the same time that women were gaining their rights to equality and ownership within their marriages, the political climate in the United States was growing tense, leading up to the American Civil War. Shortly after the Civil War, and as slavery became abolished, a series of attempts were made to keep blacks under control of the whites. One of these attempts took form in the shape of "black codes" enacted by many former Confederate states, which granted blacks certain civil rights, but also restricted and served to segregate them from whites, including language that banned interracial marriage (Black codes, 2010).

Although the black codes were blocked by the Freedman's Bureau and the more radical state governments (Black codes, 2010), some states still kept restrictive laws on the books, particularly ones relating to segregation among whites and people considered as non-whites (see *Loving v. Virginia*, 1967). These included laws that placed regulations on the freed people under which they could be penalized, fined or imprisoned for issues

related to labor, contracts, property, and domestic relations, among other things (Crouch, 1999).

In *Perez v. Sharp* (1948) the California Supreme Court declared a state ban on interracial marriage unconstitutional. This was the first major breakthrough at the state level, in which it was asserted that “the right to marry is as fundamental as the right to send one’s child to a particular school or the right to have offspring” (*Perez v. Sharp*, 1948). *Loving v. Virginia* (1967), however, remains the most prominent case the quest for interracial marriage equality and the fight against anti-miscegenation laws in our nation’s history. It was in *Loving v. Virginia* (1967) that the U.S. Supreme Court voted unanimously against the State of Virginia’s anti-miscegenation statute, and eliminated all racially based marriage restrictions in the U.S.

Like anti-miscegenation statutes, immigration laws have placed undue burdens on families wishing to establish themselves in the United States, by restricting certain classifications of people from immigrating. The Page Act of 1875 first placed restrictions on immigrants from Asian nations who were coming to the United States for contract labor or prostitution, as well as those who had been convicted of crimes in their country of origin (The Page Act of 1875, 2012). Whether intentionally or not, this Act restricted many of the wives of immigrants already in the U.S. from joining their husbands, due to interrogations about their morality while screening out potential prostitutes, and essentially stopped Asian families from establishing in the United States while in effect (Takaki, 1989).

Similarly, the Immigration Acts of 1917 and 1924 prevented many potential immigrants from coming to the United States, including wives and children of those

considered inadmissible (Immigration Act of 1917, 1917; Immigration Act of 1924, 1924). These Acts therefore allowed for heterosexual couples and nuclear families to come to the U.S. if they were from an acceptable country or within the immigration quota, but still prohibited any individuals with disabilities and children adopted after 1924, among others (Immigration Act of 1917, 1917; Immigration Act of 1924, 1924). The Immigration and Nationality Act of 1965 went so far as to ban those considered “sexual deviants”, including gay and lesbian individuals (Immigration and Nationality Act of 1965, 1965).

Even divorce law placed restrictions on marriage rights before the early to mid twentieth century, when it was decided in *Williams v. North Carolina* (1942) that all of the states in the U.S. needed to honor divorces from other states. Prior to this case, and before no-fault divorces became the norm, couples had to prove fault on behalf of one of the parties, and in some states there were restrictions on the person asking for the divorce (Estin, 2008). Difficulties also presented themselves for married women who were abandoned by their husbands, but could not legally be independently domiciled (Estin, 2008).

As with the quest for marital rights and recognition in *Perez v. Sharp* (1948) and *Loving v. Virginia* (1967), proponents of same-sex marriage assert that marriage is a fundamental right that should be available to all, regardless of their sexual orientation (Hull, 2006; Rauch, 2004; Sullivan, 2004; Wolfson, 2004b). Some allege that the debates over same-sex marriage today are just another step toward the expansion of equality and acceptance of diversity (Hull, 2006; Rauch, 2004; Sullivan, 2004; Wolfson, 2004b).

In order to delve into the specifics of the current state of same-sex marriage, the positions for and against the legalization of same-sex marriage, as well as legislative changes within various states across the United States will next be discussed.

Same-Sex Marriage Legislation in the United States

The legal recognition of same-sex relationships, through marriage, civil unions, and civil or domestic partnerships has been a hot button issue in the United States since the 1990's. Some of the major opposition to same-sex marriage legislation at the state and national level is rooted in and related to religious views, values, and morals as they influence culture (Gillis, 1998; Koppelman, 2006; Mucciaroni, 2008; Wilson, 2004).

Such values have led to a ban on the performance of marriage rituals for same-sex couples within certain religious organizations, including the Catholic Church (Charron & Skylstad, 2004). Although these values may not affect the legal definition of marriage directly through the church, they do play a role in influencing the public's views on the subject (Zimmerman, 2001), as well as cater to the political agendas of some conservative and anti-gay activist groups (Cahill, 2007; Mucciaroni, 2008). In order to appeal to these agendas, the movement toward the recognition of same-sex marriage and marriage equality as whole is often framed in terms of the negative consequences that these legalized relationships might have on the future of marriage, family, and child outcomes, with a focus on social consequences over strict moral judgment (de Vris, 2007; Mucciaroni, 2008). Some opponents also view marriage in terms of the central nature of relationships, insisting that the proper purpose of the marital union is to embark upon procreation rather than personal fulfillment and that relationships without the intent of procreation are damaging to this ideal (Koppelman, 2006). This should not however be

interpreted to mean that all religious organizations and churches fail to recognize or perform ceremonies, as some Jewish and Christian organizations have considered or performed rituals for same-sex couples (Kahn, 2004; Spong, 2004; Zimmerman, 2001).

Within the lesbian, gay, bisexual, and transgender (LGBT) community itself, there is also a great amount of debate about whether or not marriage equality is a right worth fighting for. Some feminist advocates, for example, assert that although they seek fairness, justice and equality, marriage is an unseemly quest for LGBT rights groups, because marriage itself is an institution based in patriarchy (White & Klein, 2008; Zimmerman, 2001). Some insist that the passage of such laws serves to mainstream the lives of LGBT individuals, making them more like their heterosexual counterparts, undermining various forms of relationships and potentially infringing on their culture (Eskridge & Spedale, 2006; Ettlbrick, 2004; Lannutti, 2005; Yep, Lovaas & Elia, 2003). Others maintain that same-sex couples should create their own institution of partnership to avoid the institution of marriage as it currently stands, or that government should be taken out of the equation altogether (Eskridge & Spedale, 2006; Hull, 2006; Keller, 2011). Etzioni (2004) asserts that civil unions should be made available to both same and opposite-sex couples who wish to secure the rights and benefits they would receive within a more traditional legal marriage, in order to make a statement about their commitment as unbound by those traditional views while also respecting the traditional definition of marriage.

Although not all same-sex couples or gay rights advocates desire marriage equality, and the LGBT community is still quite torn over the issue (Yep, Lovaas & Elia, 2003; Zimmerman, 2001), many agree that the quest for marriage equality is, at the very

least, a step toward equality and cultural acceptance (Callahan, 2009; Hull, 2006; Lannutti, 2005; Lannutti, 2008; Newman, 2010; Rauch, 2004; Sullivan, 2004; Wolfson, 2004b; Wolfson, 2009). For many same-sex marriage proponents, marriage rights are more a question of equality for diverse families, cultural acceptance, and symbolic significance than anything else (Alderson, 2004; Eskridge & Spedale, 2006; Hull, 2006; MacIntosh, Reissing & Andruff, 2010; Rauch, 2004; Wolfson, 2004b; Wolfson, 2009; Woodford, 2010).

There are currently six states that issue marriage licenses to same-sex couples, including Vermont, Massachusetts, Connecticut, Iowa, New Hampshire, and New York, as well as the District of Columbia (NCSL, 2012b). Legislation to allow same-sex marriages also passed in both the State of Washington and the State of Maryland early in 2012, however opponents in both states collected signatures to put the issue on the November ballot, making them subject to referendums prior to the time when marriage would be available to same-sex couples (NCSL, 2012b). Residents in the states of Maine and Minnesota will also go to the polls this November to decide the fate of same-sex marriage in their respective states (Condon, 2012). Both the State of Rhode Island and the State of Maryland currently recognize same-sex marriages from other states, while the states of Hawaii, Illinois, Rhode Island, Delaware and New Jersey have all passed measures to allow civil unions that provide same-sex couples with state-level spousal rights (NCSL, 2012b). In order to better understand the state of same-sex marriage legislation nationwide, we will briefly review information about individual states that have been either mandated by the court system to legalize same-sex marriage or passed legislation as a means to the same end.

Vermont

The quest for marriage equality first gained footing in 1997, when lesbian and gay couples from the State of Vermont filed a lawsuit after being denied marriage licenses (Thomas, 2005). That suit, *Baker, et al. v. State of Vermont, et al.* (1999), led to a ground-breaking state Supreme Court decision that forced Vermont lawmakers to extend marital benefits to same-sex couples, which in turn gave birth to the first state-level civil union law in July 2000 (Thomas, 2005). Though some advocates were disappointed with the use of the term “civil union” rather than “marriage” the outcome of this case started conversations throughout the nation regarding the concept of marriage equality for same-sex couples (Thomas, 2005).

The second victory for Vermont’s same-sex couples and marriage advocates came in April 2009 when state legislators voted to override former Governor Douglas’ veto of their same-sex marriage bill (Kiritsy, 2009; NCSL, 2012c). This override made Vermont the first state in the nation in which the legislature, rather than the court system, allowed for same-sex marriage law (NCSL, 2012c).

Massachusetts

Massachusetts had its first step toward marriage equality in November 2003 after the Massachusetts Supreme Court ruled that same-sex couples could not be excluded from marriage in the case of *Goodridge et. al. v. Department of Public Health* (2003). What set this case apart from others, such as Vermont’s *Baker, et al. v. State of Vermont, et al.* (1999), was that the Court went so far as to say that a civil union bill would not be satisfactory, as it could create a separate and unequal status between homo- and heterosexual couples (*Goodridge et. al. v. Department of Public Health, 2003*). The

Massachusetts same-sex marriage law took effect in June 2004 and has endured several attempts to overturn it, including an attempt by same-sex marriage opponents to force consideration of a constitutional ban by the state legislature (NCSL, 2012c).

Massachusetts has recently become involved in advocating for same-sex marriage by informing the public about the ways that same-sex marriage legislation has benefited their state (Commonwealth of Massachusetts, 2010). In October of 2010, the Counsel for the Commonwealth of Massachusetts released a brief through the Attorney General's Office in support of Kristin M. Perry, et al., in the California same-sex marriage case *Perry et al. v. Schwarzenegger et al.* (2010), now known as *Perry et al. v. Brown et al.* (2010) (Commonwealth of Massachusetts, 2010). In this report the state expressed an explicit interest in informing the parties about the benefits of marriage for same-sex couples, as well as to clear up misconceptions presented by the defense (Commonwealth of Massachusetts, 2010). Additionally, in a 2009 voter survey by MassEquality, the majority of resident respondents agreed that marriage equality had benefited society, and that they would not support an amendment to ban same-sex marriage (MassEquality, 2009).

California

On the heels of same-sex union legislation in Vermont and marriage legislation in Massachusetts, the California Superior Court ruled in March of 2005 that the state ban on same-sex marriage in place at that time was unconstitutional as both a right to privacy and due process (Feldblum, 2009; NCSL, 2012c). In September of that same year, California became the first state with a legislative body to pass a bill legalizing same-sex marriage without a court order to do so; however, that bill, AB 849, was promptly vetoed

by then Governor Arnold Schwarzenegger (NCSL, 2012c). A few years later, in May 2008, the California Superior Court again ruled that a ban on marriage for gay and lesbian couples was unconstitutional, which took effect in June that same year (NCSL, 2012c). The ballot initiative, now known as Proposition 8, was then placed on the table to allow voters to overturn the court decision (NCSL, 2012c).

When this proposition was passed in November 2008 by a public vote, the California State Constitution was then amended to define marriage as being a legal union exclusively between one man and one woman (Feldblum, 2009; NCSL, 2012c). Since voters approved Proposition 8, there have been several lawsuits filed in an attempt to repeal the definition once more (“The aftermath”, 2009).

Legislation allowing for same-sex marriages is currently under debate in the State of California after a series of court hearings and amendments to the state constitution (NCSL, 2012b). A three judge panel in the U.S. Court of Appeals for the Ninth Circuit did vote 2-1 that the restriction on same-sex marriage in California via Proposition 8 was invalid in the case of *Perry et al. v. Brown et al.* (2010), formerly known as *Perry et al. v. Schwarzenegger et al.* (2010) (NCSL, 2012b).

In the February 7, 2012 filing of *Perry et al. v. Brown et al.* (2010), Judge Reinhardt stated that: “Proposition 8 serves no purpose, and has no effect, other than to lessen the status and human dignity of gays and lesbians in California, and to officially reclassify their relationships and families as inferior to those of opposite sex couples.”

No action has yet taken place to reinstate these rights, as the case is still pending appeal as of this writing (NCSL, 2012b). The State of California does not currently allow

new same-sex marriages to take place. Marriages performed prior to the approval of Proposition 8 remain valid, as do domestic partnership rights (NCSL, 2012b).

Connecticut

Around the same time that California's Supreme Court initially ruled a ban on same-sex marriage unconstitutional, the Connecticut state legislature was reviewing HB 7395 to make civil unions available to resident same-sex couples. After its passage in April 2005, Connecticut became the first state legislature to successfully pass a same-sex civil union bill not derived from a court decision (NCSL, 2012c).

In 2007, two years after the initial passage of the civil union law, eight same-sex couples sought judicial action in the lawsuit *Kerrigan et al. v. Commissioner of Public Health et al.* claiming that the state's exclusion of same-sex couples from marriage law violated their rights to due process and equal protection under the state constitution after they were denied marriage licenses (Department of Public Health, 2009; Kerrigan, et al. v. Commissioner of Public Health, 2007; NCSL, 2012c). In order to uphold the fundamental right of due process and equal protection under the Connecticut state law, by eliminating discrimination on the basis of sexual orientation, the court ruled in favor of the plaintiffs on appeal (Department of Public Health, 2009; Kerrigan, et al. v. Commissioner of Public Health, 2007). As a direct result of this case, Connecticut became the second state, after Massachusetts, to officially allow same-sex marriages (NCSL, 2012c).

Iowa

In 2009, a group of six same-sex couples from Polk County, Iowa filed a civil rights action against the Polk County Recorder and Registrar after being denied marriage

licenses in accordance with state law (Varnum, et al. v. Brien, 2009). Polk County District Court Judge, Robert B. Hanson, ruled in favor of the plaintiffs in their first hearing, but the defendant appealed the case to the state Supreme Court (Varnum, et al. v. Brien, 2009). On appeal, the Supreme Court Justices affirmed the decision of the lower court, ruling in favor of Varnum, et al. and declared a ban on same-sex marriage unconstitutional as a violation of the equal protection clause (NCSL, 2012c; Varnum, et al. v. Brien, 2009). Marriage licenses for same-sex couples were legally issued as of April 24, 2009 (NCSL, 2012c).

The amendment of the state constitution to include same-sex marriage legislation has bred a great amount of controversy in Iowa, and attempts have been made to re-enact a constitutional ban, defining marriage as a union between one man and one woman (Hancock, 2011). Although current efforts to pass such a motion passed via HJR 6 in the Iowa House, they have been defeated in the Senate (Hancock, 2011). It is also important to note that although same-sex marriage remains legal in the state, three of the justices upholding the 2009 decision in *Varnum et al. v. Brien* (2009) were voted out of office the following year (Gonyea, 2012).

New Hampshire

In May 2007 New Hampshire joined the handful of states that created same-sex union legislation when the state legislature approved a motion to amend the state constitution in order to enact a civil union law (NCSL, 2012c). This law was promptly signed by Governor Lynch and went into effect on January 1, 2008 (NCSL, 2012c).

Early on in 2009, HB 0436 regarding same-sex marriage legislation was introduced to the New Hampshire Legislature in an effort to grant same-sex couples the

same legal recognition as heterosexual couples. After much debate the measure passed in both the New Hampshire House and Senate, making its way to the Governor. Although the governor recognized the importance of the bill and its effort to end discrimination within marriage law, he vowed to sign it into law only if the Legislature revised it to include protections for religious groups and their freedom of religion (Moskowitz, 2009; State of New Hampshire, 2009a). After this revision, via contingency bill HB 73, the measure was quickly approved and signed by New Hampshire Governor John Lynch in June 2009 (State of New Hampshire, 2009b).

The law went into effect on January 1, 2010, making New Hampshire the fifth state to allow for same-sex marriages, (sixth including California that issued licenses for a brief time, but has since revoked the ability to issue to same-sex couples) (Goodnough, 2009). Since the instatement of the revised marriage statute, a total of 2,020 same-sex couples have wed in the state, with 1466 of them being female and 554 being male (S. Wurtz, personal communication, July 23, 2012).

As with many other states, efforts have been underway to reinstate a ban on same-sex marriage in New Hampshire. Governor Lynch has continued to remain firmly in support of upholding the same-sex marriage legislation passed in 2009 (Kittle, 2010; State of New Hampshire, 2009b). In January 2011 two bills, HB 437 and HB 443, had been filed to repeal the same-sex marriage law and define marriage as a union between a man and a woman (Hogan, 2011), but the House Judiciary Committee later tabled those bills in order to direct legislative efforts elsewhere (Landrigan, 2011). When the potential repeal came back up for a vote in the NH House of Representatives in 2012 however, the bill was defeated by a majority vote of 116-211 on March 20, 2012 thereby eliminating

the possibility of a repeal for at least one more year in the state (Associated Press, 2012; Krasny, 2012; Standing Up For New Hampshire Families, 2012). New Hampshire Speaker of the House Bill O'Brien however, does insist that he will support a repeal bill if elected another term (Briand, 2012; Lessard, 2012).

New York

As of June 24, 2011, New York joined the ranks as the sixth state in the nation to currently offer and instate same-sex marriage legislation when Governor Cuomo signed bill A. 8520-2011 into law (Confessore & Barbaro, 2011; NCSL, 2012b; State of New York, 2011a). Akin to the measure passed in New Hampshire, New York's same-sex marriage statute contains a religious exemption, allowing churches to marry couples based on their own religious principles and without penalty (State of New York, 2011a). This statute makes New York one of only three states to pass a legislative measure rather than being mandated to do so by the court system (NCSL, 2012b). It also makes New York the largest state to pass such legislation (Confessore & Barbaro, 2011), doubling the number of LGBT individuals who have access to state-wide equal marriage rights (Keller, 2011). Since the law, known as the Marriage Equality Act, took effect 30 days after being signed by the Governor, same-sex couples were legally able to wed at the end of July 2011 (NCSL, 2012b; State of New York, 2011a). In the year following this change in the law, over 10,000 same-sex couples married in the state (Taylor, 2012). Mayor Bloomberg announced that over 7000 license had been issued in New York City alone (Taylor, 2012) or as many as 8,200 by another source, which also indicated that same-sex marriages had generated \$259 million for the city in marriage-related expenses

(Ellis, 2012). However, it is important to note that about 42 percent of these licenses were issued to those residing outside of the state or country (Taylor, 2012).

Although the State of New York is the most recent state to legalize and maintain same-sex marriage it has long been a state to recognize same-sex marriages from other states (NCSL, 2012b; State of New York, 2011a). New York has been recognized for its ban on discrimination of state employees based on sexual orientation in 1983, and its extension of the ban to all via the Sexual Orientation Non-Discrimination Act of 2002 (State of New York, 2011b). Additionally, the state has been acknowledged for extending worker's compensation benefits to same-sex partners of those lost in the September 11, 2001 attacks (State of New York, 2011b).

Having now reviewed a basic overview of the actions taken at the state level, it is important to next review the impacts that marriage legislation may have on same-sex couples by looking at locations that currently offer same-sex unions, as well as the benefits and obstacles same-sex couples face as a result of legislative efforts.

Impacts of Marriage Legislation on Same-Sex Couples

Marriage is an institution that is considered significant within many societies here in the United States and throughout the world. The legal recognition of same-sex relationships through marriage is also an important and diverse issue across the world. Same-sex couples in Belgium, Canada, the Netherlands, Norway, South Africa, Spain, Sweden, Argentina, Denmark, Iceland, and Portugal (Fisher, 2012; The Washington Post, 2012), as well as Mexico City can legally marry at the present time (Woodford, 2010).

Marital Benefits

Studies on relationship qualities suggest that marriage is associated with the maintenance of both high-quality intimate relationships and social gains (MacIntosh, Reissing & Andruff, 2010; Ramos, Goldberg & Badgett, 2009). Studies on residents of the U.S. state of Massachusetts, as well as Canada, demonstrate the concept that legal recognition of same-sex couples' relationships foster feelings of greater commitment to their partners, emotional security, a sense of security in their family ties, and feelings of greater community acceptance (Alderson, 2004; MacIntosh, Reissing & Andruff, 2010; Ramos, Goldberg & Badgett, 2009). They have also provided same-sex couples the potential to reap long and short-term benefits, as well as an increased sense of stability (Commonwealth of Massachusetts, 2010; Ramos, Goldberg & Badgett, 2009). A study by Herdt & Kertzner (2006) suggests that the denial of marriage rights has the potential to adversely affect the health and well-being of same-sex partners, as well as the wellness of their close friends and family members. In the study by Alderson (2004) a couple residing in Hong Kong noted that they traveled to Canada to secure their marriage, even knowing that it would not be recognized in their home country when they returned, in order to make a statement about the importance of protecting same-sex couples' rights.

Participants in a Canadian study indicated that the language of marriage helped them to feel more included in society and equal to their heterosexual counterparts. Many indicated an elevated sense of comfort with their being out, as well as a heightened sense of pride and entitlement that they had been denied in their relationships before gaining the right to marry (MacIntosh, Reissing & Andruff, 2010).

In the United States, there are an additional number of federal and state benefits exclusively made available to married couples, which have the potential to make marriage more valuable and the impact much greater (Bogenschneider, 2006; de Vries, 2007; Knochel, 2010; Koppelman, 2006; Meezan & Rauch, 2005; Meyer, Wolf & Himes, 2005; Wolfson, 2004a). Federal benefits include securities such as access to health care, medical decision-making rights, inheritance, taxation, property, parenting, immigration and citizenship rights, and Social Security (Government Accountability Office [GAO], 2004; Human Rights Campaign, 2012; Meezan & Rauch, 2005; Wolfson, 2004a). Discrepancies between states and the federal government regarding partner benefits can be of particular concern to aging LGBT people in relationships who are more likely to face health issues and end-of-life concerns (de Vries, 2007; Knochel, 2010). Regulations such as the Defense of Marriage Act (DOMA) jeopardize these older populations by denying them the resources and acknowledgment that they might otherwise seek and find necessary (de Vries, 2007; Knochel, 2010).

Opponents of same-sex marriage rights argue that these couples can still secure similar rights outside of the legal marital union through securing their own wills, power of attorney, and other legal contracts (Koppelman, 2006), or through marriage by another name (Mucciaroni, 2008). Supporters however, contend that this separatist mentality sends the message that marriage is a right reserved only for heterosexuals, thereby perpetuating and maintaining heterosexual privilege (Mucciaroni, 2008).

Federal and state benefits allotted to married couples in the United States, intentionally or not, support some relationships while excluding others. Marriage equality advocates insist that through the exclusion of same-sex marriages as imposed by the

Defense of Marriage Act (DOMA) the federal government has made a statement about same-sex unions as being second-class marriages, since they are virtually void at the federal level and in the eyes of the United States government at large (Koppelman, 2006; Mucciaroni, 2008). Same-sex marriage legislation helps to take some of these burdens off of committed same-sex couples, at least at the state level. Unless DOMA is repealed or the U.S. Constitution amended however, such federal benefits cannot be extended even to those same-sex couples legally wed in the handful of states that currently recognize their marriages (NCSL, 2012a).

Divorce and Dissolution of Marriages

Although it would be nice to believe that all marriages would remain intact, the reality is that many marriages do end in divorce. Although it is difficult to draw definitive conclusions about what divorce statistics might be like for same-sex couples, as the history of marriage for this group is brief, we can draw on examples from same-sex couples in the few U.S. states that currently recognize these marriages, as well as from countries that allow marriage or marriage-like civil arrangements. Though the dimensions and reasons for marriage could be considered arguably different between homosexual and heterosexual couples, dissolution of heterosexual marriages might still be useful in providing a rough framework as well.

Divorce law itself is determined by each individual state, so same-sex couples residing in states that recognize their marriage will have access to the courts and legal system for relationship dissolution issues, which they did not have as unmarried couples. This access helps with the division and management of assets, shared property, and child support, as a few examples. The availability of same-sex marriage and subsequent access

to divorce law should additionally make it easier for the court systems to determine cases involving child custody hearings in some states. In the history of child custody cases involving unmarried same-sex couples, as well as couples who had obtained a civil union, there has been a gray area surrounding judicial ruling on parental rights and custodial access. Such cases have led to legal uncertainty and even the essential stripping of parental rights (see *Miller-Jenkins v. Miller-Jenkins*). Legal proceedings over visitation rights, (see *V.C. v. M.J.B.*), and donations of ova to a same-sex partner, (see *K.M. v. E.G.*), would be more quickly and efficiently handled for couples who had the option of obtaining a marriage license, while also legally protecting the best interests of any children involved.

In thinking about the risk of divorce for same-sex couples, it is important to look the trends thus far. Perhaps one of the best states to turn to in thinking about same-sex marriage and divorce in the U.S., is the State of Massachusetts. In Massachusetts, for example, a 2010 report by State Attorney General Martha Coakley, explained that despite the enactment of same-sex marriage law, divorce rates in the state have remained consistently low (Commonwealth of Massachusetts, 2010). Massachusetts was reported as being among the top U.S. states with below-average divorce rates for both men and women in 2009 (U.S. Census Bureau, 2011).

Information gathered by Andersson, Noack, Seierstad & Weedon-Fekjaer (2004) in a comparative study on same-sex Scandinavian couples in Norway and Sweden can also be used as an example in looking at divorce trends. This particular study determined that the risk of divorce for same and opposite sex marriages was very similar, while still recognizing that the dimensions drawing couples to a marriage or partnership could affect

the trends, as same-sex partners may have a greater investment in their legal partnership based on demographics such as national residence and marriage recognition. Though it is very important to note that homosexual couples in these Scandinavian countries were classified as being in registered partnerships rather than marriages at the time of the study, they were allotted nearly all the same benefits and responsibilities as heterosexual couples (Andersson et al., 2004). These trends, though focusing on registered partnerships as a separate system, can be of use in looking at divorce and dissolution trends, as registered partnerships have been around in these countries for much longer than civil unions or marriage equality laws in the United States. Registered partnerships went into effect in Sweden in 1995 (“Getting married”, n.d.) and in Norway in 1993 (“Families and Relationships”, 2006). It is additionally important to add that, since the study by Andersson et al. (2004), in 2009 Norway and Sweden both enacted same-sex marriage laws (“Getting married”, n.d.; The Washington Post, 2012).

In discussing these Scandinavian trends, Eskridge & Spedale (2006) pointedly cautioned that although studies can be used in making preliminary observations, trends within the institution of registered partnerships and marriage should be carefully monitored over time. As these couplings become more mainstreamed, the rates could change dramatically in one direction or another. It is therefore difficult to draw any definitive conclusions in these early stages. The same caution could be applied to analyzing trends here in the United States and in other countries around the world.

Though the history of same-sex unions is brief in the State of New Hampshire, it is important to note that of the 836 civil unions contracted from 2008 to 2009, 45 ended in dissolution and one in death (S. Wurtz, personal communication, February 13, 2012).

Of the 790 civil unions that were then converted to marriages, as well as those couples that elected to marry, 52 more were dissolved between 2010 and 2012 (S. Wurtz, personal communication, July 23, 2012). Additional statistics regarding divorce rates for New Hampshire same-sex couples are not yet available (S. Wurtz, personal communication, July 24, 2012). As a comparison, marriage rates in New Hampshire based on the 2010 census averaged 7.4 per 1,000 people (Centers for Disease Control and Prevention [CDC]/National Center for Health Statistics [NCHS], 2012b) and divorce rates in this same year averaged 3.8 per 1,000 people (CDC/NCHS, 2012a). According to the Centers for Disease Control and Prevention (CDC)/National Center for Health Statistics (NCHS) (2012c), the most currently available national trends on marriage and divorce placed the marriage rate at roughly 6.8 per 1,000 people, with divorce rates averaging 3.6 per 1,000. Both of these examples place the divorce rate just above fifty percent.

Children of Same-Sex Couples

A review of the literature on gay and lesbian families in the United States makes it clear that there are many widespread fears about same-sex couples' abilities to effectively parent children (Brooks & Goldberg, 2001; Crowl, Ahn, & Baker, 2008; Meezan & Rauch, 2005; Mucciaroni, 2008; Patterson, 2006; Pawelski, Perrin, Foy, Allen, Crawford, Del Monte...Vickers, 2006; Tasker & Patterson, 2007). Some of the literature suggests that there is still a great amount of uncertainty about children's successful adjustments to living with same-sex partners, as well as some pervasive fears that their development and well-being may be at risk (Brooks & Goldberg, 2001; Crowl, Ahn, & Baker, 2008; Patterson, 2006; Tasker & Patterson, 2007). Additionally, there may be

some long-lasting misunderstandings about homosexuality causing certain professionals and the general public alike to deem same-sex couples as unfit to parent children based on sexual orientation alone (Brooks & Goldberg, 2001).

One of the major concerns cited in literature about same-sex parenting and adoption surrounds children's developmental outcomes (Brooks & Goldberg, 2001; Meezan & Rauch, 2005). Opposing views on fostering, adoption and parenting as a general concept, observe the issue in very different lights. Those in favor of same-sex adoption often frame their support in terms of meeting the needs of waiting children, and accepting assistance from same-sex couples in providing these children with stable, loving households that cannot be afforded to them during that time of waiting or placement hopping (Mucciaroni, 2008; Williams, 1998).

Proponents also note that the focus of adoption issues needs to be on the suitability of individuals and couples to parent, rather than a focus on their sexual orientation (Mucciaroni, 2008), as these couples can still provide children with a stable family unit in which they are able to thrive (Koppelman, 2006). Those in opposition of same-sex adoption and parenting claim that children need role models of each gender in order to develop properly and avoid any identity or sexual orientation confusion themselves (Mucciaroni, 2008). This group aligns with the view that LGBT people are unsuitable as parents, which has led to discouragement from fostering or adopting children in some cases (Hicks & McDermott, 1999; Williams, 1998). They also sometimes view the issue from a moral or religious position, arguing that same-sex parents are breaching the limitations of religious law (Jordan, 2005). Jordan (2005) however cautions Christians and others from taking this stance, as he asserts it cannot be

assumed that heterosexual parents and the nuclear household are best for children's growth and development. To say so, he warns, is to assert that Christian organizations have erred in creating other arrangements for waiting children, such as orphanages, which do not typically provide children with this model either (Jordan, 2005).

Despite these very different takes on the ability of LGBT individuals and couples to parent effectively, there are several pieces of literature suggesting that their sexual orientation alone does not have negative implications for children in their care. Brooks & Goldberg (2001) suggest that there are no significant negative environmental impacts on child development or adjustment for children raised in households with a gay or lesbian parent. Furthermore, children raised in households with same-sex parents do not differ considerably in cognitive development, gender role behavior, gender identity, psychological adjustment, or sexual preference in comparison to their peers who are raised in opposite-sex households (Crowl, Ahn & Baker, 2008; Meezan & Rauch, 2005; Tasker & Patterson, 2007).

Similar concerns about children's adjustment and well-being have been negated in studies on the subject (Crowl, Ahn & Baker, 2008). Although there have been reports of bullying and prejudice against children of same-sex parents (Crowl, Ahn & Baker, 2008), it has also been suggested that they are no more or less likely than children of heterosexual couples to become victimized (Tasker & Patterson, 2007). Furthermore, no data has yet proven that there is significant risk involved with growing up in a household with one or more homosexual parents (Brooks & Goldberg, 2001; Crowl, Ahn & Baker, 2008).

Same-sex parenting and outcomes for children of same-sex couples are relatively difficult areas to study, and marriage legislation is so new that it is difficult to come to any definite conclusions about its effects on the children of same-sex couples thus far. Studies do, however, suggest that children in same-sex households are doing just as well as children in heterosexual households (Brooks & Goldberg, 2001; Meezan & Rauch, 2005). Meezan and Rauch (2005) also predict that children of same-sex families are likely to receive three key benefits that children in opposite-sex families receive: material well-being, financial stability in the event of one parent's death, and increasing social acceptance and support. Responses from the current study may help add to the - literature on the subject and enlighten us about what benefits and hardships children are facing as a result of their parents' legal married status in the State of New Hampshire.

Theoretical Framework

The current study will explore a variety of theories due to the nature of qualitative research and the focus on a marginalized population. Four eminent theories provide an array of theoretical lenses: social exchange theory, rational choice theory, symbolic interaction theory, and queer theory.

Social Exchange and Rational Choice Theories

Social exchange theory originates within utilitarian ideals and the idea that humans strive to create outcomes, which capitalize on their personal values. These outcomes come to fruition through the weighing of rewards and costs to determine what will cause a high reward to cost ratio. Situations reaping fewer rewards therefore are less likely to be embarked upon (White & Klein, 2008).

Within this theory also lie the concepts of human and social capital, or the value that individuals and relationships possess. Human capital increases one's capabilities as a result of acquired skills and knowledge, while social capital, or the network of relationships in one's life, allow for more concrete resources for individuals, financial or otherwise. Within social exchange theory analyses are mostly conducted on the microsocial or individual level, with a focus on the rewards and costs associated with exchanges between persons (White & Klein, 2008).

Like social exchange theory, rational choice grows out of utilitarian ideals. Although some concepts are also derived from social exchange theory itself, it takes a step further in order to establish that some rewards can only be acquired through a collective social effort (White & Klein, 2008).

Social exchange and rational choice theories are both highly relevant to marriage as an overarching concept, as well as the quest for marriage equality. Marriage, as a legally binding contract, carries with it a number of benefits that cannot be obtained through mere partnership alone (GAO, 2004). Marriage is an endeavor that has the potential to reap a great amount of rewards for couples (GAO, 2004; Meezan & Rauch, 2005; Wolfson, 2004a). It can therefore be seen as carrying great human capital for both the partners involved in the relationship, as well as social capital associated with following societal norms and values (Hull, 2006). This is especially true when considering the social approval that is often tied to marriage, as a social representation of two people's commitment to one another (Hull, 2006; Rauch, 2004).

The fact that marriage carries with it so many benefits, including a legal benefit at the state level in states that allow same-sex marriage (NCSL, 2012b), can further make it

a rational choice for same-sex couples who choose to make a commitment to their partners in this way. Some same-sex couples may also see marriage as a rational choice if they are able to obtain health benefits through their spouse, pool their resources in a more financially and legally stable way, make a better case for adoption, or if they are advancing in age and need the added security that marriage can offer them (de Vries, 2007; Knochel, 2010; Riggle, Rostosky & Prather, 2006). Under social exchange and rational choice theories, it can be assumed then that a couple embarking upon a marriage has determined that it will reap them greater rewards relative to costs (White & Klein, 2008).

Symbolic Interaction Theory

Symbolic interaction is a theoretical framework that focuses on the meanings derived from and with symbols. These symbols are virtually unlimited and include everything from language and figures to syntax and physical gestures. Although it seems a simple concept on the surface, it is actually quite complex, as symbolic meanings vary from person-to-person and society-to-society. New symbols are constantly being generated, while others evolve, or are removed from systems altogether. Symbolic interaction requires attention to the experiences and interpretation of a vast array of symbols by people individually and collectively (White & Klein, 2008).

American sociologist and writer Erving Goffman elaborated on the theory we have come to know as symbolic interaction in a few key ways that are of particular interest to this study. His work largely emphasizes and expands upon symbolic interaction by discussing the social construction of the self and how each member of society both defines and is defined by their interactions. He asserts that the construction

of the self relies upon the way that leading culture values and steers its members' positions and contributions. This is maintained through a constant interplay between the self and society through which symbols about what is moral, normal and acceptable are constantly projected. It is the way by which we interact with, project ourselves, and manipulate these messages and symbols that determines our position within ritual and society at large. The way that we frame and organize social experiences further defines the meaning of social events and interactions to each player, which translates to the self's public persona as part of larger society (Branaman, 1997).

According to Goffman, those members who act outside the bounds of their society and the rituals therein, or who exist within settings that do not necessarily reflect their perception or construction of self (such as the workplace) may be subject to unjust framing by others (Branaman, 1997). Framing of the self by outsiders may lead to stigmatizations, leading these individuals to both present and view themselves as second-rate to those who follow the norms (Branaman, 1997). This piece is of particular importance in thinking about marginalized populations, such as gay and lesbian couples within the focus of this study.

Through the lens of symbolic interaction, both the marital benefits and obstacles may be viewed much differently from couple to couple. What one couple perceives as a benefit of their legal marital union may be an area of struggle for another couple depending upon the experiences they have encountered and the symbolism that they attribute to those particular experiences. The same goes for the benefits and obstacles faced by the children of these couples. Likewise, symbolism related to roles and societal expectations of what it means to be a spouse or even a family can play a role in the way

that couples assess the benefits and obstacles that exist within their own unique marital union.

Queer Theory

Queer theory is a multifaceted and transitive theory that focuses on the main concept that there is no so-called natural or normative way to sexuality, as identity is ever-changing (Sullivan, 2003; Wilchins, 2004). The term 'queer' has been used as both a term of insult and endearment throughout history, and queer theory seeks to explore and challenge the political foundations of language, self and difference (Jagose, 1996; Sullivan, 2003; Wilchins, 2004). Though queer theory is most often applied to gay and lesbian studies, it covers an array of topics, including those regarding sex, gender identification, orientation, and sexual desire (Jagose, 1996). It is said to transcend race, gender, and culture, in that it denies that any sexual definitions can be claimed as ultimate truths, only as normalizations within culture and history (Sullivan, 2003).

It also calls for a deconstruction of gender from its traditional norms, focusing on the cultural and historical underpinnings of identity (Creswell, 2007), and abandoning the concept that women should be feminine and men should be masculine (Sullivan, 2003). Instead it asserts that there should be a constant inquiry into the individual in an attempt to maintain self-understanding and individualize sexuality in one's own terms (Jagose, 1996; Sullivan, 2003). Queer theory emphasizes that interests in fetishes, cross-dressing, transsexuality, and sadomasochism are just as normal and natural as being bisexual, homosexual, intersexual, transgender, and heterosexual (Sullivan, 2003; Wilchins, 2004).

Of notable importance within this theory is the rejection of true heterosexuality. Queer theory suggests that heterosexuality is just as much of an oddity as sexual

inclinations and desires currently labeled as outside of the norm (Jagose, 1996; Sullivan, 2003; Wilchins, 2004). Essentially, queer theory posits that there is an ever-present cultural fiction of hetero-normativity and that sexuality is far too dynamic and transformative to give way to a definition of what can be deemed natural or normal (Jagose, 1996; Sullivan, 2003; Wilchins, 2004). In this way, it pulls from feminist theory in rejecting patriarchy as oppressive to the individual and in perpetuating white male dominance (Sullivan, 2003; Wilchins, 2004).

Through the lens of queer theory one may view the debate regarding the availability of same-sex marriage, as well as the benefits and obstacles attained from these unions from a new and interesting angle. This is particularly true when considering the fact that homosexuals have often been deemed socially deviant beings based on their sexual orientation and preferences alone. Queer theory may assist in shedding light on the ways that couples view themselves and their orientation in relation to their experiences with marriage, as well as the experiences of their dependent and adult children.

Statement of Research Questions

Through the use of qualitative research methods, this study seeks to explore and analyze same-sex couples' experiences with marriage in the State of New Hampshire. The intent of this inquiry is to shed light on the effects of marriage reform on the lives of married same-sex couples and their families in order to provide potential policy and research implications.

It seeks to understand this experience through the following research questions:

- What benefits have couples obtained as a result of their marriage?
- What obstacles have couples faced as a result of their marriage?

- What benefits have dependent children obtained and what obstacles have they faced as a result of their parents' marriage?
- What benefits have adult children obtained and what obstacles have they faced as a result of their parents' marriage?

In the chapters to follow, a discussion of the research methods utilized within this study will first be discussed, followed by an explanation of the data gathered through the preliminary questionnaire and interviews, as well as the implications that this data has on policy and future areas of research.

CHAPTER III

METHODOLOGY

The current study takes a qualitative approach to explore the experiences of married same-sex couples and their families in New Hampshire. Respondents first answered items on a brief questionnaire in order to provide demographic information and ensure that they met criteria for participation in the research, as well as to provide preferred contact information for interviews. Semi-structured face-to-face interviews were conducted with each respondent to discuss their experiences as a married same-sex couple and family under New Hampshire's newly passed same-sex marriage legislation (State of New Hampshire, 2009b). Transcripts of interviews were then analyzed for recurring and emergent themes, giving same-sex couples involved in this study a platform from which to share their experiences and the experiences of their dependent and adult children.

Research Design and Methods

Guiding methodology for the initially proposed and IRB approved study was both qualitative and quantitative in nature, with a focus on qualitative responses. The original intent of this research was to reach a greater number of respondents, with several qualitative interviews used to supplement, enrich and reaffirm the data collected. Though the combination of methods can often help draw out strengths of each approach (Onwuegbuzie & Leech, 2005; Thomas, 2003), outreach and recruitment through LGBT-friendly and other community organizations proved complicated. This was primarily due

to community and organizational expressions of concerns about ‘outing’ couples in a relatively rural state with recently reformed marriage legislation where full acceptance of same-sex marriage might not yet be present.

In order to still capture the essence of this research and to represent the voice of married same-sex couples in New Hampshire the study was then adapted to methodology of a qualitative nature. Qualitative methodology provided same-sex couples the opportunity to freely express their perceptions of the impact that marriage has had on their lives and the lives of their children. This allowed for a more in-depth and detailed account of participants’ individual experiences (Marshall & Rossman, 1999; Monette, Sullivan & DeJong, 2008).

Qualitative methods were selected as the primary framework for this research due to their fit with the purpose of the study, which was to uncover the ways same-sex couples’ lives have been affected by marriage, through discussions about their personal experiences. The openness of qualitative approaches to research allowed participants the flexibility and availability to expand their responses in ways that could provide new insights and categories that were not based on the researcher’s expectations (Monette et al., 2008). Qualitative data also allows for a greater understanding of participants’ relationships by providing a personal context for the data and uncovering the importance of the subjective experience in a way that quantitative methods alone could not capture (Creswell, 2007; Marshall & Rossman, 1999; Monette et al., 2008).

Another reason that qualitative methods were selected for this research was because of the limited sample size available due to the capacity for recruitment within a minority population. Although quantitative methods require a large sample size,

qualitative research requires a smaller sample based on the topics being studied, as well as the breadth of information that such research can provide (Marshall & Rossman, 1999; Monette et al., 2008; Montcalm & Royse, 2002; Rubin & Babbie, 2010). Due to the sensitive nature of the subject being studied, qualitative inquiry also allowed for the development of a more trustworthy relationship between the researcher and participants.

As discussed in Chapter 2, same-sex marriage is still a fairly new concept that has only gained momentum and footing over the past couple of decades (Callahan, 2009; Hull, 2006; NCSL, 2012b; Thomas, 2005). This study sought to further examine what same-sex couples' experiences with marriage are and how their lives, as well as the lives of their families, have been affected by their legal marital status. Additionally, qualitative research allows for a more detailed analysis of same-sex couples' experiences by examining the benefits and obstacles that they have faced from their own unique perspectives, thereby giving them a voice, and providing new insights and unforeseen realities (Creswell, 2007; Marshall & Rossman, 1999; Monette et al., 2008). The implications of this study on areas of future research and policy will be discussed in Chapter 5.

Grounded Theory

Grounded theory is “derived from data and then illustrated by characteristic examples in data” (Glaser & Strauss, 1967, p. 5). It is a lens through which themes emerge during the researcher's interaction with data rather than through deductive reasoning (Lincoln & Guba, 1985). This is to say that codes surface from the data, rather than being applied to data as with quantitative forms of research, and provides the ability for theory construction (Charmaz, 2011; Creswell, 2007; Lincoln & Guba, 1985).

As described by Burck (2005), “A grounded theory analysis begins with a line-by-line coding of the written text, identifying descriptive categories which are constantly compared for similarities and differences.” (p. 245) Categories are then grouped, as appropriate, and later used in going back to the data for comparison or examination (Burck, 2005; Charmaz, 2011; Creswell, 2007). This back and forth between coding, analysis, and interpretation is deemed the constant comparative method (Creswell, 2007).

Though grounded theory was initially developed by Glaser and Strauss (1967) and involved a rigid, prescriptive structure used to guide data analysis and theory development, recent grounded theorists depart from this classic structure (Creswell, 2007). In departing from the classic tenets of grounded theory, theorists such as Charmaz (2011) move theory toward a social constructionist perspective focused more on ideologies than a strict adherence to research methods (Creswell, 2007). Creswell (2007) and Charmaz (2011) state that anywhere from 20 to 60 interviews should be conducted in order to provide a solid foundation for grounded theory. Due to time constraints and sampling availability only eleven interviews were conducted for this study, with one interview per participant.

In this study, themes emerge from the experiences of same-sex couples as voiced in interviews with the researcher. A discussion of the obstacles and benefits experienced within the legal and social construct of marriage allow for this, providing a framework through which the effects of marriage in the lives of same-sex couples could be explained.

Sampling Framework

For the purposes of this study, the sampling frame included respondents who met the following two criteria: a) legally married to a same-sex partner pursuant to current New Hampshire state law, and b) resident of the State of New Hampshire. Since it is understood that participants' spouses could have the potential to live out of state, it was not required that both of the spouses reside in New Hampshire in order to be included in the sample. Although information was gathered about the children of married same-sex couples, respondents were not excluded from the sample if they did not have children living in their homes for whom they were legal guardians. This ensured that individuals and couples with grown children, as well as those without children were not eliminated from the pool of potential respondents.

Respondents were recruited via availability and snowball sampling methods through outreach in collaboration with LGBT friendly businesses, organizations and churches throughout the State of New Hampshire, including Unitarian Universalist Churches, the Society of Friends (consisting of Quaker organizations), Standing Up for New Hampshire Families, and same-sex couple support and parenting groups. These sampling procedures were utilized since marriage records in New Hampshire are housed in the Department of Vital Records (New Hampshire Department of State, 2012) and it would be both tedious and costly to identify all possible participants throughout the state. Availability sampling provided respondents the opportunity to volunteer participation, while snowball sampling provided the possibility of reaching members within the LGBT community and subculture who may not be reached otherwise (Monette et al., 2008; Rubin & Babbie, 2010).

For the purposes of this study the term ‘participant’ was applied to a couple jointly taking part in the research or a single member of a couple. Although it was preferred that couples take part in interviews together, individuals interested in participating were not excluded if their partners were unavailable or uncomfortable participating.

Eleven participants were recruited, all of whom responded via the online questionnaire. Due to the potential sensitivity of the research being conducted on a minority population, participants determined whether they felt most comfortable being interviewed in-person or over the phone. Participants were also encouraged to determine where they would be most comfortable being interviewed. All eleven of the participants took part in face-to-face interviews. All but one of the participants in this study opted to be interviewed in their own homes. The other interview took place in the participant couple’s place of work. Interviews lasted between 20 and 50 minutes. As formerly stated, couples who took part in interviews were considered one respondent for the purposes of this study, as their marriage is a shared experience; however their contributions were labeled separately in the transcription to distinguish between their responses. For example, couple ‘B’ responding jointly within an interview would be labeled as spouse ‘B1’ and spouse ‘B2’, rather than grouped together as one voice within the response.

Procedure

Participants in this research took part in the questionnaire and interview in June and July of 2012. Flyers and information about the research were distributed through various LGBT friendly organizations both in hard copy and online. Through these avenues, as well as word of mouth, respondents could take part in the introductory

questionnaire by requesting a paper copy or directing themselves to the online version via the link to the SurveyMonkey website. In order to participate, respondents were required to agree to Informed Consent (see Appendix A) whether by clicking 'agree' prior to taking the online questionnaire, or by signing a paper form to show their understanding of the research, including their role as participants, the potential risks, and benefits. Follow-up interviews were then conducted with participants who fit the sampling frame criteria aforementioned. During these interviews, participants signed a hard copy of the informed consent form and were given a copy for their record.

Preceding data collection procedures, proposals for this research were prepared for the University of New Hampshire (UNH) Institutional Review Board (IRB) (See Appendix B). Protocol used by the IRB makes certain that ethical standards are met throughout the research and data collection process. Approval through this review board determined that there were only minimal risks to participants through the potential for slight discomfort or emotional reactions due to the nature of the data being studied, as well as the minimal risk of a breach in confidentiality in transferring data via the Internet.

Though participants received no direct benefits from their involvement in this study, the possible advantage of participation was that the contribution of their unique experiences could assist the state or community by shedding light on the ways that marriage legislation has affected their lives. As participation in this study was completely voluntary, respondents could refuse to answer any questions that caused them discomfort and were free to cease participation in this study at any point in time. Participants were also informed that any particularly unique and identifiable data would not be reported in this final document.

Questionnaire

The introductory questionnaire used in this research served as a platform from which potential participants could read through the logistics of the study, as well as their role in the research process, in the informed consent form in order help them determine whether or not they felt comfortable participating. It also provided a means of collecting basic demographic information from potential participants, as well as to provide preferred contact information in order to set up interviews (see Appendix C). Furthermore, the questionnaire helped determine whether or not respondents met the full criteria to be included in the study, based on the researcher's sampling frame. This ensured that individuals or couples interested in participating were, in fact, residents of the State of New Hampshire and that their marriages were pursuant with current state law, (for example, it was important to ensure that resident couples who married out of state prior to recent legislation had either remarried in this state or had their licenses revisited in the state where their marriage originally took place in order to carry over).

Interview

The interview portion of this study consisted of five basic open-ended questions addressing the overarching inquiries of this study (see Appendix D). The first question served as a means of setting the stage with participants in order to learn more about them as a couple, while the second and third questions provided participants the opportunity to discuss their personal experiences with marriage. Although the fourth and fifth questions were conditional based on whether or not participants had dependent or adult children, these questions also provided participants with an opportunity to speak openly about the experiences their children have had as a result of their marriage. Each broad question was

complemented by additional follow-up questions utilized when necessary to help draw out more thorough responses from participants. Throughout the interview process, open-ended probes were also used to evoke more detailed and elaborative responses, which would help create a more thorough depiction of their experiences.

Interviews were documented with a digital audio recording device with the consent of participants. Field notes were taken during the process in order to reference the setting and atmosphere during the interview, as well as participants' affect, expressions and reactions during face-to-face interviews. This provided a rich context for the responses acquired throughout the interview process (Marshall & Rossman, 1999). These notes are used as a reference point in which to place responses, as well as to supplement responses with a clearer context based on subjects' reactions.

Following each interview, the researcher conducted transcription. This allowed her to re-immers herself in participant responses and analyze the data, as well as to begin the coding process. Any identifiable participant information, including any mention of spouse and children's names, was removed at this time in order to protect participant confidentiality. Following full transcription of the audio files, recordings were also deleted to preserve participant identities.

Content Analysis and Trustworthiness

As the quality and trustworthiness (Lincoln & Guba, 1985) of data is an important aspect of any research, the reliability of qualitative data gathered in this study was obtained in a couple of select ways. First, the researcher immersed herself in the data by listening back through audio recordings and transcribing interviews as soon after each interview as possible. Second, she took time reading through transcriptions multiple

times in order to gain a heightened awareness and understanding of the data at hand. The researcher then, through careful questioning and reflection, coded transcriptions by emergent and recurring themes in order to establish content validity, guided by a modified use of traditional content analysis methods (Brod, Tesler, Christensen, 2009; Flick, 2002; Glesne; 1999). This qualitative derivation of content analysis seeks to condense data into coherent and diverse categories without losing the meaning of these categories, by keeping them grounded in participant responses, but does not seek to perform statistical analyses (Marshall & Rossman, 1999). This approach differs from strict quantitative analysis in that it does not seek to develop a comprehensive list of distinct categories, but maintain a sense of internal consistency across categories (Marshall & Rossman, 1999). Based in the tenets of grounded theory, coding of the data begins with open coding of major categories and ends with selective coding which serves to connect these categories (Creswell, 2007). An inductive approach to analyzing the data is particularly important to this study, as there is not a strong base of literature on same-sex marriage at the present time.

Following the researcher's own coding of emergent themes, three University of New Hampshire graduate students from the Family Studies department, who have since graduated from the program, were recruited to serve as "peer debriefers" (Lincoln & Guba, 1985). All three of these former students had knowledge of coding and thematic analysis from their experiences and courses taken within in the Family Studies program, and two of these students had experience coding qualitative data within their own theses. Using outside coders helped analyze the data from multiple perspectives, in order to establish an agreement of emergent themes (Brod et al., 2009) to monitor and eliminate

the potential for researcher bias (Flick, 2002), as well as to maintain trustworthiness (Lincoln & Guba, 1985). An outside perspective also helped ensure that no themes were overlooked within the data.

Once all of the themes had been distilled from the data by the researcher and her outside coders, the data was to be organized and each theme summarized appropriately. At this point member-checks of the emergent themes were performed with some of the research participants to ensure that these categories were true to the essence of their experiences. This process was intended to ensure accuracy and give participants shared power in the data collection and analysis process (Flick, 2002).

Themes were then compared to available current literature and theory to analyze existing gaps and areas for future research. In Chapter 5 there will be a discussion of these themes as they relate to the questions this study seeks to investigate, as well as the way that these themes fit into the current literature on same-sex marriage and the children of same-sex couples. There will also be a discussion about the way that these findings can be used to advance knowledge and understanding within the field of Family Policy and beyond.

CHAPTER IV

FINDINGS

This study explored basic, open-ended research questions aimed at understanding the experiences of married same-sex couples in New Hampshire including:

- What benefits have couples obtained as a result of their marriage?
- What obstacles have couples faced as a result of their marriage?
- What benefits have dependent children obtained and what obstacles have they faced a result of their parents' marriage?
- What benefits have adult children obtained and what obstacles have they faced as a result of their parents' marriage?

As discussed in Chapter 3, qualitative research methods were utilized through the use of qualitative content analysis, peer-debriefers, and member-checks. To better understand who was included in the sample of participants, answers from the preliminary questionnaire will first be examined.

Sample

A total of eleven participants were involved in this study. Of those involved in the study, ten couples were interviewed jointly and one participant was interviewed singularly due to scheduling constraints. Nine participants were female and two were male. The youngest of these participants was 27 years old, with the eldest being aged 68 years. Nine participants identified themselves and their partners' race as being "White, non-Hispanic", and two participants identified as "White, non-Hispanic" with a spouse of

“Two or more” races. All were residents of the State of New Hampshire, having resided in the state from 5 to 60 years. Five of eleven participants lived in the Lakes Region, with two residing on the Seacoast, two in Merrimack Valley, one in the White Mountains, and one in the Dartmouth/Lake Sunapee area.

Couples had been involved in relationships together anywhere from 3.5 years to 26 years, with six couples having been together 11 years or less and five having been coupled from 15 to 26 years; and couples’ marriages having a length of 3 months to 2 years and 7 months at the time of the interview. Additionally, it is important to note that six of the eleven couples that participated had a civil union prior to marriage. Five participants noted having dependent and/or adult children, three of whom had dependent children aged 7 to 17, one of whom mentioned having both a dependent child aged 17 and adult children aged 19 and 39, and one who had two adult children in their 40’s.

Analysis

Semi-structured interviews focused on questions relating to participants’ experiences with marriage, as related to the benefits they have obtained and obstacles they have faced, as well as their reflections on the benefits and obstacles experienced by their dependent and adult children (see Appendix C). In order to further explore these questions, the process of content analysis was utilized. The researcher audio recorded interviews in order to be fully present and aware during the process. She then went back to these recordings, re-immersing herself in the data of these recordings during the transcription process. Once the interviews were transcribed, content was coded through the process of qualitative content analysis, through a narrowing of key phrases, recurring statements, and words.

During the content analysis process, the researcher took care to ensure that the essence of participant experiences was not lost and that the themes that emerged from the data were rooted in these responses. Overarching themes related to marital benefits and obstacles included: social recognition, spousal rights and responsibilities, stability, state-level equality, hope/feeling part of a larger movement, family acceptance, federal recognition, threat of repeal in New Hampshire, separate but equal status, language of marriage, personal fear, and other. The “other” categories included relevant and important themes that were important to discuss, but that were found within only one or two interviews. Themes related to children also included stability and security and the parent-child relationship. In order to understand each of these themes and how they relate to participant experiences, each will be examined thoroughly in this chapter. First a discussion of trustworthiness and peer-debriefing will be discussed.

Trustworthiness, Peer-Debriefing & Member-Checking

In order to establish trustworthiness (Lincoln & Guba, 1985) of the data being gathered, as well as reliability, the researcher recruited three peer-debriefers to read through transcriptions to find recurring themes following her own content analysis of the data at hand. These readers helped analyze the data from different perspectives, agree upon emergent themes (Brod et al., 2009), monitor and eliminate the potential for bias (Flick, 2002), and maintain trustworthiness (Lincoln & Guba, 1985), as discussed in Chapter 3.

Themes discovered by these three individuals included: marriage as solidifying couples relationships, stability/security, social recognition, familial recognition versus familial rejection, parental rights, fear of reactions, state and federal law discrepancies,

fear of state repeal, location and travel issues, outsider views of the relationship, legislative obstacles, language of the relationship, generational gaps, inequality, straight privilege, emotional benefits for couples and children, children's openness to diversity, children's feelings of pride about the parental relationship, and tangible benefits including medical and insurance rights.

The themes initially discovered by the researcher were all reinforced by the various themes noted by the debriefers. Once these themes were compared and cross checked, the researcher then asked some of the study's participants to perform member-checks by looking over a summary of the themes as well (Flick, 2002). Member-checks confirmed that the themes pulled from the data were an accurate reflection of their experiences. It also allowed participants a shared power in the process of analysis (Flick, 2002). A discussion of these themes including examples from the data is to follow.

Themes

A multitude of themes emerged from participant interviews during the process of coding. Key themes included: spousal rights and responsibilities, social recognition, family acceptance, stability, state-level equality, feeling part of a larger movement, federal recognition/DOMA, the threat of marriage repeal in New Hampshire, separate but equal status, the language of marriage, personal fear, travel and relocation, child stability and security, and the parent-child relationship. Each of these themes reflected the scope of perceptions and experiences as lived by married same-sex couples in the State of New Hampshire. Though the experiences of each participant and couple varied across interviews, they all possessed some common threads. These common threads can be seen within and across themes at various levels.

Spousal Rights and Responsibilities

One of the most commonly occurring themes that emerged from the data regarded the ability to obtain spousal rights and responsibilities. These rights and responsibilities included the ability to share or purchase joint insurance policies, inheritance, power of attorney, and the acquisition of medical decision-making and visitation rights in the event that their spouse was injured or hospitalized.

In regards to insurance, one participant noted that she felt as though having the option of being on one another's health insurance through marriage provided her and her spouse with a feeling of added security. Another participant noted that the ability to group health insurance plans saved her money: "...we just bought private health insurance and they asked if we're married, so then when we said yes, there was different paperwork. I guess we would have been in the position of buying two more expensive policies if we weren't married."

Several couples noted the importance of medical visitation and decision-making rights. One participant in particular noted the importance of this right in regards to her wife who is on disability and who had faced multiple surgeries and operations:

The biggest one, we always have issues. She's had two, well three back surgeries since we've been together, plus she had her appendix and all that stuff, so she always wants me to be right there with her in the emergency room. I always get the, 'who are you?' And you know, it's tough when I say, 'I'm her girlfriend', because people just want to think, oh, they're just friends. But now when I say wife, it's like 'oh, okay!' There's no more questioning about what's going on. We are together. We have the same last name.

She went on to say that this right was particularly important to their situation, because of her wife's difficulties in speaking with doctors: "She has a hard time communicating and

it's almost like I'm her advocate on top of it, so it's just so much easier now that I'm her wife."

Concurrent with literature on the subject, medical rights and responsibilities were also spoken of as being exceptionally important to those participants who were advanced in age or who noted a large age difference between themselves and their spouses (de Vries, 2007; Knochel, 2010). One participant reflected on the notion that the legal aspects associated with their marriage are most important to them as they advance in age:

As we get older we have to think about things like if one of us gets dementia or whatever. I mean, the legal things are the things that were the most important. I think at our wedding what we stated in our vows was that this was not a celebration of a union, it was a celebration of what our relationship was, because we'd been together for so long. You know, done things with crazy kids and animals. Yeah, so it was much more, for us, the legal kind of stuff was big.

It is important to acknowledge that a few couples opted to secure their own legal remedies in the form of power of attorney and living wills before the ability to obtain a civil union or marriage became available. As one participant stated:

Before we got married we were able to set up a trust with power of attorney and living wills and things like that, but those things are very expensive and not easy for everyone to do. But now, in New Hampshire, we don't even need that, because we're actually recognized in this state. She can make decisions for me, and that's important.

Her spouse then added:

We had taken care of a lot of that through the trust previously, so for us as a couple we didn't see or realize huge gains, but I don't know very many couples that actually did or could implement a trust so that they were protected. So I think, in a broader social and public perspective, those are huge benefits of the ability for us to marry.

In addition to the ability of some couples to attain legal rights outside of marriage, it is also important to note that those couples that had secured a civil union prior to their

marriage mentioned that they did not see significant gains in this realm. This was largely due to the fact that couples already received many of these benefits when they secured civil unions in 2008 or 2009. It is also important to observe that a couple of the participants in this study discussed an ability to obtain medical insurance for their partners through “progressive” employers, including public state universities who offered domestic partner benefits prior to their civil union and/or marriage.

Social Recognition

Another frequently occurring theme across interviews was the concept of social recognition. Several participants noted feelings of public “support”, “validation”, “legitimacy”, and/or being taken seriously as a result of their marital commitment.

One point expressed in interviews with a few different participants addressed a social understanding of the term marriage and how that contributed to people’s outlooks on their relationship. As an example, in speaking of her experiences with being married, one participant stated, “Well, one of the things that I know I’ve noticed is that people talk to us differently now that we’re married than they did when we were ‘just a couple’. People used to talk to each of us as individuals, not necessarily together. I feel like now people take our relationship more seriously.” She went on to explain, “People don’t think that we’re just confused anymore, I think. They think it’s serious and we’re serious about our relationship and not just like ‘playing house’”. She also expressed pride in the ability to use this recognition as a social tool. “Because I’ve had people telling me it’s not okay, it’s good to turn around and say, ‘hey look... all these people think it is important!’ That’s why it means more to me, probably.”

To parallel this participant's experience of being taken seriously, another participant reflected on the fact that people in her daily life became more understanding and accepting of her spousal relationship having come to know her personally. She emphasized a hope that the outlook on same-sex marriage will become more positive as the public is increasingly able to put a face to it in their own lives:

Hopefully it gives the public a more positive look at it. When they can put faces to it, ya know? I know in my work place people have said that knowing me has changed their attitudes about homosexuality. They only know what they've been taught or what they've seen in the media...so being able to put a face to it with somebody you know, and seeing that person is a good person.

This participant's wife expressed the significance of marriage as a social tool that they had been exempt from before the law change: "...it's not like a boyfriend/girlfriend situation. Ya know people are like, 'oh this isn't serious'. That could have gone on forever for people like us before we had the right to marry, so people doing that means that we're taken more seriously."

For one woman marriage was viewed as beneficial to her spousal relationship through the meaning attributed to marriage in the eyes of the public: "the importance is more social recognition. Or awareness. Awareness of our friends and neighbors and family members that this is a legitimate relationship that is a long-term relationship. We have made a commitment just like you have in your heterosexual relationship."

Another participant framed this public recognition of marriage in the following way:

...it's just so nice to really have this shorthand. This currency that everyone accepts. Maybe not everyone really accepts it, for their own personal reasons, but they know what you're talking about. I love that. You know, I mean, anybody who you give anything. If you say 'I'm Italian' or 'I'm tall' or 'I'm a social worker' or whatever. Anybody who wants to have a real relationship with you needs to accept that and everything, but it's a good place to start. It

gives the parameter. This is the neighborhood. This is what we're talking about.

Though she acknowledged the fact that some people may not accept and embrace her marriage, she paid reference to a general understanding of what marriage means within greater society.

Another participant reflects this same sentiment in discussing the difference between civil union and marriage in her own life: "For me it was an emotional difference—to be able to call yourselves 'married'. Like, everyone gets what marriage is. They're like, 'what the heck is a civil union?' You know what I mean? It's nice to be on the same level as all of my co-workers and to say 'my wife'."

While some framed this social recognition around the concept of marriage as a term that people understand and accept, other individuals expressed feelings of community support and acknowledgment. In reflecting on the day of his marriage, one participant spoke of his initial skepticism about how his marriage would be received in a public venue:

Even just being married in a public park. We only invited our friends and didn't think about it til we got there and saw all these other people just enjoying the park. Then I was like 'oh god! Someone's going to say something or boo or whatever'. No one did. Actually, everyone clapped! There were couples with children and everything and no one had a negative reaction.

It is additionally important to note that a couple of participants stated that they did not feel that social recognition played a big role for them, because they had always considered themselves married. One participant reflected that in her workplace, people had always treated her as married. She also stated that when filling

out non-legal documents, she always checked 'married' saying that she and her spouse "...have felt married for a long time."

Another participant explained that she faced some difficulty in speaking to people due to a lack of knowledge about the law change stating, "A lot of people still don't think it's legal, so we have to explain, like 'yes, it's legal. Yes it's legal in New Hampshire. No it's not a civil union. Yes, we're really married.' Like those types of questions. People I talk to sometimes ask 'is your marriage really legal, or? Did you get married somewhere else?'"

For one participant the ability to share in the celebration of commitment was cited as a significant social gain. She rejoiced in the fact that she and her wife had recently been able to attend the weddings of many friends. She indicated that they had not been attending weddings since the majority of their friends were gay and lesbian and could not marry until recently.

In keeping with the concept of recognition by those outside of the marriage, attention will next be given to the theme surrounding family acceptance.

Family Acceptance

A theme that presented itself across a number of interviews, in connection with social recognition, regarded family reactions to couples before and after their marriages. Some couples noted family acceptance as being something that they received throughout the course of their entire relationships, while others emphasized a gaining of acceptance upon their marriage, a willingness on their family's part to move to a point of acceptance, or being embraced by their spouse's family in the absence of their own family support.

One participant spoke of the fact that continued family support was very important to her: “I feel like my family even, they see it as us being recognized as a more serious thing. For me having my family support me, as they always have, is a big thing.”

Another participant articulated that although she felt as though her families did not always take her relationship seriously, their position changed once the couple became married: “I think that family-wise, not that our families didn’t support us at all, but now that we’re married they know we’re actually serious about it. It’s not just, oh, you like each other. Okay.”

She further explained that receiving family acceptance was an area of importance to them in that one half of their family was not always supportive of their relationship. She also attributed generational differences to this initial lack of acceptance:

We haven’t really had to do a whole lot, besides just getting family support. I think that’s the biggest thing. My family has always been 100% supportive, whereas her mom grew up in a different era where it was the point where [she] had to choose, you know? Like, do I choose my wife or my mom? I think now that we’re married her mom doesn’t think it’s just a phase anymore and doesn’t think, oh, you know, she’s just doing this to go against my wishes. She sees how happy she is and that she actually wants to be with me, not just confused.

This participant’s spouse also indicated that in the past she found it particularly difficult to help her family understand the seriousness of their relationship and her desire to put her partner first, but that getting married changed their outlook: “I don’t think it has to do completely with the fact that we’re married, but I’ve always put our relationship first. It’s just that now it’s more acceptable to my family. You know what I mean? Before they were like, ‘you’re choosing her over your family’. They don’t really even think of it that way now, because that’s my family now. “

At the beginning of one of the interviews, one particular participant discussed the fact that she did not have a close relationship with her own family for religious reasons, because she is a lesbian. Due to the fact that she lacked this family support on her side of the family, she explained the significance of having her spouse's family stand up for them at their civil union ceremony and that she felt this support would be the same if they had a marriage ceremony: "I think our civil union was a big thing. We went from nothing, to civil union, then right to marriage. I think for us it would have been the same had we skipped the civil union and went right to marriage. Civil union status, we had a ceremony and [my spouse]'s family stood up for us. To see that support took us to a whole new level."

Her spouse then added to this sentiment, further explaining that she felt the their commitment was significant in the eyes of their family and friends:

I think that ceremony not only in the eyes of my parents, but in that of our very close friends. It took us to a new level in their eyes. They always thought of us as a couple that was going to last... But I think that actually participating in the ceremony, hearing our vows, and seeing our commitment to one another, which is not something you talk about when you're just hanging out having a Saturday afternoon gathering or what have you. I think that that also added to the legitimacy in the eyes of our friends.

Another participant discussed her experience in visiting her future father-in-law while he was in his final days shortly before their wedding. She articulated her surprise at his expression of acceptance toward their relationship, which had not always been viewed favorably: "when we went to get married, and we went down to Alabama, he was pretty frail then, and I remember going in to say goodbye. And he held my hand and he said to me, he said 'I always considered you as married'. Which I thought was pretty deep for him."

For one man, the ability to marry into a family that was supporting and accepting of his relationship with his husband was particularly important, due to the fact that his parents had predeceased him:

The one thing with getting married—the big thing—was that my family was gone. But with Fred’s (name has been changed to maintain anonymity) family we’re just so glad, to you know, at our wedding to have the family embrace that. We’re legal. We can get married and have all our young kids there. It was absolutely incredible for us.”

As an alternative experience to those previously mentioned, one participant reflected that he felt his family was accepting of his sexual orientation and relationship until the discussion of marriage came up: “My parents knew I was gay, and they knew I was dating someone. They were okay with that, but then when we told them we were getting married, for some reason that was very difficult.”

Stability

Another prominent theme across interviews was the theme of stability. These included feelings of emotional stability, the recognition of a greater level of comfort within the marital partnership, viewing the spousal relationship as long-term and permanent, and a structuring of the relationship. Reoccurring terms included those of “commitment”, feeling “secure”, and the marriage as “permanent”.

Two examples of the ways that participants spoke to the emotional and symbolic reinforcement of their marriage were: “we’re just so committed to each other. It just feels better being married” and “emotionally I think it just feels more secure”.

One couple discussed the fact that before their marriage they had fights that would last extensive periods of time, but that the seriousness of their marital commitment

makes them feel as though they are now able to move past their indifferences more quickly:

One thing that I noticed between us is that when we used to fight our fights would go on for a while. Now when we fight we know we've just gotta get over them and move on. There's no point holding on to them, because we know we're not going anywhere. We both know that we love each other. There's not any point in fighting about things for a long time.

For another participant, the marital commitment helped her in approaching her spouse with issues that they may not have been open to discussing before:

I know for me, if there's anything that I may have felt uncomfortable talking about, I feel more comfortable coming to you now about them because I know that you aren't going to go anywhere. I know that may sound awful, but I'm just not scared now to talk to you about things that are bothering me. I feel like I really can now.

This same participant's wife mentioned that she felt as though their marriage had lent itself to the structuring of roles in their household, providing them with a routine and understanding of their respective functions within the relationship. She also noted that their marriage had enabled them to work toward combining their resources in a way that they hadn't before. A result of this was the ability of one of the partners to wean her way off state assistance once they got married: "you finally got off state assistance. That was a benefit of getting married. You were on food stamps and all that stuff. When we got married, we became one and you didn't have to rely on all that stuff anymore. We benefited in that we could pull together." Though her spouse mentioned that this was a bit of a challenge for her at first, because she had grown so accustomed to the state assistance, they agreed that this ultimately helped them work on unifying and relying on each other more.

An additional participant also framed feelings of permanency and commitment around the concept of divorce: “Even now with divorce. We have to get divorced now. Even though there’s not a lot of monetary benefits. Now that you’re married, you’d have to get divorced. So it’s a very binding thing. Permanent.”

State-level Equality

In connection with a personal feeling of stability, as previously discussed, a few participants in this study mentioned the feeling of having state-level equality and that this was a step toward social inclusion on a greater scale.

In discussing his marriage, one spouse stated that he felt as though he was finally equal to others in his community: “We’re equal as everyone else is equal now. You know? When we went out and actually got married it was like, we can actually do this! It really brought us together as one versus two.” He went on to say that this equality, at least at the state-level, gave him: “the right to actually feel like you can be a part of society and not be segregated in any way. That was a huge step.”

In speaking about her access to spousal benefits and the ease of navigating systems such as those related to adoption, one participant stated that: “It’s nice for people to see us, to know us, like the State of New Hampshire.”

Another, mentioned that at the state-level in New Hampshire she felt as though she was supported, while also recognizing that this is not the case outside of the state: “In this state I don’t see so many obstacles, but outside of these state lines it’s a bowl of spaghetti once you get beyond the borders.”

Several participants also paid recognition to the fact that they felt grateful or fortunate for the state and communities that they resided in, because they did not feel as

though they faced adversity as a result of their marriage. This feeling of community support and state-level equality feeds into the next theme, which is that of hope and feeling part of a larger movement toward equality and acceptance.

Feeling Part of a Larger Movement

For several couples in this study, their marriage brought about feelings of hope for other same-sex couples, the future of same-sex marriage legislation across the nation, and for younger generations and gay youth were attributed to their marriage. Many of the respondents discussed feeling as though their marriage made a difference in the larger movement toward marriage equality.

One of the older participants talked about her observation of the change in perspectives and treatment of gay and lesbian individuals over time, such as the right to marry and how she feels that it is a sign of social progress and changing perceptions:

[the young] generation now is so very far removed from how we grew up. The whole thing of being able to accept yourself and having it be a positive thing. I grew up in a time where I have friends where the children were taken away from them...and the husbands could have committed these women in a mental institution because they were gay... We're coming into a time where there's a whole different perspective than you've even grown up with. Things have started to change. They have and they haven't.

A couple of participants in this study went on to acknowledge the role of government in movement toward marriage equality. One noted that although the road ahead might still be a long one the ability to marry in New Hampshire was a small step in the process toward this equality: "I'm not saying that the government is our savior or that the government is going to change everything, but it's baby steps. Just like I said: being

married in New Hampshire has cracked the door open. That's it. That's where we are right now."

For another participant, her contribution to the larger movement of marriage equality stemmed from the ability to educate members of her town and local government about the fact that gay and lesbian couples are in even the smallest of communities and that marriage is important to them:

I really, sort of feel that as wonderful as our ceremony was, as great as it is to have that piece of paper, the actual ability and willingness to do it locally... to go to that little town hall where, probably we're the only gay couple in [our town], to say 'hey, we want to file this paperwork.' It was an opportunity for us to educate the people in the selectmen's office. We live here. We pay taxes. We're good citizens. And this is something that's important to us. So, I really think that that for us really held a lot of emotional value. Just because we could say that we were supporting something bigger that we hope happens in our lifetime.

She went on to explain that although she hadn't always been an advocate for marriage equality, that the more she thought about the impact that it could have not only in the State of New Hampshire, but in the nation as a whole, the more beneficial she thought it was:

Well, I will say that in the very beginning, when New Hampshire was pushing for marriage and NH Freedom to Marry was working so hard, I was sort of on the fence. I sort of thought, well, we have civil unions and it's kind of the same thing, it's just a different label. So why push it? Then the more I started to pay attention and the more I saw the complexities of having truly a separate but equal status, it became really very clear to me that again, going back to that social impact, and awareness impact, the only way that we were going to see any national support was if we had marriage. So I really do now believe that was huge. To go from civil union to marriage supports the potential of that being a reality in federal status, and not just a state status.

One woman framed her part in the movement as being proud of the public declaration she and her spouse had made. She discussed the fact that she did not understand some other same-sex couples' hesitations about marriage or being a part of

this public record and movement toward equality, asserting that being a part of this marginalized population is also the commitment to standing up for their rights: “You have to stand up! It’s interesting to me when people aren’t ready. I mean, I say it’s rights and responsibility.”

Another participant, who had discussed being actively involved in the gay rights movement through organizing and participating in pride events in New Hampshire and throughout the nation, said that she felt the “Lesbian, gay, bisexual people coming together has made a difference in the way things have gotten better.” Her spouse added that she felt that the public did not always seem to care about LGBT people in the past. She went on to say that she felt as though the AIDS crisis was viewed as “our problem” and that “To see where we are now versus how hard it was in the beginning though. This experience has been a lot to us. Things are changing.”

Hope for younger generations. A lesser element that emerged within the theme of “feeling part of a larger movement” was a discussion of the hope that a couple of the participants have for younger generations, and particularly gay youth.

Both of the male couples in this study spoke about the hope that they have for younger generations. The first of these participants mentioned his perception that the youth of our society now are more accepting than they were in the past, and that as marriage laws change, allowing couples like himself and his spouse to marry, the general public will come around as well:

...I think that for young gay people now, it’s maybe a lot easier for them now coming out. It’s, teenagers and kids now, they don’t think that kids see it as abnormal. It’s becoming more accepted and as you see more states starting to do this, passing these laws, finally granting couples the right to marry, it’s changing the whole perception.

The second of these participants spoke openly about the relationship between himself and his husband with their niece and great-nephews. He discussed the fact that his family was very open and accepting of their marriage and that as a result they had a very close connection to these young people in their family, to the extent that they would host sleepovers and the like. He said that he felt as though having gay uncles in their life was “educating them.” “They walk into an atmosphere where they understand.” He also spoke of the fact that one of his great-nephews had a conversation with him about a twelve year old in his class that came out as gay. He noted that the way this young man spoke to him so openly about this topic gave him hope for up and coming generations of gay youth and a movement toward acceptance.

Federal Recognition/DOMA

The most prominent theme addressed by participants in this study was the acknowledgment by participants of their difficulties receiving federal recognition of their marriages and the impact of the Defense of Marriage Act on couples’ access to federal benefits. Each of the eleven couples involved in this study explicitly addressed federal recognition as an obstacle by one means or another. This theme covered issues such as the inability to file taxes jointly, lack of spousal access to Social Security benefits in the event of serious injury or death, inheritance rights and tax at the federal level, and a general feeling of federal inequality derived from the lack of marital recognition for same-sex couples beyond the state level.

Several couples addressed the fact that they were unable to file their taxes jointly, because they are viewed as single in the eyes of the federal government. In speaking of the decision to maintain separate health care plans through each spouse’s respective

employer, one male participant said, “I mean, it’s great that we have the ability to be on each other’s health care, but having to pay taxes on it is still not the same.”

Reflecting a similar sentiment, another female participant expressed her frustration with the discrepancies and inequalities that exist between state and local government:

So, you know, there are huge ramifications for not being recognized federally. Taxes, death taxes, all those kinds of things. To the extent that states, individually pursue this course, the federal government doesn’t? We still don’t have all the rights. You know?

This tax discrepancy between the state and federal governments also posed an issue for a couple of participants when dealing with financial planners who did not completely understand the differences in rights between married heterosexual and homosexual couples at the federal level. As one participant explained “They say things and ask questions about being married from a federal perspective. Do you file your taxes jointly, for example. Well, our financial planner asked us that, and, no, we don’t. We can’t.”

Some of the older participants addressed the fact that they would not receive any Social Security in the event of their spouse’s death, nor would their spouses if they died first. For one participant, this issue was on the forefront of his thinking due to a significance in age difference between himself and his husband: “I am 20 years older. 22 [years older]. So it is likely that I will die first, and he won’t get any of my Social Security.” His spouse later reflected: “You know, with the same-sex marriage bill, we’re

so happy that it passed. If we could get more, that's what we really want. You know, we've worked hard for it.”

For one participant, the upcoming 2012 Presidential election was an area of particular concern in relation to the lack of federal recognition. Though she acknowledged a personal appreciation for President Obama's attitude toward the Defense of Marriage Act, and his recognition of the inequalities that it imposes on same-sex couples, she also expressed a fear about the future of DOMA and same-sex marriage rights as a whole should conservative Republican candidate Mitt Romney win the election:

...even with the Republican Party and Romney perhaps becoming our next President, there's always this fear of losing the rights we've gained. Obama is the only person to address us favorably, and interested in defeating the national Defense of Marriage Act. But if Romney gets in, there's this fear of being set back—especially with his being Mormon and their stance on being gay. Being gay in the Mormon Church is like the worst thing in the world. Even though I am sure there are more gay Mormons than they realize or whatever. There is always this concern about having our rights taken away.

Threat of Repeal in New Hampshire

Another theme that emerged from the data surrounded concerns relating to the threat of marriage repeal in New Hampshire. Multiple participants spoke of their concerns about marriage repeal when bills were submitted in the state legislature to revoke and remand the marriage statute back to a separation of marriage for heterosexual couples and civil unions for same-sex couples.

Two participants addressed the emotional impact that the marriage repeal bill hearings had in their lives. One spouse mentioned that the marriage repeal process was “stressful”. Her wife went on to describe how her family banded together on the day of the hearing to go to the state house in order to show their support for marriage equality:

“...we took the day off. We all went to Concord and dressed in red. We were all worried that they were going to repeal it. How awful would that be? You know? A huge slap in the face. All these years.” She went on to discuss her views of repeal as being unreasonable. She mentioned the following example of the way that she frames her qualms with the threat of a separation of rights to others:

One example I always use when I try to explain it to people is that I could go down the street and pick some guy up like ‘hey, you want to marry me?’ and we could get married no problem, but I can’t marry my partner that I’ve been with for 20 years? I mean, it doesn’t make any sense. What’s so sacred about that that we’re trying to uphold?

Her spouse went on to express uneasiness about the thought of having marriage rights taken away: “It’s really hard to articulate, but if they took marriage away, I think we would be devastated by it. It’s really hard to articulate how much it means to have, but if we didn’t have it we could articulate how awful that was.”

In describing his experience in following the marriage repeal bill, the second participant also discussed the emotional value of marriage to him and his spouse. He explained that “it’s nice to feel supported” in a state that allows same-sex marriage, and the unease he and his spouse experienced when the bill was projected to pass in the House of Representatives was lifted when it failed. His spouse reflected this sentiment by saying “I think I cried that day!” They went on to further explain that although they knew they would probably have to go through the process of worrying about the threat of repeal in the future, that it was still a “happy day”.

Another participant discussed her fear about the future of same-sex marriage and what bills might be placed in front of the state legislature going forward. She reflected on the uncertainty of what same-sex marriage repeal would be and how it might impact them

as a couple: “What if they take it away? Will we lose our rights? I mean, what will happen? That’s scary to think about. It needs to be equal.”

Two additional respondents expressed resilience in relation to the threat of denied legal recognition of their marriages. For example, though one participant noted that she wouldn’t undo her marriage, she also said that if it was taken away “in our hearts we know what that love is. They can’t take that from us.” Another noted that although she and her spouse were thankful for the ability to obtain legal recognition through marriage, “if it went away, we’d still feel married. I’d still say we were married. I’d still check off that box saying we’re married.”

Separate but Equal Status

Just as individuals discussed fears of repeal, some framed difficulties within marriage in terms of a separate but equal system. These feelings of inequality were framed in several ways, including the opposition’s push against marriage equality as related to misconceptions about the homosexual lifestyle, the effect of discrepancies between state and federal law, feelings of segregation, and the concept of heterosexual privilege.

One participant discussed the feeling that, even on the day of his marriage, he and his husband were still viewed differently, and that a level of discomfort still existed: “I guess when we got married I kind of felt like the first black boy being allowed to drink out of the white water fountain. Do you know what I’m saying? That’s still where it is for me.” He later went on to discuss his frustrations with the system of marriage in the United States as compared to other countries. He expressed his distaste with the idea that the government regulates our marital system and dictates what rights couples are allowed.

In discussing this he stated, “marriage is marriage. Why should we have same but different? We shouldn’t. We tried that. It doesn’t work. We tried that with education and water fountains. All sorts of things. It doesn’t work. This country is not same but different. Everybody is entitled to the same thing.”

Another participant similarly framed this feeling of inequality around historical events: “It’s just crazy to think about things like the existence of this segregation and you know, interracial marriage. Back then it was taboo to be with someone who was black, and it really is the same kind of thing.”

Misconceptions about homosexuality. Within the theme of a separate but equal status, participants identified misconceptions by outsiders regarding the homosexual lifestyle.

For example, one participant spoke of the way that he felt some people categorize him and his partner as being out to “ruin” or “change their marriage” and how he wished that those in opposition would get to know him so that their perceptions would change. In response to this sentiment his spouse reflected, “The lifestyle that they’ve pinned on me. I mean, I’m a boring sap! You know what I mean? I mean, I don’t have strange powers. I’m not going to eat your baby. I’m not going to touch you and you’re going to get a gay gene.”

The same participant who made the comparison between same-sex and interracial marriage (mentioned earlier in this theme) also spoke about her difficulties understanding why outsiders cared about her sex life, explaining that it was not the basis of her marriage:

The thing that amazes me is that it seems like heterosexuals are the ones thinking more about gay sex than gay people! You know? It’s like, that’s all they’re

obsessed with. That's not what our marriage is based on. It's based on us loving each other and having a family. It's not about that. That's what they make it about. They talk about how 'gross' it is or whatever. It's like, I don't care what you do. Why do you care what I do?

Another participant reflected on the fact that her relationship with her spouse was unexpected and unplanned, explaining that they had both been with men in the past. The couple, in unison, emphasized they didn't want to live without each other. She then went on to say, "So what are you gonna do with that? How can you say that's wrong?"

Heterosexual privilege. Another lesser theme that emerged within the greater theme of a separate but equal status involved the concept of heterosexual privilege, as expressed by multiple participants. This manifested throughout interview discussions paying notice to the fact that heterosexuals had benefits that same-sex couples did not, the filling out of forms, and the decision to get a civil union.

Though the term "heterosexual privilege" was not explicitly used within the majority of interviews, multiple participants actively injected comments throughout interviews about the rights and advantages that heterosexuals have, which they have not been afforded.

In describing her experience in filing forms requiring an identification of marital status, this participant expressed her irritation with the dilemma of not knowing how to identify:

...sometimes you're sitting there thinking, 'should I check single, because federally I'm single, or should I check married, because in this state I am married?' For me it adds to the awkwardness that has already always existed. And it's an awkwardness that I don't feel at all uncomfortable with, but I have to think about. You know? Heterosexuals do not have to think about what box to choose. There's always that second of consideration for me. So that's kind of a pet peeve.

This same participant and her spouse discussed their decision to obtain a civil union prior to the statute change and marriage equality. In describing the fact that they had been together for a number of years with no option, they stated that it was a “moment of choice” and that:

It’s another one of those moments where you have to think about it. The rest of the population doesn’t really have to think about it the same way. Not that I want either of us to sound like we’re bitter because heterosexuals don’t have to think about it, because we’re not, but I think just from a social justice perspective. I think there’s a lack of awareness when the majority doesn’t think about their privilege and we’re reminded almost daily that we don’t have that privilege. Or that we have to work hard to have that privilege. So I just think that, yeah, we really did have to make that statement.

The Language of Marriage

Navigating the language of marriage is an important theme that emerged from the data, and one that a few participants felt very strongly about. Discussions within this theme include issues related to the term “wife” as used by younger generations, the naming of one’s spouse within the relationship and by outsiders, and the terms “regular” or “normal” in relation to same-sex couples, as well as the term “gay marriage”.

In speaking of her experience in speaking with younger generations and friends in early adulthood, one participant addressed her frustration with the use of the term “wife”: “Unfortunately, that’s a thing with our generation. People say it and they’re not talking about someone they’re in a relationship with. They don’t get it. So when you’re saying it really talking about your wife they assume you’re talking about your best friend, and well, yeah, they’re right, but we’re really married. We’re legally married.” Although this individual and her wife identified the fact that they were a part of this cohort in terms of their age, they expressed that they found it difficult to communicate the seriousness of their relationship to those who had grown accustomed to using the term incorrectly.

For a different participant, the naming of her partner was something that she identified as evoking very strong reaction. She explained that since she and her wife had been formerly married to men, yet had always known that they were lesbians, that the term “wife” carried negative connotations for them and that they chose to use other terms in describing their relation to each other. Even so, she emphasized that this difference of perspective in naming their spousal relationship did not have bearing on marriage equality:

We don't call each other 'wife'. It's 'spouse' or 'partner'. Since we've both been married to men, we view those words differently than your generation does. I was a wife. I know that it isn't what I want to be. It has kind of a negative vibe when it's not what you want to be. When you've been a man's wife and it's not who you see yourself as anymore. But that doesn't matter in terms of marriage. That's us. It has a stigma for us. We still need these bills in place, you know, to move forward. To have equal rights. To be recognized as the same.

Another participant expressed his issue with outsiders and the naming of his partner. In discussing the difficulties his family had with naming his spouse and their relationship to other people in their family or that they know in the community, this participant notes: “my parents go back and forth with it. He's been referred to as my 'fella'. He's called this that or the other.” He goes on to say that this difficulty stems from parental concerns about what outsiders will think or say about their relationship, since they are of an older, perhaps less accepting generation.

This same participant's spouse expressed distaste for the use of the terms “regular couple” and “gay marriage” when he caught himself using these terms in a way that he felt was demeaning to their relationship, making it seem abnormal:

Sometimes, just like a regular couple – well, I don't want to use the term 'regular couple'—like couples—I guess I don't know what the right words are. I hate to quantify myself as an unnatural marriage. The one thing that

bothers me is 'gay marriage'. It's not 'gay marriage'. It's just marriage. We're married. Whether you like it or not, we're married. The mainstream public, when I give my answers sometimes I notice that I say 'just like a regular couple' and I don't mean that. We are a regular couple. We're just married. We're not gay married. We're married. That's how I treat our relationship. We're just like any couple.

Emotional and social discussions surrounding the language of marriage were additionally addressed within several interviews in a lesser way. In discussing their experiences and interactions with others, some couples emphasized multiple times throughout the course of their narrative that their marriage was, in fact, normal and natural.

Personal Fear

Just as some participants noted difficulties with navigating the language of marriage, some discussed the continued presence of personal fear. Participants used terms related to being "cautious" and "aware" in public. They also discussed fears and anticipations about being treated differently because they are gay or lesbian, along with hesitations about displaying their affections publicly.

As one participant reflected, "I think our biggest hindrance is really ourselves and our own fear of how people will react to us. We try not to, but we always kind of expect the worst and are then surprised when it's different." He later went on to discuss a scenario following their wedding, where he assumed that their wedding party would be placed in the back of the restaurant, because they were a same-sex couple: "After the wedding we went out, just the small group of us to a restaurant too, and I was shocked to find that they had us at this nice table right in the front window. Part of me expected to be kind of hidden in the back."

This same participant emphasized that he had reservations in speaking of his marriage with others. This included concerns, as a teacher, about how he would react to children in his classroom who asked about his marital status. It also involved his hesitations about who he told when he decided to marry his husband and how this was reflective of his experiences with being gay: “Coming out really isn’t easy. You’re selective about who you tell. I think it’s the same when you marry—you tell the people you know who are going to be supportive.”

For additional participants, there was an expression of hesitation about public displays of affection including hand-holding. One participant commented that although he and his husband felt as though people were becoming more accepting, that marriage has not yet eased their hesitations: “...we’re not to the point yet where we can hold hands in public. Even though we’ve been married. That’s one disappointing thing, but you know what? I don’t like to see two straight people slobber all over each other in public either, so... “ Another stated that she and her wife are “...not necessarily physically demonstrative. We’re cautious. Well, I think we pay attention to where we are before we are that way with each other.” Her wife followed this up by saying, “we don’t feel like putting ourselves in the spot where someone will come up to us and be rude to us or make comments. That’s I guess something we are very aware of.”

In slight contrast to the discussions above, one participant discussed the fact that she was often paranoid when meeting new people as a couple. She stated, “Sometimes we have to reassure ourselves that we’re married, we can do that! You know, we can hold hands walking down the beach if we want!” Her wife reflected that instead of allowing

their fears or “paranoia” get the best of them, they turned marriage into a tool that would help them battle that fear.

Travel and Relocation

For several participants in this study, discussions regarding travel and relocation were cited as issues of great concern. They spoke of these obstacles in regard to issues with traveling internationally and nationally, as well as in regards to moving to other states within the United States for work or retirement.

One of the most prevalent concepts noted within this theme was the unknowing associated with what would happen if they were to be involved in an accident or should a medical emergency occur when traveling outside of the state. Common concerns revolved around the fear of being denied medical-decision making rights and access to a spouse’s room in the event of serious hospitalization.

In speaking of travel, several participants discussed the fact that they always feel the need to carry their marriage certificate and other legal documents with them as a back up in case of emergency. Although they mentioned that these documents were not necessarily a nuisance to carry, they also pointed to the fact that they had to give consideration to these details on a constant basis. In regard to this matter of concern, one participant stated:

Just all these things that a ‘normal’ couple never has to worry about. They are together and they have their rings on. No one is going to question. They’ll go into the hospital and they ask who you are and you say ‘oh, I’m his wife’ they aren’t going to question that. We always have to worry that we have to have proof. Even with that, they may say, ‘well, that doesn’t mean anything here’

A couple of participants paid mention to the fact that they consistently had to think about what relocation to another state in pursuit of a career change would mean in

terms of their marital relationship. One of these participants expressed her aggravation with this hindrance in the following way:

...I'm a consultant now, and so I always keep my eyes open for an opportunity within higher education that's within the New England area, but each time I see a job opportunity I have to think about how it impacts our marriage. Can we move to Maine? No. Why would I do that? Can we move to Vermont? Sure. But there's this whole added layer of complexity that's not always an obstacle, but it's very frustrating.

After completing a member-check of these themes, this same participant noted that she had been reflecting on our interview and thought of an additional issue regarding relocation. She cited concerns regarding what dissolution would be like, should she and her spouse decide to relocate to an area that does not recognize their marriage. She explained that "It quickly gets complicated. These are nuances that become spotlights when there is not a broad federal acceptance."

Lastly, in regards to relocation, another participant discussed the fact that she and her wife had been considering retirement options as they advance in age. Although they had put some thought into the locations they could see themselves moving to in their retirement, she mentioned having to give consideration to the fact that their marriage rights did not translate from state-to-state: "...even traveling to somewhere else. Our marriage is not recognized. Even some of the places we're thinking about retiring, like out west and all, it's not recognized. That makes it tough." She also alluded to the fact that the southern region of the country could be ruled out as a possibility for relocation, stating that she "...fear[s] going down there even."

Other Marriage Related Themes

A couple of lesser themes emerged in relation to the marital relationship that were important to include in the body of this chapter, but that were accounted for in only one

or two of the interviews. These other themes include: opposition within the gay community and parental rights.

Opposition within the gay community. One couple identified the significant presence of “internal opposition” within the gay community. This male couple revealed that they had arguments with other gay couples over the concept of marriage. One of these spouses stated: “there are gay couples out there who feel that marriage is a straight thing and we shouldn’t be doing it.” He went on to explain his position in relation to this notion:

For me, marriage is a commitment. We’re showing that we love each other and that we’re committed to be together. It’s just a way of doing it, that’s all. You get a lot of the ‘oh, well we’ve been together for 25 years.’ They feel like they weren’t allowed to get married and so they don’t think that anyone else should either. There is. I mean, I guess we’ve faced more opposition from other gay couples really than anyone else.

Parental rights. Lastly, two less prominent themes emerged around parental rights, including stepparent rights and adoption. In terms of stepparent rights, one participant described the emotional and social benefit of being able to call her wife the stepparent to her three boys: “now she can say that we have three kids, instead of ‘oh, my girlfriend has three kids’. They’re her step-kids. She’s their step-mom. There’s no question.” Her spouse added that this status makes it “easier when talking to people too. They take it more seriously. I’m not just the girlfriend or whatever anymore. You know?”

Another participant discussed the rights that her wife had acquired since their marriage regarding hospitalization and medical decision-making rights to their 7-year old daughter. She also mentioned that the process of adoption would now be easier thanks to their marital status:

I think from the lady that I spoke with we won't have any obstacles as far as the adoption goes now either. I mean, it's still stepparent adoption. So, that was something I thought might be an obstacle, but now it's not. We pretty much just pay the fee, her dad signs off, and then we'll be done with it. They may do a home visit, but since she's been with us for so long and we're married now, they probably won't have to. [Our daughter] is old enough to tell them that she has pretty much been living with us for 3 years and that she is her mom too, so that shouldn't be an issue.

This participant's spouse did however cite concerns regarding how people will respond to her when "trying to step into that parenting role", as any issues regarding their daughter had always been taken care of by her wife. She went on to cite concerns about "being taken seriously by other people about being her mom too."

Although one particular couple participating in this study ultimately decided that adoption was not right for them, one of the spouses spoke about her experience with being a part of the adoption screening process with her spouse. She stated that they were thankful for the benefits associated with going through the screening process as a married couple rather than two individual people in that they didn't feel as though they were treated differently:

You know, one thing that might be worth discussing that we didn't really go into detail on here was adoption. Holly (name has been changed to preserve anonymity) and I mentioned that we considered adopting and we've since decided that it's just not right for us. In going through that evaluation process, it is much easier to go through that process in a state that recognizes you as married, rather than two single individuals who are trying to adopt. I think that going back to some of those tangible benefits, had we decided that adoption was something that we could go ahead and do, that would have made a huge difference for us. Not feeling like we were being judged differently because we weren't married, since we had the chance to do that. Not having to go through that process as two individuals, but as a married couple, takes a lot of the complications out of the equation, and I think that is really important.

Now that themes relating to the marital relationship have been discussed, it is important to shift the focus to the themes that relate to children. The first of these is child stability and security.

Child Stability and Security

The theme of child stability and security encompasses both tangible and emotional benefits that parents attributed their marriage. This included the ability to go on a second parent's insurance, security in the home environment, and having a "legal family".

One parent reflected on the comfort of knowing that her daughter would be able to go on her stepmother's insurance plan if anything were to happen. "If for whatever reason one of us lost our job then she could be covered by the other parent. We don't have to worry about losing that now."

According to one stepmother, the biggest source of security for her kids stemmed from the fact that they didn't have to worry about the parental relationship being as tumultuous anymore: "they know that they have me here and I'm not going anywhere. They don't have to worry about us fighting and breaking things off like we did in the past. We're in it for good now, and I think that's nice for them to see. We have this commitment to make it work."

Another participant stated that she felt as though her marriage validated her relationship with her wife, in turn validating their children's emotional stability:

We don't have to hide anymore. And I think it's really good for the kids to see that we have a legal family now. It broke my heart to think that they had something that didn't seem right or that they had to be ashamed of or whatever. Now, with it being legal, it means a lot to me for their sake. Kids are so logical that they don't see the difference. Love is love.

The second parent of these children noted, however, that it is important to remember that it is difficult for them to sort out the effects of the marriage and developmental progress:

it's hard to tell because developmentally they've changed the same time that the law changed. Middle school they were both pretty paranoid about people finding out about us, and in high school they're not, so whether it's the fact that we're married and people are more accepting, or that they're in high school and they're more mature, you can't really sort that out.

This difficulty in sorting out the logistics of this situation may also stem from the fact this couple's children had been born of in vitro fertilization and raised within a same-sex parent household for the duration of their lives.

The next theme relating to the children of married same-sex couples involves the parent-child relationship.

Parent-Child Relationship

Another important theme concerning the children of same-sex marriages revolved around the parent-child relationship. The main concept of this theme was the idea that marriage gave children the support of a two-parent household and a valuable second parent relationship.

One participant noted that the dependent and adult children in their family "know I am here for them. I'm here for good. I'm here to stay. At least they have that.". Her spouse framed this in terms of living in a single-parent household versus living in a two-parent household with the added stepparent relationship. She reflected that her wife was a better person to go to if her children needed to talk: "They definitely wouldn't have that in a single parent household. They have two people to talk to about things. Plus, she's a talker and I'm not."

Another participant noted that her daughter had a sense of pride about their marriage and that she liked to tell everyone about her two moms: “She was always very proud of the fact that she had two moms and that it’s special because she’s not like everybody else. She talks about our wedding, even though she wasn’t there, and she’s all proud of it.”

Adult Children as Unaffected by the Marital Relationship

Due to the small sample size, only two of the participants involved in this study noted having adult children. Neither of these participants noted any benefits or obstacles that these adult children faced in relation to their marriages. Instead, participants discussed their adult children’s progressive attitudes, consistent support and understanding.

As one participant reflected:

I think that they feel that they have benefited. They were glad that they grew up in a lesbian household and all the people they’ve met. They’ve met just a lot of people in the community. Sometimes I think for them it showed that one, you can make a difference, and people are just people. They like everybody and they just accept everybody in the world. I think that’s the nice thing. Both of them. They’re really gentle, caring men. It’s a nice thing to see.

The other participant with adult children also drew on examples of how her eldest son had always been accepting of others, stating that he was a good person for her to turn to when she needed a different perspective. In an attempt to describe this perspective, she explained that his thinking was “as long as it doesn’t upset your cart, it’s okay”. She also reported that he knew she was happy and that her kids “know that we’re here. No matter what.”

A discussion of the findings of this study will be examined more thoroughly in Chapter 5, along with a discussion regarding the future of research and policy recommendations for this area of study.

CHAPTER V

DISCUSSION

The purpose of this study was to explore the effects of the legal institution of marriage in the lives of married same-sex couples and their families in the State of New Hampshire. Four research questions explored these effects. As a result of the study, it was found that married same-sex couples have varying perspectives on the way that the institution of marriage has effected their lives and the lives of their families, because of the many legal, familial, and social factors that play a role in influencing each of their experiences. These experiences varied across relationships but contained some common threads. Themes that emerged from the data reinforced this idea. In order to discuss the significance of the findings, placing them in the context of past, present and future research, the research questions will be examined within the text of this chapter.

Marital Benefits

What benefits have same-sex couples obtained as a result of their marriage?

In order to address the effects that marriage has had in the lives of New Hampshire same-sex couples married under recent law, themes regarding the benefits attributed to this status will first be addressed. Main themes that fit into this category include: spousal rights and responsibilities, social recognition, family acceptance,

stability, state-level equality, feeling part of a larger movement, and a lesser theme related to parental rights which was not as prevalent across interviews.

Spousal Rights and Responsibilities

The ability to obtain spousal rights and responsibilities was one of the most frequently occurring themes that emerged from interview data in response to discussions regarding marital benefits. These rights included the sharing of joint insurance policies, inheritance rights, power of attorney, and medical decision-making and visitation rights in the event of injury or hospitalization.

These rights were expressed as having varying levels of importance based on participant experiences. In line with literature on the subject, medical rights were iterated as being especially important to participants as they advanced in age (de Vries, 2007; Knochel, 2010).

Though some couples noted that they were able to secure legal remedies outside of the marriage to take care of issues related to power of attorney and living wills, one expressed the importance of obtaining equivalent rights through the marital union. This was especially important for couples that could not financially afford such remedies. Other participants also discussed the fact that they were able to obtain medical insurance for their partners prior to marriage, but not the same other rights that marriage afforded them. These concepts would tie into claims cited by same-sex marriage opponents regarding the idea that same-sex couples do not need the protection of marriage in order to secure certain rights (Koppelman, 2006). However, the recognition of some couples as unable to afford such legal protections is at odds with this sentiment and in line with literature citing a separatist mentality about marriage (Mucciaroni, 2008)

Social Recognition

Along with spousal rights and responsibilities, participants discussed the way that social recognition benefited their lives. This included feelings of “support”, “legitimacy”, being “taken more seriously”, and “awareness” as a result of their marital commitment.

Several participants made statements regarding the symbolic meaning of the term “marriage” and how it translated to the way that people treated them. One participant described that she felt as though people stopped viewing her and her spouse as being “confused” or “playing house”. Another described marriage as a “currency that everyone accepts”. These notions add to the idea that marriage is associated with social gains as suggested by earlier studies (MacIntosh, Reissing & Andruff, 2010; Ramos, Goldberg & Badgett, 2009).

As a caveat, it is important to note that not all couples in this study felt as though social recognition played a big role in their relationship, as they had been together for a significant amount of time and treated themselves married without the legal standing. These participants reflected that they felt as though those outside the relationship had treated them as married. For the few couples, social recognition was neither a benefit nor an obstacle.

Family Acceptance

Along with social recognition, a number of couples discussed family acceptance as being a benefit of their marriage. This acceptance was described as being afforded to participants at varying levels before and after their marriages. The most common term expressed across interviews was one of “support”. Some also noted feeling as though they were viewed as “serious”.

A few couples noted that family acceptance had always been present to some degree in their lives. One participant described this family support as “a big thing”. Others emphasized family acceptance as a work in progress, a gaining of acceptance upon marriage, and feelings of being embraced by their spouses’ families in the absence of their own family support. The idea that this legal recognition of marriage contributes to a sense of security in connection to family ties is in line with previous studies in Canada and Massachusetts (Alderson, 2004; MacIntosh, Reissing & Andruff, 2010; Ramos, Goldberg & Badgett, 2009).

Stability

Along with social recognition and family acceptance, several participants discussed how feelings of stability within their spousal relationship had benefited them in one way or another. In maintaining their relationships, couples discussed feeling emotionally stable in connection to a heightened level of comfort, “commitment”, and feeling “secure”.

One couple discussed feeling more stable in their ability to “pull together” and combine resources that they hadn’t prior to marriage. Benefits associated with stability and an interest in maintaining the marital relationship also included the ability for one couple to rise above arguments that had proven detrimental to the relationship prior to marriage.

Additionally, some participants viewed the spousal relationship as being more “permanent” than it may have been prior to marriage. This is exemplified by one participant’s framing of stability around the fact that marriage means getting divorced

should couples decide to dissolve their relationship and that marriage is “a very binding thing.”

Benefits related to sense of emotional and physical stability confirm prior research involving same-sex couples in the State of Massachusetts (Commonwealth of Massachusetts, 2010; Ramos, Goldberg & Badgett, 2009).

State-Level Equality

In connection to the concept of stability is the theme of state-level equality and feelings related to community inclusion, state recognition, and support. A number of couples commented on the fact that they felt “safe” and supported in their communities, or that they were “lucky” for the place that they lived.

Participants living in New Hampshire communities within different areas of the state, including those from the Seacoast, Lakes Region, White Mountains, and Merrimack Valley, expressed feelings of inclusion and equality. One participant specified that she felt comfortable in the communities in which she was an active member, and although she did not face obstacles within the state, that things quickly got complicated when going “beyond the borders.” Another discussed the idea that it was nice to feel recognized by the State of New Hampshire.

The benefit of state-level equality feeds directly into the next theme, which is that of “feeling part of a larger movement”.

Feeling Part of a Larger Movement

For several of the participants in this study, the feeling of being a part of a larger movement toward equality was discussed as being a significant benefit of their marriage.

Topics of discussion included hope for other same-sex couples, the future of marriage legislation in the United States, and a lesser theme of hope for younger generations.

A component of this theme was the observation of a shift in public perceptions of LGBT people and same-sex marriage. In noting historical events including institutionalization of gay people, one woman said she felt as though signs of social progress were becoming evident in up and coming generations and that “there’s a whole different perspective.”

For one participant, marriage in New Hampshire was viewed as a stepping-stone in the quest for marriage equality, noting that these were “baby steps”. Another reflected this sentiment in explaining that one benefit of her getting married was the ability to support the movement toward nationwide marriage reform.

Others still framed their position within the larger movement as an opportunity to “educate” people in their communities and families. One cited her interest in educating those in her small town and community about the fact that marriage is important to her. Two others alluded to their hope for younger generations growing up in a time when they are able to view same-sex marriage from a different angle than those who came before them.

The above stated views of feeling part of a larger movement toward social change and equality line up well with literature that regards the quest for marriage equality as a step toward a broader cultural and societal acceptance (Callahan, 2009; Hull, 2006; Lannutti, 2005; Lannutti, 2008; Newman, 2010; Rauch, 2004; Sullivan, 2004; Wolfson, 2004b; Wolfson, 2009).

Parental Rights

The last theme that falls under the marital benefits category is a less prominent theme addressing parental rights. Within this category exist topics addressing the social and emotional benefits of step parenting and adoption rights for the second parent in same-sex households with children who were not born of the relationship.

One participant highlighted the emotional benefit of feeling integrated into the family and be taken seriously as the children's step-mom. Another discussed rights related to hospitalization and medical decision-making, as well as the ability to avoid obstacles in the adoption process that may have existed prior to marriage. For one couple, the process of adoption screening was also made easier thanks to their marital status, although they ultimately decided that adoption was not right for them.

As one can see, same-sex couples' experiences with marriage in terms of the benefits they have obtained are varied. Having discussed several themes related to the benefits same-sex couples attributed to their marriages, it is important to turn next to the obstacles they have faced since marriage.

Marital Obstacles

What obstacles have same-sex couples faced as a result of their marriage?

Data analysis revealed that obstacles faced within participants' daily lives since marriage included issues such as a lack of federal recognition/DOMA, the threat of repeal in New Hampshire, feelings related to impressions of a separate but equal status, the language of marriage, personal fear, travel and relocation, and a lesser theme related to opposition within the gay community.

Federal Recognition/DOMA

All of the participants in this study cited federal recognition and/or the Defense of Marriage Act as being one of the biggest obstacles that they faced within their marital relationship. These issues included concerns regarding unequal access to federal benefits such as joint tax filing, Social Security benefits, inheritance tax at the federal level, and a general feeling of inequality for married same-sex couples due to a lack of federal marriage recognition.

Participants reflected on concerns about a discrepancy between state and federal tax law, a lack of federal survivor benefits for their spouses, and a general sense of “wanting more”. The experiences of facing roadblocks in obtaining federal recognition and concerns therein are consistent with literature suggesting that regulations such as DOMA deny couples the resources that they might need, particularly as they advance in age (de Vries, 2007; Knochel, 2010). This is particularly important to note, as federal benefits make marriage a valuable resource above and beyond the state level (Bogenschneider, 2006; de Vries, 2007; Knochel, 2010; Koppelman, 2006; Meezan & Rauch, 2005; Meyer, Wolf & Himes, 2005; Wolfson, 2004a). For as long as DOMA is upheld, married same-sex couples will not be eligible to take advantage of these benefits (NCSL, 2012a). A discussion of this issue in terms of policy recommendations will be discussed later on in this chapter. For now, attention will be directed to the threat of marriage repeal in New Hampshire.

Threat of Repeal in New Hampshire

Another emergent theme in relation to the obstacles that couples have faced since their marriage is the concern relating to the threat of marriage repeal in New Hampshire.

For some of the participants in this study, the threat of marriage repeal had emotional effects on their lives.

The process of following repeal hearings was described as being “stressful” and causing uneasiness. Since the outcome of those efforts was in favor of upholding same-sex marriage, the effects of this emotional impact were not long-term, though one participant noted that he was sure these same concerns would come up again in the future. For one participant, the threat of marriage repeal left her with feelings of uncertainty about how her marital relationship will be impacted in the future. These concerns speak to the idea that marriage holds an emotional and cultural value (Hull, 2006). It also indicates that the threat of repeal and pressure by repeal advocates may introduce ongoing stress into the lives of these couples and their children.

Separate but Equal Status

Within this theme participants framed feelings about being part of a separate but equal societal status multiple ways. Discussions included those surrounding continued feelings of segregation and inequality, misconceptions about the homosexual lifestyle, effect of discrepancies between state and federal law, and the concept of heterosexual privilege.

Participants expressed feelings of segregation and inequality in terms of marriage as a predominantly heterosexual institution and historical underpinnings. One participant framed his experience in getting married as similar to what he would imagine it felt like to be the “first black boy being allowed to drink out of the white water fountain.” Another framed it in relation to segregation relating to bans on interracial marriage, stating, “It really is the same kind of thing.”

These same two participants respectively cited misconceptions about the homosexual lifestyle. The first participant discussed the concept of same-sex couples as being out to “ruin marriage”, which parallels literature concerned with the negative consequences of same-sex marriage on the future of marriage and family (de Vris, 2007; Mucciaroni, 2008). The second participant addressed the misconception that same-sex marriage is based on highly sexualized ideals rather than love and family.

Lastly, the concept of heterosexual privilege was addressed within this theme. One participant and her spouse framed this privilege in terms of constant reminders about having to think about how they identify their marital status and the decision to pursue a civil union prior to their marriage.

The Language of Marriage

The theme of the language of marriage manifested itself in a few different ways. Participants discussed issues related to the misuse of the term “wife”, naming of one’s spouse within the relationship and by outsiders, and the use of terms such as “regular” marriage, “normal” marriage, and “gay marriage”.

The youngest participant in the study discussed misuse of the term “wife” by younger generations to be synonymous with “best friend”. An older female participant explained the fact that she and her spouse did not refer to each other as a “wife”, due to the fact that it had a stigma related to their prior marriages to men. Lastly, one male participant discussed difficulties with outsiders naming their relationship as something other than it was, such as using the term “fella” rather than marital language. He also expressed distaste for terms “regular couple” and “gay married”, expressing that they insinuated that his marital relationship was “unnatural”.

It is important to address the fact that participant perceptions within this theme seemed to vary based on age, sex, and the length of their relationships. Couples that expressed issue with naming their spouse were females who had previously been in long term or marital relationships with men. Only one participant over the age of forty mentioned that she used the term “wife” socially, while a couple participants paid no mention to the naming of their spouse, and both of the couples under the age of forty actively referred to their spouse as their “wife” throughout their interviews. Neither of the male couples discussed the way that they referred to one another, other than the issue previously mentioned concerning a labeling of the spouse by family.

Participants’ interactions with marriage and marital language are particularly interesting to consider as they alter these symbols by both assimilating into to the traditional institution of marriage and rejecting the norms therein. Through the lens of symbolic interaction and queer theory, these experiences provide insight into the way that same-sex couples interact with their social world by shaping marriage and marital language to fit their own realities based on their individual histories, values, and perceptions.

Personal Fear

Another obstacle that participants described within their marital relationship was one of being “cautious” and “aware” in public and in discussions with others. This included being aware of surroundings, suppressing the display of affections in public, and in discussing the marital relationship with others.

This fear is described as being rooted in the anticipation of public disapproval and adverse reactions. Some participants explained that they were hesitant to display affection

in public, as they did not want to put themselves in a position of being ridiculed. A study by Alderson (2004) also reflected this sentiment regarding the fear of showing public affection due to the potential for negative public reactions and the repercussions of those reactions.

Travel and Relocation

Within the discussion of marital obstacles emerged issues relating to travel and relocation. All of the obstacles discussed within this category were associated with an unknowing. Several participants expressed concerns regarding travel both nationally and internationally, mostly related to the event of an emergency and consequent hospitalization. They noted having anxieties about whether or not they would be denied visitation and medical decision-making rights to their partners if hospitalization were necessary.

This concern is reflected in the stories of several individuals who had to face such discrimination, as described in a report by ABC News reporter Devin Dwyer (2011). Thanks to federal regulations, same-sex partners cannot be denied visitation rights in hospitals funded by Medicare and Medicaid programs (Dwyer, 2011). Hospitals have been instructed to inform patients of their rights to visitation (Dwyer, 2011). However, hospitals that are not enrolled in programs do not have to follow these rules, and the rights apply only to visitation in those that do. While this federal regulation may ease participant fears regarding visitation, it cannot speak to the way that hospitals interact with more serious emergencies. This discrepancy will be addressed further in the policy recommendations section later on in this chapter.

Opposition within the Gay Community

One final theme that emerged from the data that described obstacles faced since marriage was the existence of opposition within the gay community. This theme was much less prominent than the others, with only one couple who addressed its presence, but it seemed important to include in the data analysis and discussion. The couple that addressed this obstacle described the way that some gay couples view marriage as “straight thing”. They stated that they felt as though some of these couples also had bitterness toward marriage in that they had been together for a long time and never had the option to marry.

The concept of a divide within the gay community in regards to marriage is one that is cited in a much of the literature. The concept of marriage as a “straight thing” is in line with marriage opponents’ views of marriage as mainstreaming the lives of LGBT people, making them conform to heterosexual traditions (Eskridge & Spedale, 2006; Ettelbrick, 2004; Lannutti, 2005; Yep, Lovaas & Elia, 2003) as discussed in the literature review of Chapter 2. Feminist advocates additionally reject marriage due to its base in patriarchy (White & Klein, 2008; Zimmerman, 2001).

The above information could be of particular importance for future research, because this couple noted that they had faced more opposition from others in the gay community than those outside of it.

Before moving on to a discussion of the themes related to dependent children, it is also important to note that although most of the participant responses within themes were in line with one another, there were some outliers. For example, although most participants framed family support as a benefit of their marriage, one man described the

fact that his parents had a “difficult” time with his getting married, even though they were accepting of his sexual orientation and relationship with another gay man. Another example would include the participant who described using her marital status as a social tool to help her overcome her fears. These differences of experience are important to note in moving forward with research on same-sex marriage.

Dependent Children

What benefits have dependent children obtained and what obstacles have they faced a result of their parents' marriage?

Benefits described by parents included stability and a “sense of security”, as well as the parent-child relationship. The theme of stability and security encompassed tangible and emotional benefits that parents attributed to their marriage, including the ability to be on a second parent’s insurance plan, a sense of security in the home, and having a “legal family”. The theme of a parent-child relationship was based on concept that marriage gave children the support of a two-parent household and a second parent relationship. These concepts resonate with the suggestion by Brooks & Goldberg (2001) that there are no significant negative environmental impacts on children raised by a gay or lesbian parent.

Due to a small sample size and the properties for inclusion, only four of the participants involved in this study had dependent children. This was very limiting in terms of the data and themes that emerged and makes it difficult to draw any definitive conclusions from the data.

Parents did not address any significant obstacles as existing in their children’s lives. One parent noted concerns that her child might have difficulties in the future in

regards to bullying or questioning about her biological father, but this was based on speculation.

Limitations and areas for future research will be discussed later in this chapter, but first a discussion of adult children will be addressed.

Adult Children

What benefits have adult children obtained and what obstacles have they faced as a result of their parents' marriage?

Due to the very small sample of participants who discussed having adult children, it is difficult to draw any definitive conclusions in regards to this question. As aforementioned in Chapter 4, both of the participants that spoke of their adult children said that they did not feel that their marriage affected them. One of these couples was advanced in age with two children in their forties. The other couple had a significant age difference between the spouses, with one spouse in her forties and one in her sixties. This couple had an adult child in his forties and a child that was nineteen.

Part of the reason that these adult children did not experience any effects may be due, in part, to their ages. This may also have to do with the fact that they do not reside with their parents and are therefore removed from the direct effects that some dependent children experienced. Had there been more parents with adult children included in the sample, a better understanding of this may have developed within the data. The lack of rich data on the subject obviates a need for further investigation.

Emergent Theory: Developing a Same-Sex Marital Identity

During the content analysis process, including a thorough transcription of audio recordings, reading through the interviews, checking themes, and comparing themes to

literature on same-sex couples and homosexual individuals, a theory emerged. This theory adds to symbolic interaction and queer theories in that it is focused on the symbols surrounding the concepts of marriage and the complexities of simultaneous assimilation and rejection of the norms associated with traditional marriage. By interpreting the data through each theory described in Chapter 2, the researcher was able to observe the emergence of theory of developing a same-sex marital identity.

Methodological theory concurrent with grounded theory (Burck, 2005; Creswell, 2007) allowed themes to emerge from the data rather than being prescribed to it, allowing the voice and experiences of married same-sex couples to take precedence throughout the course of the research. It also provided a framework through which to view their perspectives, therefore merging into a new explanation of these same-sex relationships in connection to their experiences with marriage. Social exchange and rational choice theories (White & Klein, 2008) aid in viewing couples' weighing of costs and benefits in decision-making and as well as the social capital attributed to the marital union. Symbolic interaction theory (White & Klein, 2008) helped the researcher view participants' experiences with marriage through their eyes, thereby putting language and symbolism to their perceptions of the marital experience. Queer theory (Jagose, 1996; Sullivan, 2003; Wilchins, 2004) also allowed the researcher to consider both the assimilation of same-sex couples into the traditional framework of marriage and the rejection of heterosexuality as the norm.

The emergence of the theory of developing a same-sex marital identity complements the tenets of symbolic interaction and Goffman's take on the way that individuals construct their definition of self through interactions with the social world

(Branaman, 1997). This interplay between the individual, or couple in this case, and the social world is of particular relevance when considering the social structure of marriage and the symbolic and cultural dynamics that define it. Participant experiences with marriage and the way that has impacted their lives can be seen as a constant balancing act between maintaining identity and acting socially. Within this grounded theory, the development of the same-sex marital identity should be viewed as an ongoing process.

Based on the data, participant experiences with marriage varied. The effects of marriage on their lives and the lives of their families depended both on their interactions with the social world and the presence of social factors largely outside of their locus of control. These outside factors included personal, local and national contexts, such as familial and community acceptance, perceptions of homosexuality, social definitions of marriage, and larger social constructs such as federal regulations on marriage. The presence of internalized fears also played a role in the way that the marriage was experienced on a social level. Assimilation to a traditionally heterosexual construct of marriage also had an effect on the way that participants viewed and gave language to their relationships. Some couples accepted traditional language of marriage, while others did not. Though all of the couples interacted with the symbol of marriage, they shaped it to fit their individual perceptions and inclinations.

This analysis suggests that future comprehensive research on the effects of same-sex marriage on married same-sex couples is needed. In line with more constructivist views on grounded theory, it can be asserted that data is bound by time, space and situation (Charmaz, 2011). It is therefore important for future studies on the subject to

view data not as external reality, but subject to the realities of the participants and the researcher during the data collection process (Charmaz, 2011).

Strengths of the Study

This research provided married same-sex couples in the State of New Hampshire a platform from which to share their experiences with marriage in a state with a recently reformed marriage statute. The researcher in charge of this study was able to explore this topic through the use of the research design and methodology explained in previous chapters. Qualitative design allowed for a greater understanding of participants' relationships by providing a personal context for the data and providing a fresh outlook on the topic at hand. The use of grounded theory allowed for a thorough and detailed analysis of the data, which allowed the emergence of themes that were directly reflective of these experiences.

This study's strengths lie in the fact that it highlighted several effects that the legal institution of marriage has had on the lives of married same-sex couples in a state with recently reformed marriage law. These effects included the value that respondents attributed to the presence of social recognition and justice in their lives, as well as their identification of the continued stress that a threat of state repeal and the discrepancy between state and federal government could have on their lives long-term. The personal voice of married same-sex couples was of great significance to this study and needed to be heard in order to provide a thorough understanding of the effects marriage law has on the populations it serves. This study allowed this voice to come through.

An additional strength of this preliminary study is that it opens the possibility for future avenues of research and provides a basis for some important policy highlights and

recommendations. The voice and experiences of married same-sex couples are multifaceted and there is still much research that needs to be explored now and in the future.

Limitations of the Study

It is important to draw attention to the several limitations existing within this research. First, the availability and capacity for recruitment posed a limitation in sampling for this study, which resulted in a limited sample of volunteer participants. Secondly, the majority of participants in this study were female, and couples with dependent or adult children were vastly underrepresented. These factors could have played a role in influencing the data. Another limitation is a lack of generalizability. Generalizability represents the ability to apply a study's findings to a larger population and for assumptions to be made about the population of married same-sex couples on a larger scale. A sample of only eleven participants cannot provide for this.

The largely rural nature of the State of New Hampshire, as well as the present social and political climates may additionally make it difficult to compare these findings across states and regions. Furthermore, this study was limited in that it was a preliminary study in a state where same-sex marriage has not been legal for very long. The use of a grounded theory structure did however allow some significant themes to emerge from the data. The emergence of these themes necessitates further investigation of the topic. The experiences of same-sex couples with marriage are important and should be studied on a larger scale.

Recommendations for Future Research

The present study focused on same-sex couples married in the State of New Hampshire, but the majority of participants were female. Future studies on the topic should aim to recruit more male participants, as their experiences may differ from those of same-sex female couples, which could not be determined with this sample. Future research should also aim to include more participants that have dependent or adult children. Studies with larger sample sizes would be ideal, as the themes and theory that emerge from a larger sampling base may provide greater insight and understanding of couples' experiences with marriage. Partnering with more organizations or a study conducted directly in connection with one or two organizations that have access to same-sex couples might prove beneficial in this area.

Future studies on married same-sex couples could also focus attention on the differences between couples that had civil unions and marriage as expressed by couples. This study touched briefly upon this difference within the interviews, but this was not a main objective of the study nor was there a significant number of participants who had civil unions prior to their marriage.

Future areas of research could also seek a more in-depth look at the effects of marriage on dependent and adult children. Only a small portion of the interviews addressed this, due to limitations in sample size and availability. It could be especially insightful to look at the effects as reported by children, because parents may not be able to fully and accurately represent their experiences. These areas of recommendation could prove insightful in more focused studies on each subject independent of the others.

Lastly, future research should replicate the findings of this study with a larger sample by analyzing emergent themes with additional couples in order to flesh out the theory of developing a same-sex marital identity. Future research could be additionally focused in on independent pieces of this study, such as the effects of marriage on adult children of same-sex couples.

Recommendations for Future Policy and Advocacy

In the context of the data revealed this study, the largest policy issue that should be addressed is the discrepancy between state and federal governments regarding the recognition of same-sex couples' marriages. Advocacy calling for the repeal of the Defense of Marriage Act is ongoing, as are court cases in connection to this issue. In order to ensure that legally married same-sex couples receive the same benefits as their heterosexual counterparts, it is clear that the repeal of DOMA must occur.

Another policy issue that bears notice in direct connection to the Defense of Marriage Act is that concerning spousal medical decision-making rights. Although recent federal regulations are aimed at allowing same-sex partners hospital visitation rights, among others considered as non-family members (Dwyer, 2011), these rules do not address same-sex spousal rights to further medical decision-making rights. Since same-sex marriages are not federally recognized under DOMA, there is no way to ensure that the spousal rights of same-sex couples are honored in states that do not recognize their marriage. In order to protect couples' spousal rights, DOMA must first be repealed so that couples receive federal rights when crossing state borders. This would mean that same-sex couples would not have to fear travel to states that do not recognize their

marriage solely based on their concerns about what will happen in the event of hospitalization.

In addition to the above policy recommendations, there also needs to be an advocacy component related to legislative and statute changes governing marriage law and the rights and responsibilities allotted therein. This advocacy can be provided for in the form of public education. Throughout the course of the interview process several participants noted that there were misunderstandings or a general lack of awareness about same-sex marriage by those outside the relationship. This included misunderstandings on behalf of financial planners in regards to discrepancies between state and federal laws, a lack of awareness within the general public about the fact that same-sex marriage is legal in the State of New Hampshire, and concerns about what repeal of current marriage law would mean for same-sex couples who have already married.

Education should be provided for those professionals in occupations that deal directly with tax law and financial planning so that they know how to effectively work with same-sex couples in order to navigate differences between state and federal law. Public education campaigns and advocacy could also prove beneficial in ensuring that society at large understands policy changes as they occur and what these policies provide for. This is important not only when statute changes have already been decided upon, but also when there are bills before the state and federal legislative bodies. Education can help inform the public and empower individuals to become advocates themselves.

Conclusion

The same-sex marriage experience is complex and varied. Marriage impacts the lives of participant couples through the existence of many tangible and intangible factors.

Although the marital union is a partnership between two individuals, the data of this study demonstrated that the effects of that union in couples' lives largely depends on the social world in which they live and the way that they interact with it. This includes the existence of social factors that are largely out of their control, such as others' responses to and tolerance of same-sex marriage, federal legislation that regulates the rights and responsibilities granted to couples, and the existence of ongoing efforts related to marriage reform in New Hampshire and across the nation. The multiple narratives used to supplement the themes in Chapter 4 exemplified these factors.

This study provides a snapshot of the experiences and perceptions of New Hampshire same-sex couples, and sheds light on recommendations for policy, advocacy and future research. Although it is a step toward understanding the same-sex marriage experience, as well as the benefits and obstacles therein, the limited amount of literature on same-sex couples and the ways that marriage has had an effect on their lives necessitates future research on the subject.

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APPENDICES

APPENDIX A: INFORMED CONSENT

INFORMED CONSENT FOR PARTICIPATION

TITLE OF RESEARCH STUDY

Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Researcher: Amber Royea, Family Studies Graduate Student at the University of New Hampshire, Durham.

WHAT IS THE PURPOSE OF THIS STUDY?

The purpose of this research is to gain knowledge about the effects of the New Hampshire same-sex marriage bill on married same-sex couples and their families. There will be a minimum of 10 participants/couples in this study.

WHAT DOES YOUR PARTICIPATION IN THIS STUDY INVOLVE?

If you decide to participate in this study, you will be asked to complete a brief introductory questionnaire in order to provide demographic information and ensure that you meet the criteria for participation. The questionnaire itself should take no more than 15 minutes to complete, and should be submitted to the researcher in the pre-paid envelope enclosed in your packet or electronically should you chose to complete the web-based questionnaire. Additionally, you will be asked to participate in an interview with the researcher, which will be audio-recorded with permission. You will be asked several questions about your experiences as a married same-sex couple. This interview should take between 30 minutes and one hour.

WHAT ARE THE POSSIBLE RISKS OF PARTICIPATING IN THIS STUDY?

The risks to you as a participant involved in this study are minimal. There is a risk that you may share some personal or confidential information, or that you may experience some discomfort due to the sensitive nature of the topic discussed. However, you do not have to take part in discussions about questions that cause you discomfort. There is also a minimal risk of a breach of confidentiality in transferring information via the Internet.

WHAT ARE THE POSSIBLE BENEFITS OF PARTICIPATING IN THIS STUDY?

While you will not receive any direct benefits from participation in this study, you may benefit from the research, as you are part of the population most invested in the subject being studied, and to whom the research directly affects and applies. The community and state as a whole may also benefit from this research study, as it will shed light on the effects of this very new legislation on the population it governs. As this is a preliminary study, it will help lead the way toward further research on the subject, as well as related topics.

IF YOU CHOOSE TO PARTICIPATE IN THIS STUDY, WILL IT COST YOU ANYTHING?

Participation in this study will not cost you anything.

WILL YOU RECEIVE ANY COMPENSATION FOR PARTICIPATING IN THIS STUDY?

You will not receive any compensation to participate in this study.

WHAT OTHER OPTIONS ARE AVAILABLE IF YOU DO NOT WANT TO TAKE PART IN THIS STUDY?

You understand that your consent to participate in this research is entirely voluntary, and that your refusal to participate will involve no prejudice, penalty or loss of benefits to which you would otherwise be entitled.

CAN YOU WITHDRAW FROM THIS STUDY?

If you consent to participate in this study, you may refuse to answer any question you feel uncomfortable answering or discontinue participation in the study at any time without prejudice, penalty, or loss of benefits to which you would otherwise be entitled.

HOW WILL THE CONFIDENTIALITY OF YOUR RECORDS BE PROTECTED?

The researcher seeks to maintain the confidentiality of all data and records associated with your participation in this research. You should understand, however, there are rare instances when the researcher is required to share personally-identifiable information (e.g., according to policy, contract, regulation). For example, in response to a complaint about the research, officials at the University of New Hampshire, designees of the sponsor(s), and/or regulatory and oversight government agencies may access research data. You also should understand that the researcher is required by law to report certain information to government and/or law enforcement officials (e.g., child abuse, threatened violence against self or others, communicable diseases).

Your interview will be audio recorded so that the researcher can consult it for the most accurate information. Interviews will be transcribed and coded so that your name does not appear on the final transcription, and audio recordings will be destroyed once the research is complete.

Personally identifiable information collected throughout the course of this study will be secured in a locked file in the researcher's advisor's office on the UNH campus. Data will be coded with a participant ID and stored separately from consent forms. Only the researcher and her advisor, Dr. Michael Kalinowski, will have access to this file. Results of the study will be reported anonymously, and any examples derived from participant surveys will be reported through the use of pseudonyms. Not all responses will be used in the body of the final document.

Completion of this questionnaire implies your consent to participate in the study.

WHOM TO CONTACT IF YOU HAVE QUESTIONS ABOUT THIS STUDY

If you have any questions pertaining to the research you can contact Amber Royea at ary82@unh.edu or Dr. Michael Kalinowski at (603)862-2159 or m.kalinowski@unh.edu to discuss them.

If you have questions about your rights as a research subject you can contact Dr. Julie Simpson in UNH Research Integrity Services, (603)862-2003 or Julie.simpson@unh.edu to discuss them.

Please keep this form for your record.

INFORMED CONSENT FOR PARTICIPATION

TITLE OF RESEARCH STUDY

Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Researcher: Amber Royea, Family Studies Graduate Student at the University of New Hampshire, Durham.

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Your interview will be audio recorded so that the researcher can consult it for the most accurate information. Interviews will be transcribed and coded so that your name does not appear on the final transcription, and audio recordings will be destroyed once the research is complete.

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If you have questions about your rights as a research subject you can contact Dr. Julie Simpson in UNH Research Integrity Services, (603)862-2003 or Julie.simpson@unh.edu to discuss them.

I, _____ consent/agree to participate in this research project.

Signature

Date

APPENDIX B: INSTITUTIONAL REVIEW BOARD APPROVAL

University of New Hampshire

Research Integrity Services, Service Building
51 College Road, Durham, NH 03824-3585
Fax: 603-862-3564

05-Apr-2011

Royea, Amber
Family Studies, Pettee Hall
50 Pinehurst Street, Apt. 60
Penacook, NH 03303

IRB #: 5086

Study: Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Approval Date: 30-Mar-2011

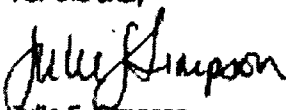
The Institutional Review Board for the Protection of Human Subjects in Research (IRB) has reviewed and approved the protocol for your study as Expedited as described in Title 45, Code of Federal Regulations (CFR), Part 46, Subsection 110.

Approval is granted to conduct your study as described in your protocol for one year from the approval date above. At the end of the approval period, you will be asked to submit a report with regard to the involvement of human subjects in this study. If your study is still active, you may request an extension of IRB approval.

Researchers who conduct studies involving human subjects have responsibilities as outlined in the attached document, *Responsibilities of Directors of Research Studies Involving Human Subjects*. (This document is also available at <http://unh.edu/research/irb-application-resources>.) Please read this document carefully before commencing your work involving human subjects.

If you have questions or concerns about your study or this approval, please feel free to contact me at 603-862-2003 or julie.simpson@unh.edu. Please refer to the IRB # above in all correspondence related to this study. The IRB wishes you success with your research.

For the IRB,


Julie F. Simpson
Director

cc: File

Kalinowski, Michael



UNIVERSITY of NEW HAMPSHIRE

INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS IN RESEARCH

RESPONSIBILITIES OF DIRECTORS OF RESEARCH STUDIES INVOLVING HUMAN SUBJECTS

University of New Hampshire (UNH) tenure-track faculty, lecturers, senior lecturers, visiting faculty with rank, research faculty with rank, clinical faculty with rank, and permanent staff may serve as directors of research studies (researcher) involving human subjects. Adjunct faculty, courtesy faculty (affiliate, affiliate research, and affiliate clinical), and graduate and undergraduate students must be sponsored by an individual who qualifies to serve as a project director.

- A. Researchers are responsible for complying with
 - I. UNH's Policy on the Use of Human Subjects in Research (<http://unhholcm.unh.edu/UNH/ILAcad/E.htm>).
 - II. UNH's Federawide Assurance (FWA) (<http://www.unh.edu/irb/compliance/support/ohrp.pdf>), and
 - III. Title 45, Code of Federal Regulations, Part 46: Protection of Human Subjects (45 CFR 46) (<http://www.hhs.gov/ohrt/human-subjects-guidance/45cfr46.htm>).
- B. Researchers are responsible for gaining familiarity with, and adhering to, the ethical principles stated in *The Belmont Report* (<http://www.hhs.gov/ohrt/human-subjects-guidance/belmont.htm>).
- C. Researchers must submit all proposed research activities involving human subjects to the UNH Institutional Review Board (IRB) for review before commencing. Researchers must not involve human subjects in research activities until the researcher has received written, unconditional approval from the IRB for the study.
- D. Researchers are responsible for protecting the rights and welfare of human subjects in their research studies.
- E. Researchers are responsible for keeping co-researchers and all research staff informed about the nature and goals of the study, and the need to adhere to ethical and responsible practices.
- F. Researchers are responsible for adhering to the IRB-approved protocol and consent process, including providing a copy of the IRB-approved and signed informed consent document to each subject at the time of consent, unless the IRB has specifically waived this requirement. The researcher must retain all signed consent documents for at least 3 years after the end of the study.
- G. Researchers must request IRB approval for proposed changes in previously approved human subject research activities before initiating them, except where necessary to eliminate apparent immediate hazards to the subjects.
- H. Researchers are responsible for reporting progress of approved research to the IRB as often as, and in the manner, prescribed by the approving IRB on the basis of risks to subjects. For studies approved at the Expedited and Full Board review levels, this must be no less than once a year (365 days) from the last review date.
- I. Researchers must report to the IRB any injuries or unanticipated problems involving risks to subjects and others within one working day of occurrence.
- J. Researchers will not seek to obtain research credit for, or use data from, patient interventions that constitute the provision of emergency medical care without prior IRB approval. A physician may provide emergency medical care to a patient without prior IRB review and approval, to the extent permitted by law. However, such activities will not be considered research nor may the data be used in support of research.
- K. Researchers who collaborate with colleagues at other institutions/sites have additional responsibilities. Researchers will advise the IRB, the Office of Sponsored Research, and appropriate officials of other institutions of the intent to engage human subjects in research studies for which the UNH FWA or any related Inter-Institutional Amendment or Non-Institutional Investigator Agreement applies. Institutions in the collaboration must possess an OHRP-approved Assurance prior to the involvement of human subjects in a research study.

University of New Hampshire

Research Integrity Services, Service Building
51 College Road, Durham, NH 03824-3585
Fax: 603-862-3564

27-Feb-2012

Royea, Amber
Family Studies, Pettee Hall
50 Pinehurst Street, Apt. 60
Penacook, NH 03303

IRB #: 5086

Study: Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Approval Expiration Date: 30-Mar-2012

Modification Approval Date: 23-Feb-2012

Modification: Changes in size of sample and addition of interviews

The Institutional Review Board for the Protection of Human Subjects In Research (IRB) has reviewed and approved your modification to this study as indicated above with the following comment(s):

The demographic information that the researcher is collecting may lead to the identification of unique individuals, particularly race/ethnicity, due to the characteristics of the sample. Therefore, due to the potentially sensitive nature of the topic, the researcher will need to be very careful in reporting the results that she does not identify unique individuals.

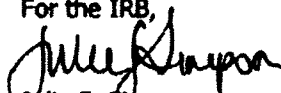
Further changes in your study must be submitted to the IRB for review and approval prior to implementation.

Approval for this protocol expires on the date indicated above. At the end of the approval period you will be asked to submit a report with regard to the involvement of human subjects in this study. If your study is still active, you may request an extension of IRB approval.

Researchers who conduct studies involving human subjects have responsibilities as outlined in the document, *Responsibilities of Directors of Research Studies Involving Human Subjects*. This document is available at <http://unh.edu/research/irb-application-resources> or from me.

If you have questions or concerns about your study or this approval, please feel free to contact me at 603-862-2003 or Julie.simpson@unh.edu. Please refer to the IRB # above in all correspondence related to this study.

For the IRB,


Julie F. Simpson
Director

cc: File
Kalinowski, Michael

University of New Hampshire

Research Integrity Services, Service Building
51 College Road, Durham, NH 03824-3585
Fax: 603-862-3564

13-Mar-2012

Royea, Amber
Family Studies, Pettee Hall
3 Beattie Road
Meredith, NH 03253

IRB #: 5086

Study: Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Review Level: Expedited


Approval Expiration Date: 30-Mar-2013

The Institutional Review Board for the Protection of Human Subjects in Research (IRB) has reviewed and approved your request for time extension for this study. Approval for this study expires on the date indicated above. At the end of the approval period you will be asked to submit a report with regard to the involvement of human subjects. If your study is still active, you may apply for extension of IRB approval through this office.

Researchers who conduct studies involving human subjects have responsibilities as outlined in the document, *Responsibilities of Directors of Research Studies Involving Human Subjects*. This document is available at <http://unh.edu/research/irb-application-resources> or from me.

If you have questions or concerns about your study or this approval, please feel free to contact me at 603-862-2003 or Julie.simpson@unh.edu. Please refer to the IRB # above in all correspondence related to this study. The IRB wishes you success with your research.

For the IRB,



Julie F. Simpson
Director

cc: File
Kalinowski, Michael

University of New Hampshire

Research Integrity Services, Service Building
51 College Road, Durham, NH 03824-3585
Fax: 603-862-3564

31-May-2012

Royea, Amber
Family Studies, Pettee Hall
3 Beattie Road
Meredith, NH 03253

IRB #: 5086

Study: Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Study Approval Date: 30-Mar-2011

Modification Approval Date: 22-May-2012

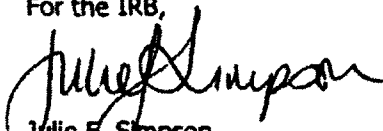
Modification: Addition of audio recording of interviews

The Institutional Review Board for the Protection of Human Subjects in Research (IRB) has reviewed and approved your modification to this study, as indicated above. Further changes in your study must be submitted to the IRB for review and approval prior to Implementation.

Researchers who conduct studies involving human subjects have responsibilities as outlined in the document, *Responsibilities of Directors of Research Studies Involving Human Subjects*. This document is available at <http://unh.edu/research/irb-application-resources> or from me.

If you have questions or concerns about your study or this approval, please feel free to contact me at 603-862-2003 or Julie.simpson@unh.edu. Please refer to the IRB # above in all correspondence related to this study.

For the IRB,



Julie F. Simpson
Director

cc: File
Kalinowski, Michael

APPENDIX C: QUESTIONNAIRE

Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples and Their Families: A Preliminary Study

Please take the time to read and answer each question as clearly as possible.
Mark your answers in the box or space provided with a pen or pencil.

1. Are you married? (Mark your answer in the box with a pen or pencil).
 Yes
 No
2. What is your sex?
 Male
 Female
3. What is your spouse's sex?
 Male
 Female
4. What year were you born? _____
5. What year was your spouse born? _____
6. What is your race?

	<u>Self</u>	<u>Spouse</u>
Alaska Native or Native American	<input type="checkbox"/>	<input type="checkbox"/>
Asian	<input type="checkbox"/>	<input type="checkbox"/>
Black or African American	<input type="checkbox"/>	<input type="checkbox"/>
Hispanic or Latino	<input type="checkbox"/>	<input type="checkbox"/>
Native Hawaiian or Pacific Islander	<input type="checkbox"/>	<input type="checkbox"/>
White, non-Hispanic	<input type="checkbox"/>	<input type="checkbox"/>
Two or more (please check all that apply)	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you live in New Hampshire?
 Yes
 No
8. How many years have you lived in New Hampshire? _____ Years

9. Does your spouse live in New Hampshire?

Yes

No

10. How many years has your spouse lived in New Hampshire? _____ Years

11. In which region of New Hampshire do you reside?

	<u>Self</u>	<u>Spouse</u>
Dartmouth-Lake Sunapee	<input type="checkbox"/>	<input type="checkbox"/>
Lakes Region	<input type="checkbox"/>	<input type="checkbox"/>
White Mountains	<input type="checkbox"/>	<input type="checkbox"/>
Seacoast	<input type="checkbox"/>	<input type="checkbox"/>
Monadnock	<input type="checkbox"/>	<input type="checkbox"/>
Merrimack Valley	<input type="checkbox"/>	<input type="checkbox"/>

If you live in another state, please note here: _____

If your spouse lives in another state, please note here: _____

12. Did your marriage take place on or after January 1, 2010?

Yes Date of Marriage _____

No

13. Did you marry in the State of New Hampshire?

Yes

No

14. Did you have a civil union before becoming married?

Yes Date of Civil Union _____

No

15. Did your Civil Union switch to a Marriage on January 1, 2011?

Yes

No

16. How many total years have you been a couple? _____

17. Do you have one or more biological, adopted, foster, or step-children under the age of 18 who currently live in your household and for whom you are a legal guardian?

Yes

No

Please note the number of dependent children _____ and their ages _____

18. Do you have one or more biological, adopted, foster, or step-children over the age of 18?

Yes

No

Please note the number of adult children _____ and their ages _____

For research purposes, and in order to contact you to set up an interview, please list your first name and preferred phone number, e-mail address, or mailing address below. This information will be stored separately from your survey responses and will be destroyed once all research-related activities are completed.

What are the best days and times to reach you?

APPENDIX D: INTERVIEW

Effects of New Hampshire's Same-Sex Marriage Legislation on Married Same-Sex Couples & Their Families

1. **In order to get to know you better, I'd like you to describe your relationship with your spouse. Could you begin by telling me a bit about yourselves as a couple?**

2. **Next I would like to talk with you about your experiences with marriage. What benefits would you say you have obtained within your relationship or daily lives as a result of your marriage? What tangible benefits? What emotional or relationship benefits? How do these differ from the benefits you may have had before marriage? Why do you think this is? How so?**

3. **What obstacles would you say you have faced within your relationship or daily lives as a result of your marriage? What tangible obstacles? What emotional or relationship obstacles? How do these differ from the obstacles you may have faced before marriage? Why do you think this is? How so?**

4. **What benefits have your dependent children obtained as a result of your marriage? What obstacles have they faced? How do these differ from the experiences they may have had before your marriage? Could you explain this further for me? (Conditional questions upon response to questionnaire).**

5. **What benefits have your adult children obtained as a result of your marriage? What obstacles have they faced? How do these differ from the experiences they may have had before your marriage? Could you explain this further for me? (Conditional questions upon response to questionnaire).**