

**"DO I EVEN REMEMBER THE LIST?": IDENTITY, PLACE, AND LEGAL
CONSCIOUSNESS OF MARRIAGE AMONG LGBTQ INDIVIDUALS**

by

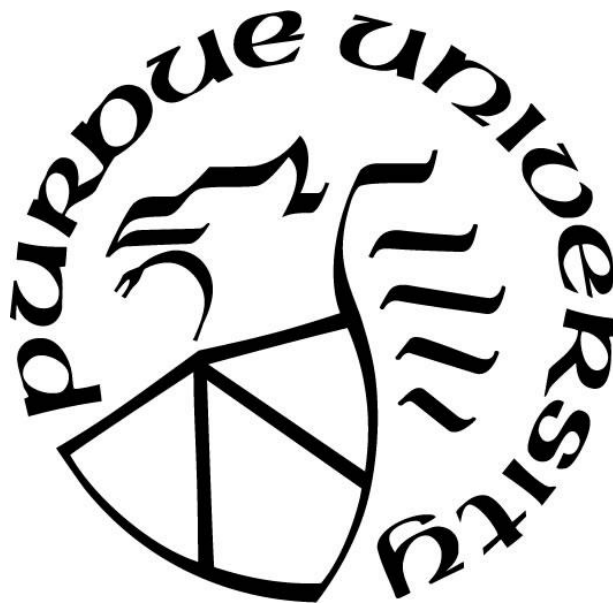
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TABLE OF CONTENTS

LIST OF TABLES	vi
ABSTRACT	vii
CHAPTER 1: INTRODUCTION	1
Introduction	1
Sociopolitical LGBTQ Current Events	2
Legal Consciousness, Broadly	4
Chapter Summaries	7
The Data	10
Conclusion	13
References	14
CHAPTER 2: LGBTQ IDENTITY AND LEGAL CONSCIOUSNESS OF MARRIAGE	18
Introduction	18
Literature Review	18
Methodology	38
Findings	51
Conclusion	64
References	68
CHAPTER 3: PLACE AND LEGAL CONSCIOUSNESS OF MARRIAGE AMONG LGBTQ COMMUNITIES	75
Introduction	75
Literature Review	79
Methodology	91
Findings and Analysis	97
Conclusion	108
References	111
CHAPTER 4: LGBTQ IDENTITY AND THE REDEFINITION OF MARRIAGE.....	116
Introduction	116
Literature Review	118

Methodology	122
Findings.....	126
Discussion and Conclusions	136
References.....	140
CHAPTER 5: CONCLUSION	144
Introduction.....	144
Summary of Findings.....	144
Further Research	151
References.....	151
APPENDIX A: TABLE OF PSEUDONYMS.....	153
APPENDIX B: INTERVIEW SCHEDULE	155

LIST OF TABLES

Table 1: Table of Pseudonyms and Associated Characteristics.....	153
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ABSTRACT

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Title: “Do I Even Remember the List?”: Identity, Place, and Legal Consciousness of Marriage
Among LGBTQ Individuals

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The legalization of same-sex marriage in 2015 in the United States has been a milestone for LGBTQ rights. Popular campaigns pushing for the legalization argued that “love is love” and the idea that same-sex marriage is the same as heterosexual marriage. While there have been surveys investigating popular opinions around same-sex marriage, not much research has been done on LGBTQ communities themselves and what they have to say about marriage. This dissertation obtains a clearer understanding of how LGBTQ individuals consider marriage at a critical moment in history. Specifically, this dissertation investigates how identity, place, and legal consciousness interact within LGBTQ communities to shape individuals’ ideas and understandings of marriage shortly after the legalization of same-sex marriage in the United States. Using semi-structured interviews, this dissertation gives voice to the marginalized: the LGBTQ individuals that were, until recently, barred from getting married in the United States. The data show that the understandings of these individuals align with previous frameworks established in the marriage literature as well as the socio-legal literature. Additionally, the data provides a viewpoint on same-sex marriage that was unobtainable until recently: data collected in a time when same-sex marriage is legal everywhere in the United States. Suggestions for future research are also discussed in the hopes that we continue to study LGBTQ individuals as the social world changes around them.

CHAPTER 1: INTRODUCTION

INTRODUCTION

The legalization of same-sex marriage in 2015 in the United States has been a milestone for LGBTQ rights. Popular campaigns pushing for the legalization argued that “love is love” and the idea that same-sex marriage is the same as heterosexual marriage (Human Rights Campaign 2009). While there have been surveys investigating popular opinions around same-sex marriage, not much research has been done on LGBTQ communities themselves and what they have to say about marriage. There are a few notable exceptions. Richman’s (2014) book, *License to Wed: What Legal Marriage Means to Same-sex Couples* is one of these exceptions. In this book, she investigates the meanings and conceptualizations given to marriage by LGBTQ individuals. This dissertation adds to this discussion. Like Richman, instead of questioning society at large, I focus on those minority individuals that are centered in the discussion: LGBTQ people.

This dissertation obtains a clearer understanding of how LGBTQ individuals consider marriage at a critical moment in history. With the recent legalization of same-sex marriage with *Obergefell v. Hodges*, LGBTQ individuals in many states suddenly had the opportunity to marry. However, it is not a monolithic belief that marriage is unquestionably good and even a desirable outcome of their lives. Instead, LGBTQ individuals have myriad ideas, conceptions, and understandings of marriage and how marriage should be (Hull 2006). This dissertation adds to not only discussions on same-sex marriage and LGBTQ individuals, but more broadly, themes of identity, legal consciousness, place, and marriage generally.

Sociopolitical LGBTQ Current Events

It is relevant to note a few broad, national-level events that transpired just before and during my interview process. The majority of my interviews took place from mid-2016 to late 2017. During this time, there were three relevant, large-scale LGBTQ sociopolitical events that occurred in the United States. Each of these events were specifically referred to by at least a few of my interviewees.

The brief history of legalized same-sex marriage within the United States begins in 1993 (“Same Sex Marriage Fast Facts”). Hawaii court case *Baehr v Lewin* had the court system in Hawaii debating the legality of same-sex marriage based on the state constitution. In 1998, Hawaii voters approved an amendment to allow the legislature to ban same-sex marriage, as many states did not have laws specifically prohibiting same-sex marriage. The Hawaii legislature then quickly banned same-sex marriage. As a direct result of the 1993 decision, the United States Congress soon passed the Defense of Marriage Act (DOMA) that prohibited the federal government from recognizing same-sex marriages as well as prevented them from forcing states to recognize same-sex marriage licenses obtained in other states.

However, in 2003, the Massachusetts Supreme Court ruled that denying same-sex couples marriage rights was contrary to the state constitution and in 2004, became the first state to legalize same-sex marriage (*Goodridge v Department of Public Health*, “Same Sex Marriage Fast Facts”). Yet, that same year, almost a dozen states added amendments to their constitution banning same-sex marriage in response. In 2008 and the following years, California went through a series of bans and legalizations that eventually ended in 2013, with the Supreme Court

of the United States dismissing the case and legalizing same-sex marriage in California (*Hollingsworth v Perry*).

In a few of the initial states to legalize same-sex marriage, the state courts took the lead in legalizing same-sex marriage (Iowa in *Varnum v Brien*, New Jersey in *Garden State Equality v DOW*, New Mexico in *Griego v Oliver*, and Colorado in *Brinkman v Long*). These courts deemed that denying marriage to same-sex couples was unconstitutional. However, in most of the earlier states to legalize same-sex marriage legalization was accomplished through the state legislature (usually the General Assembly) passing a statute (“Same Sex Marriage Fast Facts”). A third way that same-sex marriage came to be legal was through referendum. This happened uniquely in Maine, although there were some states, such as Washington and Maryland, that went through a referendum process after the legislative statute was passed, upholding the statute. The final way that same-sex marriage has come to be legal in various states is through the rulings of federal courts. The decision centered on same-sex marriage was appealed to the appellate court which decided in favor of allowing same-sex marriage. Most of these cases had been brought to the Supreme Court of the United States, which had declined to hear the cases, allowing the appellate court decisions to stand (“Same Sex Marriage Fast Facts”). It was not until a few years later, that the Supreme Court of the United States would finally hear the case in 2015 (*Obergefell v Hodges*). They decided that the government could not prevent same-sex couples from getting married.

The second major event for LGBTQ individuals, specifically transgender individuals was the passing of the Public Facilities Privacy and Security Act in North Carolina in March of 2016 (“North Carolina Governor Signs...” 2016). This bill was colloquially known as the “bathroom bill.” Relevant provisions of this bill are that individuals are only allowed to use the public

restroom in government buildings that matches with their sex on their birth certificate (in North Carolina, only those who undergo sex reassignment surgery can change their sex on their birth certificate). Additionally, municipalities in North Carolina cannot establish anti-discrimination policies. This was the primary impetus for the bill, as the city of Charlotte passed a non-discrimination policy just before. This event was important because it provided a message to LGBTQ individuals, and especially trans individuals, that they were still not welcome in many states, even if same-sex marriage was legalized. (“North Carolina Governor Signs...” 2016).

The last major event was the election of President Trump in November of 2016 and his later swearing into office in January of 2017. LGBTQ communities saw Trump’s election as a step back for LGBTQ rights. Some of my interviewees even worried for their physical safety once he became president. Those concerns will be addressed in the next few chapters.

Legal Consciousness, Broadly

Legal consciousness has taken on a number of conceptual definitions in recent decades. McCann, through an analysis of many different studies on legal consciousness, says scholars “focus on law as forms of knowledge that saturates intersubjective social life in various ways and degrees” (McCann 2006, xii). Fleury-Steiner and Nielsen (2006) describe it as an interplay between individuals and the law; law affects individuals while it is also affected by them. The focus of legal consciousness research ranges from black-letter law to workplace rules or other official policies (Hoffmann, 2003).

In this scholarship, legal knowledge is “envisioned as part of the cultural repertoire or ‘toolkit’ through which citizen subjects understand and negotiate their social activity” (McCann 2006, xii). Legal knowledge aids individuals in establishing their legal consciousness. Sarat

(1990) notes that people can have more or less knowledge of their rights and sometimes did not engage with the legal system (even when it would benefit them) out of ignorance. These differing degrees of legal knowledge contribute to a wide variety in interpretations of law and its role in society. Through this legal knowledge and reasoning associated with all things legal, we come to this idea of legal consciousness. Under this umbrella of legal consciousness are “legal understandings, expectations, aspirations, strategies, and choices” (McCann 2006, xii). These leaves room for a variety of logics and interpretations in legal consciousness. Legal consciousness can even be contradictory within individuals’ own interpretations (Silbey 1992).

This complex and shifting conception of legal consciousness has created room for many interpretations of the concept. Bumiller (1988) has described legal consciousness as legal ideology and its effects on individual consciousness. Merry sees legal consciousness as “the way people conceive of the ‘natural’ and normal way of doing things, their habitual patterns of talk and action, and their commonsense understanding of the world” (Merry 1990, 5). In other words, the way that people use and understand the law. In her work, *Getting Justice and Getting Even* (1990), she looks at white, working-class individuals and how they interact with the lower courts. They see the courts as a place to take their problems and have them dealt with in a civil manner. She determines there are three distinct types of discourse within lower courts: legal discourse centered on rights and evidence, moral discourse that is focused on how people should treat and respect one another, and therapeutic discourse, about treatment and how the environment shapes our behavior. She finds that these individuals often bring cases in a legal discourse, but the court system takes that discourse out of their hands and often transforms it into moral or therapeutic discourse. But there are also risks of going to court for these individuals, in

that they might be stigmatized, their problems will be translated into emotion issues rather than legal, and lack of a solution (Merry 1990).

Ewick and Silbey (1998) based legal consciousness in cultural practices. They develop three schemas of legal consciousness: before the law, with the law, and against the law. The first schema is that individuals see the law as a remote system that cannot really be interacted with. It is impartial and objective in its regulations. The second schema has individuals seeing law as a game of skill. If they can play the game correctly, they can obtain what they want out of the system. The law is interact-able on a daily basis. The final schema describes individuals who see the law as arbitrary and unfair - something that must be fought against on a regular basis. Individuals must evade and subvert the law to achieve their goals. However, Ewick and Silbey see this schema as not altering the law in any significant way. These three schemas exist together in any society, and not necessarily in conflict.

Harding (2010), to some extent, critiques all of these perspectives. She describes consciousness as attitude, consciousness as ideology, and consciousness as producer of legality, as all “bottom-up” perspectives. They have not been concerned with the everyday lived experience in law that Sarat describes. To this extent, there are scholars of legal consciousness that focus on everyday resistance and ways that individuals evade the perceived oppressive nature of the state (Gilliom 2001). These individuals are operating within Ewick and Silbey’s third schema, “against the law.”

“Same-sex Marriage”

One point to make is that the concept of “same-sex” marriage is somewhat overly simplified and not reflective of LGBTQ communities and identities. As I will discuss later,

“same-sex” marriage becomes particularly difficult to navigate for transgender individuals. Same-sex marriage implies a gender binary which is restrictive and unrealistic for individuals in LGBTQ communities. I will use the term “same-sex marriage” to describe the institution that was opened to LGBTQ individuals, with the understanding that the term can be somewhat restrictive.

CHAPTER SUMMARIES

This dissertation is broken down into three substantive and distinct chapters. These three chapters discuss different aspects of same-sex marriage within LGBTQ communities, but all with the central topic of how LGBTQ individuals understand and conceptualize marriage. The substantive chapters are followed by a concluding chapter and two appendixes.

The Second Chapter

The second chapter of this dissertation explores how identity influences legal consciousness of marriage. Specifically, I look at how identity as part of LGBTQ communities influences individuals’ understandings of and conceptualizations of marriage. In this chapter I begin with a discussion of the critiques and criticisms of marriage within feminist and queer literature. It is vital to discuss these ideas, as we can see threads of these perspectives within the conversations I had with my interviewees. Additionally, it helps to lay the groundwork for a critical perspective of marriage. Next, I briefly discuss several different broad identities within the umbrella of LGBTQ and day-to-day struggles that these individuals face based on their identity. In this way, I contextualize the lived experiences of my interviewees, as this directly impacts their views and understandings of the world.

Then, I begin a discussion of the literature on legal consciousness. I first look at definitions of and conceptualizations of legal consciousness within the literature before looking more closely at research on LGBTQ communities and their interactions with the law. I draw from Harding (2010) when I consider the ways that LGBTQ individuals live in a way that is often at odds with legal structures. Finally, I specifically look at relevant literature pertaining to same-sex marriage and legal consciousness.

My methodology section involves a consideration of positionality (as identity is a large part of this research), before a detailed discussion of my interview schedule, as well as how I gathered participants for this study.

Lastly, I discuss my interviews and how they can be contextualized with the existing literature. I examine the different ways in which my interviewees came to understand the legal aspect of marriage and same-sex marriage. All of this is done with a mind as to how each individual's identity within LGBTQ communities came to shape their understandings and perspectives. Lastly, I end with a suggestion for further research on these topics.

The Third Chapter

The third chapter focuses the concept of place and how it impacts legal consciousness of and understandings of marriage. I investigated how geographic location influences how LGBTQ people come to understand marriage. The third chapter begins with an explanation as to why place is a crucial factor to consider in my study. I discuss other studies that have considered place as a relevant aspect to understanding social phenomenon. Then I move on to a brief discussion about how the politics of same-sex marriage change depending upon what state we are focusing on.

My literature review reiterates some points about legal consciousness and legal consciousness for LGBTQ individuals before exploring how place can relate to ideologies and understandings. Then, I introduce law in to the analysis and explore research on how these different concepts relate to each other. Then, I revisit my methods section and note parts of my interview that were relevant to the current topic.

Then, I discuss and analyze the interview data with regards to how place influences my interviewees' perspectives. I contextualize much of my interviewees' responses within existing literature. I establish a few factors that were commonly mentioned by my participants that also influence this relationship. Finally, I end with a suggestion for further research on these patterns and relationships.

The Fourth Chapter

The fourth chapter investigates how being part of LGBTQ communities can influence an individual's understandings and conceptions of marriage. I begin the chapter by discussing the concept of compulsory heterosexuality, and how that shapes the lives of LGBTQ individuals. Then, I introduce marriage into the conversation and discuss how compulsory heterosexuality and marriage interact. Finally, I argue that LGBTQ individuals must construct alternative frameworks to the public discourse on marriage. These alternative frameworks provide a unique perspective on marriage. I then describe my methodology once again, this time focusing on questions that are relevant to the current chapter.

My analysis and discuss of the data focuses on how LGBTQ must consider and establish frameworks for marriage, themselves. I investigate what those frameworks area, as well as

consider how individuals have established those alternative frameworks. I also discuss what reasons individuals gave for wanting to get married.

Finally, I end with a suggestion of future research on the topic, especially as same-sex marriage becomes more normalized in the United States in the future.

THE DATA

The data I will be using for this dissertation are qualitative data collected from semi-structured interviews. I chose this method of data collection in an effort to capture the rich diversity of ideas and understandings of my topics. I also wanted my research participants' thoughts and ideas to come through in their own words, letting them speak directly to my audience.

I am interested in the "how" and the "why," questions that quantitative data collection has difficulty with. Quantitative data would be useful for broad patterns. However, my questions of understandings of legal consciousness and the institution of marriage required a less restrictive and more open-ended approach.

For this same reason, I chose semi-structured interview questions for the research. A more structured interview would not allow me to capture the diversity of responses, histories, and life stories of these individuals. Studying a minority group requires an understanding that these individuals have a multitude of backgrounds and stories. I also wanted to enable my interviewees to guide the interview somewhat in order to enable them to tell me what mattered to them in the way they wanted to tell me.

This methodology has been practiced in similar research projects. For example, Richman (2014) used a similar approach of qualitative, semi-structured interviews. Her focus, like me,

was on marriage and legal consciousness of marriage within LGBTQ communities. Her depth of inquiry and rich analysis was part of what inspired me to adopt a similar method.

For my study, I interviewed twenty participants over the course of a year: starting in mid-2016 and ending in mid-2017. The interview schedule (Appendix B) consisted of thirty-six open-ended questions focused on five broad topics. The way that I constructed my interview schedule will be discussed in detail over the next few chapters.

The participants are primarily younger individuals, in their twenties and early thirties, although there is one outlier who is in his forties. Many of the individuals are highly educated although there is some variation along that line as well. They have resided in many locations, some outside of the United States, but they have all ended up in the Midwest for one reason or another. These differences are summarized in Appendix A.

My initial intentions were to gather participants through recruitment and fliers at local LGBTQ centers in the Midwest. However, this proved difficult in the larger cities. Some of the centers I intended to interview individuals in had extensive procedures for attempting to collect data on individuals that frequented the centers. After waiting to no avail for responses to requests for research, I decided to pursue my own networks within LGBTQ communities in the area. Using several contacts in the community, I used information they gave me and individuals they suggested to employ snowball sampling with multiple entry points. The interviewees referred me to contacts and acquaintances they had within the communities. It was much easier to obtain interviewees through this snowball sampling, rather than the broader approach I attempted to take in the beginning.

The actual interviews themselves took place in multiple locations: sometimes in the interviewee's homes, sometimes in a coffee shop, sometimes in a college dormitory. All of the

interviewees allowed me to record audio of the interview. I ran through the questions on my protocol, but I would occasionally reorder them on the fly, or dig more deeply into certain ideas, as it made sense in the interview. Eventually, I was able to obtain the twenty interviews that are the basis for this dissertation.

Data Analysis

For the first two substantive chapters of the dissertation, I used directed qualitative content analysis (Hseigh and Shannon 2005). With this method, I began with prior research to help formulate my coding scheme. In essence, I started with research and allowed that to shape how I interpreted the data that I collected.

I informed myself about the existing literature in this area in order to provide a context for the data I had gathered. I allowed the individuals to speak for themselves and describe their own stories, but I contextualized their stories within past research focused on each interview-question topic. In each chapter below, I specifically discuss the codes that I used, as well as how that shaped my data analysis.

For the final substantive chapter, I used conventional content analysis (Hseigh and Shannon 2005). Unlike the previous chapters, I did not go in with a specific framework established by prior research. Instead, I allowed the themes to emerge organically from the interview data. Once I established specific patterns in the data, I grouped my interviewees' stories and labeled them based on these patterns. The specific codes that I used are discussed in the Methodology section of that chapter.

Cohort Effects OF Respondents

I want to address a relevant point about the participants of my dissertation. Almost all of these individuals (save one) were between the ages of twenty and thirty-five when I interviewed them. This places these interviewees squarely in the Millennial cohort (Gay et al. 2015, Brown et al. 2016, Budig and Lim 2016). Millennials have been shown to have a variety of differences from their previous cohorts. For instance, they are more accepting of same-sex marriage in general (Gay et al 2015) than previous cohorts, they have also been shown to be more at risk of anxiety and depression (Brown et al. 2016) than previous cohorts, especially after the Great Recession, and they are less religious (Gay et al 2015) than previous cohorts, among many other differences.

In terms of this dissertation, I cannot speak to large scale cohort effects or how they necessarily interact with my interviewees. However, I have focused specifically on their identities as LGBTQ individuals and how that has affected and mediated the other factors in my study. While cohort effects surely play a part in their responses to my interview questions, LGBTQ individuals experience the world differently from their heterosexual counterparts, even within their cohort. In this dissertation, I capture the stories of these younger LGBTQ individuals as they live through the changing legal environment of same-sex marriage.

CONCLUSION

This dissertation is an investigation into the daily, lived experiences of LGBTQ individuals. Although this is just one small aspect of their lives, I shed light on some of the fundamental ways in which being LGBTQ in the United States shapes individual's lives. For society at large, marriage is a major milestone in most people's lives. Until relatively recently,

this institution was not available to many LGBTQ people in the United States. This recent unavailability of a fundamental aspect of the life course, taken together with discrimination and ostracization of LGBTQ individuals, creates a unique experience for these individuals.

Conducting my interviews just after the legalization of same-sex marriage within the United States places my data at a sociologically interesting and enlightening time. While I discuss small aspects of marriage within these individuals' lives, I cannot begin to talk about marriage in its entirety. Instead, I am only able to focus on a few, overarching patterns as well as hear stories from a particular snapshot of United States history. I hope that this dissertation will bring to light issues that LGBTQ individuals face, as well as provide starting points for future studies on minority groups.

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CHAPTER 2: LGBTQ IDENTITY AND LEGAL CONSCIOUSNESS OF MARRIAGE

INTRODUCTION

This chapter explores the nuances in the discussion of same-sex marriage within Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) communities. In doing so, I complicate the idea of legal consciousness within LGBTQ communities. Previous literature has looked at both debates about marriage within LGBTQ communities, and how legalization of marriage has affected same-sex partners' decisions to get married. My research extends these studies by focusing on how identity might affect opinions about marriage within LGBTQ communities. The changing legal environment within the United States at the current time makes this a particularly relevant topic at a critical time.

In a broader sense, I connect identity with legal consciousness. Legal consciousness is the way that people understand and interpret the law. Each individual can perceive the law in different ways. I argue that individuals' identity fundamentally shapes their legal understanding of their day-to-day life.

LITERATURE REVIEW

The Concept of Marriage in LGBTQ Communities

While legal same-sex marriage has been celebrated throughout LGBTQ communities as a victory, these communities have also raised key criticisms and caveats to the legalization of marriage.

Queer and Feminist Critiques of Marriage

Recently, marriage rights for same-sex couples have been a topic of much debate in the public discourse. Many LGBTQ organizations and couples fought for these rights in an effort to gain a sense of equality as well as legal benefits and public recognition.

However, ideas that everyone in LGBTQ communities feels the same way about same-sex marriage or even marriage as an institution are glossing over the variation and diversity in opinions among the communities. Some scholars and activists argue that the institution of marriage itself is problematic and that we should not be fighting for same-sex marriage within a broken system (Yep, Lovaas, and Elia 2008, Humble 2013). Ferguson (2007) connects these sentiments with some of the feminist discourse around marriage. Feminist theorists have discussed marriage in terms of its traditional and current ability to reinforce very gendered, patriarchal norms.

Feminists such as Marso (2010) and Wilson (2010) have critiqued marriage for its ability to contribute to a gendered division of labor, reinforce norms of dependency and protection, and mandate monogamy. By focusing on marriage, society contributes to an institution that has long left women as the homemakers and subordinate sex. While same-sex couples may not have a man and a woman, same-sex marriage is operating within and contributing to the same system that does reinforce these norms. Same-sex marriage activists are publicly arguing to be included in this system.

Critiques of marriage as an institution that marginalizes women can be seen even in works by Frederick Engels. In his *Origin of the Family* (1884), Engels discusses how the family is intimately related to class inequality. Specifically, in terms of gender, family and marriage are ways that allow men to control women. These institutions allowed wealth and power to be

centralized onto heads of the household (men) and also allowed men to control women's sexuality. We can link this to fixations on women being virgins before marriage, as well as faithful during marriage. This control of sexuality was theorized to be for economic reasons of preserving lineage, according to Engels (1884). While Engels had a number of problematic views, we can begin to see a definite criticism of marriage forming in the public discourse. However, feminists had been critiquing marriage for longer than Engels (Pateman 1988).

Chambers (2005) discusses the numerous ways in which marriage is thought to contribute to structural oppression of women. One of the starkest repercussions of this marital structure is domestic violence. Kingston (2004) discusses how marriage contributes to a structure of domestic violence toward women. This continued economic perspective of the head of household owning property is conferred onto the owning of their spouse as well. This leads to many instances of domestic violence and deaths of the spouse (Card 1996). Card (1996) interprets the state involvement in marriage as a fundamental flaw in the way we go about the relationship. The idea of joint ownership of property around marriage, as well as the legal acrobatics that sometimes must be performed to divorce create problems and lead to this persistence of domestic violence within marriage.

Chambers (2005) also discusses how the gendered division of labor within the family is heavily critiqued among feminist scholarship, as well. Gornick (2002) calls for a more egalitarian division of work among genders in the household. Tied in with this are ideas of the second shift and the fact that women do the majority of the housework while also still maintaining a job. The current family structure allows for and encourages women to maintain their role as homemaker while men engage with the workforce.

Not only does the structural component of marriage negatively affect women, but the symbolic component of marriage affects them, as well. Kingston (2004) argues that the symbolic meaning behind marriage and the family also serves to hinder women's life chances. The drive to marry and to perform their duties within the confines of the marriage gets in the way of careers and further independence of women. Marriage has a symbolic power that creates unequal structures in and of itself. If women are not married, they sometimes feel worthless or that they are not living up to their womanhood (Sandfield and Percy 2003). Chambers (2005) connects this oppression to Bourdieu's ideas of symbolic violence. Even if we were to fundamentally alter how we think about marriage, she argues that because of its historic link with patriarchy, it is potentially permanently tainted.

Marriage has not only meant the disenfranchisement of women historically, but it is also wrapped up in ideas of race as well. Marriage has been seen as a racialized system of oppression (Wesling 2014). Wesling discusses how marriage has been used not only to oppress and disempower women, but also as a tool to disempower racial minorities. Spade and Willse (2013) discuss how marriage has been used as a tool to privilege white individuals over African Americans. Illegitimacy laws were ways to prevent black individuals from accessing the same sorts of legal benefits that whites could. Also, African Americans are consistently linked to poverty and are criticized for either getting married late in life, or not at all. That poor minority groups do not marry until much later in life than white individuals (Edin and Kefalas, 2005) contributes to marriage inequality. This, in turn, affirms the idea that marriage has been traditionally and still is an institution for white individuals to some extent.

Aside from the feminist critiques surrounding marriage as an oppressive vehicle against women and minority races, there are also feminist critiques that marriage is a way to reinforce

heterosexism and is problematic for same-sex couples as well. To start, even if we were to extend marriage to everyone, we are still stuck at this idea that marriage has historically been a vehicle for oppression. Arguing for the expansion of marriage to include same-sex couples does not fix any of its fundamental problems.

However, the argument was that marriage confers onto same-sex couples many of the benefits that opposite sex couples receive, including tax benefits, health insurance, and inheritance (Stoddard 1997). Chambers (2005) explains that this sets up an unequal system that disenfranchises those unmarried individuals and provides marriage benefits at their expense. Previous to the legalization of same-sex marriage, this was criticized heavily as a way to disenfranchise queer individuals who would prefer a relationship with someone of the “same” sex. Even after the legalization of same-sex marriage, initially refusing or being unwilling to extend same-sex marriage rights to couples still has negative consequences. By refusing to recognize same-sex marriage, some states informed their queer population that their relationships are not approved. Bevacqua (2004) argues that refusing marriage rights to queer individuals creates a second-class citizenship and is a humiliating experience. The states that stubbornly opposed same-sex marriage attributed meaning to the symbol of marriage, in that it is not for queer individuals; it is a privileged institution only for heterosexual couples.

The debates over same-sex marriage also serve to reinforce the privilege that marriage has over other types of relationships. Even legally recognized relationships such as domestic partnerships and civil unions are brushed to the side. Lisa Duggan expresses disapproval of the narrow idea that same-sex marriage often takes (Duggan 2008). She argues for a more democratic and diversified system of ways that we recognize relationships and interdependencies. Rather than arguing for or against marriage as an institution, she argues for

an overhaul of the system entirely. Individuals should be less focused on fighting for equality, she argues, and more for fighting for diversity within the system.

While many feminist scholars recognize these oppressive structures centered on marriage, the institution of marriage puts some in a difficult situation when ideas of rights for same-sex couples are entered into the discussion (Finlay and Clarke 2003). However, when those rights are potentially oppressive for large swaths of the population, how do we reconcile those two drives? One response could be to do away with the institution of marriage entirely. If we can rid society of such a historically troubling institution, then we would be better off, some scholars assert. Other scholars are more optimistic that a more egalitarian transformation of this institution would solve many of the problems (Finlay and Clarke 2003).

Marso (2010) also questions however, whether only the privileged can refuse or critique the institution of marriage. Marriage confers many benefits, including tax breaks, health care, and many other economic benefits. For the poorer and minority individuals, marriage can be almost a necessity. Marriage is far easier to critique when the individual has privilege and is able to exist and live outside of such an institution. When class and power are brought into these critiques, the picture becomes much more complicated.

I saw some of these threads in my interviews with LGBTQ individuals. While many individuals in the community are in favor of same-sex marriage, their specific opinions are very diverse. I saw discussions centered on the idea that equal rights in terms of marriage are vital for normalizing the idea of same-sex couples. If the state can be convinced that same-sex couples are the same as heterosexual couples, then perhaps equality can be achieved socially as well. (The argument that the law can affect the social structure as Bernstein, Marshall, and Barclay 2009 will be discussed more in depth in Chapter 4 of this dissertation).

Queer Identities and Their Social Struggles

LGBTQ communities are composed of individuals with complex and diverse identities. Along with those diverse identities also comes diverse concerns and diverse cultural consciousnesses. In these next few sections, I will discuss conventional categories in LGBTQ communities and some concerns that each group faces. Gay men's concerns have often been portrayed as the concerns of the movement as a whole, but it is important to consider how other, minority identities within LGBTQ communities have their own unique struggles. By only considering gay men, we leave out the voices of many other individuals in these communities. Often, middle class, gay concerns are the ones that are publicly expounded upon. Although somewhat limited by the constraints of its sample, this dissertation will try to investigate the lived experiences of LGBTQ communities and their myriad identities.

Gay Identity and Social Struggles

White gay men have often been the face of the LGBTQ movement. Their struggles are often seen as the struggles of the community at large. Gay men must deal with anti-LGBTQ violence (Waters 2017), issues surrounding toxic masculinity and authenticity, employment discrimination (Biaggio 1997), and sexual health issues (Centers for Disease Control, 2017), to name a few.

These issues are also the issues that face LGBTQ communities in general, but gay men must deal with them in unique ways. However, they also benefit from the status and corresponding privilege of being male in a sexist society. Thus, how they deal with the above issues will be tempered with and filtered through the gender privilege that they enjoy.

Lesbian Identity and Social Struggles

As mentioned, lesbian women face some of the same struggles as do gay men: that of anti-LGBTQ violence (Waters 2017), employment discrimination (Biaggio 1997), and sexual health (CDC 2017). However, lesbian women have faced a different set of struggles from that of gay men. While marriage has been a concern for lesbian women, as well, the idea of marriage itself brings with it unique social oppressions. As discussed previously, marriage has been a tool through which patriarchy can reify and maintain power structures over women. With expectations about work and childcare, marriage has been a way to allow women to continue to be dependent on men. However, two women marrying, in some ways, overturns this narrative.

Additionally, lesbian women also face unique sexual harassment issues separate from those of straight women (Biaggio 1997). Lesbians report more instances of sexual harassment than straight women. Lesbian women are more likely to perceive sexual harassment by men as problematic. Sexual harassment might not only be directed at these individuals because they are women, but also because they are lesbians.

Bisexual Identity and Social Struggles

Bisexual individuals are often left out of a conversation that is concerned with “same-sex marriages.” They often face discrimination not only from straight communities, but also from gay and lesbian communities, as well. The discourse centers around them not being queer enough to warrant consideration. Even in the discussion of marriage, bisexual individuals face marginalization (Monro et. al 2017).

When bisexuality is discussed, it often brings with it stereotypes of promiscuity and indecisiveness (Hackl, Boyer, and Galupo 2012). Even in academia, studies focus on how bisexuality negatively impacts cross-sex marriage arrangements, if they focus on bisexuality at all. Even Michael Warner, a prominent scholar in queer literature and author of *Fear of a Queer Planet* (1993), has been criticized for failing to mention bisexuality in his discussion of queer individuals, as well as only including one bisexual individual in the essays (Goldman 1996). Gammon and Isgro (2006) also describe how bisexuality is commonly missing from discourse around queer theory and LGBTQ individuals. Bisexuality is missing from much of the discourse not only in general, but also specifically surrounding queer issues.

Goldman discusses how Paula Rust suggests a very political interpretation of bisexuality:

In other words, since a belief in monosexuality and binary notions of gender are built into the very foundations of this society, the concept of bisexuality threatens the very structure of heteropatriarchy. Thus I would argue that bisexuality actually carries a phenomenal amount of political impact, and this is one reason why it encounters so much resistance as a concept and as an identity (Goldman 1996, 177).

Bisexuality as an identity is a constant affront to a binary, either/or system. Its inclusion (and lack of inclusion) into the marriage debate is unsurprising, given this political interpretation. Following this logic, identities like pansexuality that completely undo the gender binary would be even further marginalized in the discussion.

Bisexual individuals are expected to be able to marry individuals of the opposite sex and this expectation creates unique problems and experiences. To some extent, bisexual individuals have the ability to be in romantic and sexual relationships with members of the same or the opposite sex. While this allows bisexual individuals some freedom within a society that bans

same-sex marriage, the ability of bisexual individuals to pick and choose individuals of different genders to be partners with is somewhat overestimated. Bisexual individuals themselves are not a monolithic identity. They can be equally attracted to either sex or have preferences toward one or another. While they potentially have the ability to exist within a society that bans same-sex marriage, this does not mean that those bans and the environment they exist in are not still very much oppressive in terms of their sexual identity. The existence of these laws creates a hostile and oppressive environment. Bisexual men may feel pressure to marry individuals of the opposite sex from family and social pressures and a desire to have a “normal” life (Pearcey 2005). These are not pressures that a heterosexual individual would face (at least not in the same way). At the same time, these are potentially similar to pressures faced by gay individuals, yet it would be problematic to assume these oppressive frameworks are experienced in the same way.

Transgender Identity and Social Struggles

Transgender individuals also face a unique intersection of marginalizations within the queer community as well as within the discussion of “same-sex marriage.”

Transgender individuals have their own perspectives of marriage. Even using the term “same-sex marriage” is potentially problematic for transgender individuals, as they might not consider themselves the same sex or gender as their partner, yet the state will see them that way. Neither partner may consider themselves one of the typically dichotomous categories of gender. Stryker discusses how the term “transgender” remained after the 1990s as it designated a “wide range of phenomena that call attention to the fact that ‘gender,’ as it is lived, embodied, experienced, performed, and encountered, is more complex and varied than can be accounted for by the currently dominant binary sex/gender ideology of Eurocentric modernity” (Stryker 2006,

3). Deeming genders or sexes as the same or opposite makes no sense in such a conception of gender. Specifically, the label of same-sex marriage is difficult when gender is considered a fluid and non-dichotomous concept. If gender is non-dichotomous, and is a spectrum, then “same-sex” and “opposite sex” become difficult descriptors to apply to any relationship. In fact, according to Stryker, the field of transgender studies attempts to break down our conceptions of a knowable material sex and attempts to reevaluate ideas of embodiment relating to gender and sex. How do transgender individuals conceptualize marriage with such a fluid idea of gender? How does this play into their legal consciousness surrounding the issue of marriage? I shed some light on these questions later in the chapter. However, these are complex questions that need more research to fully investigate.

Robson (2007) argues that the current discourse around marriage involving transgender individuals just reinforces the heterosexual system by allowing individuals who can prove their gender to be of the “opposite” gender to that of their partner to be married. While transgender individuals might not be a “safe” topic for society, the fact that transgender individuals could get married in seemingly heterosexual ways was acceptable to society (Robson 2007). Now that same-sex marriage laws have changed and states are allowing individuals of the same-sex to marry, the sentiment that marriage must be heterosexual and “straight” is changing as well. Previous to these laws, attitudes toward marriage among transgender individuals would most likely also be wrapped up in ideas around transitioning. The legal ability to marry in a state that did not allow same-sex marriage would have been dependent upon where an individual was in a transitioning process. Even in states that do allow same-sex marriage, transgender individuals are acutely aware of their gender and this awareness will most likely influence how they feel about marriage and whether or not they feel it reinforces gender hierarchies.

There are also other issues specific to transgender individuals centered on the institution of marriage. In fact, very little research has been done on marriage issues that might be specific to transgender individuals. A tiny fraction of a percent of Marriage/Couple and family therapy journal articles discuss transgender issues (Blumer et al 2012). When it comes to marriage counseling, there are very few resources for transgender individuals.

When looking specifically at how the legal system treats members of the queer community (and individuals in general), Robertson contended that the legal system surrounding marriage does not care about “love, companionship, commitment, or sexual orientation” (Robertson 1998, 1408). Before the legalization of same-sex marriage, the law was concerned with bodies and how they were used in a relationship. If bisexual individuals can perform intercourse involving “Penis-Vagina Penetration” then the state allowed their marriage, even in the states where same-sex marriage was banned. The same was true for transgender individuals; if one partner can prove they are the “opposite” sex, then the state allowed it. Even though the legal system around marriage is changing, transgender individuals potentially still have to deal with a system that does not quite recognize a non-same-sex, non-opposite-sex couple. Transgender individuals’ perspectives on the legal system around marriage and the state’s involvement in the institution would be potentially unique, coming from their relationship with the societal construct of gender. Anzaldúa’s (1987) *Borderlands* provides an apt metaphor for these bisexual and transgender identities. They are on the borderland in the eyes of society and the law, on the borderlands of genders and of sexualities. Transgender and bisexual individuals can sometimes operate within the legal environment in ways that gay and lesbian individuals cannot, yet at the same time, experience their own versions of oppression in ways that gay and lesbian individuals will not.

Asexual Identity and Social Struggles

Asexual individuals are often left out of the discussion of marriage entirely. For the purposes of this paper, I will be loosely defining asexuality as a lack of sexual or romantic attraction to other individuals. This does not exclude desires for meaningful relationships or close personal relationships. That being said, marriage seems to not be an issue of concern for asexual individuals. However, as my interviews show, asexual individuals still consider marriage and still think about the benefits that come along with marriage.

Asexual individuals have their own struggles within LGBTQ communities. They face disbelief of their existence not only outside LGBTQ spaces, but within those spaces as well (Broadley 2015). They even face ostracization from LGBTQ communities and the questioning of their authenticity as part of LGBTQ communities. Despite this, they still face many similar struggles to that of other LGBTQ identified individuals. They still face workplace discrimination and unique sexual harassment issues (MacInnis and Hodson 2012).

Significantly, asexuality does not preclude romantic attraction or marriage (Chasin 2011). When studying asexual individuals, Chasin differentiates between sexual and romantic attraction, as many consider those separate. However, the diversity within the communities is great and not many details are known about specific patterns within asexual communities. Asexual individuals value companionship and potentially romantic relationships as much as any other individual and same-sex marriage laws (and marriage laws in general) affect their ability to enter into legally recognized relationships.

Queer Identity and Social Struggles

As discussed previously, “LGBTQ” often fails to encapsulate the variation in gender and sexual orientation. Identities such as pansexuality and asexuality are even less studied than bisexuality and transgender identities. It makes sense that they would have formed a legal consciousness around marriage based on their complicated relationship with the institution. Elisabeth Daümer discusses that “to be queer implies that not everyone is queer in the same way. It implies a willingness to articulate their own queerness” (Daümer 1992, 106). This is a very expansive and complex view of queerness. Not only does it consider different sexual and gender identities within the umbrella of queer, but it also recognizes that individuals come from a variety of racial, class, and cultural backgrounds that shape their experience of being queer. When studying queer individuals, we must realize that they will not all be gay or lesbian. They will not all even be transgender or bisexual. There are a myriad number of identities wrapped up in the umbrella of queer and I will run across this diversity in the process of my study.

It is imperative to consider these viewpoints when investigating matters related to the queer community, as they are so often silenced. In a community with such a historically close tie to being marginalized and pushed to the side, it is imperative that I do not further assist in this pattern. They are as much a part of the community as any other identity. Obtaining only a gay and lesbian legal consciousness will potentially give me a very one-sided view of the issue within queer communities. The unique histories and experiences of these borderland identities, transgender and bisexual, can help enrich the discussion in a way that just gay and lesbian cannot.

However, it is logistically difficult to obtain access to members of these minority sexualities (especially to ones like pansexuality and asexuality). Attempting to ask for interviews from members of the community in general will run the risk of not uncovering the viewpoints of bisexual, transgender, and other minority sexualities. In this way, it is crucial that studies of queer communities make a specific effort to investigate these less common identities.

Legal Consciousness

LGBTQ Communities and Legal Consciousness

Harding (2010) describes how gay and lesbian's relationship with the law is a very complex one. She invokes Ewick and Silbey as her descriptions of gay and lesbian legal consciousness parallels the three schemas. Some gay and lesbians conceptualize the law as authoritative and logical and not a system to be interacted with. Some members of the community conceive of the law as a system to be played in order to obtain strategic goals. Others see the law as something against them, something dangerous and in constant need of being undermined. As I interviewed members of LGBTQ communities, I attempted to investigate how their ideas on the law fit into these categories of conceptualization. Harding (2010) also points to troubling situations for members of the community that live outside the law. When LGBTQ individuals have no protections, how do they conceive of the law and its role in their lives, especially when it comes to ideas of marriage rights?

Harding (2010) discusses how the law surrounding gay and lesbian rights has been in constant flux over the past two decades. She also critiques Ewick and Silbey's three schemas of legal consciousness as not sufficient to describe gay and lesbian legal consciousness. She contends that an analysis of power and resistance is necessary when focusing on the legal

consciousness of gay and lesbian individuals. Harding develops this idea further when she proposes three types of resistance: stabilizing resistance, moderating resistance, and fracturing resistance. Lesbians and gay men can understand the outward appearance that law is intended to protect the rights of citizens, but see how their rights are clearly not protected. They engage in differing types of resistance, depending upon their perceived relationship with the law. Richman summarizes these schemas nicely:

The first is the most benign as it is essentially a form of resisting through being: simply by residing outside the heteronormative confines of sexuality, gay men and lesbians parenting or in relationships, or just by being out, resist the dominant power structure. Moderating resistance is different in that it attempts to lessen the degree of effects of the power structure through affirmative acts, even if they do not result in a change in this structure: a march or a protest—most explicitly public acts that register disagreement with the government but don't necessarily change the source of disagreement in the immediate—qualify here. Finally, “fracturing resistance” actually disrupts or breaks the path of power—even if temporarily—often in the form of a riot or rebellion. Unlike the former two, this form of resistance necessitates a response of the law, in Ewick and Silbey's terminology (Richman 2014, 89-90).

Harding (2010) also emphasizes that when studying legal consciousness, we should focus on more than state law and conceptualize legal consciousness in more of a new legal pluralistic system. She also argues that we should conceive of legal consciousness as encompassing more than just traditional law but normative structures, such as heteronormativity, as well. This seems to build directly from Sarat's (1990) ideas of the law permeating society.

The law and legal consciousness are closely tied to queer identities (Knauer 2012). Many discussions surrounding social problems related to these individuals refer to the legal status and lack of legal protections afforded to them. Members of LGBTQ communities worry about marriage status, institutional discrimination, adoption issues, health care, housing, taxes, employment, and safety in ways that others would not need to. Members of these communities are almost constantly reminded of ways in which their identity affects their ability to access resources by way of the legal system. Before same-sex marriage was legal in the United States, marriage status and travel combined to create unique problems for same-sex couples that might have been legally recognized in some states, but not others. Same-sex marriage rights and legal protections are a commonly discussed topic among the community and outside the community. Knauer describes LGBTQ lives as “uniquely politicized” (Knaur 2012, 749). Rights for members of the community are debated publicly between politicians and in the public discourse. Legal protections for LGBTQ individuals are often unclear and conflicting and what is true for one city or state will not necessarily be true for others.

Feminist theory engages in studies of legal consciousness when exploring aspects of power that are so common in the field (McCann 2006). They focus on ways that legal consciousness helps sustain and resist hegemonic structures. How legal consciousness helps sustain heterosexism, racism, and misogyny are key points of investigation for feminist theories. In terms of marriage, these systems become stark and easily discernible. That being said, conceptions of marriage and legal consciousness surrounding marriage can support or resist (or a combination of both) these hegemonic structures. The feminist challenge, when it comes to legal matters, is establishing difference between the experiences and situations surrounding genders and other disadvantaged groups without entrenching stereotypes and encouraging sexist

socialization (Minow 1991). Minow (1991) establishes the concept of “dilemmas of difference” to help describe this conflict. This is when a decision is based on norms that reinforce the status quo and assume them to be inevitable rather than socially constructed. In essence, there are differences in how groups of people are treated and accounting for those differences means potentially privileging one group over another.

Studies of legal consciousness can very much inform studies on civil rights and ways that individuals conceptualize the law in such situations.

The dynamic process through which individuals construct their understanding of law can be understood as a contest over meaning, in which their identities interact with legal discourses and alternative discourses constructing consciousness. Civil rights reforms both reflect and produce struggles between legal discourses and other social discourses because legal reforms often challenge existing social arrangements, taken-for-granted meanings, and hierarchies of power and privilege (Fleury-Steiner and Nielsen 2006, 6).

In this way, civil rights arguments, specifically arguments over sexuality and same-sex marriage are a way of resisting legal frameworks defining the identity and rights of citizens. This viewpoint also treats law as a resource for resistance, rather than an institution to be completely resisted.

Fleury-Steiner and Nielsen (2006) note that understanding legal consciousness is vital for understanding the mechanisms of social change. Legal change can bring about destabilization of accepted norms and practices. In the same way, changing social structures can be used to alter and undermine existing legal discourse. We can see this complex interaction in the focus on the

issue of same-sex marriage. There is a push and pull between legal consciousness, public discourse, and legal discourse.

LGBT Communities, Legal Consciousness, and Same-sex Marriage

Richman (2006) described how the increasing public recognition of the discourse of gay marriage had brought it to the forefront of the community as an important, defining issue. She specifically discussed how there is much variation within LGBTQ communities when it comes to legal consciousness centered on same-sex marriage (Richman 2006). Debated are what the role of law in terms of marriage should be and what the discourse of “rights” entails. As she points out (and as some of my interviewees pointed out), gay and lesbian individuals had been forming families long before they brought their complaints to the court in the 1990s. LGBTQ community members have had a long and complex relationship with the law. Discourse around the legality of homosexual sex and then around marriage rights and adoption rights centered on LGBTQ individuals has forced these groups to consider the law as it pertains to their everyday life (Richman 2006).

In her study, Hull (2006) saw that same-sex couples overwhelmingly wanted same-sex marriage legalized, but the way they discussed it and enacted it culturally varied widely. She links this to an attempt to change the legal status as well. This speaks to the complex ways that the legal system influences the social world and vice versa. She specifically counters the argument that marginalized groups always attempt to evade or subvert the law. Instead, she finds that many of them embrace the law for its resources, even while being “against the law.” Gay and lesbian individuals are taking to court cases in order to broaden definitions of family or to fight for “rights” that they perceive that they are owed (Richman 2006). This strategy is

attempting to force legal change in order to facilitate a social change. They also hoped that the public recognition of their situation would lead to more social change as well. However, by introducing their problems and arguments to the courts, the courts would sometimes reframe arguments in a heterosexist and normative fashion, similar to the reframing that Merry (1990) discussed. Many times, queer couples had to sacrifice their identity as parents or spouses and foreground their LGBTQ identities in order to obtain a desired outcome in courts (Richman 2006).

Richman (2006) also discusses the range of the ideological debate on marriage in LGBTQ communities. Many members of these communities wanted full access to marriage and all of the rights that come with it under the banner of equality. They wanted child custody, visitation rights, adoption, etc. However, enveloping same-sex marriage into the definition of marriage was not really helping people in the long run, some LGBTQ members felt. These practices exclude people who do not want to be domestic partners or married, but also want to raise children together. As a society, we are just defining more and more what constitutes a married couple and who is allowed to raise children.

Sarat and Kearns (1993) note that legal consciousness varies from place to place and that it is highly dependent upon the context of the local area. McCann describe a constitutive approach to law: “legal discourses, logics, and language – the raw material processed by legal consciousness – may not rigidly determine what subjects think, but they do shape the capacity for understanding social reality, imagining options, and choosing among them” (McCann 2006, xiv). Contemporary research on the subjects of legal consciousness focuses on the individual as the unit of analysis, interpreting what they say and do in interviews as an insight into their legal consciousness (McCann 2006).

Sarat (1990) notes that the law is not obviously related to regular, direct involvement by the state, but instead permeates our everyday life to varying degrees. In this way, legal consciousness is developed as the conscious and unconscious ways that individuals interact with their daily life as it relates to their legal knowledge of the situation. In developing consciousness, subjects are aware of the world around them through certain reference points developed by the language they have learned surrounding the situation. Individuals take that unconscious knowledge and that becomes the backdrop by which they consciously interpret the legal system and the legal environment within which they operate.

In this way, identities should heavily weigh in on how these LGBTQ individuals interpret and understand the laws surrounding marriage. Because of an individuals' lived experiences as an LGBTQ individual, they face different challenges and different messages in public discourse than do their straight counterparts. Based on these scholars' analyses, I argue that while LGBTQ individuals want marriage rights, the way that they enact and understand these rights varies widely.

METHODOLOGY

Positionality

Gloria Anzaldúa (1991) has critiqued the academic institution and pointed out that mostly white, middle-class gays and lesbians perform research on the queer community. I am myself a white, middle-class gay man, so I was not going against the grain as I performed this research, in that regard. However, I hope that by consciously considering the voices of minority populations, I can attempt to have those voices be heard. I can say that I will let the interviews speak for themselves, but by producing the research, I am filtering the data through a white, middle-class

gay lens. Harding (1987) discusses how our beliefs about research as well as the methodologies we choose cannot be separated from who we are. Our backgrounds and identities determine the lens through which we see the world and through which we conduct our research.

Kath Weston (2004) considers how her lesbian identity affected her research when attempting to interview gays and lesbian individuals. In some ways it became extremely helpful. As she performs her research, she is constantly asked if she is a lesbian by potential interviewees. She mentions how some of her interviewees informed her that they would not have talked to her had she been straight, and a few cited that they had had their words misinterpreted by heterosexual researchers in the past. Her positionality aided in building rapport with her interviewees. She even used coming-out stories (a common experience among members of the queer community) as points of departure for the interviews as well as a way to build rapport. Through all of this, her identity as a lesbian gained her access to unique data, in a way that a heterosexual researcher would not have been able to accomplish. In contrast, Rhoads, a straight male, discusses how his investigation of gay and bisexual men's experience was somewhat of a journey from "homophobe to ally" (Rhoads 1997, 86). He had to overcome many of his preconceived notions and nervousness about being in a community that he was not a part of. He also had to overcome his worries about rejection and balance that with his worries about being perceived as part of the community.

It would seem that being an insider to the community would overall be better for the purposes of conducting research. However, there are some methodological puzzles to remember. Oftentimes, Weston's interviewees would assume a common frame of reference based on the fact that she was part of the queer community as well (Weston 2004). This led to the need to consciously delve into what interviewees were saying and ask them to explain topics they

assume that she would understand. Additionally, I am not presenting this research to a queer audience solely, but to the general population. Unstated assumptions and common experiences must be stated and questioned in order to get a more complete picture. As an interviewer, I must remember that same caution when discussing topics with people I perceive to have the same identity as me. I could not assume that even the gay, white males had similar experiences to me. In essence, my identity will be helpful for building rapport and understanding some of their positions, but I was careful not to make assumptions of the individual by extrapolating my own identity.

I was made acutely aware of my own positionality as I conducted these interviews. While it was easy for me to obtain participants that were white gay men (me being one, myself), other groups proved more difficult for me to access. The groups I found most difficult to access were minority racial groups in the LGBTQ communities. Not only did I not have strong access to these minority groups, but it was particularly difficult to convince these individuals to allow me to interview them. As I conducted my research, I realized that even with multiple entry points, snowball sampling allows for particularly homogenous groups of people. Great care must be taken when conducting these types of studies that minority racial groups are not forgotten.

As discussed, my positionality as a gay researcher helped me gain some degree of rapport within the queer community. The degree to which this happened most likely depended on the other characteristics of the potential interviewees. For instance, other white gay males most likely felt more comfortable with my identity and this led to a closer rapport. My identity as queer potentially gave me some rapport with lesbians as well, however to a lesser extent. I do not intrinsically understand the daily experience of what it means to be a lesbian. I might be

starting from the identity of a queer individual, but when it comes to other sexualities that are different from my own, my experiences depart from those of the interviewees. Queer women may not feel comfortable explaining certain topics to a queer man - especially topics that might be deemed personal when it comes to discussions of sexuality and marriage.

Also, it would be expected that individuals of minority races and classes might have similar reactions as the queer individuals who stated they would not have talked to a heterosexual interviewer (Weston 2004). Minority races might be less willing to talk about their experiences or certain experiences with a white researcher, potentially for fear of misrepresentation. My intersectional identity as a middle-class, white, gay male unlocked some doors, while at the same time closed others. Collins (2008) discusses the myriad ways that our identities weave around each other: some identities coming to the forefront in certain situations and at certain times. My identity as a queer individual will be relevant, but the part that my gender, class, and race play will depend greatly upon whom I am interviewing. In some parts of the discussion, my identity as a male will be extremely relevant, while in other parts, it might have no bearing on the conversation. Similar to Rhoads (1997), I may find myself in communities or among interviewees with which I do not identify heavily (outside of a queer status). I will most likely have to overcome those same sorts of problems that he faced in his study of gay and bisexual men. I will also most likely need to reevaluate my perceptions of those elements of the community as well as my fear of rejection from groups that do not have similar gender or racial identities to my own. This is evidence of the fact that with the idea of intersectionality comes a problematic critique of the idea of overarching insider status.

Here I feel I need to make a distinction in my use of the terms “insider” and “outsider.” Insider status is not an either/or characteristic. Robert Weiss discusses how we as researchers have so many identities that

It is difficult to anticipate what interviewer attributes will prove important to a respondent and how the respondent will react to them...there are so many different interviewer attributes to which a respondent can react that the interviewer will surely be an insider in some ways and an outsider in others (Weiss 1994, 137).

To say that I am an insider to the queer community by holding a gay identity would do a disservice to these communities. Not only are the communities themselves made up of complex and diverse groups of sexual and gender identities, but the individuals within the communities are made up of a variety of diverse backgrounds and experiences. When conducting my interviews, I am an insider by way of my queerness, but also an outsider in terms of my gender, nationality, region of the United States I grew up in, skin color, and any number of other characteristics or identities. Edwards (1990) comments on this complexity in insider/outsider status by noting her study on Afro-Caribbean mothers. She describes how in the respects of being a mother, the interviewees felt they could talk freely to her. However, when the conversation turned to educational experiences, the interviewees were less inclined to talk to her. Insider/outsider status does not just change across individual interviews, but within interviews as well. Our complex intersecting identities lend themselves to this sort of pattern.

When conducting research on the LGBTQ population it is imperative to remember that not only was my ability to obtain data influenced by my identity as a gay male, but my interpretation of the data was also subject to my own positionality. All knowledge is positional and partial (Geertz 1973, Rosaldo 1984, Behar and Gordon 1995). Objectivity in expressing data

is impossible and I understand this as I went into this study. My identity as a gay male surely influenced how I interpreted the data. There is debate as to whether research should be value neutral or whether it reflects the values of the researcher. I understood going in to this research that I have a perspective on same-sex marriage and the communities as a whole and that this potentially colors this interpretation.

Also, while studying minority groups within LGBTQ communities, it is vital to consider the power afforded by my educational status, gender, and race. England (1994) views the research process as a dialogue – constantly being shaped by both the interviewer and the interviewee. In this way, both sets of identities become relevant in the interview process and this can lead to unintended power relationships. England notes that the interviewee's responses are both mediated by the interviewer's presence and their response to the interviewer's presence. Recognizing that power can enter into this equation does not remove it from the relationship, unfortunately (England 1994). When we do research on vulnerable, marginalized, or oppressed communities, we as researchers need to remember that we cannot speak for those groups; we can only speak for ourselves.

My identity as a white gay male does not necessarily give me a better perspective on the data and the community. However, it does give me a unique perspective. An individual outside the queer community might ask different questions, get different responses, and interpret the data differently. This does not put my interpretation on a pedestal. This instead views my perspective as just another piece of the ever-growing puzzle.

The Data

I investigated these topics and questions using a qualitative data approach. Specifically, semi-structured interviews were employed to collect the data. I chose a qualitative approach because it is the most appropriate for diving into these questions of not only what individuals' legal consciousness of marriage is, but also how they develop that legal consciousness. This approach allows the interviewees' voices to come through and enables the narratives that are important to them to emerge without substantial overlay by the researcher. This research method acknowledges that interviewees' stories are what is most important. I would not be able to investigate these topics in a satisfactory way with quantitative data.

I chose semi-structured interview questions for this reason, as well. While I have constructed these interview questions based on the topics that I am focused on and past research, I am able to go off the script, depending on the context, and obtain an understanding of each of the interviewees personal stories. Semi-structured interviews allow for an exploration of these individuals' diversity, and a richer telling of their stories.

Finally, a key researcher in the area of same-sex marriage, Richman (2014) uses a similar approach to data collection. She asks questions focused on legal consciousness of marriage in LGBTQ communities. Semi-structured interviews are her method of choice for similar reasons.

As she states:

the explicit aim is to engage the words of the couples themselves in discovering and clarifying the personal, symbolic, material, and legal relevance of marriage for them, the meanings it evokes for them, and its effects on their lives (Richman, 5).

I share this effort to hear the words of the individuals, themselves. Their stories and understandings in their words are what would best answer the questions that I have.

Interview Schedule

I began my interview with a few introductory questions to establish rapport and to ascertain a little of my respondent's background and relationship to sexual orientation and gender identity. This was also where I established geographically where my participants had spent much of their lives. This was critical to attempting to understand how local political climate can affect legal consciousness. I also attempted to ascertain how invested the individual was in local LGBTQ organizations and communities.

Section two of my interviews involved a discussion of the individuals' sexuality and gender identity, as well as how this minority status affected their daily life. I used their responses to their geographic background to attempt to determine how they felt about relative social and political climates surrounding their identity in the various locations that the respondents had lived. I also used this section to delve into some of their worries surrounding their identity in terms of medical, legal, and political benefits.

Section three of my interview focused on the increasing public attention surrounding LGBTQ issues in the public sphere. My goal in this section was to gain a better understanding of their opinions on the benefits and detriments to increased publicity and politicization surrounding their identities. This was also intended to situate their later conversations on their understanding of legal consciousness and opinion on the importance of marriage.

Section four continues this goal of grounding their later responses by gaining an understanding of the interviewee's opinion of marriage in general, as well as their opinions of rights being extended to same-sex couples. I also tried to have them speculate on whether there were differences in opinions and understandings of marriage based on different geographic

locations they had lived. Almost all my interviewees had lived in multiple states and in differently sized cities over the course of their lifetime.

Section five is focused on having the interviewee convey their legal understanding of marriage in the United States. I begin by asking about the importance of marriage to them. Then I ask them to speculate whether they believe their opinions are common opinions among the local community or not. Before delving into their legal understanding, I ask them the value of marriage as a legal concern in the current society.

Then, I follow along with Richman's (2014) typology of understandings of marriage. Richman has developed four categories: marriage as a right, marriage as a protest, marriage as a validation, and marriage as personal. In each of these sections, I try to ascertain how much value the respondents place on each of these explanations. In the section on marriage as a right, I query them on what rights go along with marriage as well as their ideas of whether these rights should be attached to marriage or not. Then I attempted to gain an understanding of where they learned about these rights. In the section on marriage as a protest, I asked the respondents whether they thought marriage was political. I also asked them whether they believed marriage to be a protest. In the section on marriage as a validation, I asked them what they understood the social consequences of marriage to be. Finally, in the marriage as personal section, I ask the respondents about their ideas surrounding the intersection of marriage and the concept of love. These four categories are very common foundations for understandings of marriage (Richman 2014). And as with all typologies, people rarely subscribe to purely one. I expected many of the respondents to feel that marriage was important to them for many of these reasons.

Finally, in section six, I ask the respondents more detailed questions as to where and how they developed their understandings of marriage. I attempted to determine what factors affected

their decisions and understandings, as well as whether or not the political climate had any effect on their ideas. I also asked them how involved they were in following along with local and state politics concerning marriage rights.

Section seven contained just a closing question of whether they would like to add anything to the discussion, as well as any relevant demographic information that I had not attained over the course of the interview.

Recruitment

I conducted twenty semi-structured interviews. I attempted to interview a broad range of different individuals with different backgrounds and identities. LGBTQ communities are very diverse and I intended to capture that diversity to ensure that voices were not left out. As discussed previously, the voices of minority racial groups, minority sexualities, and transgender individuals are often forgotten in many research studies. Interviews were typically fifty to seventy minutes. Interviewees were primarily gathered through snowball sampling and word of mouth. I used multiple entry points into the local community of the college town I began the research in. I was also able to obtain a few entry points into two nearby, large metropolitan areas.

I employed quasi-snowball sampling with multiple entry points to recruit my participants. One entry point I used was to contact and meet with individuals that were members of the LGBTQ organization at the local university. I then asked those individuals to connect me with others to interview, as well. I also pulled from contacts I made in local LGBTQ communities. As a member of the community myself, I was able to use that identity to gain research participants from the community. I used those individuals as entry points to find

individuals in multiple cities and states in the Midwest. Originally, I had attempted to contact LGBTQ centers in various major cities, however, it proved difficult to enter into those locations and I was far more successful in the local community (see Table 1 for a detailed breakdown of some relevant demographic characteristics of the respondents).

I had difficulty in finding older individuals, as many of my entry points were in their twenties and thirties. In addition, many of my interviewees were highly educated because of the snowball sampling. There were individuals that identified as gay, as lesbian, as bisexual, as asexual, as just queer, and some that could not put a single word to their sexuality. Some of my interviewees were immigrants; just in the United States on a student visa. Some were permanent residents. Many of the individuals were not married. Interestingly, there were a handful of individuals that I interviewed that have married between the interview process and the writing of this manuscript.

Many of the individuals I interviewed were younger and white. I was only able to interview two black individuals and two Latinx individuals. In future studies it would be imperative to ensure that these individuals do not have their voices left out. In terms of sexuality, I had individuals from many different identities: gay, lesbian, asexual, bisexual, and generally queer. Some individuals chose not to take on specific labels such as gay or bisexual. The vast majority of the interviewees lived in the Midwest, although they grew up in different areas, some even from outside of the country.

Data Analysis

To analyze the data, I use directed qualitative content analysis (Hseigh and Shannon 2005). As discussed in the Introduction chapter, there is extensive research on legal

consciousness and how identity influences our day to day lives. I used literature in both of these areas to establish a framework for my interviews and for the analysis of those interviews.

I recorded audio of all my interviews. None of the interviewees requested to not be recorded when asked. After collecting the data, I transcribed the interviews. I coded the interview data for themes. I went through each interview and highlighted sections that discussed specific broad ideas. Specific codes that I focus on for this chapter are: “fundamental understandings of marriage,” “marriage concerns,” “with the law,” “against the law,” “before the law,” “legal consciousness,” and “development of legal consciousness.” Some of these codes were taken directly from literature, others came from the specific topics that I wanted to investigate more closely.

For example, whenever an individual discussed topics related to the legal aspect of marriage or how they understood the legal aspect of marriage, I highlighted those stories and tagged them with “legal consciousness.” Whenever an individual discussed growing up and learning about these ideas or told stories about their parents imparting them with certain ideas, I tagged those discussions with “development of legal consciousness.”

One of the specific frameworks that I used from the literature was Ewick and Silbey’s (1998) frames of before the law, with the law, and against the law. I considered how these individuals aligned with these frames and how they told stories or shared opinions or ideas that followed along with these ideal types. When individuals talked about how they felt about the law, or how they felt about marriage as it pertained to the law, I highlighted those sections and tagged them with the appropriate frame.

Another framework that I used from the literature was Harding’s (2010) schemas of stabilizing resistance, moderating resistance, and fracturing resistance. Similar to the Ewick and

Silbey (1998) frames, I carefully considered my interviewees' stories and when they discussed their responses to the laws of marriage, I tagged those responses with the appropriate schema.

Once I highlighted and tagged the interviews, I began to look at the tagged sections together and began to get a picture of the stories these interviews wanted to tell. By reviewing my coded text, I analyzed what themes emerged from the data. I relay those stories and any quotes that stood out to me as particularly indicative of ideas in my Findings section.

Intersectionality

Intersectionality is critical when studying LGBTQ communities, as their opinions are a vital part of the dialogue surrounding marriage. Minorities within LGBTQ communities are often left out of the conversation (Crenshaw 1991, Collins 2008). By including minority voices, typically unheard, this study embraces their ideas surrounding same-sex marriage, as well. This will add to the larger body of research, attempting to not only flesh out ideas about same-sex marriage, but marriage in general. How these minority individuals view the legal concept of marriage can give us insights into how people that were long denied the institution of marriage interpret that institution. While I was unable to use intersectionality as a framework for recruitment, instead I use intersectionality as a lens through which to analyze my data. Remembering that my participants are a complex web of identities and backgrounds is imperative when considering their perceptions and understandings of marriage.

FINDINGS

One of the fundamental patterns that I found in the interviews was that people understand marriage through their own identity. The participants' identities were the lens through which the individuals interpreted and cared about marriage.

Identity Influences Fundamental Understandings

In general, the interviewees' queer identity fundamentally shaped how they viewed the institution of marriage as well as how they understood marriage. When asked if her sexual identity had anything to do with her ideas about marriage, Sharon, a white, asexual interviewee said:

For me it's kind of put doubt into the idea of marriage, personally. It's still something I wouldn't mind doing. But sometimes I think about, it would be nice if I just had a really good friend, regardless of any romantic feelings for them, and just had someone to live near, so that I wasn't lonely. So certainly, I think that has had an effect.

Sydney, one of the trans individuals even discussed that, for a long period of time, they were told that queer people did not get married, so they spent much of their out life attempting to understand and reinterpret marriage in their own life. Because they were not able to access marriage, they had to discover how to value the importance of relationships without the institution:

Because of the religious context that I grew up in...I've always had some level of critical reflection of marriage because I assumed and was told that queer people can't get married. And so then for me, even when I was young, I had to think

about...how should I, or how do I value relationships? What does it mean if you can't value relationships based on marriage, which is what other people value relationships on? ...I feel like I've always had to think about that.

It is no surprise then, that after the legalization of marriage, many of these individuals were not in a hurry to get married. Few of them saw marriage as a validation of a relationship that they had already validated in their own minds.

Additionally, since marriage historically (and presently) has been used to allow for abuse as well as the general marginalization of women, I might have expected women to feel that marriage needs to be fundamentally altered or done away with. Coleen, a white, queer, woman said:

A lot of my feelings about not wanting to get married coincided with learning more about feminism. Which is something I didn't know about when I was growing up and didn't understand, the broader structural...and like different issues with getting married. Especially getting married to a dude seems super shitty. Like even if I weren't dating a woman, I couldn't see myself getting married to a dude, because I feel like there are really weird implications of...I don't know...marriage seems like it makes women particularly vulnerable...straight women particularly vulnerable.

Not only do LGBTQ identities influence individuals' understandings of marriage, but also their gender and other statuses.

In terms of how this affects their legal understandings of marriage, identity shaped individuals' conceptualizations of marriage. By shaping their conceptualization, we see a fundamental influence on what they consider important in marriage, as well as how they understand what rights and benefits go along with marriage.

Identity Influences Primary Concerns

Focusing on specific concepts in the institution of marriage helps an individual establish a framework for understanding the legal component of marriage. My argument is that an individual's concerns about their daily life come to shape what they focus on when considering marriage or thinking of marriage and thus shapes the avenues through which they come to understand the legal consciousness surrounding marriage. In terms of understanding marriage as a right, a protest, as validation, and on a more personal level, there were differences based on identity.

Specifically, many of the gay men cared primarily about tax incentives for marriage. Not only that, but that was the primary way in which they understood marriage to work in the legal sense. As evidence of this, the first legal benefit that many of the gay men mentioned was centered on taxes. After mentioning taxes and when questioned specifically on the rights and benefits that went along with marriage, they also mentioned health benefits and adoption. This is unsurprising and supports the literature that suggests that white, middle class individuals would be concerned with tax incentives.

For minority racial groups and other minority sexualities, this was not as big of a concern as other issues. In her documentary, "The New Black," Richen (2013) discusses how the gay rights movement in the black community is inseparable from the fight for racial equality in the black community. When considering minority racial groups in the discussion of LGBTQ rights, it is imperative to realize that that LGBTQ rights are entwined with race issues. To many minority individuals, violence and racial discrimination are more pressing issues than taxes. The National Coalition of Anti-Violence Programs (NCAVP) puts out an annual study of violence toward LGBTQ and HIV positive individuals. In 2016, queer Black and Latinx individuals were

disproportionately more likely to be the victims of violence motivated by anti-LGBTQ sentiments (Waters 2017). William, a queer black man that I interviewed said:

That's the kinda thing that worries me, is that members of the queer community and members of the straight community who are poor allies, look at us accomplishing marriage equality and say, 'We're done. We have done it. We have cured oppression...' and I think a lot of people will say, 'We've passed marriage equality and so we're equal now,' and it's like, 'well ARE we? Cause you can still get fired, you can still lose your health insurance, you can still...there's all this horrible stuff that can still happen to you, there's no hate crime laws'...this isn't solving problems.

There were gay men who were on both sides of the discussion about whether or not marriage could be focused on love. Some of them thought that marriage was primarily about love. Adrian, a white, gay man initially said that marriage was primarily about love, but with some equivocation. When I questioned him about the equivocation, he admitted that he did not know whether love was important to him or not and that he did not know what the most important part of marriage was. After some silence and thought, he then stated: "I don't know what it would be, you know. If you were gonna get me right now, I'd probably say that the most important aspect is financial benefits." Others felt that marriage was about a commitment or companionship, but love was not necessarily a part of it. William even went so far as to say:

That's what a lot of my issue is, when we have this marketing, "Love is love" and all of this. It's like, "No, my life is my life. We're not talking about love. Fuck love. Love is cool and whatever, but that's not what we're focused on." And so, I think a lot of the times, people will say, "Ok well we've passed marriage equality, so we're equal now." And it's like, "well, are we? 'Cuz you can still get fired. You

can still lose your health insurance...there's all this horrible stuff that can still happen to you. There's no hate crime laws...this isn't solving problems."

In my interviews, there were several individuals who did not place themselves in any particular category based on sexual identity. Instead, they identified themselves as queer and just "not straight." All of these individuals felt that marriage was not and should not necessarily be about love. Because of their identity, these individuals spent time questioning how they fit into conventional categories and identities. With this introspection, they also spent time contemplating the necessity of marriage for love. Many of them felt some sort of disenfranchisement with the institution of marriage. Some kind of closeness was important to most of these individuals, but it was not the main focus of marriage. Instead, they cited legal reasons: either health benefits, tax benefits, or immigration benefits.

Most of the trans individuals that I talked with were focused on health concerns rather than tax benefits or other legal aspects of marriage. "I don't think people have a nuanced understanding of the way that people's multiple backgrounds impact their position in terms of legal partnership. Like I talked about with disability," Sydney commented. Transgender individuals face a variety of health concerns in their daily lives, so it is no surprise that health concerns are what they think of when considering the importance of marriage. To the trans individuals that I talked to, marriage was a way that they could make vital medical decisions for each other or visit each other in the hospital. When I reiterated that Sydney felt marriage was important for medical reasons, they added "...and for survival," as well. Previously in the interview, they had also stated, "I don't want to be in the, quite likely, position of being attacked in some way and knowing that my partner can't come visit me, like that would be so horrifying." To some of these trans individuals, marriage is perceived as necessary for them to get the health

care they need. However, this did seem to be somewhat mitigated by certain factors. Levi, another transgender individual that I talked to did not really mention health concerns. Instead, they were focused on family and legitimacy. I later discussed this with them more, and they speculated that it was either about class or about previous health issues. They had a fairly healthy life with little complications and they were fairly middle class. Class does influence how an individual conceptualizes marriage. Edin and Kefalas (2005) write that poor women value marriage before childbirth somewhat less than do middle class women. In this way, we can see that marriage has different meanings for different class groups.

Many of the trans individuals understood marriage to be a potential form of protest. That by getting married, queer individuals could question and work within the system to change it. However, this idea of marriage as protest was not at all restricted to just trans individuals. For example, William aptly stated:

I think [same-sex marriage] is one of those things...it “queers” it. It’s like when we talk about queering education, queering all this stuff, it’s like, “alright, I’m gonna do the exact same thing you’re doing, I’m just gonna do it really, really gay. I’m gonna do a really gay version of it” ...and I think it radicalizes it. When you say protest, people think “rah, rah, rah” outside with signs, but it’s also turning on the head and calling attention to something that people weren’t prepared to see.

Susana, a bisexual Latina woman stated that, as to whether or not love is important in marriage: “it should be, yes. A lot of the times it’s not. It is about the security and the buying the house and having someone to be there with you, until you get really old and stuff.” She directly stated later that she felt the most important aspect of marriage was love.

It is also interesting to note the perspective of Harrison, a middle aged gay interviewee. Unlike the younger gay men that I talked to, this 50-year-old was primarily focused on love and only mentioned tax breaks with some prompting. Unlike the younger interviewees, when I prompted him on whether there was any potential for marriage to not be about love, he responded with “I don’t think it should.” It would be interesting to investigate how generation and understandings of marriage intersect. Based on the data, it might be true that middle aged to late middle aged gay men do primarily think of marriage as centered on love, while younger gay men have a more utilitarian view toward marriage. Younger gay men are potentially more worried about financial issues in a previously unstable economy during the period when many of them would be getting their first jobs. It could also be a testament to the utilitarian arguments that the campaign for marriage equality were making during the time period when many of these younger gay men were coming out. In support of that conclusion, many of the individuals I interviewed claimed that much of their information about the legal benefits that came with marriage came from those campaigns in the early 2010s.

Identity and Legal Consciousness Schemas

Ewick and Silbey’s (1998) three schemas of legal consciousness came into play in the interviews as well: before the law, with the law, and against the law. To reiterate, the first schema is that individuals see the law as a remote system that cannot be interacted with. The second schema has individuals seeing law as a game of skill; the law is interact-able on a daily basis. The final schema describes individuals who see the law as arbitrary and unfair and must be fought against on a regular basis. We can use these schemas as a useful lens to analyze the responses.

All three schemas were evident to different extents in my interviews. The first schema (that of “before the law”) was much rarer than the other two, however. Many interviewees, however, did not see marriage law with a “before the law” viewpoint. Facing legal discrimination and other forms of governmental and top-down social issues, many of these groups must question the laws on a daily basis. Just as William said, the fight for equality does not end with marriage. There are many other issues that affect LGBTQ communities, as well. However, Harrison saw marriage as just a normal part of society and was glad that marriage rights were finally extended to same-sex couples. He did not have any particular criticism of the system, nor was there any way that the system was to be interacted with beyond that it was broken before. When asked whether he thought that marriage was legally defined as it should be, he responded that it was.

A much more common theme in the interviews was the second schema of legal consciousness: “with the law.” There were several interviewees who specifically mentioned marriage for legal utilitarian reasons. Sydney even mentioned that the moment Donald Trump was elected President, they looked at their partner and said that this meant they would need to get married to ensure health and other legal benefits before his inauguration.

...and then November 8, I was like, literally that night, I was like [to their partner], “so you know what this means, right,” and my partner was like, “what?” And I was like, “we need to finally get married.” And he was like, “ok, yeah, you’re right.”

In this way they utilize the law around marriage as a means to an end, rather than for personal or societal reasons. Coleen mentioned that because their partner was an international student, marriage was important for visa status and other immigration issues.

In my current situation...legal reasons would be the most prominent consideration to me...like I'm seeing someone who's from Turkey, who like, if we wanted to live in America, like it would be a much easier process if we got married, you know...we could get married, she could become a citizen: this magical thing.

In other words, these individuals felt that they needed to play the game in order to get what they wanted out of society or the government.

The third schema, "against the law," was also common among the interviews. There were multiple interviewees who felt that marriage should not be an institution or that it should not come with the benefits that it does. They felt those benefits should just be decoupled from marriage. One interviewee said: "I think we should just get rid of marriage and find a new term. We'll just change our culture altogether, get rid of this idea of marriage and introduce something healthier." Another individual stated that "marriage shouldn't involve the government." Many of those individuals did not foresee themselves getting married to their significant others or only grudgingly got married because of legal and political circumstances. These individuals felt that the laws surrounding marriage were fairly arbitrary and sometimes based in oppression. By refusing to get married, they voice their resistance to the institution and the legal aspect of marriage specifically. These individuals still value companionship and lifelong commitments, just with the legal contracts.

To further utilize theory as a lens to analyze the responses, we can use Harding's (2010) three types of resistance (stabilizing resistance, moderating resistance, and fracturing resistance), to break down this idea of "against the law" in LGBTQ individuals' lived experiences. I primarily saw evidence of only the first two schemas in the interviews.

Although only a few of the individuals mentioned it, being queer is a form of this “stabilizing resistance.” By being out, all queer individuals question the fundamental assumptions tied to gender, sexuality, and more specifically, to marriage. They do not have to actively protest or rebel to be disruptive and work “against the law.” Their existence is already a question to some of the laws surrounding sex and decency, as well as marriage.

The second form of resistance, “moderating resistance” was also clear in the interviews. Simply the act of marriage was a form of protest for some of the individuals. There was disagreement as to the details, but most of the interviewees felt that marriage for queer individuals is political. However, they were less certain about how political the act would be if it were straight individuals getting married. Some individuals felt that all marriage was political, regardless of whether it was a same-sex marriage or not. One of the interviewees specifically mentioned that she thought that marriage was much more political for queer individuals than for straight individuals. The trans individuals I interviewed were especially keen on this understanding. If they could get married and disrupt the conventional narrative of what it means to be married, they were working to change the system in meaningful ways. Becoming legally married was a public act that defied what some individuals might term “traditional marriage.” Going even further, one trans individual specifically went back to their home state of Texas because it felt more political to get married in a state that was traditionally more resistant to same-sex marriage.

Lastly, “fracturing resistance,” was nonexistent in my interviews. None of my interviewees had engaged in any explicitly rebellious or illegal activities in order to protest the narrative and legal concept surrounding marriage. While some had engaged in protests prior to

the legalization, it was always more of a “moderating resistance,” working within the legal boundaries of voicing dissent.

Identity Influences the Development of Legal Consciousness

Many of the individuals began to think about marriage from the parents. Especially if their parents or close family member had divorced, they seemed less impressed with marriage. A few of the interviewees specifically mentioned how their parents’ divorce influenced their ideas of marriage. When asked about the development of her ideas of marriage, Elizabeth, a white, bisexual woman said:

A lot from my mom, who rejected a lot of ideas about marriage when her marriage fell apart. I think also, a lot more of ideas about marriage solidified as I watched the marriage equality movement occur. And being a part of, you know...everyone else is worried about getting married, we’re worried about kids receiving electroshock therapy. It’s like, “that seems a little bit more important, but OK”...also, watching people’s relationships that were based on love fall apart when the love went away. Like one of my aunts married one of her husbands because she loved him and then when the divorce occurred, just to stick it to him, ‘cuz she was real bitter, at the end of it, got plastic surgery, like breast augmentation just to stick it to him. It was just like “wow.” Just some of the pettiest stuff. It’s like “this is where love-based marriages go wrong.”

The woman later admitted they put less weight on marriage as a sort of eternal, love-based commitment. Oftentimes, they saw marriages based on what they considered practical reasons as the ones that were longer lasting.

As shown above, many of my interviewees “solidified” their views of marriage with the marriage equality movement. Even if that was not their primary concern at the time, many individuals established what they thought about marriage during this time. Many of the individuals I interviewed were teenagers or in college when the push for marriage equality began to happen. In this way, a lot of them became adults or were newly adults during the movement. It is interesting to note that the timing of when many of these individuals came of age or began coming out also lined up with the beginning of the push for marriage equality. This may have large effects on how these individuals developed their legal consciousness around marriage.

With this being said, the primary way that most of my interviewees learned about the rights and benefits that come along with marriage was through discourse and information put out by the movement, at large. LGBTQ organizations across the country were coming on board with the movement in the early 2010s and began putting out information. Internet sites, social media, and programming began to feature arguments for same-sex marriage. When asked about her knowledge of rights surrounding marriage, Sharon said:

When people were actually trying to legalize equal marriage, I feel like around that time, you would hear lists of: you can't visit loved ones in the hospital, you can't do this, you can't do that. So, I think that's where some of it comes from. But now that things have improved a bit, I'm like, “Oh gosh, do I even remember the list? Sorry.”

Even most of the highly educated individuals stated they did not know much about marriage in a legal sense, only what was reported on the news and only superficially. Since the movement's explicit argument for same-sex marriage was a legal one, the information put out to push for

marriage was heavily based in legal rights. People found out about taxes and hospital visitation and other aspects, even if they did not know the details. In fact, the vagueness with which many individuals understood these benefits indicates that they did pick up these broad ideas from these campaigns and programs. It is telling that the interviewee quoted above refers to these rights as “The List” and that she felt bad now that marriage equality was won that she did not remember a lot of the rights on “The List.”

Directly related to this, a lot of individuals found out this information from social media. Facebook, Tumblr, and Twitter were all sources that individuals mentioned learning aspects of marriage from.

It’s sad how much I use Tumblr, you know, but people post something about [same-sex marriage] on Tumblr and I’d click a link and go Google some maps. Mostly online. I don’t have a working cable TV.

This information (that Sharon is referencing in the above quote) primarily originated from the marriage equality movement on these sites. It became a part of queer and ally online culture to share and know about some of these basic rights and sad stories of queer people lacking these rights. Specifically, a few of the interviewees mentioned reading or hearing stories of what happened to people whose partners got sick or passed away and their struggles with the government or health system during the process. Whether or not these narratives were based on any specific occurrence is irrelevant. These ideas began to be ingrained in queer culture of the time.

A secondary way that individuals found out about rights and the legal aspect of marriage was through documentaries or movies. Sharon discussed that:

I feel like that's where I would have read any actual rights discussions, was online. I feel like television is more just assumptions about our law system. You know the way that, I don't actually watch this show, but if you watch [Law and Order:] SVU or something, they'll do a bunch of things that aren't even true, but it's like a presentation of the way the system works and you kind of just buy into it...you just hear it enough times where you're like, "that must be how it works."

Even if the movies were not completely accurate, they admitted, they still used that media to inform their ideas of marriage. Some of these documentaries, once again, came from the push for marriage equality.

Finally, another key way that individuals came to understand the legal aspect of marriage was through firsthand experience, although this was much rarer in the age group many of my participants were from. Some of the trans individuals that I had interviewed had experienced some of the medical issues first hand when they attempted to see their partner in the hospital and they were not considered family. In support of this, Toby discussed going to college and being in a relationship: "we would start going to different medical establishments and they would say, 'are you family or are you married?'" Additionally, Sydney discussed that medical professionals would "tear up HIPAA forms" in front of them.

CONCLUSION

This study investigated the concerns and understandings surrounding marriage of LGBTQ individuals in the United States. Specifically, I wanted to learn not only how LGBTQ individuals came to understand the legal aspect of marriage, but how they integrated that into their own understandings of marriage. I also wanted to obtain a picture of how many of these

individuals felt about marriage generally. By growing up outside of the roles of what was expected of them, many of these individuals had to reinterpret what marriage meant to them. Especially when they were not allowed to engage in marriage until recently. By being part of LGBTQ communities, these individuals were also confronted with much of the rhetoric surrounding marriage that originated from the push for the legalization of same-sex marriage.

My key argument is that an individual's LGBTQ identity plays a large role in how they come to understand legal aspects of their daily lives. In a number of ways, being queer has influenced my participants' ideas of marriage and the importance of marriage. If they had not identified as queer, many of their experiences and the way they came upon much of this knowledge would have been different. Some of the interviewees discussed doing research after they came out about queer issues. Others, through their queer contacts on social media, discovered information about marriage through those connections. In this way, these individuals' identities shaped how they received information about marriage, and thus, how they started to form their legal consciousness about marriage. These pathways were mitigated by the individuals' identities as well. For instance, one of the trans individuals specifically mentioned having to look up health care issues for their own livelihood.

In a broader sense, I wanted to develop an understanding for how individuals develop their legal consciousness. Marriage was the specific issue that I chose, during a particularly interesting period of US history; however, I hope that these ideas can be extrapolated further. It seems logical that identity fundamentally affects legal consciousness in general, not just in terms of marriage. An individual's identity is likely critical in how they understand their quotidian, everyday lives and marriage is just one aspect of that.

These perceptions and patterns are relevant when studying individuals' legal consciousness as they establish a theoretical framework for the community to formulate opinions about marriage. My research fits squarely within research conducted by Hull (2006). While my respondents universally agreed that the legalization of same-sex marriage was necessary, they enacted and understood marriage in a variety of ways. Just as Hull (2006) discussed, there were many individuals who were "against the law," but that also participated in marriage (or considered participating in marriage) for the sake of the legal benefits that it bestowed.

Additionally, many of my respondents' discussions around marriage fell squarely into Richman's (2014) typology (practical, political, social, and romantic). Very few of my respondents discussed the social benefits of marriage without prompting, but the practical, or legal, benefits of marriage were prominent in many of my conversations. Political and romantic reasons for marriage were also commonly discussed in my interviews. My research helps to reiterate and to confirm what we know from Richman's (2014) work.

However, legal consciousness goes beyond basic opinions and encompasses how people conceptualize the institution and their knowledge of the characteristics of the institution. It would seem logical that many individuals in the queer community would have at least a basic understanding of the institution of marriage and the laws surrounding it. It seemed likely going into this study that members of LGBTQ communities would have a better understanding of marriage laws than the average citizen because of their unique relationship with the laws. What the data actually show is that LGBTQ people know "The List" of rights and benefits and not much more than that. Even then, "The List" is only a few of the more dramatic and easily conveyed rights put out by the numerous campaigns and advertisements during that time

period. However, despite the lack of detailed knowledge into this common institution, this is still perhaps a more detailed understanding than straight individuals have of marriage.

Further Research

More research needs to be done around LGBTQ individuals and their day-to-day lived experiences. This research is just the beginning of what could be done to investigate how a person's identity affects their legal consciousness. More studies could be done on this link, especially studies that primarily focus on older individuals or people of color.

I also speculate that the timing of the interviews was critical to what people had to say. Same-sex marriage and issues relating to sexual orientation and gender identity are politically in constant flux. With same-sex marriage becoming legal just a few years prior to interviews and still a long way to go in terms of equal rights for queer individuals, LGBTQ individuals still had a lot to worry about. I began interviews just after the election of a Conservative Party president (during the lame duck period). Many of my interviewees expressed renewed concern about many of their rights as a direct result of the election. Their responses to my questions would most likely have been different even a few months before I conducted the interviews. Timing and political context influences individuals' responses and opinions when delving into so political a topic.

Additionally, research could be done examining how exactly LGBTQ organizations pushed for marriage equality and what strategies were most effective in getting the word out about the rights. Since the majority of my interviewees cited information that came from the marriage equality movement, a next step would be to investigate and to understand how exactly

this information got to them. This research could aid social movement literature, as well as aid organizations that are attempting to push for other rights for LGBTQ individuals.

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CHAPTER 3: PLACE AND LEGAL CONSCIOUSNESS OF MARRIAGE AMONG LGBTQ COMMUNITIES

INTRODUCTION

Introductory Information

Over the past three decades, we have seen attitudes towards homosexuality, LGBTQ issues, and marriage change steadily (Loftus, 2001). Along with these changing attitudes, we also find a changing idea of how civil liberties are applied to minority sexualities. Loftus lists a variety of characteristics that influence attitudes toward homosexuality. These characteristics have been compiled from a number of studies over the seventies, eighties, and nineties. The individuals who are more likely to have negative attitudes towards homosexuality are those who: live in the Midwest or the South regions of the United States, those living in small communities, and those who are religious fundamentalists (among other characteristics (2001)). Loftus also makes a distinction between attitudes towards homosexuality and beliefs about civil liberties centered on homosexual individuals. In 2001, Loftus found that the majority of the public viewed homosexuality as wrong, yet the majority also did not feel confident in restricting the rights of sexual minorities. These two concepts are relevant for this study because they are part of the backdrop in which the interviewees grew up and lived their sexuality and gender identities. Additionally, a belief in the immorality of homosexuality does not correspond exactly to a desire to restrict civil liberties.

The key idea this paper focuses on is how place factors into the discussion of civil liberties (specifically marriage) of LGBTQ communities. The central question is: how does

place affect members of LGBTQ communities, themselves, in their understandings of the legal aspect (or their legal consciousness) of marriage?

Why Place?

Brekhus (2003) argues that place should be a key variable when considering identity, rather than just have identity be a static concept that exists independent of place. “The underlying assumption is that gay individuals make a space more gay, but not necessarily that gay spaces might also make the individual more gay (Brekhus:16).” While the author is specifically discussing identity, I glean from this the understanding that place can have a remarkable effect on understandings, concepts of self, and behaviors. “Sites and times are *identity settings* for how to feel, how to act, and even for who to ‘be’” (Brekhus: 17). Since place has such a remarkable effect on many aspects of who we are, this study considers how place factors into understandings of marriage.

Many of the participants in this study either lived in Indiana at the time of the interview or lived in one of the nearby states in the Midwest. Therefore, when discussing state politics surrounding marriage, I will be focusing particularly on the Midwest and specifically the state of Indiana. However, it is still vital to consider country-wide variation in legal politics in general. These politics and discourses can still affect these people on an individual-level basis.

While place has been recognized as an important factor in sociological research by many sociologists (Loftus 2001, Brekhus 2003, Powell et al 2010, Leamaster and Subramaniam 2015), I focus on how place factors into understandings of the law. This idea has been studied very little and I aim to create a platform through which future researchers in legal scholarship could consider place as a variable. In this specific instance, I also want to consider how place and

sexual minority status interact with each other to influence individuals' ideas about themselves, their environment and their understanding of their own legal rights.

For the individuals in this study, marriage had been something that was restricted to them because of their sexual or gender identity. With the new United States right to marry in 2015, the landscape of civil liberties awarded to these groups changed dramatically.

Marriage

I focused on marriage for this study because the discussions on marriage for LGBTQ individuals have been both very recent and within the public discourse. Marriage was not legalized for LGBTQ individuals in the United States until 2015, with *Obergefell v Hodges*. This was just as I was conducting the interviews for this study, so the timing was particularly fortuitous.

However, the history of marriage and minorities in the United States does not start in the 2000s, nor does it with LGBTQ individuals. In the United States, marriage has always been wrapped up in the big issues of sociology: gender, class, and race (Minow 1991, Maillard and Villazor 2012, Wesling 2014, Miller 2017). Marriage is an institution through which we can clearly see these broad concepts. The institution of marriage has been used to restrict individuals' rights and liberties for minority groups across these three statuses as well. In terms of gender, marriage has been a tool used to restrict women's autonomy (Minow 1991). In terms of race, marriage was withheld for couples across racial boundaries because of anti-miscegenation laws until *Loving v Virginia* in 1967 (Maillard and Villazor 2012). For class, marriage has been a way to transfer wealth and inheritance for middle-class and upper-class individuals, but not for the poorer individuals in the United States (Miller 2017). Lastly, and

until only recently, marriage was a way to restrict legitimization of same-sex couples' relationships, as well as from providing them those legal benefits that "opposite-sex" couples were awarded (Richman 2014).

Same-sex Marriage

For issues surrounding same-sex marriage in the United States specifically, I start my discussion at the court case in Hawaii in 1993 of *Baehr v Lewin*, where same-sex marriage was understood to be legal up until 1998. In 1998, Hawaii voters approved a measure to allow the legislature to establish a constitutional amendment banning same-sex marriage ("Same Sex Marriage Fast Facts", CNN). At this point in time, other states had already begun banning same-sex marriage and (in some states) adding constitutional amendments establishing marriage as between one man and one woman. In 1996, the United States Congress passed the Defense of Marriage Act (DOMA), restricting marriage rights to one man and one woman (Defense of Marriage Act, 1996).

It would not be until 2004 that Massachusetts would become the first state to go against DOMA and legalize same-sex marriage in *Goodridge v Department of Public Health*. Other states, however, were still adding constitutional amendments to their state constitutions to ban same-sex marriage (once again highlighting the importance of region in attitudes towards LGBTQ issues and civil liberties). In 2008, California legalized same-sex marriage, but then later banned it. From 2008 to 2015, other states began to legalize same-sex marriage (or have same-sex marriage legalized) in a variety of ways ("Same Sex Marriage Fast Facts," CNN).

Many of the early states to legalize same-sex marriage legalized it through legislative statute. In a few of the states (Iowa, New Jersey, New Mexico, and Colorado), the state courts

took the initiative to legalize same-sex marriage. In many of the other states, the federal courts legalized same-sex marriage (“Same Sex Marriage Fast Facts.”) In this last way, the states themselves did not legalize same-sex marriage, but had legalization pushed upon them.

Finally, in 2015, the United States Supreme Court agreed to hear the case of same-sex marriage and legalized same sex marriage across the country in *Obergefell v Hodges*. This case also struck down the last vestiges of DOMA. Previously, up until 2013 (*United States v Windsor*), much of DOMA was still intact. Under DOMA, many states had legalized same-sex marriage, yet, at the same time, same-sex marriage was not recognized at the federal level. This disjoint between individual state-level laws and politics and federal-level laws and politics provides an interesting background in which the participants of this study lived.

LITERATURE REVIEW

LGBTQ Communities and Legal Consciousness

Harding (2010) describes how gay and lesbian relationships with the law is a very complex one. She invokes Ewick and Silbey as her descriptions of gay and lesbian legal consciousness parallels these authors’ three legal consciousness schemas. Some gay and lesbian individuals conceptualize the law as authoritative and logical and not a system to be interacted with. Some members of the community conceive of the law as a system to be played in order to obtain strategic goals. Others see the law as something against them, something dangerous and in constant need of being undermined. As I interview members of the LGBTQ community, I investigated how their ideas on the law fit into these categories of conceptualization. Harding (2010) also points out troubling situations for members of the community that live outside the law and its protections. When LGBTQ individuals have no legal protections, how do they

conceive of the law and its role in their lives, especially when it comes to ideas of marriage rights?

Harding (2010) discusses how the law surrounding gay and lesbian rights has been in constant flux over the past two decades. She also critiques Ewick and Silbey's three schemas of legal consciousness as not sufficient to describe gay and lesbian legal consciousness. She contends that an analysis of power and resistance is necessary when focusing on the legal consciousness of gay and lesbian individuals. Harding develops this idea further when she proposes three types of resistance: stabilizing resistance, moderating resistance, and fracturing resistance. Lesbians and gay men can understand the outward appearance that law is intended to protect the rights of citizens, but they also see how their rights are clearly not protected. They engage in differing types of resistance, depending upon their perceived relationship with the law.

Richman (2014) summarizes these schemas nicely:

The first is the most benign as it is essentially a form of resisting through being: simply by residing outside the heteronormative confines of sexuality, gay men and lesbians parenting or in relationships, or just by being out, resist the dominant power structure. Moderating resistance is different in that it attempts to lessen the degree of effects of the power structure through affirmative acts, even if they do not result in a change in this structure: a march or a protest—most explicitly public acts that register disagreement with the government but don't necessarily change the source of disagreement in the immediate—qualify here. Finally, 'fracturing resistance' actually disrupts or breaks the path of power—even if temporarily—often in the form of a riot or rebellion. Unlike the former two, this form of resistance

necessitates a response of the law, in Ewick and Silbey's terminology (Richman 2014, 89-90).

Knauer describes LGBTQ lives as "uniquely politicized" (Knauer 2012, 749). Rights for members of the community are debated publicly between politicians and in the public discourse. Legal protections for LGBTQ individuals are often unclear and conflicting and what is true for one city or state will not necessarily be true for others.

Feminist theory engages in studies of legal consciousness by exploring aspects of power (McCann 2006). They focus on ways that legal consciousness helps sustain and resist hegemonic structures. How legal consciousness helps sustain heterosexism, racism, and misogyny are key points of investigation for feminist theories. In terms of marriage, these systems become stark and easily discernible. That being said, conceptions of marriage and legal consciousness surrounding marriage can support or resist (or a combination of both) these hegemonic structures.

The feminist challenge, when it comes to legal matters, is establishing difference between the experiences and situations surrounding genders and other disadvantaged groups without entrenching stereotypes and encouraging sexist socialization (Minow 1991). Minow (1991) establishes the concept of "dilemmas of difference" to help describe this conflict. This is when a decision is based on norms that reinforce the status quo and assume them to be inevitable rather than socially constructed. In essence, there are differences in how groups of people are treated and accounting for those differences means potentially privileging one group over another.

Studies of legal consciousness can greatly inform studies on civil rights and ways that individuals conceptualize the law in such situations.

The dynamic process through which individuals construct their understanding of law can be understood as a contest over meaning, in which their identities interact with legal discourses and alternative discourses constructing consciousness. Civil rights reforms both reflect and produce struggles between legal discourses and other social discourses because legal reforms often challenge existing social arrangements, taken-for-granted meanings, and hierarchies of power and privilege (Fleury-Steiner and Nielsen 2006, 6).

In this way, civil rights arguments -- specifically arguments over sexuality and same-sex marriage -- are a way of resisting legal frameworks defining the identity and rights of citizens. This viewpoint also treats law as a resource for resistance, rather than an institution to be completely resisted.

Fleury-Steiner and Nielsen (2006) note that understanding legal consciousness is important for understanding the mechanisms of social change. Legal change can bring about destabilization of accepted norms and practices. In the same way, changing social structures can be used to alter and undermine existing legal discourse. We can see this complex interaction in the focus on the issue of same-sex marriage. There is a push and pull between legal consciousness and public discourse, and legal discourse.

Richman (2006) described how the increasing public recognition of the discourse of gay marriage had brought it to the forefront of the community as a key, defining issue. She specifically discussed how there is much variation within LGBTQ communities when it comes to legal consciousness centered on same-sex marriage (Richman 2006). Debated are what the role of law in terms of marriage should be and what the discourse of "rights" entails. As she points out (and as some of my interviewees pointed out), gay and lesbian individuals had been forming

families long before they brought their complaints to the court in the 1990s. LGBTQ community members have had a long and complex relationship with the law. Discourse around the legality of homosexual sex and then around marriage rights and adoption rights for LGBTQ individuals has forced these groups to consider the law as it pertains to their everyday life (Richman 2006).

In her study, Hull (2006) saw that same-sex couples overwhelmingly wanted same-sex marriage legalized, but the way they discussed it and enacted it culturally varied widely. She links this to an attempt to change the legal status as well. This speaks to the complex ways that the legal system influences the social world and vice versa. She specifically counters the argument that marginalized groups always attempt to evade or subvert the law. Instead, she finds that many of them embrace the law for its resources, even while being “against the law.”

Gay and lesbian individuals are taking cases to court in order to broaden definitions of family or to fight for “rights” that they perceive that they are owed (Richman 2006). This strategy is attempting to force legal change in order to facilitate a social change. They also hoped that the public recognition of their situation would lead to more social change as well. The law is not only a tool with which individuals can forcefully change the system, but it can also be used as a way to persuade others to hear their stories and their struggles. The law can be used as an educational tool in the hope of changing society at large (Bernstein, Marshall, and Barclay 2009, McAdams 2017).

However, by introducing their problems and arguments to the courts, the courts would sometimes reframe arguments in a heterosexist and normative fashion, similar to the reframing that Merry (1990) discussed. Many times, queer couples had to sacrifice their identity as parents or spouses in order to obtain a desired outcome in courts (Richman 2006).

Richman (2006) also discusses the range of the ideological debate on marriage in LGBTQ communities. Many members of the community wanted full access to marriage and all of the rights that come with it under the banner of equality. They wanted child custody, visitation rights, adoption, etc.

However, enveloping same-sex marriage into the definition of marriage was not really helping people in the long run, some LGBTQ members felt. These practices exclude people who do not want to be domestic partners or married, but also want to raise children together (Crenshaw 1991). They worried that, as a society, doing so was just defining more and more what constitutes a married couple and who is allowed to raise children.

Sarat and Kearns (1993) note that legal consciousness varies from place to place and that it is highly dependent upon the context of the local area. McCann describe a constitutive approach to law: “legal discourses, logics, and language – the raw material processed by legal consciousness – may not rigidly determine what subjects think, but they do shape the capacity for understanding social reality, imagining options, and choosing among them” (McCann 2006, xiv). Contemporary research on the subjects of legal consciousness focuses on the individual as the unit of analysis, interpreting what they say and do in interviews as an insight into their legal consciousness (McCann 2006).

Location and Ideology

That place is important in sociological research is nothing new, as Powell et al. (2010) state. They even draw the importance of place back to Durkheim and the idea that large scale social patterns can differ by location. For the purposes of this study, I want to draw attention to two ways to consider location differences in ideologies and opinions. The first is the differences

between people living in urban and rural areas. The second difference is people living in different regions of the country.

In regards to the first difference, Powell et al. (2010) discuss the classic divide between urban and rural experiences and ideologies first discussed in the 1930s in sociological research. Wirth (1938) identified three elements of urban environments that led to these differences: a larger population, a more dense population, and a more diverse population. Later scholars have corroborated this urban-rural divide in terms of social tolerance (Powell et al. 2010). Powell et al. also corroborate this divide by finding that almost half of the individuals living in rural areas excluded same-sex couples from their definitions of families (as opposed to inclusionists and moderates), while in urban areas, this percentage dropped to one third.

Powell et al. (2010) also found regional differences in their study of attitudes towards families. In their study, they found that Southerners (as defined by the General Social Survey) were the most resistant group to inclusive and moderate definitions of family (including same-sex married couples as family members). They also found that Westerners and Northeasterners were the most receptive to inclusive definitions of family. Midwesterners were placed somewhere in the middle: neither as restrictive as Southerners in their definitions of family, nor as liberal as Northeasterners and Westerners. In fact, attitudes towards families among Midwesterners were not much different from Southerners in 2003, but began to pull away (towards a more liberal definition) from the Southerners by 2006. Powell et al. even go so far as to say, “it is simultaneously possible for residents from urban areas (and from northeastern and western states) to be genuinely baffled by the resistance to nontraditional family forms and for their rural (and midwestern and southern) counterparts to be equally frustrated by any attempts to loosen their definition of family (Powell et al: 89).”

In his book, *Peacocks, Chameleons, and Centaurs: gay suburbia and the grammar of social identity*, Brekhus (2003) investigates how identity shapes understandings of identity and queer consciousness. He also delineates a difference between gay men living in the suburbs and gay men living in the cities. Even in his interview data, Brekhus's interviewees discussed their differences with gay men who lived in the city. For individuals living in the city versus those individuals that live in suburban or even rural areas, ideologies are shaped very differently. I argue that this applies to legal consciousness as well. When individuals grow up in different types of development (rural, suburban, urban), this leads to different understandings of the world.

Leamaster and Subramaniam (2015) discuss how gender and region play a part in the construction of religious schemas. They studied how Mormons had different experiences and different ideologies based on where they lived. The authors compared Mormons who lived in Utah, the center of Mormon religion, and elsewhere in the United States and found differences in general understandings and behavior.

Similarly, I argue that queer individuals growing up in different regions of the country will have different ways of understanding marriage. While Mormonism is unique in that it has an established religious and cultural bastion in Utah, the idea that regional structures and local environment exert external pressures and establish frameworks for individuals is a relevant concept that I will pull from this article.

Location and Law

When considering law and regional variation in ideology, it is crucial to understand the variation in state laws and the ideologies and understandings behind those laws. As a backdrop,

I start with the Defense of Marriage Act, a federal law passed in 1996 that restricted federal benefits to heterosexual spouses. It would not be until *United States v Windsor* in 2013 that the bulk of DOMA would be struck down on the grounds of violating the Due Process Clause of the Fifth Amendment to the Constitution. When DOMA was being introduced to the Senate, the bill was argued to be important because it was a reflection of collective morality of the people and to show disapproval for same-sex marriage. It was also argued to make explicit the definition of “marriage” and “spouse” that had already been understood in federal law for hundreds of years.

In Indiana, in a 2002 Superior Court case, *Morrison v Sadler*, the ruling judge cited a very common argument for maintaining that marriage remain between one man and one woman. The judge argued that marriage between different-sex couples “promotes the state’s interest in encouraging procreation to occur in a context where both biological parents are present to raise the child.” This emphasizes that the state itself has an interest in maintaining this specific view of marriage, a view that argues from a viewpoint of biology.

In fact, this same viewpoint was argued for in amicus briefs in *Obergefell v Hodges* (2015). The United States Conference of Catholic Bishops argued in the brief that, “it is a mistake to characterize laws defining marriage as the union of one man and one woman as somehow embodying a purely religious viewpoint over against a purely secular one. Rather, it is a common sense reflection of the fact that [homosexual] relationships do not result in the birth of children, or establish households where a child will be raised by its birth mother and father.”

It would not be until 2014 that federal court cases would effectively challenge the ban on same-sex marriages in Indiana. In *Baskin v Bogan* (2014), arguments against lifting the ban on same-sex marriage were put forth by Indiana and Wisconsin. Wisconsin made four arguments in defense of retaining the ban on same-sex marriage:

First, limiting marriage to heterosexuals is traditional and tradition is a valid basis for limiting legal rights. Second, the consequences of allowing same-sex marriage cannot be foreseen and therefore a state should be permitted to move cautiously—that is, to do nothing, for Wisconsin does not suggest that it plans to take any steps in the direction of eventually authorizing such marriage. Third, the decision whether to permit or forbid same-sex marriage should be left to the democratic process, that is, to the legislature and the electorate. And fourth, same-sex marriage is analogous in its effects to no-fault divorce, which, the state argues, makes marriage fragile and unreliable—though of course Wisconsin *has* no-fault divorce, and it's surprising that the state's assistant attorney general, who argued the state's appeal, would trash his own state's law. (*Baskin v Bogan*: 27).

The Seventh Circuit Judge also pointed out that arguing from a standpoint of tradition ran counter to *Loving v Virginia* (1967), as preventing marriage across racial groups before that point had been “traditional.” The judges could find no reason to uphold the ban in this case. Like many other courts during that time, arguments for lifting bans were based on the Equal Protection Clause of the Constitution.

In neighboring Illinois, just beforehand, same-sex marriage was passed into law by the legislature in 2013. It is fascinating that two neighboring state, Indiana and Illinois, have such different histories in regards to same-sex marriage.

In contrast to these few examples, there were other states, like Texas, that amended their state constitution to ban same-sex marriage. In 2005, Texas voters approved Proposition 2. This amended the state constitution and restricted the definition of marriage in Texas to one man and one woman. Arguments cited a common idea of the morality of this arrangement. In fact, while

symbolically signing the proposition, Governor Rick Perry stated, “like the majority of Texans, I believe that marriage represents a sacred union between a man and a woman.” It would not be until *Obergefell v Hodges*, ten years later that the ban would be lifted.

By interviewing individuals in LGBTQ communities, I ascertain the underlying mechanisms behind how these individuals come to their understandings of marriage and legal consciousness. While many of my interviewees live in the Midwest, they grew up in a variety of locations. Through these varied regional histories, I delve into how they came to develop their understandings, with a mind towards potential regional effects on those understandings. Contextualizing their own understandings of marriage with the surrounding state-wide and nation-wide legal climate helps us to more clearly see the underpinnings of individuals’ understandings of marriage. The wide variety of ways in which states came to legalize (or were forced to allow) same-sex marriage provides a diverse history for my participants to live within.

Law, Morality, and Behavior

I want to address one key foundation that I am arguing from in this chapter. When considering how location or region affect individuals, I am establishing an argument from the perspective that law has mediating effects on morality and thus behavior. In a foundational sociology of law article, Berkowitz and Walker (1967) establish that the existence of a particular law (and peer opinions) have effects on ideas of morality. By informing participants that the law established that a behavior was wrong, individuals were more likely to judge the behavior as morally wrong. As discussed previously, the law can be used as a tool to change public opinion. By establishing laws or arguing cases in courts, individuals hope to either gain attention or to

educate individuals on their circumstances (Bernstein, Marshall, and Barclay 2009, McAdams 2017).

Further research on this topic (Bilz and Nadler 2009, Flores 2017) has found more evidence for this idea that law and public policy shapes morality. Bilz and Nadler (2009) specifically connect that law shapes morality. Additionally, they find that even when a group has no reason to believe that a change in law will change behavior, they still seek to own the law as a form of moral capital. While Flores (2017) discusses how previous research has found evidence of attitudinal changes based on changes in law, in her article on anti-immigration sentiments and laws, she found no evidence for this. Instead, she did find that anti-immigration laws changed behaviors. She found that groups that were already critical of immigrants became more vocal after anti-immigration laws were passed, and that a new group emerged that was almost entirely negative as well.

My study investigates these patterns in a different realm, that of same-sex marriage. While law may not have the power to shape attitudes in an immediate sense, there is sufficient evidence to show that it can shape behavior. Following this line of reasoning, when a law is established banning same-sex marriage, it is likely that behavior will change accordingly. Within certain groups, individuals are likely to become more vocal against same-sex marriage. It is this increased negativity that my interviewees must reconcile their identities with. When we find differences in laws centered on same-sex marriage on a state-by-state basis, it is likely that there will also be differences in public behavior on a state-by-state basis as well. While same-sex marriage is legal across the country today, this was not the case even three years ago. I argue that these differences in state laws concerning same-sex marriage also shaped queer individuals' understandings and ideas of the law centered on marriage.

In terms of social movements (where many of my participants received aspects of their legal consciousness), law shapes master frames (Pedriana 2006). In other words, law can give a language and a foundation for the arguments and the direction of social movements. This is important for my research because it also indirectly shapes what kind of information queer individuals received about marriage. Differing laws in each state will therefore provide differing frameworks in which movements must navigate.

METHODOLOGY

The Data

As discussed in Chapter 2 and the Introduction, the data used were semi-structured interviews. I chose this method of data collection for its ability to deeply investigate the motivations and understandings of the individuals. I wanted to understand exactly how they conceptualized the places they've lived and how they felt that that shaped their outlook and understandings of marriage.

Semi-structured interviews allowed me a basic framework, in that I had an interview protocol to start from, but they also allowed me openings to go off of the protocol and delve into the particular histories of each interviewee. In this way, I could more deeply explore the concepts that were key to my research focus and were most important to my interviewees.

With semi-structured interviews, I could question each individual on their understandings of their hometowns, where they've lived throughout their lives, and where they live now. They can describe their stories in these places, and I can then tell their stories in a way that provides a larger picture. By allowing my interviewees' voices to come through, I can analyze the richest possible data on my research focus.

Interview Schedule

I developed my interview protocol with a few substantive areas in mind. The first section of my interview protocol involved introductory questions. This was in an effort to develop some rapport with the interviewee and also establish a frame of reference for where they have lived over the course of their lives. I then used their answers to these questions to help frame the rest of my interview. By learning of the different places that they have lived in, I could ask them to speculate on differences between where they live now and where they had lived before. I also attempted to gain an understanding of how involved they were in LGBTQ organizations and LGBTQ communities in general.

The second section of my interview protocol involved a brief discussion of the interviewee's sexual orientation and gender identity. I then asked the interviewee how they felt that their identity affected their daily life, as well as how discrimination may have affected them personally. I also asked them how comfortable they felt with public establishments based on their minority identities. This section was relevant in order to establish a baseline for how they viewed themselves and to situate some of their later answers. In terms of the specific ideas of place, I also asked the interviewees to consider how where they lived now differed from where they may have grown up in terms of treatment surrounding their sexual orientation and gender identity.

The third section of my interview protocol focused on their ideas about the increased attention to same-sex marriage over the past several years. The intention of this section was to gain a better understanding for their viewpoints on marriage and same-sex marriage specifically. I asked the interviewees about the advantages and disadvantages to the attention surrounding same-sex marriage.

Section four asked about the interviewee's opinions of marriage in general, as well as their ideas about same-sex marriage rights. Additionally, I asked them to discuss potential differences in these ideas based on where they had lived in the past. I also asked them to speculate over whether they felt their ideas surrounding marriage were typical of where they grew up and where they lived currently.

Section five was focused on trying to gain an understanding of their general legal consciousness surrounding marriage. I started with a general question about the importance of marriage. I also ask how their ideas about the importance of marriage relate to the common ideas of where they live today, as well as where they have previously lived.

Then, in a step-by-step manner, I follow Richman's (2014) typology of understandings of marriage. In summary, Richman developed four general ways that individuals understand marriage: marriage as rights, marriage as protest, marriage as validation, and marriage as personal. In each of these four sections, I asked the individual to discuss whether or not they had thought about marriage in these ways before. In the marriage as rights section, I asked them to describe their knowledge of the legal rights that go along with marriage, as well as whether these should be rights attached to marriage or not. In the marriage as protest section, I asked them whether they had ever conceived of marriage as political or had conceived of marriage as a form of protest. In the third part, I discussed whether or not getting married made relationships seem more real. I questioned what they understood the social consequences of marriage to be. Finally, I asked them how they felt about marriage as a form of love.

In section six, I delved more deeply into their legal understanding of marriage and how they came to understand marriage through this legal lens. I asked questions attempting to gain a better understanding of the factors that led to their opinions and knowledge surrounding

marriage. Additionally, I asked them how closely they had monitored state and local politics surrounding marriage.

Finally, section seven closed out the interview. I asked the respondents if they had anything to add, as well as asked about any relevant demographic questions that had not been answered throughout the interview.

Recruitment

I conducted twenty semi-structured interviews. Recruitment of individuals for interviews proved fairly difficult (as I discussed in my introductory chapter). Initially, I attempted to access the communities through local centers in major cities. However, this proved to be an involved process with little results. Eventually, I settled on snowball sampling with multiple entry points. I began my interviews at the local college town where I started my study, but through word of mouth I began branching out into neighboring cities and states. Interviews typically lasted from fifty to seventy minutes.

I used quasi-snowball sampling with multiple entry points to recruit my participants. I began by contacting and meeting with individuals who were members of local LGBTQ organizations that I knew of. Once I interviewed a few of those individuals, I asked them to refer me to other individuals that might be willing to be interviewed. I also pulled from contacts I made in the local LGBTQ community. As a member of the community myself, I was able to use that identity to gain research participants from the community. I used those individuals as entry points to find individuals in multiple cities and states in the Midwest (see Table 1 for a detailed breakdown of some relevant demographic characteristics of the respondents).

Many of my interviewees were highly educated because of the snowball sampling. There were individuals that identified as gay, as lesbian, as bisexual, as asexual, as just queer, and some that could not put a single word to their sexuality. Some of my interviewees were immigrants; just in the United States on a student visa. Some of my interviewees were permanent residents. Many of the individuals were not married. With level of education being a key factor in these previous studies, it is interesting to consider these interviewees positions and understandings.

Data Analysis

As with the previous chapter, I used directed qualitative content analysis (Hseigh and Shannon 2005). I began with specific research on location as well as LGBTQ identities to help shape my coding scheme. I analyzed the interview data with a specific idea as to what topics and questions I wanted to investigate. Using the research discussed in my Literature Review section, I had a definite mindset that differences in place based on region of the country and differences based on urban development would be clear in my data. This allowed me to code, looking for those specific patterns in my data.

After I collected my interview data, I transcribed it and began coding for specific concepts. Using a framework from the research, I already had a basic idea of specific topics that I wanted to code for and take note of. I took note of the locations that each interviewee discussed living in over the course of their lives with minor descriptions of each location, such as urban development, region, and perceived political ideology. After associating each individual with their locations, I focused on what they had to say about each location with a mind to how it fit in with current research about place.

In terms of the descriptions of place and content of the interviews, some of the specific codes that I used were “reasons of differences based on place,” “discussions of region,” “discussions of urban development,” and “life history based on place.” I highlighted sections of each interview based on these categories and began to construct a central narrative based on these data.

Whenever an individual discussed where they lived previously or where they currently lived, I highlighted that as a “life history based on place.” If they discussed the social environments around these various places, I highlighted those sections. In the interviews, whenever an individual discussed these different places, I asked them to discuss what they felt the social differences in these places were. I tagged their explanations of the differences as “reasons of differences based on place.”

Additionally, some interviewees speculated about general differences in perceptions based on region or urban development without prompting. I highlighted these discussions and grouped them with “discussions of region” and “discussions of urban development” as well. Whenever an individual discussed these differences, I asked them why they thought those differences existed and grouped their answers with the “reasons of differences based on place” tag.

Once I tagged all of the interviews with these codes, I began to group the interviews by tag so that I could concisely tell these individuals’ stories in a meaningful way. While compiling the interview codes, I considered how the individuals’ responses fit in with previous research on place. These interview data are summarized below in the Findings section.

FINDINGS AND ANALYSIS

A Note

Before delving into the findings, I want to clarify a potential misunderstanding. The data I collected are not on concrete and objective descriptors of locations that my interviewees have lived in. Rather, I am investigating their perceptions of these areas. In fact, I argue that their perceptions are what is most important for understanding how their ideas of marriage have been shaped. How my interviewees perceive the world around them is what I am focusing on in these interviews. This harkens back to the famous “Thomas Theorem” of sociology, that “if [we] define situations as real, they are real in their consequences” (Thomas and Thomas 1928).

Prior research has already established that there are differences based on place and has given us some clues as to reasons and underlying patterns that shape these differences. I am not attempting to delineate these differences in an objective sense. Instead, I will be integrating prior research on differences of place as a framework and a starting point for understanding some of the explanations and understandings of my interviewees.

Politics and Its Effect on Understanding

When asked directly whether or not local and state politics (and even national level politics) shaped my respondents’ views and understandings of marriage, there was a unanimous answer in the negative. Many of the respondents admitted to not following local and state politics at all. The very few who did follow state and local politics also had jobs that arguably necessitated this knowledge. Toby, who was aware of rights and benefits at a local level, professionally worked for an LGBTQ organization, for example. Many of the respondents felt

that their ideas of marriage and understandings of marriage came from passive intake of information throughout their lives and specifically, their parents.

However, William succinctly summed up a concept I will investigate further: “Laws, themselves, don’t change consciousness, discussions about the laws did.” Similarly, Harrison posited that: “politics don’t influence people’s ideas...people bring things into politics.” These two statements address an idea that politics (in the sense of government) and the laws have little effect on current ideas and understandings of marriage. What does have an effect are the discussions surrounding marriage that are already part of the local community and the response of those communities to laws that are put in place. In this way, the interviewees make the statement that the laws themselves are not shaping understandings, but they are a dialogue through which the local community makes a claim or statement and then responds to that claim. Just as Bernstein et al. (2009) and McAdams (2017) discuss, the law becomes a tool through which individuals bring attention to their situation in the hope of creating public changes.

Local Politics as Environment

With this reasoning, laws can create social changes through several different paths. Specifically, laws can be an outcome of politics, a political megaphone (through which a community makes some kind of claim); an arena of politics which shapes, distorts, and realigns the movement’s goals; or a constructor of politics, an impetus for discussion, reinterpretation, and backlash (Friedman and Ladinsky 1967). These categories are classic ideal types in sociology of law for interpretations of how law interacts with politics.

These interviews echo those ideal types in their discussions of marriage. The same-sex marriage movement would, of course, not have existed (and not in the way that it did), except as

a response to the laws and political ideologies centered on marriage. Discussions about same-sex marriage and understandings of marriage would not have formed without prior legal and political claims. Law becomes both a starting point and an ending point for understandings and interpretations of marriage (Friedman and Ladinsky 1967, Pedriana 2006). It is both the setting and the plot for the story of same-sex marriage. Interviewees could not say how law directly affected their views and understandings of marriage, but it surely did in indirect ways. When discussing how they grew up in environments where marriage was conceptualized a specific way, that conceptualization affected their views on marriage.

Throughout the interviews, I asked the respondents whether or not they felt their views were shared by other individuals in the same city or town that they resided in. Answers were fairly split. Some of the individuals, especially those individuals with the idea that marriage should be radically different from what it is now (like Toby, William, and Coleen), felt their views were not shared by others in the local community. In response to whether his views were similar to the local community's, William, a queer, black man, stated:

No, no. I think it's mostly because [this city] is very old-fashioned. They have a very typical, old-school idea of what marriage is. And I think I have a very radical idea of what marriage is. That doesn't make either of us wrong. It's just different approaches and different viewpoints.

William felt that the local community had the idea that marriage is very straightforward and defined: two individuals get married for love and stay married throughout their lives. He on the other hand, had what he perceived as radical views of marriage: if he decided to get married at all, he couldn't see being with someone for life. Coleen, a queer, white woman, when asked

whether the local community felt differently about marriage than she did, answered “probably.” She went on to discuss that:

Even younger me thought about marriage differently. I wanted to get married when I was younger because I saw it as an achievement of adulthood...and there are family members who think marriage is a really big deal...especially for women.

Coleen now feels she has a fairly radical viewpoint of marriage as well. Like William, she is referencing traditional ideas of marriage: the timing of marriage, staying with someone for life, having children in a marriage. However, she admits that her goals when she was younger aligned with these societal expectations. Now, she is unsure of whether marriage is even right for her. If it is, she would get married for utilitarian reasons. I have discussed these departures from “traditional” ideas of marriage in the previous chapter.

Others with more traditional views towards marriage (like Harrison, Adrian, and Joey) felt that their views were no different than anyone else’s. When asked if his thoughts about marriage were common, Joey answered:

Yeah, I think so. I think that happens to a lot of people. I talk to people all the time, and it’s not something that comes up in regular conversation...[marriage] isn’t something you worry about until it becomes a possibility.

Marriage does not emerge in his regular conversations. For he and his friends, it is not something that requires speaking about or really investigating at all. It is just an aspect of the everyday. Harrison felt similarly about the local community: that they shared his general ideas about marriage.

It's not a topic that comes up a lot in conversation, but in a general sense, at least the people I know, think that if they're going to get into a relationship, [marriage] is kinda the end goal for it...to be married, have a family...that type of thing.

Similarly to Joey, Harrison does not encounter the institution of marriage in his everyday conversations. However, it is his understanding that marriage is just a process that happens. When individuals get into a relationship, they eventually move to get married. This idea would most likely align with William and Coleen's characterization of "traditional" ideas of marriage (and ones that they feel counter to at this point in their lives).

Urban Development and Region as Axes of Understanding

Two distinct axes of location emerged in my interviews. The first axis was a rural/urban divide. Many of the respondents seemed to focus on differences between growing up in a small town and living in a larger city as contributing to differences in understandings and treatment based on their identity. These specific differences and explanations of differences are discussed in the next section. This aligns with Powell et al (2010) and many other researchers in considering differences in place based on urban development.

Individuals who currently lived or had lived in larger cities discussed a perception of a different environment when it came to acceptance of same-sex and queer couples. There were several reasons given as to why these differences were prominent: political ideology, conservatism, and a few others that will be in the next section.

The second difference that became apparent in my interviews was a regional difference. Many of the individuals who had grown up in regions other than the Midwest contrasted differences in treatment and beliefs based on the region they grew up in. Many of the

interviews treated these differences as obvious and coherent to me as a sexual minority. The assumption (as was supported in research that was previously discussed in the section “Location and Ideology”) was that the South was more conservative and less understanding of sexual minorities than other regions of the country. Like Powell et al (2010) and Leamaster and Subramaniam (2016), these individuals recognized differences in ideas based on regions of the country. As Susana, a bisexual Latina woman, said:

In Chicago people don't care about relationships, Tampa is different. People in Chicago try not to judge. Tampa is still old fashioned, marriage is not as important for people in Chicago.

Despite these two cities being very urban environments, Susana felt that there were regional differences in how these individuals saw marriage and LGBTQ individuals. She saw that Chicago was a fundamentally different city in terms of values and norms. Once again, the idea of “old-fashioned” and “traditional” is represented in her understandings of Tampa, an insight into her perceptions of the world around her. To her, people in Chicago are focused on other things and marriage, if it even comes up at all, is not something in the forefront of people's minds.

Toby and Sydney, a white, queer, trans couple, both discussed how there were differences based on where they grew up in Texas and where they lived now (in the Midwest). Texas was less hospitable to trans individuals, from their perspective. Toby felt that:

We went to Texas, in part, because family was there, but also, it felt more political to get a marriage license from Texas than it did in Indiana...I would say that even doing your job as a public servant in Texas and working with LGBTQ people is a political statement. Compared to Indiana, it doesn't feel political when I go to public offices, county clerk,

etc...county clerks in Texas initially refused to issue marriage licenses. So to me it felt like a political act to make a civil servant give me my rights in Texas, because they don't have to do that, since the state of Texas doesn't seem to come down very hard on those people.

They felt that many acts that they engaged in down there would be a protest, especially marriage. While in the Midwest, these acts did not quite hold the same power. These ideas are based on their perceptions that Texas is more conservative and "traditional" when it comes to marriage. While they perceived Indiana as conservative, it was not quite as restrictive and confrontational as they felt Texas to be. By getting married in Texas, they were fighting back against a perceived unjust system and that fight held more symbolic power there than it did in Indiana. Sydney related that:

People are much less likely up here [in Indiana] to yell at me in public for no reason. Whereas in the Dallas area, it's a lot more socially acceptable to engage in violence towards certain bodies than it is up here.

They believed people were more open in their negativity towards trans and genderqueer individuals in the South and that, while things were not necessarily progressive in the Midwest, they were more tolerated than where they grew up. Sydney's experience was that individuals would yell at them or be angry at them simply because of their gender presentation. They did not fit into straightforward masculine or feminine boxes and from their perspective, this confused or made individuals fight back, sometimes verbally or aggressively. This perception of differences in Texas and Indiana aligns with Powell et al (2010) and their conclusions of regional differences in understandings of marriage. Sydney experienced some of this negativity in medical care, in schooling, in their day-to-day interactions with people, and in many other

aspects of their lives. In these arenas, trans individuals face violence, disdain, and ignorance of many aspects of their lives, simply for being trans or gender non-binary.

Reasons for Differences Based on Place

Specifically, interviewees cited several reasons for the differences in region and urban development: religion, political ideology, conservativeness, class, and interestingly enough, pace of life. I will discuss each of these reasons briefly.

One of the more prominent reasons for regional differences in understandings and opinions of marriage was centered on religion. This could be about religious background specifically, but was more often about something more. As Elizabeth, a white, bisexual woman from Wichita, Kansas, stated, in Southern cities, “because of religious beliefs, people should be married. More specifically, it’s the culture of religion. Marriage is part of the life model.” For Elizabeth, the environment of the region and their ideas towards marriage were fundamentally based in the religion of the area. She is discussing the idea that marriage becomes a fundamental aspect of life because of “culture of religion.”

This touches on a critical point: that the specific culture built around the local religion is what is most important, and not necessarily the existence of religion. Susana, a bisexual, Latina woman, echoed this idea in a different way when she discussed the differences between the religious environments of her home country of Ecuador versus the United States. She mentioned that although they were both Christian countries, the United States seems to go about it in a different way.

My country, overall, is very Catholic. But they're very open-minded Catholic. Religion in my country is not like here in the United States. I've seen a lot of hate based on religion, where in my country, everything is about love. You love everybody.

Susana is delineating a difference in these two "cultures of religion." While both regions that she knows are heavily steeped in religious thought, potentially even the same general religion, they go about it in very different ways. From her perspective, Ecuador's Catholicism is centered on love and care, while United States Protestantism is centered on condemnation. These ideals of love and care allow for more variation in forms of marriage, from her perspective. These women both touch on the idea that it is more about a culture and an expectation of marriage that shapes how people conceptualize marriage than particularly about the existence of a religion, itself.

Another explanation that is closely related to the first is political ideology and conservatism. I separate these two because, as Toby stated, "I think a lot of these people in this area too, they vote for the Democratic Party, they were Hillary supporters, but to me they have a very socially conservative mindset." Specifically, Toby, a white, queer, trans individual, is referring to the 2016 national election when Democratic candidate Hillary Clinton lost to GOP candidate Donald Trump. For Toby, just voting for the liberal party does not mean that an individual is progressive in all of their viewpoints. While they may consider themselves liberal, they can still hold "traditional" views of marriage. When I asked them why they thought this was the case, they suggested that the city they resided in, a college town in the Midwest, was centered in a very rural area. They suggested that this rural area contributed to these more socially conservative mindsets, even though they lived in a more liberal area in the region.

Additionally, they discussed that the Midwest liked to keep institutions the way they were, “the Midwest likes the status quo.” In this way, they highlight this idea that individuals can politically identify as Democrat, but still maintain socially conservative viewpoints. The regions of the country that were considered to be more politically conservative were discussed to be less open to alternative family constructions from the “traditional.” Levi, a white trans man originally from a small town in Missouri, discussed that differences in ideas of family were based on the liberal versus conservative axis.

I think that it was the university that I was at. Even though I was in a small town, it was a college town, and the university was very liberal...I don't think I knew a single conservative professor. But coming here, I feel like the student body is very conservative, and the town is very conservative.

Despite both of these areas being similarly sized cities, it was not a question of urban or rural, but more a question of conservatism. Unlike Toby, Levi did not mention a specific divide between political liberal-ness and social liberal-ness. Instead, he attributes the differences to just a more conservative college town. Even though the city he currently lives in is more liberal than the surrounding rural area, he feels that the general environment is still less liberal than where he came from.

Class was mentioned a few times as a factor as to differences based on place. Rural areas are traditionally poorer, as well as the United States South. Interviewees attributed both of these axes, lower class and indirectly less education, to more traditional ideas of family. Additionally, Toby posited that marriage was closely tied to financial survival. He said:

I guess in my hometown, there was so much poverty, that you got married out of love, but you stayed married because of the financial security.

Because of tax benefits and other financial benefits, it was beneficial for individuals to marry and stay married in poorer regions (Edin and Kefalas 2005). In a small town, this would lead to these more “traditional” ideas of family. Toby presents an understanding of these larger social factors at work that restrict or shape when individuals can marry or why they marry.

The most interesting comment on differences based on place was an analysis of pace of life. This showed up across multiple people in my interviews. In discussing life in Chicago, Elizabeth said, “here the culture focuses more on career attainment, which doesn’t necessarily necessitate a marriage.” Similarly, Susana stated:

People in Chicago, it’s not their priority to get married, they want their job, whereas in Tampa and Ecuador it is different. [Chicago] is a larger city, fast-paced, people can entertain themselves being single. People are very into their own worlds.

Both Elizabeth and Susana, living in Chicago, present an understanding that in the large city, individuals are busy with their careers or their lives and marriage is not on the forefront of their minds. Additionally, Susana mentions that there is more to do when you are single in Chicago. This seems to imply on some level that marriage is partially a result of boredom.

In contrast, Levi, originally from a small town in Missouri, understood one way that LGBTQ life could be easier in a smaller place. Levi stated that in small town, people could be more empathetic.

I also think that when you’re in a small town, people get to know you for you. And that they are more likely to accept things, even if they normally wouldn’t have accepted things...people knew me, so they care about you, and they’re more likely to change their minds. Whereas when you’re in a bigger place, people don’t have any kind of motivation

to get to know you or to see things from your perspective. I just feel like there's a lot more empathy in small towns sometimes. Sometimes. That's just my experience.

He explained that in these towns, everyone would know who you were. Because people had close personal connections to each other, LGBTQ people might have an easier time trying to change non-LGBTQ people's minds about them. In contrast, in larger cities, people did not have any motivation to see you differently because they did not personally know you.

CONCLUSION

Despite having a fairly limitedly diverse sample, this chapter was able to investigate the perspectives of the individuals in this study, exploring possible effects of place. The two primary variations, urban/rural and region, were repeatedly brought up in my interviews across multiple topics. Explanations for the variations between these two types of locations were religion, political ideology, conservatism, class, and pace of life.

Growing up in these different regions of the country, LGBTQ individuals had to face a variety of different constructions of family, as well as varying levels and forms of discrimination. My interviewees that lived in rural areas, like Sydney, described expectations that you marry younger and have children. My interviewees, like Elizabeth, that lived in larger cities discussed that marriage wasn't as primary of a concern and that individuals had their own careers to worry about. Additionally, Toby and Sydney, growing up in Texas, related how they felt more discrimination there than they did in the Midwest, for example.

This has contributed to a variety of interpretations and understandings of family in the individuals that I interviewed. While LGBTQ identity also influenced how these individuals saw marriage (as discussed in the previous and next chapters), place had a separate, but major impact

as well. LGBTQ individuals had to navigate these different spaces in varying ways. Some of the individuals more strongly felt these divides than others, but every individual I interviewed saw differences in ideologies based on region and level of development. My interviewees felt that the South, and to a lesser extent, the Midwest, were less accepting of same-sex marriages. Additionally, my interviewees felt that small town and rural areas were also less accepting of same-sex marriages and LGBTQ individuals. However, Levi was a notable exception to this last point.

Many of these individuals did not admit that place had a specific relationship with how they conceptualized marriage, but the social contexts of where they grew up and where they currently reside was evident in how they talked of the “general public” and how people “back home” or “where they grew up” felt. They certainly were conscious of these ideals that were expected of them and this, in turn, shaped how they felt about marriage.

Studies of place (Brekhus 2003, Powell et al 2010, Leamaster and Subramaniam 2016) have recognized that place has an impact on individuals in many ways. Through the cultural contexts of the world around us, we take in information and process it in our own ways. With different regions and cities having different social schemas and different cultural contexts, we also see differences in how individuals perceive even something as overarching as the institution of marriage. Just as Brekhus (2003) investigates differences in urban/non-urban gay men, my respondents perceived differences in environments centered on marriage in urban/non-urban settings. Powell et al (2010) and Leamaster and Subramaniam (2016) highlight region as a key factor in sociological studies. Just so, Elizabeth, comparing Kansas and Indiana, and Toby, comparing Texas and Indiana, perceived definite differences in how they were treated and seen based on region.

Because of their shared history and legal restrictions, LGBTQ individuals have a unique perspective and understanding of marriage today (this is not to say that groups of people have not been restricted from marriage rights before, just that the specific history and time period of LGBTQ individuals' restrictions provides a singular vantage). This perspective provides us with insight into how LGBTQ individuals consider not only marriage, but the world around them, as well.

In terms of specific contributions, I reinforce prior research on how place affects our social world. My interviewees discuss specific ways in which the places they've lived or live have different social contexts. While some of the interviewees felt their ideas fit comfortably within local views on marriage, other interviewees felt their ideas were radical and against the grain.

My study differs from many others in that I consider the viewpoints and the perspectives of the marginalized group at a critical time period. With the legalization of same-sex marriage in the United States, we are at a tumultuous time in history. This study captures a piece of this story and gives voice to the very people that are affected the most by these court decisions.

Further Research

Further research should look at individuals in more regions of the country. The individuals that I talked to almost exclusively had experiences in the Midwest and the South. Talking with individuals from the Northeast and the West Coast would also provide interesting insights into these patterns. Interviewing a larger group of people with a more varied background might also provide more insight into what factors shape ideas and understandings of marriage.

Additionally, it would be interesting to investigate this idea of pace of life more fully. How does social pressure based on career attainment interact with other social institutions, such as marriage, in large cities? How does this shape acceptance of alternative family structures? Establishing some sort of quantitative study based on these factors that I have teased out would also provide interesting data to help analyze what I have discussed through quantitative methods.

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CHAPTER 4: LGBTQ IDENTITY AND THE REDEFINITION OF MARRIAGE

INTRODUCTION

Introductory Information

Cohabitation among younger individuals is on the rise (Stepler 2017) and people are postponing marriage until later, if they even plan on marrying at all (Parker and Stepler 2017). However, the issue of marriage may be more complicated for young people in the LGBTQ community who only recently have received the right to marry their partners. The legalization of same-sex marriage in 2015 (*Obergefell v Hodges*) provided this right to the LGBTQ community.

While many LGBTQ celebrated this court decision and married the day it was decided, other LGBTQ couples chose not to get married. A Gallup poll (Jones 2016) showed that after *Obergefell v Hodges*, cohabiting same-sex couples went down from 62% before the decision, to 51% one year later. Specifically looking at states where it was illegal for same-sex couples to marry, before *Obergefell v Hodges*, 74% of same-sex couples were living together but not married, while one year later, 61% of couples in those states were living together but not married. While there was definitely a decrease in cohabiting same-sex couples because of marriage, not even the majority of cohabitation same-sex couples chose to get married after the decision (Jones 2016).

The complex question as to why couples do not get married has many answers. However, this thesis explores possible reasons as to why LGBTQ individuals choose to postpone marriage or never plan on getting married at all. Specifically, how do younger LGBTQ conceptualize the act of marriage and why do many of them postpone marriage?

While there have been many studies (e.g., Cherlin 1980, Goldstein and Kenney 2001) investigating the rationale as to why individuals do not get married or postpone marriage (especially in studies centered on gender), very little research has explored why same-sex couples choose not to get married. This is unsurprising, as it was not legal for same-sex couples in the United States to marry until relatively recently (*Obergefell v Hodges* 2015). Additionally, there has been research on same-sex couples living together (Powell et al. 2010, Baker and Elizabeth 2014), but the question of marriage has not been investigated from this angle, either. This thesis will explore the complex nuances within the discussion of cohabitation and marriage with regards to LGBTQ couples specifically. I do not intend to fully address the question as to why individuals choose to cohabitate instead of marrying. Instead, I am only investigating a single perspective as to why LGBTQ individuals choose to not marry that is unique to their identity and history.

Same-sex Marriage

Marriage brings with it many privileges and benefits. While much of the population could enjoy these benefits, until June of 2015, many LGBTQ individuals could not take part in these legal and social benefits. In the decade or so leading up to *Obergefell v Hodges*, states began a slow march towards the legalization of same-sex marriage. Just before the decision, there was a patchwork of states that allowed same-sex marriage, states that banned same-sex marriage, and states that were in a legal limbo until the Supreme Court handed down its decision (“Same Sex Marriage Fast Facts”). States like Indiana, where much of this research was conducted, had same-sex marriage legalization forced upon them in the year before the decision,

as a result of decisions from federal courts. (Please see earlier chapters for specific information on the legal history of same-sex marriage in the United States).

LITERATURE REVIEW

Compulsory Heterosexuality

Adrienne Rich's essay on compulsory heterosexuality (1980) provides a theoretical groundwork for my investigation of LGBTQ individuals' relationships with the institution of marriage. In this essay, she argues that women are not only assumed to be fundamentally heterosexual, but their agency and autonomy are taken away by male society at large. In many ways, male power structures constrain the ability of women to choose any other way but heterosexuality. Thus, society enforces "compulsory heterosexuality."

Additionally, Rich (1980) cites Kathleen Gough in establishing a framework for her argument on compulsory heterosexuality. Rich takes away eight "characteristics of male power" from Gough's work:

the power of men to deny women [their own] sexuality...or to force it [male sexuality] upon them...to command or exploit their labor to control their produce...to control or rob them of their children...to confine them physically and prevent their movement...to use them as objects in male transactions...to cramp their creativeness...to withhold from them large areas of the society's knowledge and cultural attainments. (Rich 638-640)

In this way, women's own sexuality and autonomy is removed from them.

While Rich was discussing compulsory heterosexuality in terms of women's experiences (and in fact, many of her observations cannot be extricated from womanhood), I would like to investigate some of these points in the context of LGBTQ experiences at large. LGBTQ

individuals in general face this compulsory heterosexuality. Society's expectations of a heterosexual lifestyle are manifest in many different aspects of society. Until fairly recently, this was explicitly true for the institution of marriage. The only option was heterosexual marriage or no (legally recognized) marriage at all.

Considering Rich's and Gough's frameworks specifically, we can see parallels between the exploitation of women and the exploitation of LGBTQ individuals. The existence of conversion therapy is an explicit way in which LGBTQ individuals are forced into heterosexual lifestyles (in effect, denying them their sexuality and forcing a hegemonic sexuality upon them). More subtle coercions permeate in media, politics, and other institutions.

Interestingly, we can also see how society explicitly attempts to control or rob LGBTQ individuals of their children. There are still states that restrict adoption by "same-sex" couples ("Adoption and Same-sex Couples: Basics"). Questions have been asked about the fitness of LGBTQ parents and their ability to raise well-adjusted children (Spivey 2008). These are all attempts to restrict minority sexualities and their identities as parents and part of a society that values parenthood.

With the legalization of same-sex marriage, we see the removal of one of the more explicit ways in which society enforced compulsory heterosexuality. However, the people that now have the ability to get married grew up in a society where, for much of their lives, marriage was out of the question. What happens when the law removes that barrier to marriage for the LGBTQ community?

Marriage as an Institution

I would now like to turn to considering the institution of marriage and how it fundamentally shapes many different aspects of our society. By doing this, I hope to show what aspects of society and identity LGBTQ individuals were excluded from until fairly recently.

The first and most explicit way that marriage influences people's lives is through legal benefits. Marriage confers on the couple a series of rights and benefits which include tax benefits, hospital visitation, and death benefits, but also many others (Hull 2006, Richman 2014).

When same-sex marriage was being argued in the 2000s, there were stories of LGBTQ individuals unable to see their partner in the hospital because they were not legally considered kin (Human Rights Campaign 2009). Similar cases of child custody where the death of a parent in a same-sex relationship lead to custody of the children by grandparents, rather than the living parent, because the living, LGBTQ parent was not legally recognized as the child's other parent.

The second way is through social recognition of a relationship (Richman 2014). In many ways, formalizing a relationship through marriage adds weight to the relationship (for society at large). Others see a relationship as "more real" once you add the social weight of marriage to a relationship. Without the validation by legal marriage, LGBTQ couples were not recognized by families, such as the situation in which the widow or widower of a same-sex partner received nothing after their death because the family of the deceased refused to recognize the widow(er) as family.

More than just a legal agreement, marriage is socially intelligible as a more secure relationship (Richman 2014). Other individuals tend to think of a marriage as more defined than a relationship in general. Without this cultural recognition, many LGBTQ had to have their

relationships questioned daily. If they could not prove their relationship through marriage, how could society understand or believe their relationship?

Alternative Frameworks

Despite society dictating for many LGBTQ couples that their relationships could not exist, LGBTQ individuals still had relationships. As commonplace as loving relationships are in society, the act of an LGBTQ couple establishing a relationship without the blessing of the law or society was an act of resistance in and of itself (Harding 2010). There were no social schemas for how to have an LGBTQ relationship, other than those social schemas established in compulsory heterosexuality. LGBTQ individuals, in living their relationships, had to establish new, subversive schemas.

Through these alternative frameworks, LGBTQ individuals had to define their relationships for themselves and their friends without official formalization. Without the legitimating force of marriage (Richman 2014), same-sex couples had to legitimate their relationships themselves, and without marriage. Same-sex couples had to argue that their relationships were just as real with or without marriage. When same-sex marriage was legalized, suddenly there was an ability to have their relationship recognized. At the same time, couples had already spent much effort having society socially recognize their relationship. LGBTQ relationships are obviously nothing new, however, we have seen the increasingly explicit clash of queer relationships and heteronormative relationships in recent years, as the argument moved into the legal realm.

The data show that a large number of LGBTQ individuals have moved to get married since *Obergefell v Hodges* (Stepler 2017). However, not even the majority of cohabiting same-

sex couples have opted for marriage. While there are a myriad number of reasons as to why cohabitating couples do not get married, I argue that these alternative frameworks are one overarching reason for LGBTQ couples, specifically. Why get married when same-sex couples had already convinced themselves (and argued) that marriage was not necessary? Same-sex couples have to come up with explicit, thought-out reasons for why to get married in many instances. This is not to say that all LGBTQ individuals follow this pattern. There are still many who do see marriage as a natural progression (based on societal norms for relationships). However, I argue that it is an added factor for many LGBTQ individuals that is non-existent for straight couples.

METHODOLOGY

The Data

For this research, I used semi-structured interviews. While this method of data collection was useful in the previous chapters, it was especially useful for this chapter. My questions in this chapter center on attempting to understand the lived experiences of LGBTQ individuals around marriage. It was imperative that I used qualitative data to answer these questions, as the point of the research was to hear the stories of these individuals. I wanted to hear how LGBTQ individuals fundamentally thought about and conceptualized the institution of marriage and how their individual lives were shaped around that conceptualization, topics that quantitative data would have difficulty answering.

Semi-structured interviews were chosen to allow for a detailed view into each of the individuals diverse backgrounds and stories. With semi-structured interviews, I had a starting point for my questions, but I could also explore these varied backgrounds within the interviews.

This allowed my interviews the flexibility to more deeply probe into what seemed to be key concepts emerging from the interviews.

Interview Schedule

My interviews consisted of semi-structured questions and were conducted in person. I broke up my questions into a few major topic areas. The first topic area was a set of introductory questions designed to get a better understanding of the individual's background and their involvement in LGBTQ issues.

The second topic area investigated their sexual and gender identity, as well as how they felt those identities have impacted their life. This is to contextualize their identities in research, as well as get a better idea as to how relevant their identities are to their daily life and sense of self.

The third section centers on the individual's perception of and response to the debates about same-sex marriage over the past several years. This helps to contextualize their ideas about same-sex marriage, as well as marriage in general.

The fourth section covers their ideas about marriage in general (not just same-sex marriage). This provides me with an idea for their perceptions of marriage, which will better aid in understanding how they conceptualize same-sex marriage, as well.

The fifth section of the interviews covers their understanding of the legal aspect of marriage. In this section, I investigate their understandings of what rights and benefits go along with the institution of marriage. Although in this section, I also ask what it would take for the interviewee to marry someone. This question is especially relevant to the topic at hand, as it sheds light on the rationale behind a marriage decision.

Additionally, over the course of the fifth section, I break down different aspects of marriage as per Richman's (2014) typology of different rationales for LGBTQ couples to marry. These are marriage as a right (practical), marriage as a protest (political), marriage as a validation (legitimizing), and marriage as personal (love).

My last substantive section centers on the individual's development of their ideas of marriage. I investigate how the individuals came to understand marriage the way they do, as well as where they learned about the practical aspects of marriage, specifically.

Finally, I end with a few closing questions and query as to any relevant demographic questions that I did not have answered over the course of the interview.

Recruitment

I conducted twenty semi-structured interviews. I used quasi-snowball sampling with multiple entry points to find my participants. I recruited my participants primarily through word of mouth and pulling from my own social networks. I conducted initial interviews with a variety of people in the local LGBTQ organization, as well as individuals that lived in a few of the larger cities in the Midwest. As a member of LGBTQ communities, it was not difficult for me to enter into certain circles. Once I interviewed these individuals, I asked them to refer me to any other individuals they thought would be willing to be interviewed.

Because of the snowball sampling method that I employed, many of my participants were highly educated. Additionally, my interviewees were a variety of different identities, including gay, lesbian, bisexual, asexual, and queer. Some of the interviewees were immigrants to the United States, others had lived in the Midwest their entire life (see Table 1 for a detailed breakdown of relevant social statuses and identities).

Many of the participants were white men – a difficulty that I had in recruitment. I had intended to provide a much more diverse, rich pool of interviewees; however, it proved difficult to locate and interview these individuals. A prominent problem was that because I employed snowball sampling, my sample was fairly homogenous in a lot of ways. However, the conclusions that I draw can hopefully be investigated on a much richer pool of interviewees in the future.

This is also a testament to the complex web of insider and outsider statuses that we embody as researchers (Edwards 1990, Anzaldúa 1991, Weiss 1994, Weston 2004). While in some ways I had insider status in that I was part of some LGBTQ communities. My status as a man and as white led me to be an outsider in other segments of LGBTQ communities.

Data Analysis

Unlike the earlier two chapters, for this chapter I did not use directed qualitative content analysis. Instead, I used conventional content analysis (as described by Hseigh and Shannon 2005). I started with a concept and a pattern that I wanted to investigate. I probed into why LGBTQ chose or did not choose to get married and I intended to ascertain how much being LGBTQ played a part in these decisions. This is not to say that there is no theoretical basis for my argument; however, theory did not shape my framework going into this study. The theoretical underpinning for this investigation was present (that LGBTQ individuals faced complex struggles and histories when it came to the institution of marriage); however, I wanted to listen to exactly how these individuals interpreted and evaluated marriage, allowing that to emerge more organically.

After collecting my interview data, I transcribed the interviews and began coding sections for specific ideas and concepts. These ideas and concepts originated from prior research as well as patterns that I saw emerging after collecting the data. In terms of this chapter, some of the relevant concepts that I used to tag sections of the interviews were “reservations of marriage,” “reasons for marriage,” and “understandings of cultural frameworks.” I developed these codes organically after listening to the stories of my interviewees.

While all of my interviewees discussed that the legalization of “same-sex” marriage needed to happen, they all had criticisms or critiques of the institution of marriage as a whole (as discussed in the Findings section). This interesting outcome led me to code these sections as “reservations of marriage” and to try to tell this emerging story. Similarly, many of the individuals discussed societal expectation of their lifecourse and how their current life trajectory did not align with that. I coded these sections as “understandings of cultural frameworks.” In the end, these codes were in an effort to better understand how these individuals came to understand marriage and how their LGBTQ identities affected this understanding. After highlighting sections of each of the interviews that fit these descriptions, I began to consider patterns and develop understandings of how these individuals understood and constructed marriage in their own lives.

FINDINGS

Cultural Schemas of Marriage

Many of the individuals spoke very negatively about what they perceived to be stereotypical ideas of marriage. Susana, a queer bisexual woman, stated that, “you meet this person, you get married, you have kids, you have a good job, you send them to school, and

eventually you retire and die.” She had this idea that there was a cultural schema and that she did not entirely buy into it. However, in some ways she did accept the cultural frameworks: “I know a lot of couples that have been together for seven years, eight years and they still have not gotten married...which is kind of odd, most people date for what, four years or something and then they get married?” In this way, she is reproducing the expectation of a specific length of time to be dating. Even her admission that an extended dating period is “kind of odd” gives us insight into how she perceives these different formations of relationships. Other individuals expressed a similar understanding of dating and marriage as a progression. Adrian stated:

You’re gonna go to school, you’re gonna go to college, you’re gonna find someone, you’re gonna date them, you’re gonna marry them, you’re gonna have kids, you’re gonna grow old together, you’re gonna be successful at your job...so I think there’s that road map and so there is pressure [to get married] because there’s those assumptions and those traditions and guidelines already in place.

Adrian understood these pressures and guidelines surrounding what it meant to have a “normal” life trajectory, but rejected it all the same. He states later that he doesn’t feel as much pressure anymore, because he has specifically told his friends that he has no plans to get married, so (to them) “get that out of your head right now.” Coleen thought about when she was younger and that:

’Younger me’ certainly thought ‘gotta get married and then have children’ and have a successful marriage too...gotta make all the right decisions. That was my goal, gotta get married by age twenty-one...and then have kids by twenty-five...and that didn’t work out. But there are some people that think that way.

In Coleen's situation, she was already in her late twenties. She was well away from this life plan that she had laid out for herself earlier and she recognized this. As she grew up, she realized that things were not working out the way that she or society had envisioned. Sharon had a similar life course envisioned for themselves:

I always assumed I'd get married, pretty much my whole life: high school, college, spouse, children, cool job...that was boring. As this point in my life, I'm twenty-eight and I'm not dating anyone, and I don't really want to date anyone currently. It's hard to tell if these things are socially ingrained and whether I actually want them for myself.

Marriage is kind of a maybe.

Sharon echoes these expectations that are shared by many of my respondents. We can see a clear picture of how these individuals expect conventional ideas of relationships and marriage to form. However, Sharon realizes that she has not conformed to these expectations. She feels some internal struggle about that mismatch, and uncertainty is left. For many of these individuals, there was a complex combination of accepting cultural schemas and rejecting them at the same time. Some of these rejections of the cultural schemas are discussed more below.

This is not to say that everyone had reservations or were dismissive of conventional schemas of marriage. There were a few individuals who did not have any issues with marriage and were in fact dismissive of individuals who got married for reasons other than love. Harrison, a middle-aged, white, gay man, said that, "if I were in a long-term relationship, I think [marriage] is a goal to strive for...when you get into a relationship...that's what you're working towards...and marriage is the ultimate testament to that." He later discussed that many people he talked to felt like marriage was also "kind of the end goal for them...to be married, have a family,

that type of thing.” For Harrison, marriage was a critical part of life and an important event in a relationship. Marriage should be something to work towards and achieve.

Reservations About Marriage

Many of the individuals I interviewed had several critiques or reservations about marriage. William, a black, queer man, said

I think marriage is a very dated concept. It really is very ritualistic. I think I love marriage as an idea. I think I also know myself as a person, and I know I tend to tire of people over time, and so it’s hard for me to imagine a relationship that lasts forever.

Although he agreed that marriage was a nice idea, he felt that it wasn’t realistic for him. He did not feel bound to these cultural schemas and felt that they weren’t for everyone. He explained that, “I think [marriage] puts too much pressure on a relationship a lot of times.” Additionally, he expressed a similar understanding of cultural expectations around dating and marriage as Susana mentioned in the previous section: “I can’t imagine meeting someone...and what is the average time to be dating someone...five years?...I think five years is good, like a decent amount of time...I can’t imagine being closer to them than I would be to my best friend, knowing her fifteen to seventeen years.” William had discussed how he was very close to his best friend and shared many experiences with her. Yet he could not understand why someone that he would have known for less time could be expected to be closer to him. His thoughts implied that an individual should be extremely close to a marriage partner.

Susana, a bisexual, Latina woman, felt that marriage ideas were changing as times changed: “I feel like marriage is not as important...it used to be necessary for passing on deeds or the last name or something. I feel like marriage is losing its importance in a way.”

Specifically, she was referring to ideas that marriage was vital for maintaining kinship for the purposes of inheriting property from generation to generation. For her, with power of attorney and legal structures today, marriage as a recognition of kinship is not as vital as it once was. She then accepted that she was part of these changing times:

I don't feel like I would need to be married to be happy with this person...it's important for people to have that choice, but for me, personally, right now, I feel like it wouldn't be important for me to not be able to get married, but it's good to know that it's an option.

She is stating that while the legalization of same-sex marriage is important. Having the option of being able to partake in the institution of marriage is a step in the right direction. However, that doesn't necessarily affect her understanding of marriage or her relationship. She feels that she does not need marriage in order to have a real relationship. She went on to say that she would get married once she decided to have kids.

A few individuals felt that marriage was coercive. Javier informed me that, "it's very coerced...I feel like people feel they're supposed to get married...'we've been married for four years, so it's about time, let's get married.'...'wow you sound really excited for it, lifetime commitment, let's go.'" Javier is touching on the idea of social pressure and its influence on marriage and relationships. For him, getting married is expected and almost required by society. Just as others have discussed, there are certain expectation and guidelines about how to go about relationships and that those strict guidelines make marriage feel forced. He discussed that the commitment was very important to him, but he did not need marriage for that. Coleen felt that the idea of marriage made her uncomfortable and that there were power dynamics (especially marriage to men) that made her wary of marriage. She echoed fairly closely many of the feminist reservations discussed earlier in the dissertation. This societally forced progression of

relationships and family life was a characteristic of marriage that led her to not necessarily want to engage with the institution. Especially if it was to a man, a group that has traditionally held power in these types of institutions. Just like Javier, she feels like this “traditional” idea of marriage is coercive.

Sharon, a white, asexual woman, on the other hand, had a more reserved judgment of marriage and some LGBTQ individuals’ responses to the push for marriage:

I do know people who get concerned about it all coming down to marriage. They worry about it being a heterosexual institution. I think that’s kind of a silly concern to have, just because that doesn’t have to be what marriage means at all. And if you don’t personally want to get married, that’s fine. In some ways, I think they’re more upset about it being reduced...rights being reduced down to the goal of marriage, which I can see is problematic. Any progress is good progress, as long as you don’t just settle when it’s done.

Sharon is pushing back against critiques of marriage equality from the standpoint that it makes individuals complacent or that LGBTQ individuals are now participating in a problematic institution. In her mind, these are baseless concerns. However, she does add at the end that progress doesn’t stop with just one victory.

Reaching the Personal Decision of Marriage

When asked what it would take to get married, Javier responded that if his partner suggested it and it would make them happy, he would do it. But that “he didn’t care.” For Javier, the marriage itself wasn’t important. What was important was their relationship partner’s happiness and sense of security. William also discussed that he would get married if “my partner

wanted to.” This was a reason expressed by several individuals in my interviews. They did not particularly want to participate in the institution of marriage themselves, but they were not averse to it. This was especially the case if their partner requested marriage.

In fact, none of the participants of the study said they would not get married no matter what. Everett, a white, queer individual, was very critical of the institution of marriage as a tool of oppression, but when directly asked if he would get married, after hesitation, he said, “I would do it, but I’m not devoted to it.” When asked under what circumstances he would get married, he said, “I guess the only reason I’d care to get married would be to play the system myself...if I could get more money, I would do that...I would get married to him here just so we could live together here.” He explicitly worried about money and housing and admitted that he would get married for those reasons. If marriage allowed him tax breaks or easier access to joint housing or any other ways to save money, he would do it for those reasons.

As noted above, Susana said she would get married when she decided to have children. Through studying her interview, it seemed the implication was that marriage was a prerequisite to her before having children. This, once again, is influenced by cultural schemas of marriage and family life. While in some ways she did not feel a necessity to get married as part of a committed relationship, she still felt that marriage was necessary for children.

There were a few individuals in my study that had just married recently. Talking with those individuals specifically, I discovered that for many of them, marriage was not even an institution that they intended on participating in; however, because of a particular, rational-choice reason, decided to engage in anyway. Getting married, for them, was a means to a rational end, without having substantial emotional or cultural importance for them. For instance, as discussed before, Toby and Sydney decided that once Trump was elected, they needed to get

married for medical and safety reasons. They had encountered many medical personnel who were dismissive of their relationship in terms of visitation and releasing information. Sydney discussed having chronic health issues and how those specific health-related marriage rights were important to them. With Trump elected, they worried that because of his conservative stances on issues, it might become harder to obtain a marriage license.

Coleen, a white, queer woman, decided to get married once it became clear that it would expedite her partner, Leyla's plans to become a citizen. Before their marriage, Coleen said,

The legal reason [for getting married] would be a prominent concern for me, just because...I'm seeing someone from [Eastern Europe] and if we wanted to live in America, it would be a much easier process if we got married...we could get married, she could become a citizen, it would be this magical thing.

For Coleen and Leyla, the citizenship rights that go along with marriage were central to their decision. In both of these examples, the couples had not originally intended to get married, or if they had, it was not a consideration in the immediate future. However, because of one event or another, they decided that it would be in their best interest to get married at that point. This aligns with what other interviewees have said: that they were not set on marriage (or even really wanted to get married), but that some events or requests would change their mind.

Getting Rid of Marriage?

For some interviewees, the very concept of marriage was repugnant, not just undesirable or unnecessary. As Coleen said: "It's a lovely idea to get rid of the conception of marriage versus different family structures...but there's no way that you're going to be able to educate policymakers to be inclusive of other types of committed partnerships than marriage." In this

quote, Coleen was highlighting that she felt strongly that people should be allowed to engage in any family construction they felt worked for them, rather than be beholden to societal norms. She later goes on to say that, “I think we should just get rid of marriage and find new terms...we’ll just change our culture altogether, just get rid of this idea of marriage and introduce something healthier.” These concerns align with feminist literature (discussed earlier) that critiques marriage as privileging one specific type of relationship in the United States today: that of one man married to one woman.

Other individuals also echoed the desire to replace marriage with something new or do away with it altogether. William stated:

I think [marriage] is important historically. I think marriage is one of those things that I could never imagine getting rid of. I could imagine getting rid of the systematic benefits of marriage...maybe not getting RID of the systematic benefits of marriage, but maybe enabling more people to engage in those [benefits] without the idea of marriage. I think we really need to queer the idea of marriage in general. Also, I think [marriage] is rooted in this very heteronormative, loving narrative, which I think is complete bullshit anyway.

To clarify his standpoint, he made sure to state that they thought the idea of commitment was excellent and that the general idea of marriage and commitment was not what they disliked.

With this statement, William is discussing a broadening of the idea of marriage. He is uncomfortable with the narrow definition that marriage encompasses and wants other individuals who don’t necessarily fit the traditional narrative of a “married couple” to be able to take part in those benefits as well.

When asked whether marriage should be a legal concern, Leyla responded in the negative. “Legal, illegal...who gets to decide that...who gets to decide whether my wishes are

legal or illegal.” Specifically, she is responding to debates as to whether same-sex marriage should be legal or illegal. She felt that marriage should just be a personal decision between people. She also felt that marriage being a legal concern was a result of economic necessity for women in the past and that today, women have more autonomy and therefore this link to legality should be done away with.

Marriage as a Non-option

For a long period of time, marriage had not even been an option for many queer individuals. They could engage in what the courts perceived as “opposite sex” marriages, or no marriage at all. Coleen admitted that “I didn’t think that queer people would be allowed to get married in a time that would be viable for me.”

This aligns with the sentiments of a few other of my interviewees: that they did not expect marriage to be legalized in a reasonable amount of time for them to partake in it. Specifically, they were not sure whether they would have to go through their entire lives without same-sex marriage being legal. Even if they had a partner with whom they had spent many years, they did not think the law would ever allow them to marry. As the political, social, and legal landscapes changed, however, they were surprised that same-sex marriage did, in fact, become legal during their lifetimes.

These individuals had to establish their relationships and continue on with their lives without access to marriage, or even the potential access to marriage in the future. As I discussed before, many of my interviewees understood these cultural schemas of growing up, establishing relationships, marrying, and having children. However, they had to live their relationships without the institution of marriage.

DISCUSSION AND CONCLUSION

Discussion

Rich's compulsory heterosexuality (1980) is evident in many of the stories that my interviewees have told me. It is clearly represented in their understandings of the expected transitions of adulthood: relationships, marriage, and children. While LGBTQ individuals have access to relationships (although not as publicly for fear of physical safety in certain intersections of place and identity), until recently, they did not have access to marriage, and in some states, they still may have difficulty having children. The status quo was heterosexual marriage and child-rearing. This assumption was not only evident in media and society at large (1980), but also in the law itself in the illegality of same-sex marriages. When Coleen discussed that her life plans of marriage and children didn't work out, she is expressing an understanding of these compulsory narratives that privilege heterosexual relationships over other types of relationships.

How the interviews have rejected this compulsory heterosexuality is complex. While on one hand they realize and understand these life trajectories, they each have had to come to terms with the idea that they may not be privileged to these compulsory frameworks based on their sexuality. Many of the interviewees expressed disdain or disinterest with the idea of marriage. This is similar to the respondents in Hull's (2006) study who expressed their concerns or critiques of the institution of marriage. This is a direct response to the conflict of compulsory heterosexuality and their own sexual and gender identities.

And yet, these individuals also express an understanding that marriage is a romantic connection in some way. Explicitly, they would engage in the act of marriage for immigration purposes or for medical reasons, but it would begin with a sense of companionship and caring for the other individual. Susana stated that, "the biggest issue I have is that you get all these legal

benefits, and that's not even why you did it. You know, most people now get married for insurance. I had a couple friends that that's why they got married." She perceived that many people decided to get married because of these types of utilitarian reasons.

However, her view was that the fundamental impetus for marriage was this connection between people. While utilitarian reasons were commonly given as to why individuals would get married (money, housing, medical care, safety), there were also more personal reasons. There were several individuals who stated that they would get married if their partner requested it. They explained that their partner's happiness was very important to them and it would override their aversion or indifference to marriage. This aligns with respondents in Richman's (2014) study who were focused on primarily legal, utilitarian reasons for marriage.

While I shaped a section of my interview schedule around Richman's (2014) categories (practical, social, political, and romantic), the stories of my respondents aligned with these ideal types. Practical reasons for getting married were commonly given in the interviews, but romantic understandings were usually there as well. Very few individuals stated political reasons as primary reasons for getting married, however, when prompted, some of them did think of marriages as political.

Finally, many of the individuals I interviewed mentioned altering the way marriage worked or getting rid of it entirely (though not all, there were a few people who liked marriage just the way it was). These individuals echo many of the feminist critiques that were discussed in a prior chapter (Chambers 2005, Duggan 2008, Yep, Lovaas, and Elia 2008, Marso 2010, Wilson 2010, Humble 2013). The privileging of specific types of relationships and feelings of societal coercion were discussed by a number of my interviewees.

Conclusions

I want to make clear that every individual explained that marriage rights for LGBTQ individuals are important. This chapter investigated their perspectives to gain insight into in what ways and why they are important. In viewing marriage rights as important, no one asserted that extending marriage rights was unnecessary or wrong. Having the same legal and social benefits as non-LGBTQ individuals was significant for all of my interviewees. However, they were not uncritical of the institution of marriage.

Many LGBTQ individuals had to establish the realness of their relationships without legal recognition for so long (Hull 2006). Why many of my respondents expressed uncertainty about the act of marriage may be no surprise then: legal recognition would then just be an unnecessary extra. They perceived that for straight individuals, part of the normal cultural progression after dating and romance was to get married. This cultural context was not exactly the same for LGBTQ individuals. This is not to say that LGBTQ did not understand or feel left out from cultural conceptions of marriage and relationships.

However, they had to determine their relationships in other ways. Indeed, many of the participants expressed understanding of what they perceived as the “normal” cultural progression from relationships, to marriage, to children. Rich’s (1980) compulsory heterosexuality at least partially explains these understandings that my participants had. When Coleen discusses her younger self and her desire to get married and have children, she is feeling this compulsion. As she got older however, she begins to critique these institutions she had been so sure she would engage in. When it specifically came to conceptions of marriage, they had many reservations or conditions. With the institution of marriage withheld from them for much of their lives, they could not access those legal or religious agreements that their straight peers could. A number of

individuals in my study, like Toby and Sydney, felt the act of engaging in an LGBTQ relationship or marriage was radical in and of itself. This aligns with Harding's (2010) statements that LGBTQ marriage can be an act of resistance.

Specifically, this chapter contributes to the larger body of research in that I probe the complex relationship that LGBTQ individuals have with marriage in this pivotal time. While marriage is currently legal in the United States, these individuals did not grow up in a time when it was. Individuals that grow up after this point may not have these same concerns or questions specifically because they would always have access to marriage. The purpose of this study was to clarify and bring light to the ways that LGBTQ situate themselves in regards to marriage shortly after the legalization of "same-sex" marriage. While all of these individuals agreed that "same-sex" marriage was important, my study uncovers the myriad understandings and relationships that LGBTQ individuals have in this time. While other studies have considered these relationships, mine looks at these relationships from the perspective of post-same-sex marriage legalization. Additionally, I center the LGBTQ individuals, themselves, in this discussion in order to have their stories be the foundation of this research.

Further Research

It would be interesting to study why some individuals have reservations about marriage as an institution and others do not. What exactly leads an individual to have these feelings? More evidence is needed to fully investigate how being a member of a minority community influences these individuals' impressions of marriage. I have set up the groundwork for an argument as to why this holds true for LGBTQ individuals, but what causes the variation in ideas that I saw?

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CHAPTER 5: CONCLUSION

INTRODUCTION

Through this dissertation, I hoped to convey a better understanding of how LGBTQ interact with the institution of marriage. This is a new area for research in the United States, as marriage has only been legal for a few years for same-sex couples. At the start of this research process, marriage had not yet been legalized, and research was just starting to be published on the complicated legal status of same-sex marriage.

As I conducted my interviews, same-sex marriage had just become legalized. This is a testament to how quickly legal statuses can change and how quickly social expectations can change with them. By collecting these data now, I was able to investigate a particularly interesting period within United States history. This type of research could not have been done even just two years prior in the United States.

One caveat to address with this research is the lack of diversity within the sample. In particular, most interviewees in this study were white, usually under thirty-five years of age, and the majority were male. Indubitably, age, race, and sex affect many aspects of one's experiences and one's perspectives. However, while this near-homogeneity limits how broadly I can discuss the data's implications, I believe that analysis of what the interviewees said nevertheless provides fascinating explorations into LGBTQ perspectives.

SUMMARY OF FINDINGS

LGBTQ individuals think about marriage in many different ways. They have a variety of opinions about marriage, a variety of understandings of its purpose, and a variety of

understandings about how it works. Some LGBTQ individuals unquestionably would like to get married, others were hesitant but decided to anyway, and still others do not really see marriage in their future. For this dissertation, I focused on a few major concepts: LGBTQ identity, place, legal consciousness of marriage, and marriage frameworks.

LGBTQ Identity

The identities of my interviewees as part of LGBTQ communities has fundamentally shaped their perspectives and understandings of marriage. Benefits like tax breaks, medical benefits, and death benefits were discussed by many of my interviewees. In fact, much of what many LGBTQ individuals know about marriage comes from the specific campaigns that put out material to help push for the legalization of same-sex marriage. By being LGBTQ, it was argued that these ideas were particularly relevant to their own lives. Additionally, their LGBTQ identity had an effect on their legal consciousness, discussed below.

Place

Place has also had a large impact on my interviewees' conceptualizations of marriage, although in complex ways. Place factored into how individuals came to understand marriage (and also how they speculated others came to understand marriage). There were two major variations of place that I determined in my research. These variations were urban/rural, and region.

The urban/rural divide was noted throughout my interviews. There were several reasons for this that were put forth, including religion, conservatism, and even pace of life. Many of the individuals understood rural life to be more focused on family and traditional avenues of

marriage. They therefore were more unaccepting of alterations in their viewpoints of marriage. On the other hand, individuals that lived in urban areas were seen as less interested in marriage in general or more accepting of variations on traditional ideas of marriage. In terms of pace of life, a few people made the comment that people in Chicago were just too busy to be concerned about marriage.

Variations based on region were also centered on similar explanations. Many of the interviewees suggested religion and conservatism as primary factors into how people viewed marriage based on region.

In terms of place, this dissertation's specific contributions are that while it seemed that place did not have an effect on individuals' ideas and understandings of marriage, it had an effect on the interviewees' perspectives on the world around them. The research I conducted aligns with Powell et al (2010) and Brekhus (2003) in that differences in identities and understandings based on region exist, however my research shows that there is more going on. The LGBTQ individuals in this study show an understanding of these regional differences, but seem to live outside of their immediate effects. What I mean by this, is that my interviewees considered the social landscapes of the places around them as they made decisions about marriage, as well as about their own identities. However, many of the individuals spoke of these regional differences as something outside of and unrelated to their own perspectives. My research considers these patterns at a time when marriage laws were changing on a national scale.

Thus, while regional differences might have key effects, the legal focus at the federal- or national- level shifts the socio-legal discussion away from regional differences. Nevertheless, individuals' own places and geographic backgrounds informed how they interacted with the

evolving federal law. Just as my interviewees' regional perspectives affected their identities and legal consciousnesses, so too did the individuals in Leamaster and Subramaniam's work (2016) experience and perceive the world differently based on their regional locations. This work, therefore, contributes to the discussion of the importance of place as one of many factors contributing to people's identities, priorities, and legal consciousness.

Legal Consciousness of Marriage

Both LGBTQ identity and place have had impacts on the legal consciousness of my interviewees. Legal consciousness, or the way that individuals understand and conceptualize the legal aspect of marriage, provides a unique avenue of understanding the daily, lived experiences of LGBTQ individuals. By investigating the conceptualization of LGBTQ individuals, we get an idea of what is important to these minority groups as well as ways in which they integrate new information into their understandings of overarching institutions.

By utilizing Ewick and Silbey's (1998) schemas of "before the law," "with the law," and "against the law," I was able to contextualize much of what my respondents said with current research. Most of the respondents had understandings of marriage that aligned with "with the law" and "against the law" schemas. Some of these individuals saw marriage as a useful tool to garner legal benefits, such as citizenship status or medical benefits. Some of the more marginalized individuals saw it as essential for survival. Other individuals wanted to do away with the whole institution of marriage. They saw it as unnecessarily restrictive and marginalizing (especially in light of the fact that it has traditionally been used to restrict rights of minority individuals).

Additionally, considering Harding's (2010) frames of resistance, we can clearly see stabilizing and moderating forms of resistance in the responses of my interviewees. One prevalent idea was that being queer and engaging in marriage was a form of moderating resistance. This was especially the case for the more marginalized individuals (minority racial groups, trans individuals) in my study. They felt that simply the act of marriage (with their identities and bodies) was enough to be considered a form of protest. They were hopefully changing the system from within. Even though they were using conventional institutions and following along with the law, they were engaging with the institution in new ways.

In terms of legal consciousness, the contributions this dissertation makes are an investigation of LGBTQ understandings of the legal aspect of marriage at a particularly critical time period: just after the legalization of same-sex marriage in the United States. I add to the literature by providing a nuanced and diverse picture of understandings of marriage within LGBTQ communities at this time. Like Richman (2014) before me, I investigate these understandings from the perspectives of the marginalized group that they same-sex marriage laws affect. However, where she focuses on two specific areas, one in California and one in Massachusetts, I focus on a larger region of the country: the Midwest. Additionally, my study is not on two areas that are isolated "islands" of marriage rights in the country, but in a region within a United States with legalized same-sex marriage. Now that marriage is a real possibility for my interviewees no matter where they live in the United States, they related to me their worries and their concerns about the institution and the process of marriage.

I also connect Ewick and Silbey's (1998) schemas and Harding's (2010) schemas to my work. I found support for all three of Ewick and Silbey's categories as well as Harding's frames (save fracturing resistance). None of my respondents exhibited perspectives aligning with

fracturing resistance, although that is very likely a relic of my methodology and sampling. In connecting this research, I provide support for these ideal types, even in the specific time period of the nascent legality of same-sex marriage in the United States.

Lastly, my work also provides support for Hull's (2006) research on LGBTQ individuals and marriage. All of my interviewees agreed that same-sex marriage was important to legalize, but they enacted marriage and relationships in a variety of different ways. This is similar to Hull's findings of the importance of the issue, but the complexity and diversity in how various members of the LGBTQ committee embraced, interacted with, and interpreted it.

Marriage Frameworks

Finally, being a member of LGBTQ communities has also had an impact on how these individuals fundamentally view marriage. By being marginalized for so long (specifically in terms of marriage), many LGBTQ individuals had to self-determine their own relationships and what these relationships meant to them. While these individuals understood cultural schemas around relationships and family, in terms of marriage specifically, they were less set on standard societal expectations.

In fact, many of these individuals stated that, if left up to their own devices, they would not engage with the institution of marriage. Even those LGBTQ individuals that were part of my study that had recently been married stated that they only got married for a specific, utilitarian reason. To them, marriage was a means to an end, and not necessarily a natural progression in a relationship.

Once again, this is to say that not all of my participants felt this uncertainty regarding marriage. There were several white, gay men who felt that marriage was part of the normal progression of a relationship and that they would someday like to be married.

This dissertation contributes to general marriage research by considering how LGBTQ individuals conceptualize marriage and why LGBTQ individuals do not get married. LGBTQ individuals were, until recently, denied the opportunity of marriage. They are in a position where they have to reinterpret an institution as it changes around them. I capture this reinterpretation of marriage within LGBTQ communities at this critical time in United States history. I give voice to these individuals that have concerns and critiques of marriage, as well as showcase their stories.

We can see Rich's (1980) ideas of compulsory heterosexuality evident in my interviewees' stories. The assumptions of their "traditional" marriage and life trajectories permeate their understandings of themselves and the world around them. However, many of the individuals in my study recognize these social pressures and have pushed back against them. Some of them are more explicitly resistant than others, but in not engaging in marriage or engaging in a queer marriage, they are resisting these ideals of compulsory heterosexuality.

This resistance harkens back to Harding's (2010) frames of resistance. My findings from the LGBTQ community further illuminate how these frames of resistance work to challenge mainstream assumptions about family and the life course. I build on and extend Harding's (2010) theory by exploring these additional ways frames of resistance can empower minority communities, such as LGBTQ.

FURTHER RESEARCH

As stated a few times throughout this dissertation, a more robust and extensive pool of interviewees could potentially provide more interesting variations in responses and more complex patterns in regards to the topics discussed. Additionally, quantitative research on overarching patterns and understandings would be very helpful to investigating these ideas more fully. For instance, what demographic characteristics contribute to these differing understandings of marriage? How are legal concerns related to identity and place on a larger scale? My research provides a starting point and a framework for future studies on these different patterns.

It is my hope that this dissertation can shed light on some of the lived experiences of LGBTQ individuals. While this dissertation is not a complete description of every interaction that LGBTQ individuals have with the institution of marriage, I have captured some of the fears, reservations, and hopes of LGBTQ individuals with a new access to marriage at a critical moment in United States history. Part of the purpose of this dissertation was to highlight that ideas of marriage are not monolithic within LGBTQ communities. In fact, there are as many different ideas and understandings of marriage as there are individuals. However, there are definite patterns in these ideas centered on the identities of these individuals as well as the places that these individuals live in. Potentially, a better understanding of these patterns can provide for a better understanding of LGBTQ individuals specifically, and minorities, generally.

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APPENDIX A: TABLE OF PSEUDONYMS

Table 1: Table of Pseudonyms and Associated Characteristics

Pseudonym	Race	Gender	Sexual Orientation	Originally Resided	Currently Resides
Toby	white	queer	queer	Rural Texas	College-town Indiana
Scott	white	man	gay	Indiana	Indianapolis
Susana	Latina	woman	bisexual	South America	Chicago
Erica	black	woman	lesbian	Chicago	College-town Indiana
William	Black	man	queer	Indianapolis	College-town Indiana
Joey	white	man	gay	Small-town Indiana	Louisville
Coleen	white	woman	queer	St Louis suburbs	College-town Indiana
Elizabeth	white	woman	bisexual	Wichita	Chicago
Harrison	white	man	gay	Idaho	College-town Indiana
Sharon	white	woman	asexual	Atlanta suburbs	Chicago
James	white	man	gay	Atlanta suburbs	Atlanta
Leyla	white	woman	queer	Eastern Europe	College-town Indiana
Walker	White	Man	Gay	Small-town Illinois	Small-town Illinois
Javier	Latino	Man	Gay	Central America	College-town Indiana
Everett	White	Man	Gay	Indianapolis	College-town Indiana
Adrian	White	Man	Gay	Small-town Kentucky	College-town Indiana
Dominik	White	man	gay	Central Europe	College-town Indiana

Table 1 continued

Sydney	White	Queer	Queer	Small-town Texas	College-town Indiana
Levi	white	Trans man	Queer	Small-town Missouri	College-town Indiana

APPENDIX B: INTERVIEW SCHEDULE

A.) Orienting Questions:

Are you from around the area?

-->What brought you to Chicago/Indianapolis?

How did you get involved in the center?

-->Are you at the LGBT center often?

-->What is your role here at the center?

What do you think of the LGBT center?

-->What keeps you coming?

-->What is your most/least favorite thing about the center?

Do you know many people in the (LGBT) community here at the center?

-->Do you know a lot of people in the community that do not come here?

B.) Identity and Sexuality

How do you identify?

-->How would you define your sexuality?

Are you ever worried that people will judge you based on your sexuality?

-->When do you feel this way?

-->How often do you feel this way?

Does this change in different places?

-->Chicago/Indianapolis compared to elsewhere?

Are you worried your sexuality will affect how you're treated?

-->In terms of marriage?

-->In terms of medical treatment?

-->In terms of your workplace?

-->In terms of getting benefits?

Are you worried your identity will affect how you're treated?

-->In terms of marriage?

-->In terms of medical treatment?

-->In terms of your workplace?

-->In terms of getting benefits?

C.) Media and Same-sex Marriage

Do you feel that same-sex marriage has seen an increase of attention lately?

-->How do you feel about the increased attention to same-sex marriage?

-->Why do you think there is an increase?

-->Where do you think this attention is primarily coming from?

What benefits do you think this increased attention brings to LGBT communities?

-->Does it benefit you personally? How?

-->Have you seen it benefit others you know? How?

What drawback or consequences do you think this increased attention brings to LGBT communities?

-->Do these problems affect you personally? How?

-->Have you seen these problems affect others you know? How?

D.) Opinions about Marriage

How do you feel about marriage in general?

-->What are benefits? What are drawbacks?

-->Do people overestimate its importance?

-->Do people make it out to be more or less important than it is?

What is your opinion of rights being extended to same-sex couples?

-->What are benefits? What are drawbacks?

-->Do people overestimate its importance?

-->Do people make it out to be more or less important than it is?

Do people in (Chicago/Indianapolis) think about marriage differently than other people?

-->Why?

-->How are they different?

-->How are they the same?

E.) Legal Consciousness

Is marriage important to you?

-->Why or why not?

-->Is it important in general? To you?

--> Do you want to get married some day?

(If against marriage) Have you ever felt pressured to get married by a

Partner?

-->What was their reason?

-->What happened?

-->How did you feel?

(If pro marriage) Have you ever dated anyone that you wanted to marry that was against marriage?

-->What was their reason?

-->What happened?

-->How did you feel?

Does the local community here think about marriage in similar ways to you?

-->Does anyone think differently? Who? Why?

Do you think marriage should or should not be a legal concern?

-->Is marriage legally defined like it should be? If not, how should the law define marriage?

-->Should there be any requirements?

What would it take for you to want to marry someone?

-->What do you think are good reasons for getting married?

As a right (practical aspects of marriage)

What is your understanding of the rights that go along with marriage? (*rights*: the legal benefits that go along with marriage)

-->How?

-->In what ways?

-->What should be added as a right that isn't already?

-->What is currently a right that shouldn't be?

-->Are having these rights practical?

-->Where did you learn about these right? When?

-->Does the local community here think the same way?

As a protest (focusing on the political dimensions of marriage)

Do you think that marriage is political?

-->How?

-->In what ways?

-->Do many other people think this way?

-->Is marriage only political for members of the LGBT community?

-->Does the local community here think the same way?

Do you feel that marriage is a form of protest?

-->How?

-->In what ways?

-->Does the local community here think the same way?

As a validation (on legitimizing ability of marriage)

Does your relationship become more real after you are married?

-->Did an inability to get married make you feel like a second class citizen?

Do you feel that there are social consequences for marriage?

-->How?

-->In what ways?

-->Should marriage have these social consequences?

-->Does the local community here think the same way?

As personal (focusing on interpersonal interactions of marriage)

Is getting married romantic?

-->How so?

Do you feel that marriage is primarily about love?

-->Should it be?

F.) Development of Legal Consciousness

Where did you develop your ideas of marriage?

When did you start to make decisions about how you thought about marriage?

-->What made you think about it? Why?

Out of the different aspects of marriage that we've discussed, do you feel that some are more important than others?

-->Why?

-->Can you point to specific examples as to what led you to feel this way?

Have you kept track of federal and state politics concerning marriage and same-sex marriage?

-->If so, how do you usually keep track?

-->How does the state view marriage?

-->How does the state view same-sex marriage?

Have local and state politics influenced your ideas of marriage?

-->Is it different in Chicago/Indianapolis? In your local community?

Do you feel your identity has influenced your ideas of marriage?

-->How so?

G.) Closing Questions:

Is there anything else you'd like to add about some of the things I've asked?

Demographic Questions

Are you married? How long have you been married?

What race do you consider yourself?