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Same-sex marriages and partnerships in two pioneer countries, Canada and Spain

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Short abstract

The legalisation of same-sex marriages in 12 countries around the world, together with the legal recognition of same-sex partnerships in other 21 countries has considerably changed the marriage institution worldwide (Cherlin 2004). Some authors consider that same-sex marriage is not only a major legal change but also a real new social phenomenon (Chamie and Mirkin, 2011). Nevertheless, the difficulties in enumerating same-sex couples with available official data (Festy 2007) make it difficult to evaluate really the incidence of same-sex nuptiality. In this paper, we focus on Canada and Spain, two countries that legalized same-sex marriage in 2005, just after the two pioneers, Belgium and The Netherlands. We use marriage records (2005-2010) and census microdata (Spain 2001 and Canada 2006). First, we review previous literature in order to discuss the limits of enumerating same-sex couples with census data and marriage records. Second, and taking these limitations into account, we try to understand how prone are gays and lesbians to marry when they have the choice to do so by comparing the incidence of heterosexual and homosexual non-marital cohabitation. Third, we analyze the socio-demographic profiles of same-sex partners and spouses.

Extended abstract

Background: Same-sex couples legalisation and enumeration

In July 2005, Spain and Canada became respectively the third and the fourth country in the world, after the Netherlands and Belgium, to legalize same-sex marriages nationwide. After them, Argentina, Iceland, Norway, Portugal, South Africa, and Sweden followed. The U.S. and Mexico also changed their legislation but only in some of their states. The legalisation of same-sex marriages in these 12 countries was accompanied by the legal recognition of civil unions and registered same sex couples in 21 other countries¹. These widespread legal innovations obviously implied a widening of the civil rights of all citizens regardless of their sexual orientation (Festy 2006). Moreover, they considerably changed the marriage institution worldwide (Cherlin 2004).

Nevertheless, this wave of legal change was not followed by a general increase in same-sex nuptiality indicators in official statistics (Festy 2007; Black and Gates 2000). Obviously, marriage records adapted their classifications to distinguish two different types of marriages according to the sex of the spouses, even if some statistical offices do not publish yet the disaggregated figures. The main problem lies in producing relative indicators out of the crude figures of marriages. First, it is difficult to establish a good denominator identifying the population at risk or the reference population. Second, after a radical legal change, the levels in the first year might be clearly inflated by the cumulated delay (spouses having waited to get married while it was not permitted) and by the effect of marriage migration (spouses travelling to get married where it is legal).

Things are not easier in the enumeration of the stock of couples. The low prevalence of same-sex couples in the population clearly limits the possibility of sampling: “when small populations are to be counted, surveys are not adequate tools” (Festy 2007). Therefore, population registers and censuses appear to be the best data sources, but they have only recently started to provide some useful data. The 2006 Canadian census is the only one having used a specific response item for same-sex couples, whereas the rest have relied on kinship relations in the household. By doing so, they have faced severe problems caused by (i) reporting errors in the sex of the spouse (which leads to overestimation of same-sex couples) and (ii) the fear to report a stigmatized condition, despite of the confidentiality guarantees (which leads to underestimation). The 2001 Spanish census was clearly affected by this underestimation effect (Cortina, Cabré 2010) while the US Census Bureau had to produce new same-sex couples estimates (from 900,000 to 650,000 couples) after having identified severe overestimation problems in the 2010 census (Gates 2010; O’Connell and Feliz 2011).

Research goals: Same-sex marriage vs. same-sex non-marital cohabitation in comparative perspective

In this paper, we first review previous literature in order to discuss the limits of enumerating same-sex couples with census data and marriage records. The international perspective adopted in the paper should allow evaluating, for example, how the different census questionnaires perform in their task of enumerating a small population such as same-sex couples.

Second, and taking these data limitations into account, we try to understand how prone are gays and lesbians to marry when they have the choice to do so, by comparing the incidence of heterosexual and homosexual non-marital cohabitation. Even if some authors consider that same-sex marriage is not only a major legal change but also a new social

¹ Andorra, Austria, Brazil, Colombia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greenland, Hungary, Ireland, Isle of Man, Liechtenstein, Luxembourg, New Zealand, Slovenia, Switzerland, United Kingdom, Uruguay.

phenomenon (Chamie and Mirkin 2011), further research is needed to establish whether same-sex partnerships rather than marriages arise as the real new social phenomenon. In table 2 we see that 17% of the same-sex couples enumerated in the 2006 Canadian census were married spouses as were 20% of the US same-sex couples in 2010. These proportions seem rather large considering that marriage is legal in Canada only since 2005 and only in several US states (and in some of them, only very recently). However, these figures are a first step in the attempt to obtain better indicators of the intensity of same-sex nuptiality.

Third, we are interested in describing the socio-demographic profile of same-sex spouses and partners, together with their family structure (whether they reside with children or not) and couple composition. Previous research has shown how in Spain, like in many other countries, marital homogamy, in terms of age, education and nationality, tends to be lower in those couples than in heterosexual ones (Cortina and Cabré 2010; Jepsen and Jepsen 2002; Kurdek 2004; Andersson and Noack 2006; Schwartz and Graf 2009). This should be tested in the Canadian case as well.

Data

We analyze marriage rates and socio-demographic profiles of same-sex partners and spouses in Canada and Spain, two countries that legalized same-sex marriage in 2005, just after the two world pioneers, Belgium and The Netherlands.

The appropriated data for our analysis are the Canadian and Spanish marriage records for the period 2005-2010. Apart from the aggregated marriage figures (see Table 1 below), these data sources allow the analysis of the spouses' profiles and couple composition by the following spouses' characteristics: age, sex, educational level, country of birth and previous marital status.

As we are not only interested in same-sex couples marrying but in those cohabiting as well, we will rely complementarily on population censuses microdata: 2001 Spain and 2006 Canada. These two censuses were the first in each of the countries to enumerate same-sex couples. Interestingly enough, each one used different methodology to do so. The Spanish one did not ask specifically about same-sex partnerships but simply allowed two people of the same sex to identify themselves as partners in the section establishing the relationship with the members of the households. The Canadian one, instead, did include a specific response item.

Table 1. Same-sex marriages as a percent of total marriages

	Belgium	Netherlands	Spain	Québec
2001		2,9		
2002		2,1		
2003	3,1	1,9		
2004	2,5	1,6		1,2
2005	2,4	1,6	1,1	2,0
2006	2,5	1,7	2,2	2,8
2007	2,5	1,9	1,6	2,1
2008	2,3	1,9	1,8	2,0
2009	2,4	1,9	1,9	2,3
2010		1,8	2,1	2,3
Total period	2,5	1,9	1,8	2,1

Source: Belgium: Central Bureau of Statistics; Netherlands: Statline, Central Bureau of Statistics; Norway: Central Bureau of Statistics; Spain: National Statistics Institute; Québec: Institut de la Statistique.

Note: data from Québec and not from Canada are presented here because Statistics Canada does not publish series of marriage by sex of the spouses.

Table 2. Proportion of same-sex couples over total couples (census data)

	Spain 2001	Canada 2006	USA 2010
Same-sex couples	10.474	43.350	646.464
Males	6.996	24.740	313.577
Females	3.478	20.610	332.887
Proportion males	66,8	57,1	48,5
Proportion married*	-	17,2	20,4
Opposite- sex couples	9.500.603	7.482.780	116.069.828
Same-sex over total x 1000	1,1	5,8	5,5

Source: Spanish National Statistics Institute; Statistics Canada, US Census Bureau

*Note: same-sex marriage was not legal yet in Spain in 2001. Only 9 US states have legalized same-sex marriage.

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