

EXECUTIVE SUMMARY

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

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This document summarizes “I Do, But I Can’t: The Impact of Marriage Denial on the Mental Health and Sexual Citizenship of Lesbians and Gay Men in the United States,” a pivotal study that will be published in March in *Sexuality Research and Social Policy: Journal of NSRC*.

Marriage is a fundamental institution in American culture that rewards participants with social advantages in multiple forms. Unlike mixed-sex couples in the United States, same-sex couples are denied the tangible and intangible benefits of marriage, a deprivation that restricts their citizenship and hinders their mental health and well-being.

A momentous debate now surrounds the extension of marriage rights to lesbians and gay men. Should that debate be framed solely in human rights terms, or should scientific evidence from psychological and mental health studies also support such advocacy? Conclusive scientific evidence compels us to highlight the psychological and social harm done to gay men and lesbians by denying them access to marriage.

Courts have previously used data regarding mental health and well-being as a long-term test of the impact of discrimination. For example, negative mental health effects were vital to arguments made against education segregation laws.

Policymakers should be concerned about the impact the denial of marriage has upon the mental health and well-being of gay men and lesbians. We argue that this harm calls for immediate rectification of laws and policies to allow same-sex marriage.

Key Findings

This systematic review of research literature analyzes the historical and cultural factors serving to maintain discrimination in marriage. These issues are explored from the dual perspectives of the social sciences and psychiatry/psychology.

Well-being, mental health, and marriage

The correlation between marriage and well-being is robust. Marriage provides a critical context for the realization of individual potential via the social opportunities afforded to adults to fully develop capacities for love, care, and self-transcendence. Typically, marriage leads a couple toward greater social engagement in the community and, concomitantly, to greater rights and duties. In this way, modern marriage, particularly in the United States, grants couples the full privileges of citizenship. Many lesbians and gay men have expressed an interest in being legally married, and the realization of this deep interest is likely to translate into an enhanced sense of well-being. As is true for heterosexuals, however, marriage for same-sex couples will have variable meanings and mental health significance for specific individuals.

According to studies:

- On average, married individuals have better mental health, more emotional support, less psychological distress, and lower rates of psychiatric disorder than the unmarried (see Ross, Mirowsky, & Goldstein, 1990; Umberson & Williams, 1999; and Waite & Gallagher, 2000, for reviews).
- Marriage in Canada and the United States is uniquely associated with benefits that are linked to psychological health, e.g. income tax benefits; inheritance, insurance, and survivorship rights; power to make medical decisions on behalf of a spouse (Rutter & Schwartz, 1996).
- Married individuals report more emotional support and are more likely to have a close confidant than the unmarried (Gerstel, Riessman, & Rosenfield, 1985; Ross & Mirowsky, 1989; Turner & Marino, 1994; Umberson, Chen, House, Hopkins, & Slaten, 1996). The effects of emotional support seem to provide protection against the negative health consequences of stress (Thoits, 1995).

Marriage, heterosexuality, and sexual citizenship

Historically, Americans seemed to regard marriage as a “God-given but also a civilized practice, a natural right that stemmed from a subterranean basis in natural law” (Cott, 2002, p. 9). Because marriage was widely perceived to be natural, it was difficult to amend. Public preservation of marriage became associated with private life and more broadly with the requirement of heterosexuality for citizenship. In its denial of marriage for same-sex couples, “Civil society can be conceptualized as a heterosexual construction that serves to make entry into the public realm ... very difficult for those whose sexual lives are judged ‘immoral’” (Hubbard, p. 55). Immorality in this rhetoric is a proxy for an older idea that homosexuality is mentally abnormal, a disease or a sin. In this view, gay men and lesbians are rendered “partial citizens” (Richardson, 1998).

According to studies:

- Heterosexual networks are subtle but critical mechanisms that support marriage. A case study of a town in rural Oregon (Stein, 2001) revealed how heterosexuals routinely relied on churches, schools, and neighborhood visibility to secure or enhance jobs, access social support such as child care, and form local political alliances. A same-sex couple residing in the same town was shut out of this structure of opportunities.
- Meyer (1996) refers to opportunity structures that permit or prevent individuals from realizing culturally prescribed goals and define legitimate means of achieving these goals. In an earlier formulation of opportunity structure (Merton, 1957), minority group members were seen as disadvantaged in attaining monetary success because of exclusion from common social structures. For lesbians and gay men, marriage denial leads to a similar minority group disjunction between goals and opportunities.

- Mays and Cochran (2001) found that the experience of discrimination among lesbians and gay men had harmful effects on quality of life and increased the chance of having psychological distress.
- Mental health studies were included in the amicus briefs for *Lawrence v. Texas* (2003), which decriminalized private, intimate same-sex sexual relationships between consenting adults.

The psychosocial fitness of lesbians and gay men for marriage

Marriage denial to same-sex couples in the United States has been based in part on assumptions about the immorality and sexual promiscuity of gay men and lesbians. Such cultural stereotyped attitudes have undermined the full sexual citizenship of millions of individuals and have reinforced the claim that the instability of same-sex couples makes lesbians and gay men unfit for marriage. However numerous studies have shown that a significant number of lesbians and gay men form committed long-term relationships and, of these, many raise children. In a recent position statement supporting civil marriage for same-sex couples, the American Psychiatric Association (APA) noted that long-term spousal and family support, which marriage rights would strengthen, enhance physical and mental health at all stages of childhood development. We also note that the fitness for marriage and parenthood of mixed-sex couples is almost never sufficient justification to prevent them from marrying.

According to studies:

- Kurdek (2003) found that there were far more similarities than differences in the psychological attributes and advantages associated with being coupled in same-sex and opposite-sex relationships.
- Peplau (1991) reported that lesbians and gay men in general were no more likely to experience dissatisfaction in their relationships than heterosexuals.
- A study on children raised in same-sex families (Wainright, Russell, & Patterson, 2004) showed that American adolescents with same-sex parents had the same personal and school adjustments as adolescents living with opposite-sex parents.
- In the United Kingdom, (Golombok et al., 2003) a sample of children with lesbian mothers was as well adjusted and had the same gender role behaviors as children of heterosexual parents.

The impact of marriage denial on the mental health of gay and lesbian couples

Studies have noted that the lack of legally recognized marriage contributes to common problems for gay and lesbian couples. Some couples may not value their own relationships as legitimate expressions of commitment and intimate sexual citizenship. For others, lack of recognition of their relationships deprives them of social and family support that could help counteract a sense of social isolation. Such invisibility can perpetuate stigma and shame and undermine a sense of life meaning, morale, and well-being.

“Greenan and Tunnell’s (2003) clinical studies demonstrated how relationship ambiguity can affect same-sex couples. They described a gay couple who had lived together for 25 years in mutual commitment but experienced difficulties in recognizing the legitimacy of their relationship. They had no plans to recognize the twenty-fifth anniversary of their relationship and had not come out to their families, employers, or neighbors, either as gay individuals or as a male couple. In their 25 years together neither partner’s family members had referred to them as a couple. On the

verge of ending their relationship, they sought couples therapy. The therapists believed that their social invisibility as a couple had resulted from lifelong experiences of stigmatization and fear of discrimination and violence and that it underlay this couple's distress."

According to studies:

- Green and Mitchell (2002) observed that some lesbian and gay couples had a sense of *ambiguous commitment* consisting of uncertainty about when relationships started; the extent of mutual obligations; and the recognition of the partnership by family, friends, co-workers.
- Green and Mitchell noted that discrimination and fear of discovery can undermine relationships if the partners do not have internal ways of countering the social stigma of homosexuality.

Marriage denial and human rights

Canada recently passed a marriage equality law and the United Kingdom has adopted legislation recognizing domestic partnerships. How could these two countries, sharing such a long history of economic, legal and political ties with the United States, now diverge so radically from the U.S. position?

History may be part of the explanation. The concept of *sexual rights* remains poorly understood in American values and public discourse (Herdt, 2005). More recently, the current U.S. administration has disregarded scientific research on sexuality and been insensitive to the relevance of human rights to such policies—not only at home but also abroad (Girard, 2004).

While Canada has yet to develop neoconservative economic and social agendas, over the past quarter century, neoconservative and sexual conservative platforms surrounding sexuality and social rights in the United States have become hegemonic (Irvine, 2002). Consequently, strong and organized opposition to human rights arguments policing many arenas exists in the United States today, which is a barrier to the appeal to rights in the arena of marriage equality. This policy lag requires an additional level of analysis of the U.S. moral panic surrounding gay and lesbian marriage (Frank, 2004) before a more rational human rights policy can be built. Sexual conservatives have challenged the fitness of gay men and lesbians to marry, to be parents, and to adopt children. These ideas are based in large measure on an older but persistent discourse that views homosexuality as a sin, disease, or decadent lifestyle.

For more information about this study, contact the National Sexuality Resource Center at 415-437-5121. For press inquiries, contact Geoffrey Knox and Associates at 212-229-0540.

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