

MARRYING FOR THE KIDS: GENDER, SEXUAL IDENTITY, AND FAMILY IN SAME-SEX MARRIAGE

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ABSTRACT

Purpose – Historically, the gay and lesbian community has been divided over same-sex marriage along gender lines, with gay men its most frequent supporters and lesbians its most frequent critics. In recent years, however, in localities where same-sex marriage has been available, the gender polarity around same-sex marriage has reversed, with lesbian couples constituting the majority of those married. Although same-sex marriage is framed in a gender-neutral way, the higher rate of lesbians marrying suggests that gay men and lesbians may have different stakes in, demand for, and benefits from access to marriage.

Methodology – Drawing on interviews with 42 participants (24 women; 18 men) in the 2004 San Francisco same-sex weddings, I qualitatively analyze how and when gender comes to be salient in the decision by same-sex couples to marry.

Findings – Explicitly attending to the intersections of gender, sexual identity, and family, I find that lesbians and gay men did not systematically offer different narratives for why they married, but parents did offer

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different meanings than childfree respondents: the apparent gender gap is better described as a parenthood gap, which has a demographic relationship to gender with more lesbians than gay men achieving parenthood in California. Scholarship on the gendered experience of reproduction suggests that the importance of gender in the experience of queer parenthood may persist even if parity in parenthood were reached.

Originality/value – Findings attest to the importance of attending to the intersections of gender, sexual identity, and family for scholars of same-sex marriage.

Keywords: Marriage; gender; sexual identity; parenthood

Historically, the gay and lesbian community has been divided over same-sex marriage along gender lines, with gay men its most frequent supporters and lesbians its most frequent critics (E. A. Andersen, 2005). In recent years, however, in localities where same-sex marriage has been available, the gender polarity around same-sex marriage has reversed, with lesbian couples constituting the majority of those married (Gates, Badgett, & Ho, 2008; Greenberger & Dedman, 2004; Herel, Marech, & Lechuk, 2004). Although same-sex marriage is framed in a gender-neutral way, the higher rate of lesbians marrying suggests that gay men and lesbians may have different stakes in, demand for, and benefits from access to same-sex marriage.

Scholarship on the complexity of intersecting identity characteristics has argued for the importance of analyses that simultaneously attend to race, class, and gender, recognizing how all three are interrelated and mutually constituted through systems of oppression (e.g., M. L. Andersen, 2005; Collins, 1990). Less research has engaged sexual identity as a structure of oppression that, in conjunction with gender, class, and race, produces unequal social locations (Schilt, 2008; Stein, 2008). Evidence of gendered practices in same-sex marriage illustrates the importance of an analysis that takes into account the simultaneity of gender and sexual identity. In this chapter, I offer such an analysis. Further, I argue for the importance of considering how parenthood status is implicated, in parallel with gender and sexual identity, in the desire for marriage.

Drawing on interviews with participants in the 2004 San Francisco same-sex weddings, I find that the apparent gender gap may in fact be better described as a parenthood gap, with parents recognizing the particular social and legal benefits of legal marriage. Nonetheless, the parenthood gap does have a demographic relationship to gender with

more lesbians than gay men achieving parenthood across the United States (Simmons & O'Connell, 2003). Scholars have argued that the experience of marginalization must be read through social location, that is, the specific positions produced through relations enacted at the individual, interactional, and institutional levels (Collins, 1990). These findings illustrate the complex role of the law in the experience of sexual identity-based marginalization. I argue that, through these narratives, we see how the law is both an agent of oppression, excluding some relationships from the status of "family," and a tool that can facilitate access to the social label of "family" (Bourdieu, 1998). Moreover, individual relationships with the law, as a mediator of marriage, are informed by gender, sexual identity, and parenthood status. I close with a discussion of how the importance of gender may persist even if parity in parenthood between lesbians and gay men were reached.

Queer Critiques and Endorsements of Same-Sex Marriage

In a frequently reprinted essay, Paula Ettelbrick (1992) asked the question: since when is marriage a path to liberation? Picking up on discussion in the gay community about marriage, Ettelbrick reminded her readers that marriage has a well-documented history as a patriarchal institution. As historians have documented (see, e.g., Cott, 2000), marriage has been used to regulate gender and sexuality, among other things, in the United States. Uniformly, women have been on the losing end of these regulations in terms of their rights and liberty. As a civil right, marriage is not something Ettelbrick is against, but she explains that she cannot, from a personal standpoint, endorse it: achieving a civil right is not the same as justice. For Ettelbrick, far from being liberating, the institution of marriage is constraining.

Ettelbrick argued from a social location informed both by her gender and her sexual identity. As Ettelbrick's focus on women's experience of marriage suggests, the suspicion with which she and other lesbian activists initially greeted calls for same-sex marriage had its roots in a feminist critique of marriage that identified marriage as both oppressive and oppressing (Atkinson, 1974; Finlay, Clarke, & Wilkinson, 2003; Firestone, 1979; Jeffreys, 2004; Pateman, 1988). The feminist critique of marriage characterized marriage as a fundamentally patriarchal institution, dependent on the subjugation of women. In her seminal analysis of this phenomenon, Bernard (1973) argued that men gain freedom and power from participation

in marriage but women's participation limits them and puts them at risk of abuses of power by their husbands.

In the years since Ettelbrick's essay was printed, other lesbian activists have expressed their suspicion of marriage as an institution and challenged its utility for organizing society (Duggan, 2002; Kandaswamy, 2008; Valverde, 2006; Walters, 2001). At their most pointed, these critiques call for the abolition of marriage (Auchmuty, 2004).

There is no similar critique of marriage forwarded by gay men, and so the position on marriage favored by gay men is, in its own way, the product of both gender and sexual identity. The essay by Thomas Stoddard (1992) that accompanied Ettelbrick's came down firmly in favor of same-sex marriage. Stoddard acknowledged that marriage has traditionally been oppressive of women, but he argued that the participation of same-sex couples in the institution would transform it. Moreover, he suggested that marriage held the potential to end discrimination against gay men and lesbians. In the years since, other gay men have taken up this torch and endorsed same-sex marriage as a goal of the gay liberation movement (Eskridge, 1996; Eskridge & Spedale, 2006; Sullivan, 1996, 1997; Wolfson, 2004).

His and Her Marriage? Same-Sex Marriage by the Numbers

Despite the long-running feminist critique of marriage as an institution, lesbians have lined up alongside gay men to get married when same-sex marriage is available. And despite the endorsement of marriage by gay men, on these occasions, lesbians usually outnumber their male counterparts nearly two to one (Badgett & Herman, 2011). This imbalance has been in place since the first large-scale instance of legal same-sex marriage in the United States: in the month of same-sex marriages in San Francisco in the winter of 2004, 57% of those married were lesbian couples (Teng, 2004).

Attention to national data on same-sex coupled households deepens the significance of this gender imbalance. According to the 2000 Census, male same-sex coupled households outnumbered female same-sex coupled households in the United States (Simmons & O'Connell, 2003). In raw numbers, there are roughly 301,000 gay coupled households (51% of same-sex unmarried coupled households) compared to approximately 293,000 lesbian coupled households (Simmons & O'Connell, 2003).

An even greater disparity is found in California. Specifically, 54% of same-sex households in 2000 were male partnered households while only 46% were female partnered households. Since 91% of those married in

San Francisco lived in California (Teng, 2004), we cannot explain the participant gender imbalance in the San Francisco weddings as an artifact of population demographics. Instead, the higher rate of lesbian marriages is particularly striking in light of their overall lower numbers in the population; the percentage of lesbian marriages in fact over-represents the lesbian population in California.

Of course, it is easy to view this demographic gap as a difference between the participation of women and men, implicitly drawing a broader distinction between women (of any sexual identity) and men (of any sexual identity). Extensive work by gender scholars does point to ways in which women and men experience the world in different ways (Delphy, 1984, 1993; Lorber, 1996, 2006; Wittig, 1981, 1992), but other scholars have pushed on this generalized finding to suggest that more than just gender matters in developing an individual's social position. Following the work of scholars of gender, race, and class (M. L. Andersen, 2005; Collins, 1990; Crenshaw, 1993) and of gender and nation (Mohanty, 2003) that has emphasized that gender alone offers insufficient explanation for many social phenomena, I argue here that thinking about the demographics of participation in the San Francisco weddings as simply a gender gap erases the intersection of gender and sexual identity.

Just as the initial critique of the push for same-sex marriage was informed by lesbians' gendered and sexual identities, we must ask, to what extent did the intersectional identity of lesbians, as both women and gay, contribute to their participation in the San Francisco weddings? The practice of same-sex marriage demands an intersectional approach (M. L. Andersen, 2005, 2008; Collins, 1990) to the gender gap that takes account of both gender and sexual identity (Schilt, 2008). Below, I investigate, first, the extent to which lesbians offered meanings for their participation in marriage that were distinct from those gay men offered and, second, how any differences can be understood through attention to respondents' social locations.

METHOD

To think through these questions, I draw on in-depth interviews with 42 participants in the 2004 San Francisco same-sex weddings. Between February 12, 2004 and March 11, 2004, 4,037 same-sex couples received marriage licenses from the City and County of San Francisco. The weddings began at around noon on February 12, 2004, after newly elected Mayor Gavin Newsom directed the county clerk to begin issuing marriage licenses

to same-sex couples, and ended on March 11, when the Supreme Court of California ordered the county to cease issuing licenses, pending review of the constitutionality of the Mayor's actions. Five months later, that same court ruled that the Mayor had overstepped his authority and the licenses were not valid. Nonetheless, at the time they wed and in the months that followed, many of these couples considered themselves legally married and, ostensibly, were legally married in the eyes of the state. Their actions as married persons support this understanding: one woman I interviewed, for example, described using her marriage license to change the surname on her social security card to that of her wife.

Respondents were found through snowball sampling and all but two resided in the greater Bay Area. Interviews were conducted between May and December of 2006. They were semi-structured (Taylor & Blee, 2002) and ranged in length from 40 minutes to two-and-a-half hours, averaging about 90 minutes. Relevant to this analysis, interviewees were asked to tell the story of their wedding day, explain how they decided to marry, and describe what marriage means to them. All interviews were taped and transcribed.

My sample included 24 women and 18 men. This breakdown of 57% women and 43% men mirrors the overall demographics of the population of couples married in San Francisco (Teng, 2004). At the time of their 2004 wedding, interviewees ranged in age from 27 to 68, with a median age of 41, and had been committed to their partner for anywhere from one-and-a-half to 50 years, with an average of 10 years together before the weddings. Nearly three-quarters ($N=32$) had previously held a commitment ceremony. Just under three-fifths of the respondents ($N=26$) had no children and no plans to have children. Twelve respondents currently had children and four respondents planned to have children in the future. In terms of parenthood, there was a distinct gender split among the couples I interviewed. Of the 12 respondents with children, 11 were lesbians; only 1 gay man in my interview sample had children and they were adults themselves. All names have been changed to ensure anonymity.

RESULTS

Respondents offered four primary meanings for their San Francisco marriages. In what I term *individualistic* meanings, respondents described marriage as a personal act of commitment to their partner, cementing their relationship and proclaiming their love. The outside world – politics and

discrimination – did not figure into this understanding of marriage. In direct contrast, respondents’ *political* meanings for marriage explicitly cited the public, political context of marriage wherein same-sex couples are precluded from marrying. They characterized same-sex marriage as an act of civil disobedience. Respondents also invoked *legal* meanings for marriage, noting the extensive federal and state-level rights and responsibilities that accrue to married couples, and characterizing their marriage as a means to receive those benefits. Finally, respondents offered what I call *social* meanings for marriage that drew on its cultural status as a normative rite of passage; they talked of marrying because that’s what they grew up thinking was a normal stage in the life course.

Some respondents offered just a single meaning for marriage but most offered more than one over the course of the interview. Overall, it does not appear that women systematically offered different meanings for marriage than men, but there are important distinctions in their use of legal meanings.

Patterns of Meaning-Making

There was no outstanding trend by gender among the respondents in terms of characterizing marriage as a personal commitment (see Fig. 1). While 38% of lesbian respondents cited such individualistic meanings for marriage, only a slightly lower 33% of gay men offered such meanings. Using much the same language, respondents of both genders explained that marriage was about love and commitment. Pierre, a 43-year-old project development director, explained, simply, that marriage is “[a] question of love, a question of being together.” Addy, a 31-year-old customer service representative, also used the language of love to explain what marriage meant to her:

I had absolutely no idea what love was and Julie kind of had to teach me what love was. Through that process I realized that I became a better person by being with her ... I think that itself talks about what marriage really is. It’s about the love. It’s not about class. It’s not about race. It’s not about any of that kind of stuff. It’s just about love and two people doing what you should be able to do and that’s love each other.

Keith, a 47-year-old lawyer, described marrying Tim, his partner of 17 years, as meaningful in terms of the love and commitment it symbolized – as having a personal meaning. Marriage, he said, was a way

to really touch into that intimate space of looking someone in the eye and saying I really do love you, I’m going to commit to you and to take that responsibility in public.

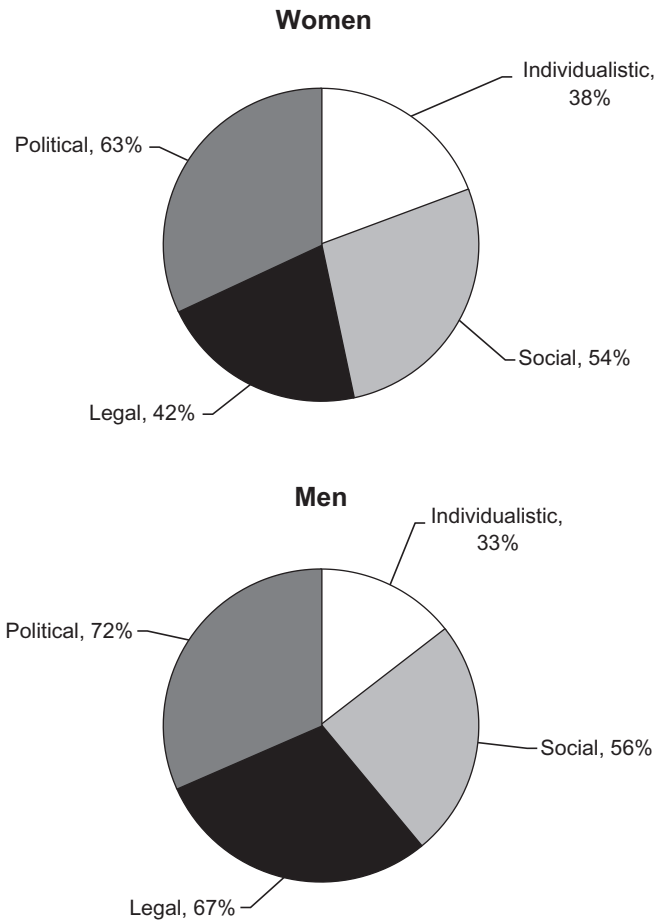


Fig. 1. Comparison of Meanings of Marriage by Gender.

Similarly, Janet, a 53-year-old nurse, explained that marriage was about taking her commitment to Cynthia after 12 years together to a deeper level. She said, “There was a personal commitment factor to it.”

The difference between men and women in their usage of social meanings was even smaller; 54% of women and 56% of men gave social meanings for marriage (see Fig. 1). These respondents identified marriage as a rite of passage and a standard social institution into which they had expected to

enter at some point in their lives. For example, Susan, a 49-year-old librarian, said, “I know as a kid I thought I would get married and have kids. I had all those fantasies.” Olivia, a 40-year-old programmer, summed up what marriage meant to her:

Marriage is something that our society tells you you’re supposed to want. From day one, what you’re supposed to do is grow up and get married. Maybe not immediately, but eventually: you’re supposed to grow up and get married.

For both Susan and Olivia, marriage was a normal part of the life course that mattered in a larger cultural context; it was what they’d always been taught would happen. Steven, a 39-year-old non-profit director, saw marriage in much the same way. He said:

There’s always been this sense [in our families] of weddings and marriage and family and bringing those people in and working out whatever it takes to work out from that point forward. It was something that I always assumed growing up that I was going to get married at some point and settle down.

Others identified the importance of marriage in establishing recognition by the broader public, not just friends and family. For instance, Frank, a 70-year-old retiree, summed up why he and Henry married in a simple sentence: “For acceptance [and] acknowledgement, to be acknowledged by people.”

There were larger differences between men and women in the rates of invoking political meanings for marriage. Among my respondents, 63% of women offered a political meaning for marriage while 72% of men did. These interviewees saw their participation politically, as civil disobedience, because of their historical exclusion from marriage (see also [Taylor, Kimport, Van Dyke, & Andersen, 2009](#)). Robert, for example, a 36-year-old physical therapist, said of his marriage to Brian after 11 years of commitment:

Certainly, for most people, the idea of being married has no connection whatsoever with making a political statement. But for us, obviously, it’s unavoidable, inescapable. You definitely are aware of that. It’s civil disobedience – you’re doing what society’s been telling you you can’t do.

For several, like Kelly, a 39-year-old professor, the weddings made “normal” gays and lesbians more visible and opposed negative constructions of homosexuality. Kelly said,

I saw what we were doing as a form of political protest, too, because it was, you know, counter to all the hegemonic messages of society that say queer people are queer in the bad sense and you know. So I thought that it was challenging all kinds of images about [gays and lesbians].

More than the other findings discussed here, however, I am cautious about generalizing this finding, given Lewin's (2008) call to attend to the specificity of location in analyses of same-sex marriage. Political meanings were the most frequently invoked meaning overall – for both men and women – with two-thirds of all respondents attributing a political meaning to marriage. This is not surprising, given that San Francisco has a history of gay and lesbian activism (Armstrong, 2002) and most of the participants had activist backgrounds (Taylor et al., 2009). Further, as accounts of the mayor's initial decision make clear (Chasnoff, 2004), many expected that the weddings would be halted immediately. The fact that City Hall stayed open after regular business hours for the first few days the licenses were issued and opened on the weekends and a federal holiday during that first week suggested an urgency to the marriages – many believed they would not last. This, too, may have contributed to participants seeing the events as slightly outside the law and thus as contestation.

There was an even larger difference in the rates of invoking legal meanings for marriage by gender, and one that is likely more generalizable to same-sex marriage broadly. Forty-two percent of women respondents ascribed a legal meaning to marriage, compared to a much higher 67% of men. In general, the legal benefits of marriage were a highly enticing motivation for many of the people I interviewed. For instance, Raine, a 45-year-old disabled retiree, explained, it was the legal rights that persuaded her to travel from Northern California and wait 11 hours in line, not the desire to make a commitment:

I just wanted the legal opportunity but it didn't change how I felt about what I was doing with this woman and this family that we've raised. Heck, if it took that [legal sanction] to change it, it wouldn't've made it this far.

Respondents recognized the value of these benefits and frequently mentioned them in explanations of how they decided to get married. As Steven, the non-profit director, explained about marriage:

That's really where people get their rights. Married couples having so many more rights than single people or same-sex coupled people. Really it's where all these other rights kind of come from.

Jeffrey, a 63-year-old physician, summed it up, saying, "Actually, I didn't need so much marriage, but I wanted all the 1,138 whatever," referring to the number of federal rights and responsibilities associated with marriage. But despite the apparent across-the-board marriage benefit of legal rights, men more frequently invoked this meaning for marriage than women.

Insight into this pattern can be gleaned through examination of *which* legal rights they were interested in.

Men cited legal benefits related to hospitalization and dying more frequently than women. For example, Ernesto, a 58-year-old health educator, said marriage is “the legal protection that you need if someone’s sick.” He elaborated:

We’ve been together for many years and we’ve seen people that have had encountered some real, real bad situations from family and things like that because they did not have the strength of the legal document that said, you know, these people belong together, what belongs to one belongs to the other.

Jeffrey offered a similar framing that emphasized the protections of legal marriage, drawing from his own experience with the family of his previous partner. When Jeffrey’s previous partner died of AIDS, his family contested his will, despite playing little role in his life and, Jeffrey pointed out, failing to support him during his illness. This experience helped Jeffrey see the importance of legal marriage. Frank, too, felt the absence of legal protections acutely when Henry, his partner of 50 years, died. Frank was barred from accessing Henry’s social security benefits or pension, leaving him in an extremely precarious economic position. Were it not for a sympathetic friend who invited Frank to sleep in an extra bedroom, Frank would have been homeless.

The focus on legal protections after the death of a partner makes sense given the significant impact of AIDS on the gay community. As [Chauncey \(2004\)](#) argues, HIV and AIDS caused a dramatic spike in deaths of gay men in the 1980s and 1990s, bringing the gay community into contact with medical and legal systems that were structured to serve heterosexual couples. Gay men were regularly prohibited from visiting their partners in hospitals and the courts often followed the strict letter of the law, considering even estranged blood relatives to be the legal next-of-kin over a committed life partner. These experiences, and stories about them, were the direct consequence of sexual identity-based structures of oppression and they impacted men most significantly. The law and culture conspired to treat gay men unequally. In addition to exposing the marginalized social position of gay men based on their sexual identity, these events drew attention to the benefits of the legal protections of marriage.

Women, too, offered legal meanings for marriage that drew on concerns over hospitalization and dying. Sandra, for example, worried about where her failing health would leave Olivia, should she need to be hospitalized for extended periods. But most of the legal meanings women cited related to

parental rights. There was, in other words, a notable divergence between the legal concerns men described desiring and the legal benefits women sought. Women often cited parenthood-related legal rights, but men never did.

It is important to remember that 11 of the 12 parents in my sample were women; the focus on parenthood-related legal concerns among women may be a result not of gender but of parenthood status. The apparent gender gap in usage of legal meanings for marriage, as well as the lack of gendered patterns in the usage of individualistic and social meanings, may be better understood as a parenthood gap.

The Parenthood Gap

Parents and childfree respondents offered individualistic meanings for marriage at notably different rates (see Fig. 2). While a relatively low percentage of parents described marriage as having an individualistic meaning (23%), a much higher percentage of respondents without children saw marriage in those terms (41%). These childfree respondents framed marriage as meaningful in terms of their relationship to their partner. In contrast, the few parents who did use individualistic meanings usually framed these personal meanings in reference to their children. Kelly, the professor, is one example. She talked of how her marriage was meaningful as an act that communicated her love and commitment to Michelle, but also because it offered Andrew, their 2-year-old son, a state-recognized family. Across the interviews, parents only rarely offered individualistic meanings for marriage, suggesting these meanings were less salient to parents than to childfree respondents.

Fig. 2 illustrates additional differences between parents and childfree respondents. Parents were more likely to offer a social meaning for marriage than their counterparts. Respondents without children framed marriage as a ritual of social importance about 48% of the time, compared to parents who drew on such a meaning a full 67% of the time. Social meanings for marriage clearly have greater resonance among parents than non-parents. There was a similar disparity in the use of legal meanings for marriage, with 67% of parents offering legal meanings and only 45% of childfree respondents doing so.

The salience of legal rights for parents came through in my interview with respondents with children. Deirdre, a 37-year-old writer and mother of two children, put it simply: “Our relationship isn’t missing anything, but our family’s legal stability is.” With marriage, complex legal protections such as

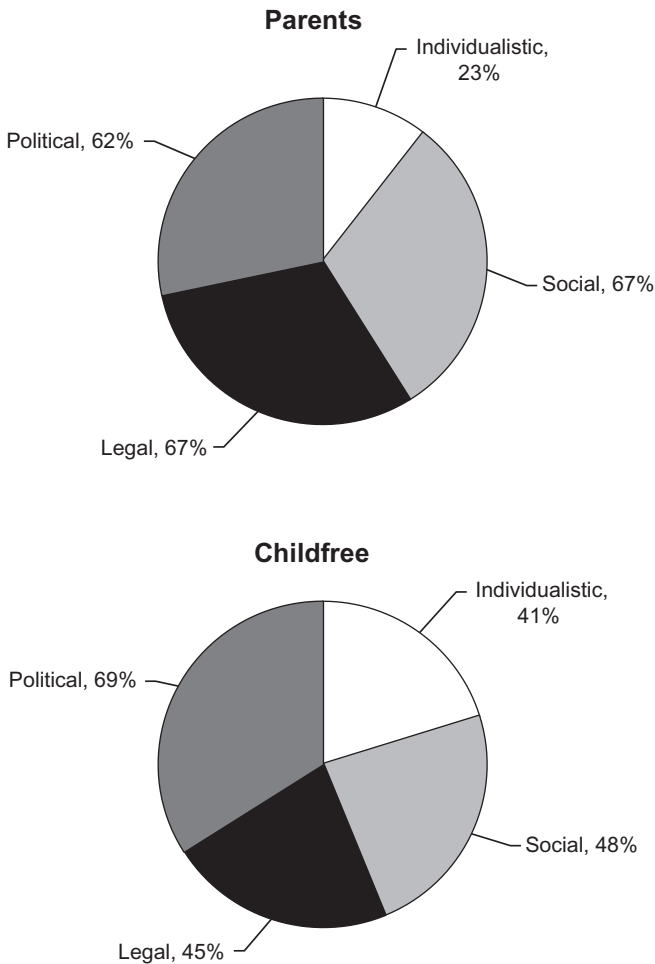


Fig. 2. Comparison of Meanings of Marriage by Parenthood.

second-parent adoption and rights of inheritance are made noticeably easier—and more robust. Parents were aware of these benefits of marriage, often as a result of their entry into parenthood.

Sophie, for example, saw marriage differently when she became pregnant. A 40-year-old student, Sophie had long been intellectually opposed to marriage. She critiqued it as a patriarchal institution and nursed her own

wounds as a child of divorce. But as she and Lal made plans to welcome their daughter, she became increasingly aware of how vulnerable they were as a family – and how vulnerable their child was – without the state protection of marriage. She said:

Because I was pregnant and we were planning to have a kid, I was really aware that we were really, really, really at risk as a lesbian couple preparing to have a child. We had to go through so many routes to approximate adoption stuff. It sucks. Our daughter was born upstairs in a birth tub in our house and my partner was inside the birth tub and delivered her. [Our daughter] opened her eyes and looked into my partner's eyes. There's no way that she is not a totally, full, hundred percent parent to our little girl. But from a legal perspective she was absolutely zero parent when [our daughter] was born and we had to go through second-parent adoption and we had to pay almost a thousand dollars to change our names so that we could be seen as a family.

As Sophie saw it, legal marriage offered both legal and social benefits. Legally, with marriage they would be able to avoid spending time and money on paperwork to establish shared parenting rights. Culturally, marriage would address Sophie's desire to "be seen as a family" and make clear that Lal and Sophie were equal parents.

Sometimes, the push for marriage was not for the children, but from the children. Diana and Mia were driving back to their Northern California home from a weekend get-away when the San Francisco weddings occurred. Diana, a 51-year-old administrative assistant, called her teenage daughter on their way to let her know when they expected to be arriving. Her daughter insisted that they change course and drive to San Francisco instead to get married and make their family official. Diana and Mia, together eight years at the time, followed those directions. Hours later, with Diana's daughter there by phone, Diana and Mia were married in City Hall:

We just had her on the cell phone and had her listening to the ceremony. And they pronounced us married, I get back on the phone to listen to my daughter, see if she heard all of it, and all I could do was hear her crying because she was so happy she was there with us.

Although Diana and Mia were very happy to marry, were it not for the outside insistence of Diana's daughter, they might not have actually done it. In this case, it was because they were parents that they married.

Children mattered to Isabel's feelings about marriage as well. Isabel and Raine had been committed for six years at the time of the San Francisco weddings and shared parenting responsibilities for both Isabel's daughter from a previous marriage and Raine's daughter from a previous marriage. Despite this committed living arrangement, Isabel always felt that Raine's

daughter never fully accepted her as a parent. Marrying Raine changed that. Isabel explained:

It changed my relationship with my partner's daughter. I don't know what happened but it affected both of us. It became a more legitimate I'm your step-mom, you're my step-kid sort of thing after marriage ... I don't even know how to explain it or what happened, it's just like something opened in both of us that wasn't able to open before ... It's just a beautiful thing. And I don't think that would've happened without the actual marriage.

As Isabel's story demonstrates, the cultural power of marriage extended beyond the couples who married to affect their children. Isabel could not explain it, but she felt it, pointing to the invisible normative power of marriage to orient relationships. State-sanction had clear social impacts, especially for parents.

More than anything, these respondents' stories demonstrate the tight association between marriage and family. In practice, marriage made them (official) families. It is important to recognize that this accomplishment occurs both legally and culturally. As scholars of gay and lesbian family formation have shown, same-sex households are uniquely positioned (Badgett, 2009; Lewin, 1993; Mamo, 2007; Mezey, 2008; Sullivan, 2004). For one, they must engage in complex legal contracts to establish themselves legally as families (Dalton, 2001). Badgett (2001) points out that this is especially complicated for gay and lesbian parents, as the law is written under the presumption that children have one mother and one father. Same-sex couples with children must engage with heterosexist legal assumptions to ensure for their children the legal protections afforded to children of different-sex marriage. It is not difficult to imagine that the precariousness of the legal rights of same-sex parents operates to discourage lesbians and gay men from entering parenthood. Research suggests that gays and lesbians desire children at the same rate as heterosexuals (Weston, 1991), but the particular legal challenges may conspire to reduce the rate at which gays and lesbians become parents, illustrating how the law acts as an agent of sexual identity oppression.

For two, lesbian and gay parents experience a complex set of cultural identifications since homosexuality is rarely associated with family in mainstream society. Same-sex couples and their children face social assumptions of their non-existence, based on the premise that homosexuality is non-procreative. As they work to establish the validity of their families, such heteronormative assumptions about parenthood are acutely felt (Weston, 1991) and the power of the state to authenticate "family" revealed.

A brief examination of the meanings offered by currently childfree respondents who are considering having children makes clear that it is the lived experience of parenthood that matters, not the plan for future parenthood. In my sample, two men reported that they might have children in the future and two women said they intended to have children. Just one of these four offered a legal meaning for marriage and just two described marriage as having a social meaning. I am cautious, of course, about generalizing from such a small sample, but point out that these respondents share a closer profile with other childfree respondents than with parents. This suggests that it is not the desire to have children that makes gay men and lesbians aware of the legal and cultural import of marriage; it is the actual experience of having children. Arnett's (2004) study of the emergence of adulthood among straight women and men offers support for understanding the experience of becoming a parent as transformative. In his study, parents reported different understandings of adulthood than non-parents and, further, different understandings than non-parents anticipated of parents. In essence, Arnett finds that the experience of parenthood matters in unexpected ways. For same-sex couples, it likely increases awareness of the social and legal benefits of marriage.

DISCUSSION

The Continuing Importance of Gender

Returning to the motivating question of this analysis, how does an increased interest by parents in legal and social meanings for marriage and, by implication, in marriage itself help explain the higher rate of participation by lesbians than gay men in the San Francisco weddings? The relationship is actually quite straightforward. Nationwide, lesbians are more likely to have children than gay men (Simmons & O'Connell, 2003). In California, 34.4% of lesbian same-sex coupled households have children under 18, compared to just 20.2% of gay male same-sex coupled households (and compared to 50.9% of different-sex married coupled households; Simmons & O'Connell, 2003).

In seeking to understand this rise in lesbian motherhood and the absence of a rise in gay fatherhood, scholars have suggested several causes (Lewin, 1993; Mamo, 2007; Mezey, 2008). They have pointed out that pregnancy and parenthood are biologically easier to accomplish for women, especially with the advent of reproductive and conceptive technologies. In order to become pregnant, lesbians need a sperm donor; gay men need at least one

other body. In addition, they have highlighted social beliefs about parenthood, including greater comfort with women as sole parents than with men. Finally, some have pointed to lesbian motherhood as an intentional celebration of life in reaction to the HIV/AIDS epidemic (Mezey, 2008; Weston, 1991). These factors have combined to produce what some have described as the lesbian baby boom (Chauncey, 2004; Mamo, 2007; Mezey, 2008).

In the last several decades, as the path to parenthood has become easier for lesbians, the same has not been true for gay men. Even as gay men have expressed equivalent interest in parenthood (Weston, 1991), their inability to carry and bear their own children (McKinney, 1987) as well as exclusionary adoption laws (Infanti, 2007) have produced significant obstacles to their achievement of parenthood. Further, policies that conflate sexual identity with HIV risk have meant that most sperm banks will not accept donated sperm from gay men, placing limits on gay men's ability not only to be parents but also to anonymously father children (Mamo, 2007). In these ways, biology, normative expectations about parenthood, and the law operate as agents dually of sexual identity and gender oppression to prevent the realization of gay men's desire for parenthood. Together, these features lead to the parenthood gap in the gay and lesbian community we see today (Mezey, 2008; Weston, 1991).

CONCLUSION

These narratives from participants in the 2004 San Francisco same-sex weddings highlight how marriage law has operated as a means of sexual identity oppression. Simultaneously, they expose lesbians' and gay men's hopes that that very law can be used to contest sexual identity-based marginalization. Understanding this apparent contradiction requires attention to gay men's and lesbians' lived experience not only as members of an oppressed sexual minority, but also as gendered bodies. Their gendered bodies have different relationships to sexual identity oppression, relationships that have been informed by gendered history – such as the AIDS epidemic for gay men – and by social assumptions about gender – such as beliefs that women can solely parent the children they bear. The effect of law and the practice of same-sex marriage are only fully understood when the intersections of gender, sexual identity, and parenthood status are taken into account, contributing research on the intersections of gender and sexual identity to the expansive scholarship on race, class, and gender (Schilt, 2008; Stein, 2008).

I have argued that the apparent gender gap in participation in same-sex marriage may be better understood as a parenthood gap, which, in turn, relates back to gender. I do not find that lesbians more frequently cited individualistic or social meanings for marriage than gay men, but I do find that parents offered social and legal meanings for marriage at a notably higher rate than childfree respondents, and individualistic meanings for marriage at a markedly lower rate. Parents were particularly aware of the legal and social challenges their exclusion from marriage produces and took advantage of the brief opportunity in San Francisco to claim the rights and responsibilities of marriage. Since over 50% more lesbians are parents than gay men, the imperative among parents to marry translated into a higher level of participation by women.

Nonetheless, we should not overlook the ongoing relevance of the intersection of gender, sexual identity, and parenthood status. Even if gay men and lesbians parented at the same rate, there are reasons to expect the experience of gender would continue to matter in the desire for marriage. In general, gay men and lesbians achieve parenthood in different ways, with many lesbians able to become pregnant. The experience of pregnancy and the attendant negotiation of identity is unique to women and, in the case of queer women, has complex social components. Lesbians who get pregnant with reproductive assistance must experience the medical status of being a patient in ways that are both gendered and heterosexed (Mamo, 2007). Their gender distinguishes lesbians' experience of the achievement of parenthood from that of gay men and their sexual identity differentiates their experience from that of heterosexual women.

Although some of these distinctions owe to physical bodies, some are strictly the result of social discourse. For example, insemination for lesbians is technically equivalent to insemination for straight women, but the discourses that make meaning of it draw a distinction, tending to require a diagnosis of individual infertility. Such framing formally accommodates only heterosexual women, as lesbians are more likely to experience couple-level infertility. This distinction between lesbians and straight women is not required by the technology but instead generated by the social apparatuses that surround it (Murphy, 2001).

Beyond pregnancy, lesbian motherhood itself is associated with a specific set of legal challenges (Mezey, 2008), including the complexities stemming from what Mamo (2007) terms "achieving pregnancy," such as negotiating the rights of the donor. Legal marriage would facilitate the smooth establishment of parental rights in these situations, mooted the question of donor rights, as parental rights are legally based on marital status

(Mamo, 2007). Gay men who parent do not face the same issues (although they certainly face their own unique set of legal challenges) nor do married straight women who use donated sperm.

Lesbian motherhood entails a unique social position as well. Given the social assumption that motherhood requires heterosexuality, Lewin (1993) finds that lesbian mothers experience an erasure of their sexual identity. If the experience of parenthood, in specific, contributes to this social disappearance of lesbians' sexual identity, we may find that lesbian mothers will continue to be interested in marriage for its capacity to publicly establish the validity of their non-normative families.

In practice, same-sex marriage is tied to social understandings of – and contestation over – sexuality, gender, and social definitions of the family. Although this chapter has focused on gay and lesbian couples, these insights as to the discursive relationship between gender, marriage, and family have applications to straight couples as well, elucidating the normative construction of marriage and family across sexual identities and the competing ways law can be used as an agent of oppression and as a means to contest marginalization. Our understanding of marriage and its social impacts is deepened through attention to how gender matters in the contemporary push for legal same-sex marriage. Centrally, this in-depth consideration of the meanings of marriage offers an endorsement of intersectional analyses. Such analyses, attending to both gender and sexual identity, call attention to the ways in which these multiple identities interact, thickening our understanding of how same-sex marriage matters and to whom.

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