Anti-Equality Marriage Amendments and Sexual Stigma

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This article summarizes a stigma-based analysis of anti-equality marriage laws and campaigns. Three major themes are discussed. First, being denied the legal right to marry because of one’s sexual orientation is an instance of stigma. Second, being the target of stigma is stressful, and the political campaigns surrounding anti-equality marriage amendments are a source of heightened stress for lesbians, gay men, and bisexuals. Third, structural and individual manifestations of sexual stigma are interrelated; the initial enactment and continuing existence of anti-equality marriage laws depend on the opinions and actions of the voting public. Social psychological knowledge can be useful for understanding heterosexuals’ attitudes toward those laws. Building on findings from studies of prejudice and intergroup contact, suggestions are offered for future research on how individuals influence the opinions of their family and friends about marriage equality.

More than 35 years ago, psychologists in the United States pledged “to take the lead in removing the stigma of mental illness that has long been associated with homosexual orientations” (Conger, 1975, p. 633). The profession’s most recent efforts to fulfill this commitment have included challenging the arguments and assumptions underlying laws that deny marriage equality to same-sex couples (e.g., American Psychological Association, 2004; Herek, 2007). Those laws include the federal Defense of Marriage Act (1996), which explicitly defines marriage as the union of one man and one woman, as well as similar statutes and constitutional amendments enacted by most of the states through their legislatures or by ballot initiative (e.g., Pew Forum on Religion and Public Life, 2009). Because they deny lesbian, gay, and bisexual members of same-sex couples the rights and

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Herek recognition enjoyed by heterosexuals, these statutes and amendments are stigmatizing. Moreover, the campaigns waged to enact them, during which sexual minority individuals’ basic rights are subjected to public debate and a majority vote, have been (and continue to be) occasions for the expression of sexual stigma.

The articles in the current volume of the Journal of Social Issues support American psychology’s general efforts to destigmatize homosexuality and same-sex relationships, and to empirically examine the justifications for and consequences of anti-equality marriage laws and amendments. In the pages that follow, I draw on their findings and insights to describe a stigma-based analysis of anti-equality marriage laws and campaigns. This analysis addresses three main themes. First, being denied the right to marry a same-sex partner is an instance of sexual stigma. Second, being the target of sexual stigma is stressful, and the political campaigns surrounding anti-equality marriage amendments are a source of heightened stress for lesbians, gay men, and bisexuals. Theoretical models that have been developed for assessing the impact of stigma on psychological well-being can be used to understand the psychological and social impact of these campaigns. Third, the initial enactment and continuing existence of anti-equality marriage laws depend, to some extent, on the opinions and actions of the voting public. Social psychological knowledge can be useful for understanding the sources of those attitudes and behaviors, as well as their potential for change.

**Conceptualizing Sexual Stigma**

Stigma refers to an enduring condition, status, or attribute that is negatively valued by society, fundamentally defines a person’s social identity, and consequently disadvantages and disempowers its targets (e.g., Goffman, 1963; Link & Phelan, 2001). Borrowing a phrase from Goffman (1963), society views stigmatized groups as possessing an “undesired differentness” that sets their members apart from “normals” (p. 5). Because of their undesired differentness, they have less power than the nonstigmatized: They enjoy less access to valued resources, less influence over others, and less control over their own lives.

Sexual stigma is the stigma attached to any nonheterosexual behavior, identity, relationship, or community (Herek, 2009). An important focus of sexual stigma is homosexual and bisexual sexual orientations. Sexual orientation is inherently about relationships. It defines the universe of people with whom an individual finds the sort of intimate partnerships that human beings form to meet their deeply felt needs for love, attachment, and intimacy (Herek, 2006). Like sexual orientation, sexual stigma is also about relationships. Whereas enactments of sexual stigma (e.g., antigay discrimination, violence) typically target individuals, they are based on those individuals’ actual, imagined, or desired relationships with others of their same sex. Indeed, researchers often operationally define sexual prejudice in
terms of heterosexuals’ reactions to same-sex couples (e.g., Jellison, McConnell, & Gabriel, 2004).

Sexual stigma operates at two levels. At the institutional or societal level, stigma-derived differentials in status and power are legitimated and perpetuated through structural stigma. As a product of sociopolitical forces, structural stigma “represents the policies of private and governmental institutions that restrict the opportunities of stigmatized groups” (Corrigan et al., 2005, p. 557; see generally Link & Phelan, 2001). Structural sexual stigma—also known as heterosexism (Herek, 2007, 2009)—is embedded in religion, language, the law, and other social institutions. At the individual level, people internalize stigma when they personally accept society’s denigration and discrediting of a stigmatized group as a part of their own value system and self-concept (Herek, 2009). In heterosexuals, internalized sexual stigma takes the form of negative attitudes toward sexual minorities (i.e., sexual prejudice). In sexual minority individuals, it is manifested as negative feelings toward their own same-sex attractions and toward others like themselves (i.e., sexual self-stigma).

Marriage Inequality as Structural Stigma

Does restricting marriage to a man and a woman constitute sexual stigma? Addressing this question requires consideration of whether marriage can be considered a valued resource that conveys benefits to those who are married, whether the members of same-sex couples will enjoy the same benefits as heterosexuals if they legally marry, and whether anti-equality marriage laws deny these benefits to gay men and lesbians.

Marriage does indeed confer unique benefits, including a large number of tangible resources and protections. For example, federal and state statutes accord married heterosexual couples financial benefits deriving from tax laws, employee benefits, death benefits, entitlement programs, and other sources (e.g., General Accounting Office, 2004). Consequently, married heterosexuals tend to enjoy greater economic and financial security than unmarried individuals. Such security is an important predictor of health, which may help to explain why happily married heterosexuals generally experience better physical and mental health than their unmarried counterparts, including heterosexual couples who cohabit but do not marry. Married couples also enjoy special rights and privileges that buffer them against the psychological stress associated with extremely traumatic life events, such as the death or incapacitation of a partner. And their legal status protects them from stressful situations such as being compelled to testify against a spouse in court, having a noncitizen spouse deported, and having one’s relationship or joint parental status challenged outside one’s home state (see generally Herek, 2006).

Marriage also bestows other, less tangible benefits and protections. Compared to the unmarried, for example, heterosexually married adults tend to receive more
social support, which can contribute to their well-being (e.g., Sprecher, 1988). Marriage, in fact, constitutes a public commitment by the larger community to support the couple in maintaining their relationship. This public aspect of marriage can be understood as increasing each spouse’s sense of security that the relationship will endure (Cherlin, 2000). The institution of marriage also contributes to relationship stability and commitment by creating barriers to dissolving the partnership (Adams & Jones, 1997). Such barriers (e.g., legal restrictions, financial concerns, the expected disapproval of friends and the community) are not sufficient to sustain an unhappy marriage over the long term. However, they may increase the spouses’ motivation to seek solutions for their problems when possible, rather than prematurely dissolving a potentially salvageable relationship. Marriage also can give a greater sense of meaning to spouses’ lives (e.g., Berger & Kellner, 1964; Burton, 1998).

Although the research cited above was conducted with heterosexual couples, the limited data currently available from legally married same-sex couples indicate that they not only experience the legal and other practical benefits of marriage, but also its less tangible benefits. Badgett (2011) observed a greater subjective sense of social inclusion among Massachusetts residents who had married a same-sex partner in that state. Similar feelings were expressed by the Dutch same-sex married couples in her sample, suggesting that this pattern transcends national boundaries (see also Badgett, 2009). Couples also perceived that their relationship was strengthened by being legally married. When asked to select from a list of ways in which being married had changed them or their relationship, about half of the Massachusetts respondents cited an increased commitment to each other as one of the most important. In a follow-up question, nearly three-fourths agreed with the statement “I feel more committed to my partner” as a result of being married (Badgett, 2011; Ramos, Goldberg, & Badgett, 2009).

It might be argued that other forms of legal recognition—such as domestic partnerships and civil unions—confer the same benefits and differ from marriage only in name. Indeed, data presented by Rothblum, Balsam, and Solomon (2011) show how legal recognition of one’s intimate relationship—even when it falls short of marriage—is associated with the perception of benefit. In their study, same-sex couples who gained civil union status in Vermont experienced both tangible and intangible benefits to some extent (Rothblum et al., 2011; Solomon, Rothblum, & Balsam, 2005). They felt a greater sense of stability and commitment in their relationship and, depending on their state of residence, may have gained some degree of official recognition. Some also perceived greater social support from their family or religious congregation.

However, although civil unions and domestic partnerships were widely perceived as an important advance when they were first created, they are not marriage. This fact is widely recognized by sexual minorities. Rothblum et al.’s (2011) data show how it leads many same-sex couples to regard this form of legal recognition
with some degree of ambivalence. Survey data also show that large numbers of lesbian, gay, and bisexual Americans want to marry (Herek, Norton, Allen, & Sims, 2010; Kaiser Family Foundation, 2001), and when U.S. same-sex couples have had the opportunity to legally marry, thousands have done so, including many who were already registered in a domestic partnership or civil union (Gates, Badgett, & Ho, 2008).

The difference between marriage and other forms of legal recognition is also clear to heterosexuals. In jurisdictions where heterosexuals are legally able to form domestic partnerships, relatively few different-sex couples do so (Gates et al., 2008). Public opinion polls consistently show that a substantial proportion of the U.S. population does not regard domestic partnerships and civil unions as equivalent to marriage; they support the former for same-sex couples but oppose the latter (e.g., Pew Research Center for the People and the Press, 2009). Indeed, the intense public debate surrounding the question of whether marriage rights should be granted to same-sex couples attests to the special status accorded marriage as a social institution and shows how widely the belief that it confers unique benefits is accepted.

Anti-equality marriage laws deny gay men and lesbians access to marriage and its attendant benefits. It might be argued that gay and lesbian adults are free to legally marry someone of the other sex. As noted above, however, a person’s sexual orientation defines the universe of persons with whom she or he is likely to establish the sort of intimate relationship that is generally understood to be at the heart of marriage. For gay men and lesbians, this universe consists of people of the same sex. It is neither realistic nor desirable to expect them to change their sexual orientation. Most lesbians and gay men do not perceive that they chose their sexual orientation (Herek et al., 2010), and sexual orientation is highly resistant to change through psychotherapy or religious interventions (American Psychological Association, 2009a). Indeed, because homosexuality is a normal variant of human sexuality, the major mental health professional organizations do not encourage individuals to try to change their sexual orientation from homosexual to heterosexual (American Psychological Association, 2009b). Thus, marrying a person of the other sex is not a viable option for gay men and lesbians, any more than marrying a person of the same sex is a viable option for heterosexual men and women. The law, of course, does not pressure heterosexuals into a marriage that is inconsistent with their sexual orientation. For lesbians and gay men in most states, however, it offers no other alternative.

In summary, statutes and amendments that limit marriage to a man and a woman place marriage outside the reach of same-sex couples. They deny the psychological, social, and practical benefits of marriage to gay men and lesbians, as well as bisexual persons who are in a loving, committed same-sex relationship. The only basis for this denial is the fact that the relationships are homosexual rather than heterosexual. Thus, laws that deny lesbians and gay men access to marriage
are, by definition, instances of structural stigma. They convey the State’s judgment that a same-sex couple possesses an undesired differentness and is inherently less deserving than a heterosexual couple of society’s full recognition through the status of civil marriage.

The Negative Effects of Anti-Equality Laws and Campaigns

As Frost’s (2011) study documents, many lesbian, gay, and bisexual individuals “get” the stigma message conveyed by anti-equality marriage laws: They recognize that their intimate relationships are devalued by society. A growing body of literature indicates that such experiences of stigma subject sexual minority individuals to chronic stress beyond what other members of society normally experience, and this minority stress can have a significant psychological impact (Meyer, 2003).

During the campaigns promoting anti-equality ballot measures, lesbians, gay men, and bisexuals encounter many occasions to experience minority stress. They are regularly exposed to antigay messages through the mass media. From bumper stickers and yard signs, they learn that neighbors and other members of their community endorse sexual stigma. They are likely to witness having their lives discussed and their rights debated by relatives, coworkers, and total strangers. A growing body of evidence documents the negative sequelae of such experiences (e.g., Hatzenbuehler, McLaughlin, Keyes, & Hasin, 2010; Rostosky, Riggle, Horne, & Miller, 2009). Although these studies do not establish a definitive causal connection, their findings are consistent with the conclusion that experiencing a statewide election campaign in which a majority of voters decide on one’s right to marry exacts a psychological toll on lesbian, gay, and bisexual adults (for research on the psychological aftermath of other types of antigay ballot campaigns, see Russell, 2000; Russell & Richards, 2003).

California constitutes a special case. In contrast to other states where anti-equality campaigns have been waged, California same-sex couples could legally marry—and approximately 18,000 did so—prior to the 2008 passage of Proposition 8. As a consequence of the voters’ revocation of this existing right, lesbian, gay, and bisexual Californians may have experienced even greater psychological distress than their counterparts in other states. Maisel and Fingerhut’s (2011) study, conducted immediately prior to Proposition 8’s passage, documents how lesbian, gay, and bisexual adults perceived that campaign. In advance of the election, many reported emotional upset, anger, and nervousness. Many also perceived the campaign as having a negative impact on their interpersonal relationships, mainly with heterosexual friends and family but also with other sexual minority individuals and even with their partner. At the same time, many participants felt they were able to derive something positive from their experiences. For example, some noted that they perceived heightened social support from their friends, family, and social
networks during the campaign. This is not to say that the Proposition 8 campaign itself had positive effects for sexual minority individuals. Rather, many gay, lesbian, and bisexual Californians were sufficiently resilient to be able to derive a positive outcome from an otherwise negative and stigmatizing experience.

The impact of sexual stigma is not restricted to sexual minority individuals. By virtue of their personal connections with sexual minorities, the heterosexual loved ones and associates of lesbians, gay men, and bisexuals often experience a courtesy stigma, which puts them at risk for ostracism and discrimination (Goffman, 1963). Whether or not they also experience heightened psychological stress—a “courtesy” form of minority stress—has not been extensively examined in empirical research. Horne, Rostosky, and Riggle (2011) study suggests that heterosexual family members may not perceive the same levels of stress related to antigay ballot measures as their lesbian, gay, and bisexual kin. However, they are likely to experience negative affect related to the campaign, as well as heightened concern about the well-being of their sexual minority relatives. Horne et al.’s study highlights the importance of considering how antigay ballot measures affect heterosexual family members and friends of lesbian, gay, and bisexual people. More generally, it points to the need for further research on how such individuals experience and are affected by sexual stigma.

Influencing Public Opinion about Marriage Equality

In the realm of anti-equality marriage laws and amendments, an ongoing dialectic occurs between the institutional and individual levels of sexual stigma. Structural sexual stigma—including laws that deny legal recognition to same-sex couples—fosters internalized sexual stigma among heterosexuals (i.e., sexual prejudice). It does this by legitimating and reinforcing the undesired differentness of sexual minorities and according them inferior status relative to heterosexuals. People tend to hold positive feelings and display favoritism toward members of their own group, even in situations when group membership is based on completely arbitrary criteria (e.g., Devine, 1995). To the extent that state policies differentiate sexual majority and minority groups according to whether they are “us” (nonstigmatized) or “them” (stigmatized), they highlight the minority out-group’s perceived differentness and thereby promote biased perceptions and differential treatment of its members.

At the same time, institutional policies are shaped by individuals. In a democracy, statutes are passed by legislators who were elected to represent the views of their constituents. In the form of direct democracy known as the ballot initiative, the constituents themselves decide whether or not to pass a particular law. Once enacted, such laws often can be repealed only by another vote of the citizenry. Thus, individual attitudes play an important role in creating and dismantling legal expressions of structural sexual stigma, and it is important to understand the
social and psychological factors that lead voters to support or oppose anti-equality initiatives.

Heterosexuals’ attitudes toward marriage equality are predicted by many of the same demographic, psychological, and social variables that predict their attitudes toward gay, lesbian, and bisexual people generally (e.g., Herek, 2009; Jones, 2010). For example, consistent with previous research, a 2009 Gallup poll found that Americans’ attitudes toward marriage rights for same-sex couples are linked with political ideology: 80% of self-described conservatives opposed marriage equality, compared to 46% of moderates and 23% of liberals (Jones, 2009). The same poll also found higher opposition to marriage equality among Americans who say they don’t know anyone who is lesbian or gay. Among respondents who said they have a gay or lesbian friend, relative, or coworker, 47% opposed marriage equality; by contrast, 72% of respondents without this sort of personal contact opposed equality (Morales, 2009). As in previous studies (e.g., Herek & Capitanio, 1996), liberal respondents were more likely than their conservative counterparts to personally know gay people. But the correlation between personal contact and opinions about marriage remained significant in the 2009 Gallup data, even when political ideology was statistically controlled (Morales, 2009).

In light of findings that sexual prejudice is closely associated with opposition to marriage equality (Herek, 2009), and that heterosexuals are less prejudiced against sexual minorities in general if they know someone who is gay (Pettigrew & Tropp, 2006; Smith, Axelton, & Saucier, 2009), we might well ask why there was not greater support for marriage equality among the Gallup poll respondents with gay or lesbian family or acquaintances. The answer to this question may have important implications for efforts to influence public opinion about marriage laws and other instances of structural sexual stigma.

My own hypothesis is that the information conveyed by heterosexuals’ responses to a survey question about contact with sexual minorities may have changed in recent years. In times past, most gay men and lesbians probably were more highly selective about revealing their sexual orientation to others than is the case today. Many restricted such revelations mainly to trusted friends and family. Their disclosure may have been accompanied by one or more conversations that contextualized their sexual orientation as a part of their life and reaffirmed their relationship with the heterosexual person. Consequently, heterosexuals who reported knowing a gay or lesbian person often had also communicated with that individual about her or his experiences and, in the course of those discussions, developed a better understanding of and more empathy for the situation of sexual minorities in general. Today, by contrast, heterosexuals may be more likely to know that someone in their social circle is gay without ever really discussing it with that individual. Thus, a survey question that asks simply whether the respondent knows any lesbians or gay men may be a less reliable predictor of sexual prejudice now than was once the case. A better indicator may be the extent to which
a heterosexual has discussed a gay or lesbian friend or relative’s experiences as a sexual minority.

This hypothesis receives support from data collected in a 2005 national telephone survey of more than 2,100 heterosexual adults (Herek, 2009). Compared to respondents who said they had no gay or lesbian friends, acquaintances, or relatives, those who knew at least one gay or lesbian person had generally more favorable attitudes toward gay people as a group. But within the latter group, those who had spoken directly with a gay or lesbian friend or relative about the latter’s experiences had significantly more positive attitudes than those who had not.

Of course, such conversations do not inevitably reduce the heterosexual participant’s sexual prejudice. Moreover, they can be difficult and unpleasant (e.g., Lannutti, 2011). Thus, it is not surprising that many lesbians, gay men, and bisexuals do not have them on a regular basis. Indeed, many sexual minority adults are not out at all to their extended family, coworkers, or heterosexual acquaintances (Herek et al., 2010). Nevertheless, many conversations between sexual minority individuals and the heterosexuals in their lives are experienced as positive—invoking expressions of solidarity and support (Lannutti, 2011; Maisel & Fingerhut, 2011).

For proponents of marriage equality, the foregoing discussion highlights the importance of assisting gay, lesbian, and bisexual people in having those conversations—giving them support and helping them find the best way to talk with their heterosexual friends and family members about their lives and how they are affected by issues like marriage equality. Such conversations hold the promise of motivating heterosexuals to assume the role of “ally” and to act as agents for changing the attitudes of other heterosexuals and repealing anti-equality statutes and amendments (Horne et al., 2011).

Although allies can be found in all demographic categories, the data reported by Horne et al. (2011) suggest they may be more common in some groups than others. For example, the well-documented gender gap in sexual prejudice suggests that allies are more likely to be found in the ranks of heterosexual women than among heterosexual men (e.g., Herek, 2002; Kite & Whitley, 1998). Dramatic reductions in discrimination, violence, and expressions of hostility toward sexual minorities may well occur if large numbers of heterosexual women effectively communicate a simple message to their husbands, boyfriends, sons, and fathers: “Sexual prejudice is wrong and I won’t tolerate it.” Identifying the factors that foster such communication is an important goal for future research.

Other demographic correlates of sexual prejudice and policy attitudes also warrant attention, especially those based on race. As Ghavami and Johnson (2011) note, exit polls indicated that African-American voters were considerably more likely to support Proposition 8 than were other racial and ethnic groups. Insofar as a greater proportion of Black Californians voted in 2008 than in previous elections (Cable News Network, 2008; Herek, 2008), they may have had a substantial impact on the Proposition 8 outcome. Exit poll data have important limitations, especially
when attempting to draw conclusions about relatively small voter subgroups such as African-American (Egan & Sherrill, 2009). Nevertheless, other research supports this conclusion (Abrajano, 2010) and indicates that African-American are much more likely to oppose marriage equality than are non-Hispanic Whites (e.g., Pew Research Center for the People and the Press, 2010). At the same time, African-Americans are generally supportive of employment antidiscrimination laws and other policies to protect sexual minorities (e.g., Lewis, 2003). This apparent discontinuity may stem from African-Americans’ greater moral disapproval of homosexuality, compared to non-Hispanic Whites (e.g., Lewis, 2003) and the fact that opposition to marriage equality is often framed in moral and religious terms (Brewer, 2003; Ghavami & Johnson, 2011). As Ghavami and Johnson (2011) explain, media reports of the California exit poll data created tensions between heterosexual African-Americans and non-Black gay men, lesbians, and bisexuals. Research is needed to document the extent to which these tensions persist and how they might be alleviated (e.g., through conversations of the sort discussed above).

So far, this discussion of allies has focused mainly on the power of personal contact in motivating heterosexuals to actively support marriage equality. As Russell’s (2011) article reminds us, however, it is useful to distinguish between allies who are motivated mainly by their personal relationships and those who are motivated mainly by their political values. Whereas the former group’s actions are likely to be rooted in personal experiences and emotional bonds with specific individuals, the latter group’s motivations probably reflect an overall philosophical commitment to equality and social justice. In this connection, it is useful to recall the 2009 Gallup data described above, which showed that public opinion about marriage equality was explained both by personal relationships and by political ideology (Morales, 2009). Most likely, different approaches will be effective in motivating heterosexuals with differing motivations to join campaigns for marriage equality. Russell’s (2011) insights provide a good foundation for research in this area.

Conclusions and Directions for Future Research

The articles in this volume suggest many hypotheses and provide valuable, albeit preliminary data about psychological and social phenomena relevant to anti-equality ballot measures. More research clearly is needed, especially with probability samples that permit generalizations from the data to the entire population and to key subpopulations, such as racial and ethnic minorities. Cross-cultural data, such as those reported by Badgett (2011) and van Zyl (2011) are also needed, both for the information they provide about the cultures in which they are conducted and for the insights they can offer about marriage and sexual minorities in the United States. It will also be desirable for future research to employ experimental or quasi-experimental designs that will permit inferences about
the causal relationships among variables, for example, among psychological distress, resilience, and the experience of living through an anti-equality campaign in one’s home state.

I believe two related research topics have particular theoretical and practical importance for understanding and confronting sexual stigma. The first focuses on lesbians, gay men, and bisexuals. It concerns the process of coming out and discussing one’s minority sexual orientation with friends, relatives, and acquaintances. As noted above, when such conversations occur within the context of an ongoing personal relationship, they can have a substantial impact on the attitudes—and possibly the actions—of heterosexuals. Research is needed on the factors that encourage and facilitate such conversations not only in the heat of political campaigns (as described by Lannutti, 2011), but also during everyday interactions that occur outside the election cycle. Research on the personal and situational factors that make such conversations mutually beneficial for all of the participants will also be valuable.

A second research area poses some parallel questions but focuses on heterosexual allies. How and why do heterosexual people become allies, and what factors influence them to have mutually beneficial conversations with their heterosexual friends and family about marriage equality and other issues related to structural stigma and sexual prejudice? By addressing these and other questions raised by the articles in the current volume of the *Journal of Social Issues*, social and behavioral scientists will make important contributions to the project of eradicating sexual stigma in both its structural and individual manifestations.

References


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