

**Going to the Chapel: Adoption of Partnership Recognition Laws Across Democratic States**

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Boele-Woelki (2008, 1949) has pointed out that “for more than a decade legal recognition of same-sex relationships has garnered considerable attention around the globe.” This is most assuredly an underestimate in terms of the timeline upon which marriage equality has been building, but it certainly captures the greater global awareness of the issue of marriage equality far beyond the LGBT community itself. As same gender loving individuals have sought the stability of lifelong partnerships, they increasingly have looked for ways to institutionalize these relationships as this signals to the broader community that two people have entered into a committed relationship. Additionally, the state sanctioning of marriages serves an important function in establishing social norms regarding acceptable relationship patterns and, as a corollary, expressions of maturation. Furthermore, the state sanctioning of marriage amounts to far more than its cultural implications: the rights and benefits that marriage accords two people who enter into such a contract are numerous in every state. While some of these benefits could be achieved through the expensive and time consuming process of private contracts, many of the rights cannot be achieved privately. For these reasons we expect LGBT organizations to include partnership recognition policies in general and marriage equality in particular on their policy agenda.

Marriage, the legal institution, is a partnership entered into by two persons recognized and sanctioned by the state that results in rights and obligations both between the persons who have entered into the contract and between the state and these parties. Accordingly, the state has reserved the right to define the conditions regarding who can enter into this contract, the procedures required for the contract to be recognized by the state and made binding, and the consequences that will result from the contract (Waldijk 2004). National,

international, and subnational institutions have all been confronted with demands from the LGBT community for access to this specific institution (Merin 2002). This battle for access should not be surprising in a modern context in which feminism has established that the personal is political. What may be more surprising for some is the insistence upon *marriage* rather than on merely recognition and rights. If the legal description offered by Waaldijk were the most relevant component to this debate, then surely this would not be so contentious. Furthermore, in many countries the debate would have ceased after the adoption of partnership and/or cohabitation legislation. In recent years we have witnessed the adoption of full marriage equality in France despite the preexistence of the PACS and the extension of religious marriage as an option for same sex couple in Denmark who previously could access only civil marriage, and this summer we it is anticipated that Luxembourg will adopt full marriage equality to replace their existing partnership policy just to name a few. This begs the questions of why marriage and not merely recognition? Moreover, it requires that analyses of partnership recognition examine policies that cannot be interpreted as full marriage equality as precursors or steps toward marriage equality rather than final policy goals in and of themselves.

Marriage equality is a goal of the LGBT movement for the both the specific rights it imparts as well as the culture recognition and status in society it provides. As Waaldijk (2004) notes, marriage equality is best understood as a final step in a stages model of partnership recognition in which policies providing limited rights and protections to same-sex relationships are adopted but do not provide parity with the legal options for partnership recognition afforded different-sex couples. We should expect that the most important factor in

determining the speed with which states move through the process to relationship recognition parity would be the LGBT movement itself, but this belies the necessity of an amenable political context in which to mobilize. The necessity of a broader view and the extent to which political context is more relevant to policy adoption compared the social movement itself is the focus of this research. Acknowledging the work in social movement theory around the debates on how to define and incorporate resource mobilization and political opportunity structure theories, this analysis of partnership recognition policies examines the impact of the political context as well as the size of the social movement on duration until substantive policy change occurs. Ultimately I find that partnership recognition policies have been achieved in postindustrial democracies with an amenable political context more quickly regardless of the size of the LGBT movement.

This analysis proceeds from the premises that partnership recognition is within the scope of state authority and such legislation is a goal of the LGBT movement. Furthermore, public policy regarding the legal benefits, rights and obligations available to same-sex partners will be and has been formulated in some states in response to pressures from the LGBT movement. When and where such policy is formulated and passed is a function of the resources of the LGBT movement and the filtering process of formal and informal institutions. The adoption of partnership recognition policies is also seen as an iterative process which is incomplete until a state achieves full marriage equality.

Research on the impact of social movements is far from new and the great plethora of debates surrounding how one can should conceptualize social movement mobilization and success abound (see the symposium in *Sociological Forum* March 1999 for a particularly

entertaining example of the volleying between resource mobilization and political opportunity structure). Work stemming from the resource mobilization and political opportunity structure threads of this theorizing have suggested that context matters and indeed that the existence, fervor, and success of social movements are linked to the context. Similarly, in the literature on policy adoption scholars have long included both social and structural factors as important determinants of policy. The question that then often remains for any particular policy area that is grounded as a social movement goal, is to what extent it is the context versus the movement that may determine the adoption of policy. Here I examine this question in the context of partnership recognition policies to illuminate how institutions and the movement matter in the context of minority rights policy.

### **Institutions as Context in Resource Mobilization and Political Opportunity Structure**

Scholars of social movements have long framed mobilization and success in terms of a rational actor model in which both are explained in terms of resources and access (Tilly 1972). As the social movement literature combined with studies on policy adoption, Eisinger's (1973) political opportunity structure theory brought institutions to the fore. The political framework of institutions serves to create a context in which social movement mobilization and success is mitigated by the nature of these institutions (Krieger 1999, Guigni 1998, Skocpol 1992, Amenta et al 1992, Piven & Cloward 1997). The mobilization and policy success of social movements corresponds to the openness of the system (Kitschelt 1986), the stability of political alignment and thus support (Tarrow 1998), and allied elites (Jenkins & Perrow 1977).

Political opportunity structure reorients research toward institutions from an explicitly neoinstitutionalism perspective. Formal institutions refers here to the structures of

government while informal institutions is used to refer to actor attributes within the institution that integrated behavioralism into the structural-functionalism of formal institutions. Tsebelis (1995; 1999; 2002;) asserts that institutional design is relevant insofar as different government structures afford more/fewer and different actors a veto with regard to policy. Accordingly, interest in institutions with regard to policy should be from the perspective how veto players impact efficiency and policy stability such that high veto player institutional design should slow policy adoption increasing stability and decreasing the general efficiency. Thus in states with fewer veto players, we should expect a more rapidly increasing probability of partnership policy adoption in comparison to states with more veto players. Whether framed as path dependency or policy stability, analyses of the impact of veto players on economic policy shows a clear reduction in policy change (Tsebelis & Chang 2004; Treisman 1998; Franzese 1996). Similarly, veto player theory has been applied to international trade (Mansfield, Milner & Pevehouse 2007) to show state resistance to regional integration programs based on the number of veto players. Uitz (2012) applied veto player theory in examining the adoption of sexual orientation inclusive antidiscrimination policies in Eastern Europe and found that veto players positions and voice in the process were more relevant than democratic consensus in favor of the LGBT rights.

How do supra-/inter- national institutions fit into this understanding of veto players? I include the European Union as a supranational institution and the European Convention on Human Rights as an international institution each of which function to harmonize states' policies and thus function as non-state veto players. Kastner & Rector (2003) demonstrated that while domestic veto players were relevant to financial regulations, once international

systems of financial regulation gained competency, the impact of the domestic constraints declined relative to the international system constraints. As both the European Union, the Council of Europe, and the European Court of Human Rights have increasingly expanded competency into arenas previously understood as domestic, the role of these institutions in policy making should become increasingly evident. What is perhaps less clear is the form this will take. In laggard states with regard to LGBT rights, it would seem logical to find the EU and ECHR increasing the probability of policy change while for leader and middling countries it is equally feasible that these institutions will act as additional veto players and thus foster policy stability. In the former case the European Union in particular has been understood to take on the role of policy entrepreneur (see Krause 2003; Laffan 1997)

### **Women in Parliament Matter**

Much of the research on women's representation has focused on the extent to which descriptive representation generates substantive representation and thus has sought to identify women's issues as a distinct set of policy preferences. Alternatively research has focused on what women's representation might indicate about the political and social context. Here I draw on elements of both of these research traditions to view women in parliament as providing surrogate representation (Mansbridge 2003) and as a harbinger of societies in which partnership recognition policies are politically feasible.

Clear differences exist between men and women legislators with regard to policy attitudes (Bratton & Ray 2002; Norris 1996; Skejeie 1991) and priorities (Paxton et al 2007; Little et al. 2001; Waring et al. 2000, Wangnerud 2000). These differences translate into disparate legislative outcomes in terms of bills proposed and passed (Kittilson 2008;

Bolzendahl & Brooks 2007; Schwindt-Bayer 2006; Breuning 2001). While much of these findings are examining policy proposals and outcomes concerning women's issues Waring et al. (2000) and Breuning (2001) find differences in outcomes on issues that are not clearly gendered issues (human rights issues and foreign aid respectively). As Bolzendahl & Brooks note "In demonstrating that female politicians tend to place higher priority on social issues in general...they provide evidence that women in political office tend to shift the course of policy making" (2007, 1514). Is marriage equality a women's issue or an issue for which we should expect women's representation to make a substantive difference? Caiazza (2002) defines women's issues broadly to include sexual orientation civil rights in her analysis of women's substantive representation across the United States. Even if marriage equality is not defined specifically as a women's issue, research has demonstrated women are more likely to prioritize bills related to family (Thomas 1991) and social services (Little et al. 2001) and thus are likely to prioritize legislation related to definitions of the family.

Potentially complicating the role of women's representation is research noting that this impact is unlikely to be linear. Women are expected to have greatest influence when they function as policy entrepreneurs, forging the agenda rather than later in policy development process (Bratton & Ray 2002; Tamerius 1995). Furthermore, research based on Kanter's (1977) understanding of critical mass suggests that women's influence on the policy process is contingent on specific thresholds. For example, Bratton & Ray (2002) found that at low levels of descriptive representation substantive representation declined for women until a threshold of 25%, after which increases in descriptive representation yielded substantive policy change. Similarly, Svaleryd (2007) found that increases in women's representation did not translate



into policy change until at least 30% of local council seats were held by women. Grey (2002) found that hostility toward women members of parliament rose when women made up 15% of the legislature, potentially validating Yoder's (1991) theory of intrusiveness and corroborating Kathlene's (1994) findings that resistance to women legislators within committees was higher when women made up a greater proportion of the committee. These findings collectively suggest not just that women are an important determinant, but also that the impact of women on policy making is complicated.

### **Policies of Recognition**

Across postindustrial democracies states have a variety of way of recognizing relationships that are socially constructed as marriage or akin to marriage by the parties involved. These policy structures can be broadly categorized as informal cohabitation, registered cohabitation/registered partnership, and marriage<sup>1</sup>. Which institutions exist and who may enter into them to receive state recognition varies considerably. Furthermore, the legal ramifications in terms of rights, benefits, and obligations vary across as well as within these institutions. Informal cohabitation generally imparts the fewest legal consequences and the least cultural value as a representation of commitment while marriage imparts the greatest legal consequences as well as highest cultural value as a symbol of commitment. Waaldijk (2004, 187) explains "in terms of legal consequences, for same-sex couples, marriage means

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<sup>1</sup>For the purposes of the statistical analysis, the levels are coded for each state are a) lacking any form of recognition, b) same-sex informal cohabitation recognized with some accompanying rights, c)registered partnership with some of the benefits of marriage, d) registered partnership/civil union with nearly identical consequences to marriage, or e) marriage. This recoding is in attempt to more accurately reflect the substantive differences in the law and cultural significance of each institution in each state.

less in Belgium than registered partnership does in Sweden and the Netherlands; and in these countries informal cohabitation means more than legally registered partnership does, not only in Belgium, but also in France and Germany.” This however is in part a function of the diversity of legal obligations and benefits marriage, the paradigm, imparts across states<sup>2</sup> and in part a function of the concessions process for achieving any form of recognition in some countries.

Informal cohabitation, which can be referred to as common law marriage in some states, provides some legal consequences but these are generally minimal. Furthermore, informal cohabitation is not recognized as granting standing in many states and the rights that do stem from informal cohabitation are often the result of jurisprudence rather than legislation and may or may not apply exclusively to opposite sex partners. Informal cohabitation is relevant here when certain rights and obligations accrue when two individuals have shared a domicile for a specific period of time. For example, the Portuguese law on informal cohabitation provides for common property, joint adoption and housing protections and welfare pensions for the surviving partner in the event of death provided the two partners have shared a domicile for at least two years. After 2001 Portugal extended the rights and obligations of informal cohabitation to same-sex couples, with the exception of the ability to adopt. Common law marriage in Hungary provides couples with even greater rights and privileges and common law marriages between same-sex partners have been recognized since 1996. By contrast, the United States national government recognizes only different-sex

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<sup>2</sup> See Waaldijk (2004) for a comparative assessment of the legal consequences of heterosexual marriage across states. He creates an index of consequences of marriage from 0-99 on which actual marriage consequences for the states he analyzes range from 70 out of 99 points (the Netherlands) to 61 out of 99 points (Denmark).

cohabiting partners in the eleven states that recognize informal cohabitation and the recognition only applies the marital provisions in the national tax code.

Registered partnership (and registered cohabitation) can be distinguished from informal cohabitation in that it requires partners to notify the state of their intent to create an exclusive and obligating agreement with each other that has accompanying rights, benefits, and obligation from the state, whereas informal cohabitation requires no such registration and occurs simply by virtue of cohabitation of a duration at least as long as the minimum term specified by the state. Additionally, there is particularly wide variation in the legal consequences of registered partnerships ranging from those nearly identical to marriage (for example, the Netherlands, Sweden, Iceland, and Denmark) to those that offer only a small portion of the rights to which a heterosexual couple would be entitled in marriage (for example, Belgium, Germany and France) (Boele-Woelki 2008; Merin 2002; Waaldijk 2001, 2002, 2006). Unlike informal cohabitation, registered partnership is far more likely to be limited to same-sex rather than different sex couples. Since Denmark's introduction of the registered partnership in 1989, a growing number of first European and then more far reaching states have introduced partnership registration legislation that aims specifically to improve the legal status of same-sex partners (Waaldijk 2004). Merin (2002) explains that the rationale for different-sex partners being either included or excluded from partnership registration as an alternative to marriage is related to the objective of partnership registration itself. She notes that in the Netherlands and France different-sex couples have the option of entering into a registered partnership because the heterosexual majority found the legislation more palatable if it were presented as an expansion of partnership options in general. Denmark and Norway

on the other hand, specifically exclude opposite-sex couples from entering into registered partnerships, rationalizing that this exclusion would help to preserve marriage as the cultural paradigm. Germany and Sweden both limited partnership registration to same-sex couples under the presumption that different-sex couples could just use the option of marriage if they wanted the rights (Merin 2002). Thus the rationales for inclusion or exclusion of opposite sex partners in partnership recognition policies are based on varied combinations of legal and cultural arguments.

The cultural distinction between informal cohabitation and registered partnership is particularly significant for LGBT activists. Registered partnerships denote a level of openness and acceptability for same-sex partners that rights bestowed by virtue of cohabitation do not. It is precisely because the registered partnership requires couples to present themselves to the government in a formal way for the creation of a contract that binds together as partners, that this is of greater importance than the mere legal consequences. This process moves the same-sex relationships out of its traditional position of invisibility and taboo and into a more visible and acceptable light.

Marriage denotes the highest level of obligations, rights, and benefits of the relationship recognition schemes, but in addition to these legal consequences marriage stands apart because of its history and implications for culture. The legal consequences of marriage vary across states to such an extent that one entering into a registered partnership in the Netherlands would receive more legal consequences than entering into heterosexual marriage in Denmark. Regardless of the legal differences, the cultural role of marriage is nearly identical across states.

As the most expansive institution in terms of legal and cultural consequences, it is also the most extensively regulated with regard to who, where, and how one may enter into a marriage. In the United States it is common for a marriage to begin in a church with a religious authority officiating and the ceremony resulting a state-issued marriage license, while in Belgium a religious ceremony has no legal effect and cannot precede a civil marriage officiated by a public officer. In addition to regulating where and how a marriage can be created, states create rules regarding who may enter into a marriage with whom, for example Israel limits legal marriage recognition within the faith. The most obvious way in which this is restricted in the context of this research is that some states mandate that the two people who enter into a marriage be of different sexes or genders and this clearly the focal point of this research.

### **When Do We Get Marriage Equality?**

Policy change related to social movement mobilization is a function of the political context understood in the terms of political opportunity structure. Marriage equality should thus be a function of the social movement itself as well as the institutions that create a framework for mobilization. While formal structures such as the electoral system, structure of the executive, and membership in international organizations form key components of the opportunity structure, of equal or more relevance is the existence of amenable officials that afford opportunities, function as surrogate representatives, and/or policy entrepreneurs.

### **Data & Method**

The cases in the dataset were selected based on the limited applicability of a common goal structure of the transnational LGBT movement to those states which were both sufficiently democratic that a movement could form and sufficiently industrialized for

urbanization to have occurred and economic stability high enough to permit the cultivation of the LGBT movement. Furthermore, postindustrial democracies are expected to have greater and growing concern with matter of equity, equality, and self-actualization, understood as post-materialism, that would promote the development of a movement whose goals match the policies defined here (Inglehart 1995). The level of democracy in states was evaluating using polity scores (Marshall & Jaggers 2002) and a threshold of a nine on the zero to ten polity scale was required for the state to be included in the dataset. Advanced industrialization is understood to be those states whose percentage of GDP derived from agriculture and manufacturing is relatively small (O'Neil 2005). For the purposes of this dataset the percentage of GDP from agriculture was added to the percentage of GDP from industry, for a state to be included in the dataset the combined value for both agriculture and industry had to be below the global mean for agriculture and industry combined.

As mentioned previously, partnership recognition can take many forms ranging from rights accorded to informal cohabitants to all of the rights, obligations, and privileges of marriage. Using timelines created by Waaldijk (1999), Rayside (XXXX), the ILGA World Legal Survey, and news articles from major wire services as English translations of national newspapers, I coded the partnership recognition policy for thirty-five advanced industrialized democracies from 1975 to 2010. Policies were divided into four categories: informal cohabitation, registered partnership with some of the legal consequences of marriage, civil unions/partnership registration with nearly all of the legal consequences of marriage, and civil marriage/civil unions with all of the consequences of marriage. Each state may thus fail up to four times and states that do not adopt policy at the highest level, marriage equality, are right

censored irrespective of prior policy adoptions which constitute failures but do not result in removal from the risk pool.

### *Social Movement Measure*

The resources available to movement organizations play a vital role in determining policy success. One of the best measures of social movement resources is the number of voters within the movement or identity group, but this is problematic for LGBT politics due to the lack of consensus on the percentage of homosexual and bisexual persons in society and the frequency of underreporting in surveys. As a result alternative measures of movement strength must be used.

The number of national LGBT organizations is an apt measure of movement strength that is particularly useful for the purposes here. The number of gay right organizations serves in part as a proxy for the size of the gay population, but also indicates the extent to which LGBT persons are committed to political change. Only national organizations are included because the focus of the research is national level policy and local/regional organizations are more likely to be focused on local/regional policy or social change. Furthermore, “organization[s] only have a real social or political impact if they can be said to constitute...a movement with at least some kind of common strategy and policy goals” (Hooge 2005, 976) and national level organizations reflect a common strategy and greater coordination. National organizations are measured via counts of the organizations listed Spartacus International Gay Travel Guides issued from 1971 through 2012 and/or register with the International Lesbian and Gay

Association. The existence of these organizations was subsequently verified via organizations websites.<sup>3</sup>

### *Institutional Structure*

Government structure as a context for policy making is universally understood as important but conceptualized and operationalized in a multitude of ways, including Tsebelis's veto players as mentioned above. I identify two key components of the formal institutional structure at the national level that should impact the duration until policy change. The insulated nature of the executive in parliamentary systems can give such leaders the freedom to act as policy entrepreneurs or support unpopular but necessary policy. With regard to partnership recognition policy this would indicate that presidential systems will negatively impact the probability of policy adoption and thus extend the duration until marriage equality policies are adopted. The structure of the executive is delineated as presidential, assembly-elected, or parliamentary based on 2012 Database of Political Institutions.

While often related to the structure of the executive, the district magnitude for the legislature is also likely to impact the openness of the political system. As district magnitude and thus the proportionality of the legislature relative to the population and number of viable parties increases, it becomes more likely that one of the parties will include the issue of gay rights in their policy agenda. Furthermore high district magnitudes ... Here I use Keefer's (2012) measure of district magnitude as the weighted average number of representatives elected by constituency size.

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<sup>3</sup> Website validation was not available for all organizations, particularly those that existed in the 1970s but collapsed before the 1990s. When possible these organizations were validated by gay history archival websites, but organizations that could not be validated were included if they appeared in more than one annual edition of Spartacus.



In addition the structure of government within states, the impact of international institutions must also be considered important given the increasing role supranational institutions play in domestic policy. In particular I examine the influence of the European Union and the European Convention on Human Rights as both have been influential in states' policies regarding minority inclusion in the polity. Both institutions are measured dichotomously as member or non-member for each year, thus some states enter the dataset as non-members and become members during the time span of analysis.

### *Political Context*

Within the institutional structure of government, the context of governance varies. For social movements in general and the LGBT movement in this particular instance, it is important to look at how the government is constituted within these structures. Specifically, the fractionalization within the legislature and the representation of women in the lower house of parliament impact the probability of policy change.

In a highly fractious parliament, the lack of a political centripetal force allows parties to attempt to secure votes via electoral capture of minority voting blocs. Thus LGBT rights such as partnership recognition may be incorporated into a party platform without necessarily resulting in electoral losses. Such parliaments are also likely to require coalition building that spans a variety of parties and thus provides more avenues for access to the policy process. Legislative fractionalization is measured as the probability that two members of parliament chosen at random will be from different parties.

Women's policy priorities in parliament tend to be more liberal and place greater emphasis on women's issues as well as civil rights issues. Given women's greater support for

gender justice issues, I expect women in parliament to be positively related to partnership recognition and thus the greater the proportion of women in the lower house of parliament, the higher the probability of policy adoption.

### ***Methodology***

Box-Steffensmeier and Jones (2004, 1) introduce event history modeling by reminding us that “for many research questions, timing of social change is at least as interesting as understanding the event culminating the history” and this would certainly seem to be the case when one is interested in the impact of social movements on public policy. Both the policy and the political opportunity structure literature emphasize the importance of timing; increasingly analyses of policy adoption, and in particular policy diffusion, have moved to event history analysis. Event history analysis is preferable to time series analysis for this analysis because it would be inappropriate to assume normally distributed residuals for these data (Box-Steffensmeier and Jones 1997; Cleves et al. 2008). Time series analysis would not account for the right censoring present in these data; while most of the cases adopt some form of partnership recognition only seven have adopted full marriage equality during the period of analysis and thus all other cases are right censored.

The following research examines the duration until policy adoption(s) measured as time in years as a function of the LGBT social movement, the structure of the executive, the mean district magnitude for the lower house, fractionalization of parliament, the percentage of women in parliament, membership in the European Union, and whether or not a state is a signatory on the European Convention on Human Rights.<sup>4</sup> As mentioned above, I theorize that

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<sup>4</sup> See Appendix for list of countries including the dates in which they enter and exit the dataset.

institutions and political context mitigate the impact of the social movement on the duration until policy change. In order to assess this theory I run five models. Model A examines the impact of organization alone on the duration until policy change. Model B includes all of the independent variables without incorporating interaction terms for the relationship between the political opportunity structure and organizations. Models C & D add interaction terms between the categorical variables and organizations and the continuous variables and organizations respectively. Finally, model E omits the count of national LGBT organizations from the analysis and predicts the duration until policy adoption based on solely on institutions and the political context. In addition to the independent variables, I control the existence of an antidiscrimination policy that is LGBT inclusive in all of the models except for model C.

All five models are parameterized with a log-logistic hazard rate. While the Cox semi-parameterized model is more commonly deployed in political science and has the advantage of allowing the data to perform unconstrained by particular expectations of the hazard, it is a proportional hazards model and thus inappropriate for these data. Furthermore, because the Cox model leaves the baseline hazard unestimated, it is less efficient in coefficient estimation and ignores changes to variables that occur in time periods in which no state fails. The log-logistic was selected because a nonmonotonic hazard fits the expectations of the theory and it was indicated as the best fit based on Akaike's Information Criteria for the primary models of interest (Models A-C).

### ***Findings***

In order to demonstrate the interaction effects of institutions, it was necessary to examine multiple models which introduce the political context first, followed by the context

variables interaction terms with the size of the LGBT social movement and finally, based on the findings from the previous models, Model E examines the duration until policy change without incorporating a measure of the movement. As mentioned previously, all five models were parameterized as a log-logistic hazard rate. Across all of the models we observe a non-monotonic hazard that increases initially followed by a decreasing hazard ( $\gamma < 1$  across all models).

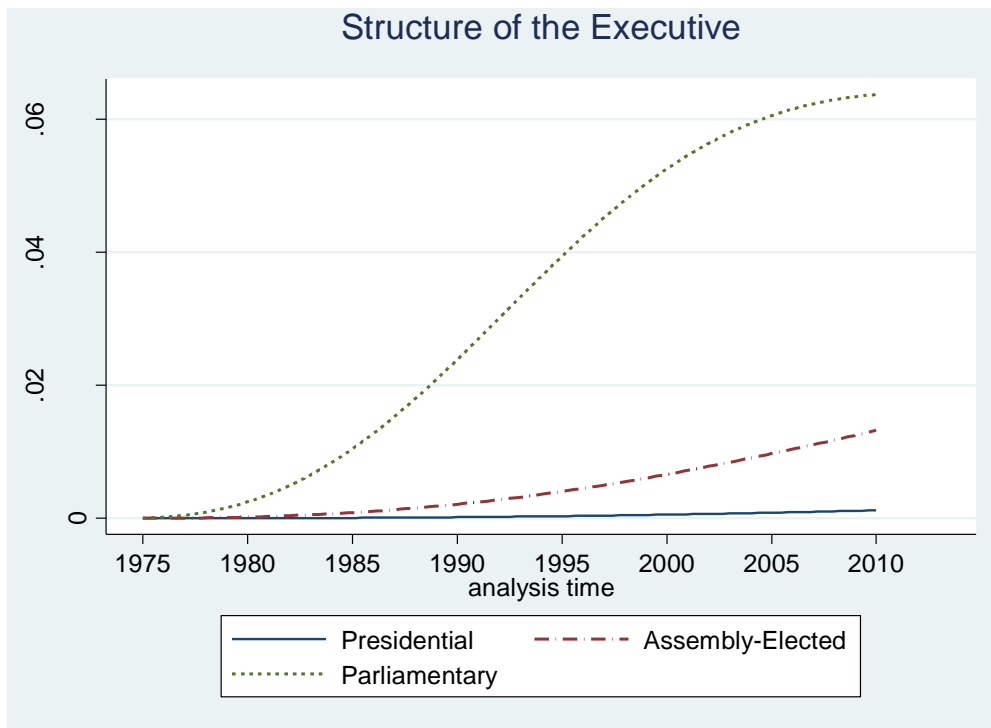
	Model A	Model B	Model C	Model D	Model E
System		-0.7377* (0.4416)	-0.7983 (0.5776)	-0.6503 (0.5134)	-0.8222* (0.4553)
District Magnitude		-0.0138*** (0.0039)	-0.0144*** (0.0036)	-0.0154*** (0.0039)	-0.0121*** (0.0034)
Fractionalization in Legislature		-0.6657 (1.4353)	-0.9061 (1.2889)	1.8622 (1.8422)	-0.8087 (1.2169)
European Union		-0.18 (0.3751)	0.0487 (0.4411)	-0.0257 (0.3523)	-0.3731 (0.3458)
European Convention		-0.5142 (0.4624)	-0.9145 (0.5915)	-0.942* (0.524)	-0.3012 (0.3758)
Women in Parliament		-0.0718** (0.0271)	-0.0697** (0.0271)	-0.0318 (0.475)	-0.0753** (0.0273)
Antidiscrimination Law		-0.3825 (0.3987)	-0.1924 (0.4684)	-0.3884 (0.4327)	-0.4767 (0.4092)
LGBT Organizations	-0.0039 (0.0083)	-0.0165 (0.0191)	-0.0391 (0.0448)	0.2381 (0.1803)	---
System* Organizations		--	0.0113 (0.0292)		--
EU * organizations		--	-0.0505 (0.0619)		--
ECHR * organizations		--	0.0616 (0.0602)		--
Antidiscrimination* organizations		--	-0.0138 (0.0292)		--
Women* organizations	--	--	--	-0.0051 (0.0056)	--
Fractionalization* organizations	--	--	--	-0.2751 (0.1682)	--
Constant	3.3075	7.6167	7.9225	5.5266	7.7034
Gamma	0.2879 (0.042)	0.2916 (0.0481)	0.2807 (0.0474)	0.2836 (0.0483)	0.2887 (0.0466)
Chi-squared	0.24	41.28***	42.53***	45.95	40.31***
AIC	64.6779	35.0912	41.8438	38.3729	33.0653

The theory specified above expects LGBT organizations to be an important determinant of the duration until policy adoption but this influence of organizations is mitigated by the political context. Thus I expect to find that organizations alone has little explanatory power but that when included in a model interacting with political context variables the model should improve and furthermore the interaction terms should be statistically significant. In contrast to these expectations, I find that the best model fit excludes organizations entirely and analyzes the duration until policy change based solely on political context.

When partnership recognition policies are modeled as a function of the number of LGBT organizations along, movement resources proves to be statistically insignificant. This hold across the models and prompted the examination of a model excluding organizations in favor of including only political context variables. When organizations are included in the model both directly and through interaction terms with each of the independent variables, I find that not only is the number of organizations insignificant, but all of the interaction terms are similarly statistically insignificant. These findings suggest that more attention should be paid to the political context.

The political system, understood in terms of the structure of executive, impacts the duration until policy change in that parliamentary systems accelerate the probability of policy adoption over time compared to assembly-elected or presidential executive systems. The acceleration is estimated to be 52.18% when organizations are included in the model and 56.06% when organizations are excluded from the model. When interaction terms are included in the analysis, the structure of executive is not statistically significant, though the percentage of acceleration is comparable (55% and 47.82%). Figure 1 below shows the hazard functions

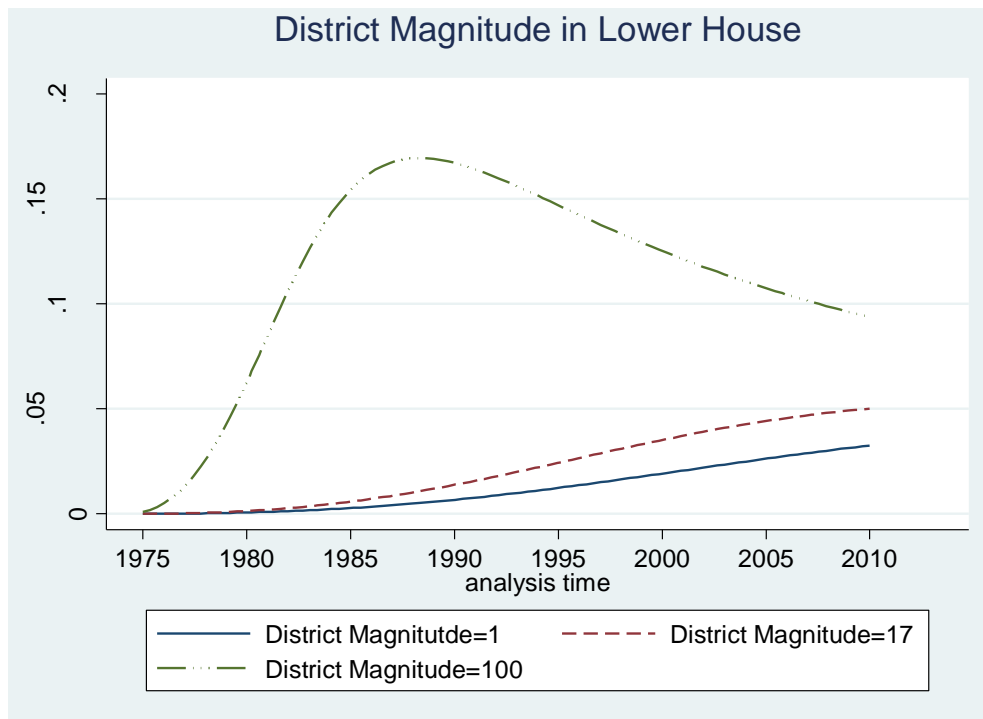
for presidential, assembly-elected, and parliamentary executive systems. At the beginning of the data, all states have a nearly zero hazard but over time the hazard for parliamentary states accelerates more rapidly and non-proportionally to that for assembly-elected and presidential states. The latter of these, presidential systems, maintain a nearly flat hazard for partnership recognition policy adoption for the duration of the data.



Relatedly, the district magnitude and thus proportionality of the electoral system also increases the probability of partnership recognition policies. As anticipated across all of the models which include the average district magnitude, increases proportionality in the legislature accelerates the probability of policy adoption. This is statistically significant across all four models though it should be noted that the interaction between LGBT organizations and district magnitude was not statistically significant in model C. Increasing district magnitude by

a single seat accelerates the probability of partnership recognition by anywhere from 1.21%-1.53% depending upon the additional covariates.

As is evident from figure 2, the hazards based on district magnitude are not proportional. Single member districts and states with district magnitudes at the mean in these data show a monotonically increasing hazard for the duration of the data while district magnitudes closer to the maximum in the data have a non-monotonic hazard that is rapidly increasing initially but then begins to decline at the beginning of the 1990s.<sup>5</sup>



Because of the roles of the European Union and European Convention on Human Rights in expanding the definitions of rights to include rights to create and maintain a family as well as increasing inclusion of sexual orientation as a protected category, I anticipated that being a party to either of these supra/inter-national organizations would improve the probability of

<sup>5</sup> A district magnitude of 100 was used rather than the maximum in order to improve the readability of the graph in differentiating between single member districts and the average district magnitude.

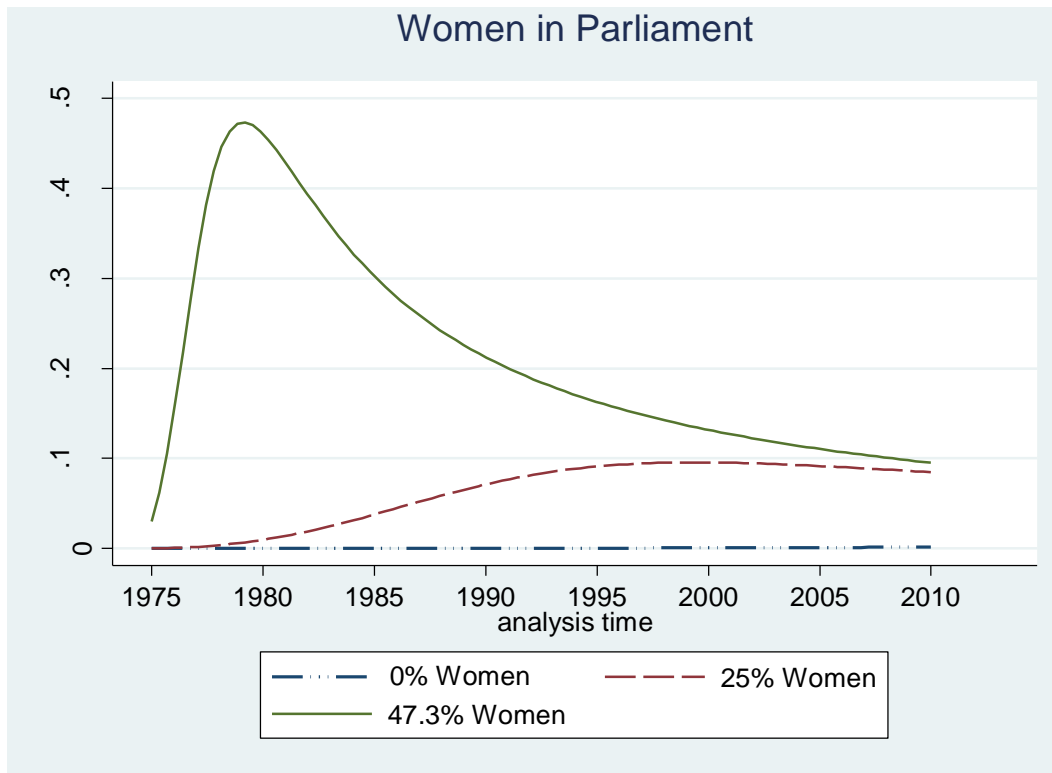
policy adoption. Across the four models which include both of these measures I found that neither the EU nor the ECHR has a statistically significant impact on the duration until partnership recognition policies were adopted. When the interactions between the number of organization and each of these institutions were included in the model, neither the interactions nor the individual indicators are statistically significant.

The political context includes the nature of those in government in addition to the structures themselves and in particular it was anticipated that the percentage of women in parliament would impact the probability of partnership recognition. Because there is also evidence in the literature suggesting that the level of competition or fractionalization within the legislature and impact the policy process, it was also anticipated that fractionalization in government would increase the probability of policy adoption over time. These data support the hypothesis that women in parliament matter, but fail to produce evidence validating a relationship between fractionalization and policy adoption. Women in parliament is statistically significant except when included both directly and as an interaction term. Increasing women's descriptive representation accelerates the probability of policy adoption by an estimated 7.03%-8.26% depending on the additional covariates included in the model.

The hazard functions are clearly not proportional in the case of women in parliament. In states where women are absent from parliament, the hazard is flat and the expectation of policy adoption is thus minimal. When women reach 25% of the parliament, the probability of policy adoption increases for the time under analysis with these data; it appears that toward the end of the time period (after 2005) the hazard may begin to decline slightly. Rather than 50%, I utilize the maximum percentage of women in parliament found in these data, 47.3%, which



produces a non-monotonic hazard that rapidly increases in the first years of the data and then



steadily declines eventually appearing to near converge with the hazard function for states in which 25% of parliamentary seats are held by women.

These findings suggest that women in parliament is crucial to the adoption of partnership recognition policies. While district magnitude was similarly consistent in impact across models, the descriptive representation of women has more directly applicable policy implications. Electoral system design is matter of constitution provision and thus changing the district magnitudes to create a more amenable political context for LGBT rights is not a feasible initiative for LGBT organizations. Women's representation, in contrast, is clearly amendable to influence by social movements. These findings suggest that LGBT resources would be well spent increasing women's descriptive representation and thus creating a more broadly amenable political context.

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