

KU researcher: Same-sex marriage bans helped create empathy for change

February 28 2012

(PhysOrg.com) -- A University of Kansas political scientist who has researched gay and lesbian political movements in the United States says states' statutory bans on same-sex marriages may have helped shift public empathy for gay and lesbian partners and their families.

Looking at a timeline of legislative efforts since 2003 by 20 states to make same-sex marriage or civil unions legal, Don Haider-Markel, author of "Out and Running: Gay and Lesbian Candidates, Elections and Policy Representation," said "attitudes have really shifted in a short period of time."

Six states and the District of Columbia have made same-sex marriage legal, and 12 more recognize civil unions or have domestic partner laws that provide some legal benefits.

This month three more state legislatures voted to permit [gay marriage](#) – Washington, New Jersey and Maryland.

Washington Gov. Christine Gregoire has signed the law, which will not take effect until June and could be appealed in the November election. Maryland Gov. Martin O'Malley plans to sign the new law, which may also be appealed. New Jersey's Gov. Chris Christie has vetoed the legislation.

The recent legislative action is a dramatic shift from the mid-1990s when nearly every state had considered statutory legislation to ban same-

sex marriages, Haider-Markel said.

“If it hadn’t been for states pushing to ban same sex marriages [in the early 1990s], people might not have been exposed to personal, often very tragic stories of difficulties that gay couples experience without benefit of marriage,” Haider-Markel said. “It’s an ironic outcome.”

His book, published in 2010, reflects the long-term strategies of elected gay officials for enacting civil rights for gay, lesbian, bisexual and transgendered citizens and documents the slowly expanding acceptance of rights for same sex marriage.

“We have seen broader changing attitudes in the past 30 years as well as an increasing number of people saying they know somebody who is gay or lesbian,” he said.

State legislative action seeking to enact laws to permit gay marriage is a significant shift from having a court ruling determine the legal right to marry, Haider-Markel said.

The legalization of gay marriage resulted through court action in Massachusetts (2003), Connecticut (2008) and Iowa (2009). In 2009, Vermont became the first state legislature to legalize gay marriage, followed by New Hampshire and the District of Columbia. In 2011, New York became the sixth state to make gay marriage legal.

“National opinion polls in November and December 2011 by Gallup and Pew found at least a plurality of support for gay marriage,” Haider-Markel added, noting those results are a shift from five years ago when the polls reflected strong opposition to gay marriage.

Yet despite shifts in polls and recent legislative action, Haider-Markel said gay marriage laws will most likely be allowed in a minority of the

50 states. He does not foresee much change marriage laws for gay couples in the Midwestern and Southern states without court action. The change has occurred is largely in urbanized states that tend to vote Democratic and have a population with high levels of education.

In his book, Haider-Markel emphasizes that the coming out of political candidates and legislators has been a major factor in both promoting legislation for the civil rights of gay, lesbian, bisexual and transgendered citizens and changing public opinion.

Popular culture, particularly films and television shows that focused on gay, lesbian, bisexual and transgender issues in fictional and documentary stories, have also been influential in recent years, he noted.

Legislative debates, however, prompted real-life news stories of gay and lesbian couples denied health benefits or rights to hospital visitations or denial of adoption or inheritance rights that have helped shift public opinion on [gay](#) marriage.

Provided by University of Kansas

Citation: KU researcher: Same-sex marriage bans helped create empathy for change (2012, February 28) retrieved 26 April 2024 from <https://phys.org/news/2012-02-ku-same-sex-marriage-empathy.html>

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