

UNIVERSITY OF CALIFORNIA,
IRVINE

Rights, Regimes, and Reinvention:
The Role of the Welfare State in Same-Sex Relationship Recognition Policy

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Political Science

by

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2017

DEDICATION

To Athena

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ACKNOWLEDGMENTS

To suggest this dissertation is the fruit of only my efforts grossly under-appreciates the expansive support network upon which I relied to write it. Below is my attempt at a comprehensive list of people to whom I am indebted. For those I have left out, know the omission is unintentional.

First, I am eternally grateful for the guidance of my dissertation committee—Tony Smith, Graeme Boushey, and Tony McGann—without whom I would not have completed this project.

I am thankful for Tony Smith's many lessons in professionalization, his big picture focus, and keen eye for subtleties. He took notice when I was having a bad day, sent me encouraging messages before big events, and knew when I needed the firm deadlines mysteriously absent from academia. He was both my toughest critic and my fiercest advocate. I am reassured knowing he is in my corner.

Graeme Boushey provided me with more insight and LaCroix than anyone could ask for. This dissertation is the product of countless hours of his time spent talking through my ideas. His passion for public policy is contagious, and his belief in my abilities was sustaining in my own moments of doubt. I am a better scholar and person for knowing him.

Tony McGann remains a reliable mentor despite being an ocean away. He continues to encourage me to improve the design and implementation of my research projects. I have learned a great deal from him.

The earliest version of this dissertation developed in Katie Bolzendahl's class, and I am grateful for her continued interest in the project. I am also thankful for Russ Dalton's extensive feedback on earlier drafts. I owe special thanks to Daniel Brunstetter, Sara Goodman, Jeff Kopstein, Davin Phoenix, and Carole Uhlaner, all of whom offered professional guidance or comments on my work at various times during graduate school.

Shani Brasier, Claudia Cheffs, Tomas Figeroa, Gianna Linnert, and John Sommerhauser not only work tirelessly behind the scenes at UC Irvine, but have also offered encouragement, candy, and lunch meeting leftovers throughout the years.

This project further benefited from generous financial support from the Center for the Study of Democracy, the Department of Political Science, and the John Harvey Endowment Fund.

In addition to committee, faculty, and institutional support, graduate school was made enjoyable by the company of an extended group of graduate students, including: Genna Beckenhaupt, Archie Delshad, Katelyn Finley, Pernilla Johansson, Jolene McCall, Natalie Nakamine, Kelsey Norman, Rob Nyenhuis Graham Odell, Carrie Reiling, Kelly Rivera, Patty Rodda, and Rottem Sagi. Amidst peers less fun, determined or brilliant, I might not have attained this goal.

John Cuffe was my first friend in Irvine. We bonded instantly, and his sense of humor and weak English accent brightened many of my days. I am thankful for his continued friendship and low-cost statistics troubleshooting services.

Alex Keena kept me company through many shared graduate school experiences. From research papers, to conferences, to job interviews, trading ideas with Alex improved every aspect of my work. I am grateful to have him as a co-author and life-long friend.

Maneesh Arora's laser sharp intellect and kind spirit have compelled him to listen patiently as I ramble about my latest ideas and to gently tell me when I am wrong. I am thankful for his willingness to give me parking passes, answer pressing methodological questions in the middle of the night, and share ice cream from the same cone. I consider him a dear friend.

I spent thousands of hours working with Hannah Alarian, Trevor Allen and Josh Malnight. Through laughter, tears, and hundreds of pages of writing we forged a bond most would call friendship, but Trevor would call "people with whom I sometimes work." I am thankful for their company, their occasional teasing, and their overestimation of my "edgy" side.

Hannah has been my confidant, consultant, and cheerleader in chief—my right hand "man" in dissertation writing. Her brilliance and kindness are inspiring and I could not ask for a better person with whom to run across the finish line.

I am grateful for Trevor's company during several late work nights, his endless supply of witty remarks, and his willingness to recommend me to employers.

Josh's enthusiasm for my idea renewed my excitement in the project when I needed it most. I appreciate his R advice, his patience, and his propensity for puns.

My relationships with friends beyond the walls of graduate school and with family members over the last year were often characterized by unreturned phone calls and visits overrun by my need to work. I am grateful for their continued love in the face of my unavailability.

My dear friend, Jaclyn Munzer, became my de facto editor and mock interviewer. Her enthusiasm about this project and her giant hugs pulled me from the brink of insanity on more than one occasion.

My best friend, Aarin Kevorkian, has tirelessly cheered my accomplishments for more than a decade. I am thankful for her unwavering friendship and the fact that she has yet to discover she is cooler and smarter than me.

I am also grateful to a large extended family including aunts and uncles—especially Amy Braun for taking care of Aidan so I could write, and Nick and Robert Rini who work hard to remind my brother and I of our dad's love and pride for his children—a roster of cousins too long to list, and my siblings.

I owe a special thanks to my in-laws for routinely questioning the assumptions underlying my argument and making me think critically about the ideas presented here. My mother-in-law also graciously read and offered comments on several chapters. Lastly (in order, but not importance), they purchased a heater for my freezing cold office, without which this dissertation would not have been completed until long after summer.

My grandparents have been a stable force in my life. Their love for me and support for my educational goals have been crucial to my success. I am thrilled they could see me finish this project.

I am eternally indebted to Mom and Phil. My mom inspired my love of learning in utero as she read me Dr. Seuss before talking to unborn babies was “a thing.” She spent my school years driving me across town to the best schools she could find. Not only have they offered me love, support, encouragement, and a healthy dose of humbling jokes at my expense, but they are also two of my best friends.

My daughter, Aidan, has brought me great happiness. I am thankful for countless Starbucks “work” dates and her insistence that I pay attention to her no matter how much work I needed to do. Her curiosity about my work taught me to explain tough concepts in language a wise-beyond-her-years four-year old could understand. Being her mommy is my single greatest joy.

Lastly, like everything in life, I could not imagine completing this program without Athena by my side. She encouraged me when I thought about giving up, and loved me through late nights and weekends full of work instead of family time. She is my greatest inspiration and my very best friend. Words cannot express how grateful I am she chose me.

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ABSTRACT OF THE DISSERTATION

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Research examining countries' policy responses to minority rights contestations typically focuses on the role of social movements and political institutions in delivering beneficial policy outcomes. Studies of same-sex relationship recognition (SSRR) policy adoption are no different. This dissertation diverges from previous narratives to present a theory of rights recognition grounded in comparative political economy and public policy. Specifically, I argue comprehensive welfare states that reduce economic inequalities, better address social inequalities, and are thus more likely to adopt SSRR policies sooner than their less comprehensive counterparts. A potential implication of my theory—that comprehensive welfare states adopt more expansive SSRR policies—comes into conflict with existing research on policy reinvention suggesting early adopting states adopt sub-optimal policies and then update them to keep pace with later adopters.

I test my theory and the competing hypotheses about the welfare state's effects on policy expansiveness using a mixed-methods research design and a database of SSRR policy adoptions in 20 countries between 1978 to 2015. Cox proportional-hazards models allow me to examine the effects of the welfare state on the *timing* of policy adoption, and a case study of the United States and the Netherlands illuminates key theoretical mechanisms. I disentangle the competing hypotheses

about policy expansiveness in several ways. First, a seemingly unrelated estimation procedure involving multiple component event history analyses and robust/sandwich standard errors allow me to evaluate the differing effects of covariates on each type of policy adoption. I then use logistic regression to discern whether comprehensive welfare states adopt more expansive SSRR policies. Lastly, I examine the relationship between welfare state comprehensiveness and the number of policies states adopt over time.

I find welfare state comprehensiveness predicts the adoption of *an* SSRR policy, but that comprehensive welfare states do not necessarily adopt the most expansive policies—at least initially. Instead, comprehensive welfare states adopt less expansive policies and update them to keep pace with their late adopting peers. These findings improve our understanding of identity politics and comparative welfare states, offering a cautious commentary on the potential pitfalls of retreating on social rights. They also bolster previous findings about the implications of policy reinvention. Finally, my approach to studying SSRR policy adoption offers some synthesis for the eclectic strand of research attempting to explain SSRR policy adoption.

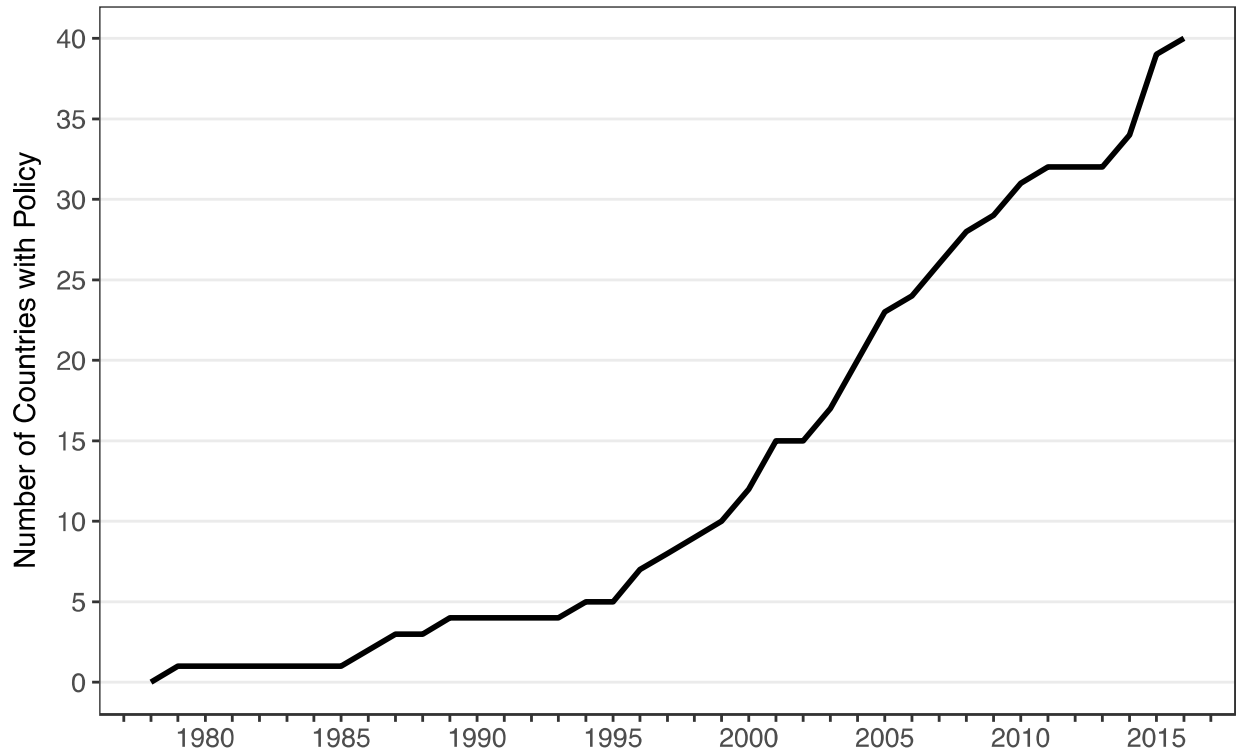
CHAPTER ONE

Introduction

In 1979, the Netherlands changed its tenancy laws to allow a tenant's partner, regardless of sex, to become a co-tenant after two years of joint-residency—resulting in the world's first same-sex cohabitation policy (Schrama 2015; Waaldijk 2004). Over the next decade, Denmark (1986), Sweden (1987), and Norway (1989) followed suit in adopting cohabitation policies. Denmark also adopted the world's first registered partnership policy (1989), affording gays and lesbians nearly all the rights of marriage—save some parenting rights that were later extended (Lund-Andersen 2015). Then, in 2000, the Netherlands pioneered same-sex relationship recognition (SSRR) policymaking again, this time adopting the world's first same-sex marriage policy.

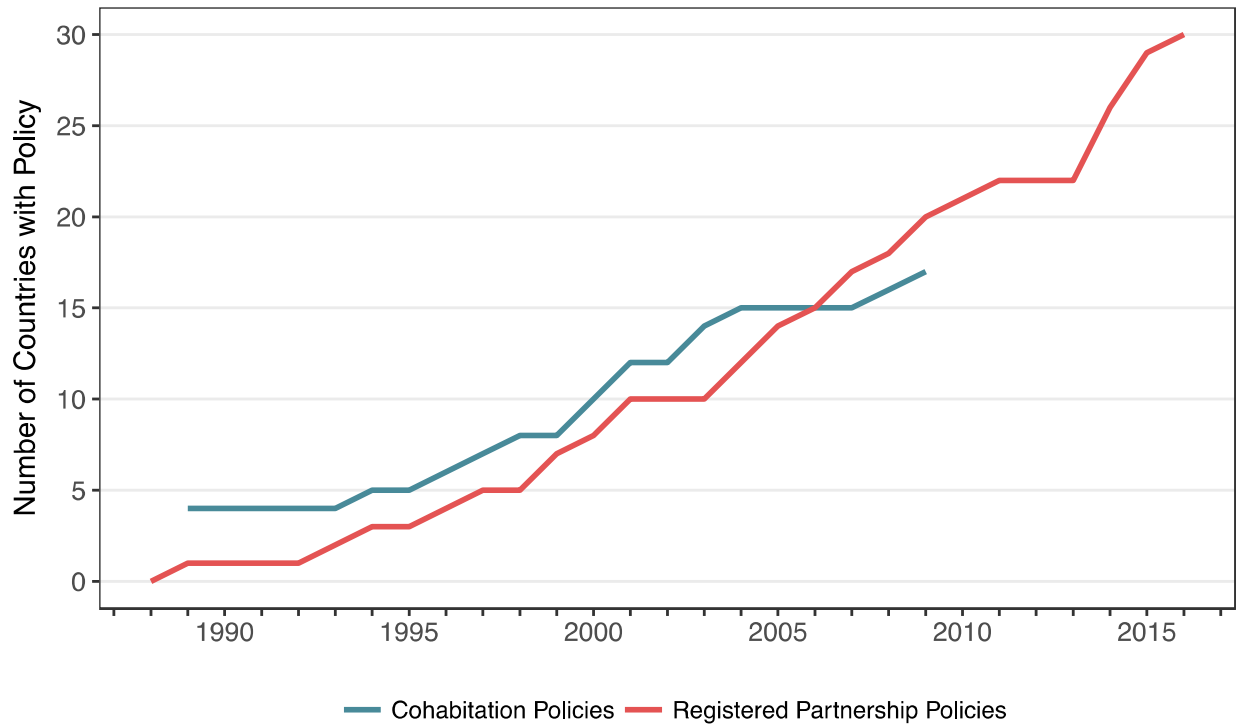
In the years between Denmark's registered partnership policy (1989) and the Netherlands' same-sex marriage policy (2000), the number of countries recognizing same-sex relationships grew from four to eleven, and many early adopters of both cohabitation and registered partnership policies bulked up the rights available to same-sex couples either by expanding existing legislation or adopting new policies. As of this writing, 40 countries recognize same-sex relationships in some capacity, and recognition is imminent in Taiwan—following a High Court ruling on the issue (Chappell 2017)—and Germany. Figure 1.1 shows the number of countries adopting SSRR policies since 1978. The x-axis shows the passage of time, while the y-axis tracks all instances of first policy adoption. Though the rate of policy adoption is slow in the early years, the pace increases significantly from 1995-2016. Given these numbers, one might conclude that states are converging around same-sex relationship recognition.

Figure 1.1 Same-Sex Relationship Recognition Patterns Worldwide, 1978-2016



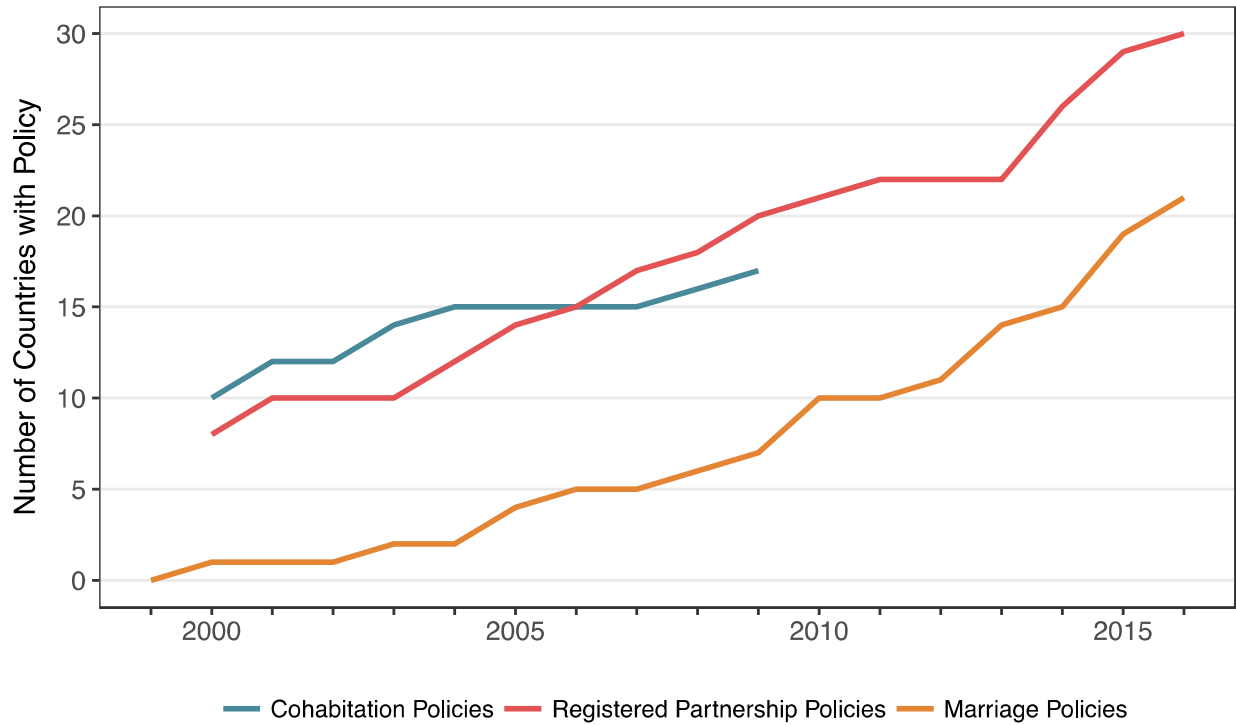
Though parsimonious, the narrative masks important variation in the timing of policy adoption and the types of policies adopted—in some instances implying deeper and broader rights than exist. For example, even as Norway (1993) and Sweden (1994) cautiously followed Denmark’s lead in extending rights to same sex couples through registered partnerships, other states still adopted cohabitation policies (offering inferior levels of security) through the early 2000s. Figure 1.2 shows the pattern of registered partnership adoption between 1989 and 2016. It also shows cohabitation policy adoption during this time. It is clear registered partnerships did not immediately replace cohabitation policies as the method of choice for recognizing same-sex relationships. Instead, adoption of both policies rose in concert, until the number of countries with registered partnership policies outpaced the number of countries with cohabitation policies in 2006.

Figure 1.2 Worldwide Patterns of Registered Partnership Policy Adoption, 1989-2016



Similarly, when the Netherlands opened civil marriage to same-sex couples in 2000, many states continued to adopt registered partnership policies, while others—including some countries in South America—turned to civil marriage. Most recently, Italy adopted a registered partnership policy in 2016. Figure 1.3 shows the pattern of civil marriage adoption from 2000 to 2016. It also maps the cohabitation and registered partnership policies adopted during this period. Again, there is a noticeable overlap in the adoption of the three policy types, though same-sex marriage continues to trail registered partnership policy adoption.

Figure 1.3 Worldwide Patterns of Same-Sex Marriage Policy Adoption, 2000-2016



The two preceding figures render the parsimonious policy convergence story unsatisfying, and, a deeper look at by-country adoption (Table 1.1) does little to restore our faith in the narrative. Why did the United States adopt its first policy 36 years after the Netherlands pioneered SSRR? Why did Italy adopt a registered partnership policy instead of same-sex marriage in 2016? Why did Australia only recognize same-sex couples' relationships through a cohabitation policy in 2008? A move away from the convergence narrative generates countless questions. This dissertation addresses two of them: the timing of policy adoption and the types of policies adopted.

Table 1.1 Same-Sex Relationship Recognition Policies Worldwide by Policy Type, 1979-20161

<u>Cohabitation</u>	<u>Registered Partnership</u>	<u>Civil Marriage</u>
Netherlands (1979)	Denmark (1989-2012) ³	Netherlands (2000)
Denmark (1986)	Norway (1993-2009) ³	Belgium (2003)
Sweden (1987)	Sweden (1994-2009) ³	Canada (2005)
Norway (1989) ²	Iceland (1996-2010) ³	Spain (2005)
Israel (1994)	Netherlands (1997)	South Africa (2006)
Hungary (1996)	Belgium (1999)	Norway (2008)
Germany (1997)	France (1999)	Sweden (2009)
Belgium (1998)	Germany (2000)	Argentina (2010)
Canada (2000)	Finland (2001)	Iceland (2010)
New Zealand (2000)	New Zealand (2001)	Portugal (2010)
Czech Republic (2001)	Luxembourg (2004)	Denmark (2012)
Portugal (2001)	United Kingdom (2004)	Brazil (2013)
Austria (2003)	Andorra (2005)	France (2013)
Croatia (2003)	Slovenia (2005)	New Zealand (2013)
Brazil (2004)	Czech Republic (2006)	Uruguay (2013)
Australia (2008)	Columbia (2007)	Luxembourg (2014)
Ecuador (2009)	Switzerland (2007)	Finland (2015)
	Uruguay (2008)	Ireland (2015)
	Austria (2009)	Mexico (2015) ⁴
	Hungary (2009)	United States (2015)
	Ireland (2010)	Columbia (2016)
	Liechtenstein (2011)	
	Croatia (2014)	
	Ecuador (2014)	
	Estonia (2014)	
	Malta (2014)	
	Chile (2015)	
	Cyprus (2015)	
	Greece (2015)	
	Italy (2016)	

1. France (1999), United Kingdom (2004), Ireland (2010), Greece (2015), and Italy (2016) recognized same-sex cohabitation and registered partnerships simultaneously. Finland (2017), which makes some legal references to “marriage-like” relationships, began recognizing same-sex couples under these provisions when its same-sex marriage policy took effect. Malta (2016) created a cohabitation policy for same and opposite-sex couples two years after adopting registered partnership legislation. The policy was designed to diversify the partnership options available to all couples. I exclude these instances of policy adoption from my observations because the human rights perspective taken here warrants a focus on the most expansive accommodations available in a country.

2. Norway began including gays and lesbians into cohabitation laws in 1989, but adopted a more expansive policy in 1991.

3. Denmark, Norway, Sweden, and Iceland terminated their registered partnership policies when same-sex marriage became available.

4. A 2015 Supreme Court ruling in Mexico effectively legalized same-sex marriage. No laws were changed, but the Court ruled that states defining marriage as between a man and woman violated the constitution. If states with existing bans on same-sex marriage deny a couple a marriage license, the couple can seek a license from the Court.

First, *what explains the timing of policy adoption?* Extant work on SSRR policy adoption identifies social movement networks, policy processes, and political institutions as determinants of policy adoption. The social movement literature argues movement organizations and activists pressure governments to implement favorable policy change (Fernandez and Lutter 2013; Frank, Camp, & Boutcher 2010; Keck & Sikkink 1998; McGann & Sandholtz 2012). Three policy process literatures also offer insight on the matter. First, the policy typologies literature asserts policy change in social regulatory policies, such as those governing SSRR, happens when the existing regulatory regime ceases to resolve society's moral conflicts (Heichel 2015). Second, the literature on the social construction of target populations suggests policy benefits like SSRR policies are less likely to be conferred when policy targets—in this case gays and lesbians—are viewed negatively and lack political power (Schneider and Ingram 1993). Third, policy diffusion research argues policy in neighboring states and previous policy within a state (e.g. anti-discrimination policies benefitting gays and lesbians or narrower relationship recognition policies) increase the likelihood of favorable policy adoption (Ayoub 2015; Glass, Kubasek, & Kiester 2011; Haider-Markel 2001; Schmitt & Obinger 2013; Waaldijk 2001). The existing literature on political institutions also implicates a range of institutional features including electoral systems (Khanani & Robinson 2010; Osterbur 2012; Rayside 2007), divisions of power (Osterbur 2012; Rayside 2007, 2010), religion (Canetti-Nisim 2004; Fernandez and Lutter 2013; Herek 1984; Horvarth & Ryan 2003; Peres 1995), partisan legacies (Fernandez and Lutter 2013), and political economy measures including income inequality (Andersen & Fetner 2008), social expenditures (Badgett 2004), and orientations toward the economy of care (Wilson 2013) as important to either the adoption of gay and lesbian rights or tolerance toward said groups.

The second question I answer in this dissertation is “*what explains the scope of policies adopted?*”. Much of the research on SSRR policies assumes the convergence perspective, if not theoretically,

then methodologically. That is, this body of work largely considers the determinants underlying the adoption of *any* SSRR policy, rather than the determinants of *specific policy types*. I know of two notable exceptions. First, Kollman's (2013) work on the subject discusses the different types of SSRR policies though it does not offer a generalizable thesis on the reason states adopt one policy type over another. Second, Waaldijk (2005) categorizes the legal consequences of different policies across nine countries, but his work aims to observe benefit schemes more than to theorize about the existence of specific types of policies.

This dissertation begins to fill gaps in our understanding of SSRR policy adoption by detailing an overlooked explanation of policy adoption. Specifically, I theorize the effects of welfare state comprehensiveness on SSRR policy adoption between 1978 and 2015. In so doing, I also extend the range of existing timing studies, many of which do not cover the period after 2005—critical years in SSRR policy adoption. Furthermore, I contribute to broader understandings of identity politics, public policy, and comparative welfare states.

To summarize my argument: welfare state comprehensiveness shapes states' responses to inequalities—both economic and social. More comprehensive welfare states produce greater economic equality that creates an intolerance for social inequalities absent in less comprehensive welfare states more comfortable with economic inequality. This phenomenon is the result of two sub-processes. First, welfare policy regimes structure state-level solution searches to policy problems. Second, the economic equality in comprehensive welfare policy regimes leads to social solidarity. These features lead more comprehensive welfare regimes to adopt SSRR policies sooner than their counterparts. Yet, this early policy adoption results in piecemeal policymaking that requires frequent updating to resolve newly identified social inequalities as they arise.

The remainder of this chapter has three sections. In the first, I define same-sex relationship recognition. The second section discusses the importance of this study for political science at large,

for public policy and welfare state research specifically, and for the communities of gays and lesbians impacted by these policies. The final section of this chapter discusses my research design and the plan for this dissertation.

Same-Sex Relationship Recognition: What Is It? Why Does It Matter?

Throughout this dissertation, I use the term same-sex relationship recognition (SSRR) to describe the policies governments use to confer rights and responsibilities to same-sex couples.¹ The policy instruments wielded for this task take on a great deal of nominal variation because of both government peculiarities and researchers' attempts at synthesis. An example of the former: the French first opted for the *pacte civil solidarité* (civil solidarity pact or PACs) while the Swedes settled on the business-like *registerat partnerskap* (registered partnership). Researchers, by contrast, often use umbrella terms like registered cohabitation, registered partnership, and civil union interchangeably. Despite this nominal variation, SSRR policies can be reduced to a few substantive categories (Kollman 2013; Osterbur 2012; Waaldijk 2005); and, doing so improves our understanding of policy adoption. Following the lead of both researchers and activists, I identify three broad categories of relationship recognition: cohabitation, registered partnership, and civil marriage.

Cohabitation policies govern informal relationships.² Historically, these policies developed—through legislation, case law, or both—to regulate established, non-marital (intimate) relationships between heterosexual couples.³ The policies tend to be patchwork in nature, stitching together unique sets of benefits and obligations in response to the perceived risks of these informal

1 Though some research (Fernandez and Lutter, 2013; Kollman 2007, 2013) refers to same-sex unions (SSUs), I use SSRR to denote a broader spectrum of recognition than is typically implied by the term SSU, including cohabitation policies.

2 Cohabitation is sometimes described as informal or unregistered cohabitation. The underlying relationships may also be referred to as informal relationships. Other times, legislation or case law merely references “two people above the age of eighteen living together in a marriage-like relationship” (Sverdrup 2015).

relationships. Common benefits include the ability to sponsor a foreign partner for immigration, the ability to make medical decisions for a partner, and the right to remain in shared housing upon one partner's death. Following the death of one partner or the dissolution of the cohabiting relationship, a partner may be responsible for joint debts, or obliged to split "joint" property. Some states even require partners to pay support payments to a former cohabitant.

States have included same-sex couples into cohabitation policies in two ways. The first (and most common) way, which I will refer to as piecemeal inclusion, was pursued in the Netherlands. Through piecemeal inclusion, same-sex couples gain rights incrementally (and often slowly) from separate pieces of legislation or distinct court cases after an initial law, like the 1979 tenancy law, grants couples a modicum of rights in a policy area. Other states pursued what I call wholesale inclusion. With wholesale inclusion, a comprehensive set of legislation equalizes treatment between same and opposite-sex couples in several areas of the law simultaneously. Australia pursued wholesale inclusion in 2008.

Cohabitation policies do not require couples to register their relationships with any state authority to receive benefits. This also means that couples in states with the most expansive cohabitation legislation run the risk of subjecting themselves to obligations historically imposed on married couples just by living together. The absence of a formal registration requirement means that in most states the legal standing of the relationship is subjective and legal disputes around benefits or obligations must be handled on a case by case basis.⁴ For gay and lesbian couples who lack access to formalized relationship options, cohabitation policies offer hope that they will be protected, but they do not guarantee protection. When access to formal relationship recognition exists,

³ Recently, Malta developed a cohabitation policy to protect both same and opposite-sex couples as an alternative to existing formal relationship options.

cohabitation policies offer same and opposite-sex couples choices in relationship formation, for instance an easier de-coupling process.

Unlike cohabitation policies, registered partnership policies—also called registered cohabitations, domestic partnerships, or civil unions—require couples to declare their relationship status with the state to reap the corresponding benefits. Benefits and obligations vary by country, but policies fall into one of two sub-categories. The first group of policies offer some number of benefits and obligations, but fall short of providing same-sex couples with the rights afforded heterosexual married couples—as in the case of the French PACs. The second group of policies, which I call “all but marriage” policies confer the tangible rights and responsibilities of heterosexual marriage, but do not provide the symbolic benefit of full equality. In some cases, like that of Germany, states first introduce a simple registered partnership policy, and then expand it through legislation and/or case law over time until it evolves into an all but marriage policy. In other instances, like that of the French PAC, states purposefully distinguish between registered partnership policies and marriage by reserving specific benefits for each level of recognition.

Where most cohabitation policies were designed for heterosexual couples and then expanded to include same-sex couples, registered partnership policies were developed to serve a broader range of goals. For instance, some states, like Denmark, adopted policies exclusively for same-sex couples. Other states, like France, developed policies to address both declining marriage rates and demands for SSRR. This latter group of states made their registered partnership policies available to couples regardless of sexual orientation. In a few instances, states (like Greece in 2008)

⁴ Some states, such as Sweden, have increasingly narrowed the divide between married and unmarried couples. On the one hand, this allows unmarried, cohabiting couples a great deal of benefits. On the other hand, couples must endure many marital obligations, especially if they terminate the relationship. In either case, it has reduced the subjectivity in regulating cohabiting couples' relationships.

adopted policies to address declining marriage rates and later incorporated same-sex couples into the recognition scheme.

In requiring couples to register their relationships, these policies offer guaranteed access to a set of rights and responsibilities. As one of multiple policy options, registered partnerships offer couples eschewing marriage for personal or traditional reasons an option to both demonstrate their commitment to one another and ensure they receive legal protections in the face of one partner's death or the dissolution of a relationship. However, as the sole option for formalizing one's relationship, even the most expansive registered partnership policies come up short in terms of their symbolic value relative to marriage.

Retracing the complex history of marriage falls outside the scope of this dissertation. It is worth noting, however, that marriage has evolved from its roots as an institution for familial provision to a matter of individual choice “based increasingly on mutual affection between spouses” (Amato 2007). As this change has occurred and institutions have developed to supplement provision previously found only through familial ties, countries continue to regulate these relationships, with many states offering extensive benefits for married persons. For instance, the United States General Accounting Office (2004) identified over 1,100 benefits of marriage. Similarly, Marriage Equality (n.d), an Irish non-profit, identified over 160 statutory differences between Irish civil partnerships for same-sex couples and civil marriage. Though marriage may not represent the most flexible family policy—especially when it is the only option available for recognizing relationships—access to marriage represents an important step in achieving equality for gays and lesbians. Indeed, any step toward recognizing gay and lesbian relationships, represents a step toward including all citizens in full social citizenship.

Significance of the Study

In this dissertation, I eschew the convergence narrative of SSRR policymaking to emphasize the variation in policy adoption. I also introduce a political economy theory of rights recognition that subsumes many of the existing explanations for SSRR policy adoption.⁵ To that end, I join three disparate literatures—comparative welfare states, public policy, and identity politics—to improve our understanding of SSRR policy, specifically, and rights recognition more generally.

My approach to studying SSRR policy adoption has implications for each of the literatures I mention at the outset of this section. First, despite research demonstrating that “families of public policy” exist, welfare state studies continue to develop in parallel to other political science research (Castles & Mitchell 1993; Obinger & Wagschal 2001). Where early research on the welfare state relies on assumptions of the typical citizen, later work considers the effects of socioeconomic structures on women and other minorities (Esping-Andersen 1990; Orloff 1993; Wilson 2013). In this vein, I ask how welfare states designed to care for typical (heterosexual) citizens fair at providing for atypical (gay and lesbian) citizens. By integrating welfare state studies with insights from public policy on policy typologies and reinvention, I identify new factors impacting SSRR policy adoption. I also contribute to our understanding of identity politics and citizenship by examining the way the welfare state and public policy processes progress or impede minority rights policy adoption.

Citizenship theory has been upended by “new social movements” seeking to garner recognition and rights not just in spite of, but also because of, group differences (Moosa-Mitha 2005). Much of this work explores the well-being and rights of legal citizens—children, persons with

disabilities, LGBTs—whose characteristics render them on the margins of the population and often excluded from full social (and sometimes even, legal) participation (Phelan 2001). As globalization diversifies the world’s democracies, research must understand how states can best accommodate emerging populations and identities while maintaining civil discourse and democratic stability. My approach to studying SSRR policy adoption yields a theory of rights recognition that incorporates many existing explanations and provides necessary parsimony to a cluttered debate. My posited pathway subsumes the hodge-podge of independent variables currently in the literature. For some relationships, like the correlation between social spending and income inequality, it provides theoretical justification. Other relationships, like those between religion and policy adoption, likely occur as related processes through the pathway I specify. Thus, my research links together previous results through a more interconnected and manageable framework.

This research also has practical implications. First, it should make clear to activists and policy-makers that social and economic policymaking has real-world implications for members of disadvantaged groups. The results of this study should suggest to activists that those nations that best care for their citizens are more attuned to minority rights claims. That said, activists should look to how states have solved previous policy problems when deciding how to frame the issues at hand. Second, these findings should serve as a reminder that for members of disadvantaged groups, threats of welfare state retrenchment pose risks beyond the reduction of financial resources and may well lead to a contestation over social citizenship rights.

⁵ The decision to evaluate SSRR policies in this analysis raises questions about whether and to what extent they differ from other minority rights policies. In my view, there are at least two benefits to operationalizing minority rights as SSRR policies. First, SSRR represents a relevant (but not an emergent) issue. Thus, SSRR policies provide the data necessary for a full-frame analysis of minority rights while also offering an opportunity to comment on ongoing policy debates. Second, evaluating SSRR policies allows me to consider the role the welfare state plays in the life of a group of atypical citizens for whom the welfare state was not created. In that sense, evaluating SSRR policies is a decidedly robust test of the welfare state’s impact on minority rights. In that vein, my research tests previous findings about the effects of institutional variables on minority rights in general and on gay and lesbian rights more specifically.

Plan of the Dissertation

In this dissertation, I ask why states differ in their adoption of same-sex relationship recognition policies in terms of both the timing of policy adoption and the scope of policies adopted. These questions span considerations of public policy, comparative welfare states, and identity politics. To answer them, I articulate a comparative political economy theory of rights recognition which I test through a multi-method research design. The remainder of the dissertation is organized as follows.

In Chapter Two, I articulate a two-part theory of rights recognition. Drawing on both comparative welfare states and public policy literature, I describe how welfare state comprehensiveness shapes same-sex relationship recognition policy adoption and scope. I then detail why existing explanations—including those implicating social movements, policy processes, and institutions—fail to fully explain SSRR policy outputs. The chapter concludes with a set of expectations to be tested throughout the dissertation.

Chapter Three illustrates the effect of the welfare state on policy timing. Following extant research, I conduct an event history analysis of SSRR policy adoption in 20 western nations as a test of the policy timing component of my theory. Where previous research suggests these policies result from a host of institutional variables, I demonstrate the importance of evaluating policy adoption in the context of welfare state comprehensiveness. I find support for my theory using several different measures of welfare state structures. I then bolster the quantitative analysis with a comparative case study of policy adoption in the Netherlands and the United States which demonstrates the presence of key indicators supporting the mechanisms I detail in Chapter Two.

Chapter Four interrogates my argument about the effect of the welfare state on policy reinvention and scope. I answer scope-related questions in three ways. First, I use multiple component event history analyses to examine the effects of the welfare state on each type of SSRR

policy. Robust/sandwich standard errors allow me to evaluate the differing effects of covariates on each type of policy adoption. I subsequently employ logistic regression to investigate whether, conditional on policy adoption, comprehensive welfare states adopt broader policy accommodations for same-sex couples. Finally, I examine the relationship between welfare state comprehensiveness and the number of policies states adopt over time.

Chapter Five summarizes the insights gleaned from the preceding chapters. I consider the scope conditions under which I expect my theory to hold and bolster my argument about its generalizability by introducing a simple analysis of SSRR policy adoption in South America. I also elaborate on the possible generalizability of the theory regarding minority rights recognition beyond gays and lesbians.

CHAPTER TWO

A Comparative Political Economy Theory for Rights Recognition and Reinvention

In this chapter I develop a theory of rights recognition grounded in comparative political economy—specifically, the welfare state—to explain the timing and scope of same-sex relationship recognition (SSRR) policies in advanced democracies.⁶ In brief, I argue welfare state comprehensiveness shapes states' responses to inequalities. To expand, the economic equality found in comprehensive welfare policy regimes produces an intolerance for social inequalities not found in less comprehensive welfare states more comfortable with economic inequality. Two sub-processes underpin this dynamic. First, welfare policy regimes offer specific toolkits for resolving policy problems. Second, comprehensive welfare policy regimes promote tolerance and social cohesion. Regarding policy timing, I argue these features lead comprehensive welfare policy regimes to adopt SSRR policies sooner than their less comprehensive counterparts. Turning to the issue of policy scope, I follow the policy reinvention literature and assert early policy adoption results in less expansive policies that states must update frequently to resolve emerging inequalities resulting from increased issue awareness and policy learning. Thus, all else being equal, comprehensive welfare policy regimes adopt SSRR policies sooner than their less comprehensive counterparts, but do not necessarily adopt the broadest accommodations.

I diverge from previous research on gay and lesbian rights that frames these issues as the result of either first principle concerns of morality, political institutions, or social movement networks. This conceptual framework of welfare policy regimes and mixed-methods comparative approach enhances our understanding of welfare states, rights recognition, and public policy. First, it flips the traditional narrative about social welfare provisions arising from established civil and

political rights (e.g. Marshall 1950), instead proposing a model of rights provision where social rights help secure civil and political rights for gays and lesbians. Second, this approach focuses on the variation in policy type and the effects of alleged explanatory variables considering said variation. In so doing, I contribute to an emerging literature in comparative public policy that considers the scope of policy change. I demonstrate that nuanced policy attributes impact policy diffusion and innovation.

The remainder of this chapter serves to flesh out the micro-foundations of my argument. The next section recounts the historical development of the welfare state and details the role of key welfare state features in the theory. Subsequently, I discuss the literature on policy reinvention and its relevance to policy scope. I then turn to the burgeoning literature on SSRR policy adoption and the nascent comparative public policy discussion on policy scope. This section looks at literature on social movements, political institutions, and policy processes to illuminate the need for my analysis. Subsequently, I reiterate the framework and derive hypotheses before offering some concluding remarks.

The Welfare State and Rights Recognition

Welfare State Development

The welfare state was largely born from a desire to ward off socialist and capitalist forces in continental Europe (Crepaz & Damron 2009; Esping-Andersen 1990). The social insurance programs created under Otto von Bismarck in Germany and Eduard von Taaffe in Austria served both to protect individuals against market forces, and to unite diverse nations—tying citizens’ “loyalties” to “the central state authority” (Crepaz & Damron 2009; Esping-Andersen 1990, p. 24). Other advanced democracies followed suit in introducing measures of social protection, with most

⁶ I use the term same-sex relationship recognition rather than same-sex unions (SSU) to denote a broader spectrum of

early schemes designed to protect the male breadwinner and his family from the risks of incapacitation and unemployment.

As social policy schemes matured, states varied their approaches to social welfare. Some states developed universal programs to target a wide-range of social problems, while others developed narrowly-tailored schemes to address specific market risks (Bonoli 2007). For instance, Sweden responded to both declining birth rates and increasing female labor force participation by developing a universal public childcare system that simultaneously encourages female labor force participation and childbearing (Earles 2011). In contrast, the United States adopted the Child and Dependent Care tax credit, a convoluted tax code that allows working parents with children in formal childcare arrangements to reduce their tax liability. Though theoretically a universal program, stipulations on the credit limit top dollar deductions to low-income families and the high cost of childcare mean many families pay large out-of-pocket sums for care (Laughlin 2013). That said, the program increases labor force participation amongst single mothers in the United states, reducing dependency on the country's underfunded, means-tested welfare scheme. While welfare states emerged to protect citizens of capitalist democracies from post-war market risks and the changes brought on by industrialization, they have now evolved into expansive, self-reinforcing state structures, differentiated by key features and characteristics that shape public policy (Castles 1998). I expect these same features to impact SSRR policy outputs. In the section that follows I briefly review the welfare state classification literature before turning to a discussion of the effects of the welfare state and welfare state variation on SSRR policy.

recognition than is typically implied by the term SSU.

A Background on Welfare State Classification

Much welfare state research focuses on categorizing the aforementioned social policy variation found across states. In his seminal work on the issue, Esping-Andersen (1990) groups states on two dimensions—decommodification and stratification.⁷ The former refers to a citizen’s ability to forgo labor force participation without risking his or her general well-being; and, the latter references the system of social relations promoted by social policy. Countries fall into three categories or “regimes” based on these criteria: liberal, conservative (also called corporatist or Christian democratic), and social democratic. The liberal regimes—for instance, the United States, Canada, and Australia—demonstrate low levels of decommodification and high levels of stratification. They typically provide meager, means-tested benefits, and produce dualisms or divisions between the stigmatized minority of welfare recipients and the majority of the population who rely on the market for provisions. The conservative welfare policy regimes—including Austria, France, Germany, and Italy—exhibit moderate levels of decommodification and high levels of stratification. While more generous than the liberal regimes, conservative regimes emphasize the “preservation of status differentials” (Esping-Andersen, 1990). Additionally, the Church plays an integral role in shaping corporatist countries as evidenced by their strong commitments to traditional nuclear families and gendered divisions of labor. The third regime type, the social democratic welfare state, is embodied in the Scandinavian countries. Characterized by high levels of decommodification and low levels of stratification, these countries promote universal equality by

⁷ Building on Esping-Andersen’s (1990) typology, several scholars argue he did not arrive at the correct number of regimes or he misclassified some of the countries he considers. Researchers have suggested a distinct Mediterranean or Latin Rim regime—separating out some combination of Greece, Spain, Italy, Portugal, and Switzerland from the corporatist continental European regime—(Bonoli 1997; Ferrera, 1996; Leibfried 1992; Saint-Arnaud & Bernard 2003), an Asian regime encompassing high-income countries like Japan and South Korea (Goodman & Peng 1996; Jones 1993), a Post-Communist regime (Castles & Obinger 2008), and a Radical regime encompassing the liberal states of Australia, New Zealand, and Great Britain on the grounds that they spend less on welfare, but offer high levels of benefit coverage (Castles & Mitchell 1993). Other researchers stress the importance of acknowledging temporal variation in welfare state comprehensiveness (Castles 1998, 2004; Green-Pedersen & Haverland 2002; Hicks 1999; Kitschelt 2001; Powell & Barrientos 2004; Scruggs & Allan 2006). That said, these alternate analyses generally support the original typology.

crowding out the market. Benefits designed to afford everyone at least a middle-class lifestyle allow working-class citizens to fully enjoy in rights that other regimes reserve for the middle and upper classes. Social democratic welfare states place great emphasis on the economic rights and freedoms of individuals rather than families (as is done in conservative states).

Departing from Esping-Andersen's classification, other scholars focus on alternate welfare state provisions or outcomes including poverty (Leibfried 1992), gender relations (Orloff 1993; Pateman 2000; Sainsbury 1996; Siaroff 1994), social expenditures (Bonoli 1997), and health care (Bambra 2004). At the heart of this research is an understanding that welfare states have differing effects on different social groups (Sainsbury 1996). In this vein, Crepaz and Damron (2009) argue the social categorization—or the tendency to divide people into “us” and “them”—that takes place in less comprehensive welfare states generates prejudice against minorities—the “them” in society. Citizens in more comprehensive welfare states, by contrast, demonstrate less chauvinistic attitudes toward immigrants. Similarly, Bonoli (2007) explains, the socioeconomic effects of post-industrialization have relegated the protection of the male breadwinner to a place of lesser (normative) importance. Instead, states must determine how best to meet the needs of those made most vulnerable by new socioeconomic trends—women, young people, and low-skill workers—a job at which comprehensive states are succeeding, while others are not. If welfare state goals differ with respect to whom and how to help, then the differential effects of welfare policy on various subgroups within society are a logical and expected outcome. Likewise, there is reason to expect that differing welfare state approaches to policy impact SSRR policy adoption. In the following sections, I draw on literature in comparative welfare studies and public policy to detail the processes by which the welfare state shapes SSRR policy.

The Role of the Welfare State in Rights Recognition

In rectifying economic inequalities or not, leaders and citizens create national narratives about the nature of inequality. In these narratives, they detail the causes of inequalities and the role of the state and citizens in correcting these problems. This narrative differs substantially in more and less comprehensive systems. After all, it is hard to justify expansive poverty alleviation programs when the state and its esteemed citizens believe poor people are lazy; and, it is similarly challenging to champion a narrowly-tailored, social program to address issues believed to be widespread and to plague even the best members of society. To be sure, the relationship between inequality narratives and social policy is reciprocal. National narratives about inequality shape social policy and social policy similarly shapes inequality narratives. This process occurs regardless of welfare state comprehensiveness, but impacts comprehensive and non-comprehensive states differently. In comprehensive states, welfare structures promote economic equality. This equality produces an intolerance for social inequalities that not only sustains robust welfare policy programs, but that also shapes other policy areas. The narratives of personal responsibility in non-comprehensive welfare states, on the other hand, condone and rationalize inequalities. The resulting welfare policies support individual and market-based solutions to social problems and perpetuate inequalities in welfare policy administration and beyond. In what follows, I discuss two features underpinning inequality narratives: the policy solutions and tools available to states and the role of trust in society.

Welfare States as Policy Regimes

The idea that shared characteristics—whether structural, historical, linguistic, or otherwise—produce similar welfare policy outcomes underlies welfare classification research (Castles & Obinger 2008; Wilson 2013). Welfare states affect public policy by, among other things, influencing how problems are defined and structuring the solution search (Crepaz & Damron 2009; Korpi and Palme 1998; Obinger and Wagschal 2001). For this reason, I view welfare states as welfare policy regimes

and expect those states with similar welfare policy outputs to share patterns of SSRR policy adoption. One reason for this is that past policy solutions structure states' future choices in terms of both substantive solutions available and preferred solution methods—state-based versus market-based solutions (Polyani 1944). Furthermore, literature on policy learning implies adopting policies similar in substance or solution to previously successful policies increases the ease of policy adoption while decreasing the electoral risk. Comprehensive welfare states routinely adopt elaborate state-centered benefit programs to address policy problems and mitigate market risks (Bonoli 2007). Less comprehensive regimes, in contrast, rely on individuals and the market to address problems.

Welfare States, Tolerance, and Social Trust

Welfare states “shape attitudes” (Crepaz & Damron 2009, p. 3), make citizens (Leibfried and Pierson, 2000), and promote social trust (Larsen 2007; Rothstein and Stolle, 2003; Uslaner 2003). Yet, all welfare states are not created equal (Flora & Heidenheimer 1981). Comprehensive welfare states can rectify social inequalities because their generous, equalizing expenditures create individual-level consensus in support of such efforts, what Gelissen (2002) calls “state system[s] of institutionalized solidarity” (p. 59). Titmuss (1968) argues that comprehensive welfare programs bolster “the social ethic of human equality” (p.355). Less comprehensive systems lead to stigmatization (Titmuss 1968) and “[legitimize] inequality” (Flora & Heidenheimer 1981, p. 25) as the majority wrestles with the boundaries of need and whether the “needy” are to blame for their own misfortunes (Rothstein 2001). Kumlin and Rothstein (2005) find support for the welfare state's ability to both build and break trust in their analysis of trust levels and welfare participation amongst Swedish citizens. Experience with selective, means-tested programs decreases interpersonal trust, while experience with universal (or comprehensive) programs increases interpersonal trust. They argue the discretion afforded to grassroots bureaucrats in distributing means-tested benefits impedes procedural justice—or citizens feeling that the system is fair—and encourages cheating on the part

of candidate recipients and skepticism on the part of government workers. As a result, interpersonal trust suffers. Similarly, research finds economic inequality can undermine the tolerance fostered by national-level economic development (Andersen & Fetner 2008).

Implications for Same-Sex Relationship Recognition

At least two implications for SSRR policies follow from an understanding of welfare states as policy regimes and their effects on tolerance and trust. First, I expect comprehensive regimes will adopt SSRR policies earlier than less comprehensive states. SSRR policies require the adoption of state-centered benefit programs; thus, comprehensive regimes are better primed for state action and should adopt these policies sooner than their less comprehensive counterparts. Furthermore, because comprehensive welfare policy regimes offer benefits based on citizenship, rather than on contingencies such as employment or marriage, social policy benefits are widespread. Consequently, an expansion of the institution of marriage or similar structures does not extend as many (social or financial) benefits to same-sex couples. The means-testing and scarce social policy resources found in less comprehensive regimes, by contrast, lead to routine stigmatization and categorization of minorities. This negative perception of minorities makes the extension of policy benefits electorally complicated at best (Schneider and Ingram 1993; Boushey 2016). Absent stigmatization and categorization, policy benefits such as SSRR policies should be advanced sooner. Second, I expect citizens and companies (markets) in less comprehensive states to develop solutions to the problems presented by a lack of SSRR policies before states intervene. Scarce policy resources in less comprehensive states make for contentious policy debates over SSRR adoption; but, market-based regimes make individuals and organizations natural sites for solving problems on a smaller, less contentious scale (such as within a like-minded city or company, or through private contracts). In the next section, I discuss the welfare state's effect on trust and tolerance and my corresponding expectations for SSRR policy.

Policy Reinvention and the Scope of Rights Recognition

Policy innovation occurs when states adopt an initial policy solution for a new policy problem (Walker 1969). Traditional studies of innovation identify policy innovators as those states adopting policies first (Taylor et al. 2012; Walker 1969). Indeed, my argument about the role of the welfare state in SSRR policy adoption relies on this understanding of innovation and identifies welfare state comprehensiveness as a determinant of SSRR policymaking innovation. The problem with this traditional understanding of innovation, however, is the preferencing of early policy adoption at the expense of policy content (Glick & Hays 1991; Taylor et al. 2012). In many cases, states adjust borrowed policy to meet their needs or to overcome domestic contextual barriers to adoption (such as varying ideological contexts), resulting in substantive policy differences. Thus, while policy borrowers are not the first to solve policy problems, they may be innovative in *how* they solve problems.

Recognizing evolving policy and policy amendments as innovation, research on policy reinvention circumvents a reliance on early policy adoption to more fully specify policy innovation and diffusion processes (Glick & Hays 1991; Hays 1996a; Hays 1996b; Mooney & Lee 1995, 1999; Taylor et al. 2012). Specifically, it not only considers the original adoption of policy—innovation—but also subsequent changes and amendments—reinvention. Hays(1996b), following Rogers (1978, 2010; Rice and Rogers 1980), identifies two forms of reinvention. The first occurs during the diffusion process as states adjust borrowed policies, for instance France’s *pacte civil solidarité* (registered partnership) policy borrowed the concept of a registration scheme from neighboring countries, but purposefully restricted the tangible and symbolic rights of the recognition scheme relative to marriage in a way earlier adopters did not. The second type of reinvention—what Rogers terms renovation—comes in the form of amendments to existing policy to better solve policy

problems. The Netherlands's decision to move first from a cohabitation policy to a registered partnership, and then to a civil marriage policy exemplifies this type of reinvention.

The examples of France and the Netherlands explicate the variation in innovation and reinvention in SSRR policymaking. Yet, existing research on SSRR policy ignores the specifics of policies when considering the determinants of adoption. If, policy features impact diffusion and adoption—as the policy innovation and reinvention literatures suggest (Makse and Volden 2011; Boushey 2016)—then we must examine SSRR adoption through the lens of reinvention. My argument about the role of the welfare state in policy adoption implies comprehensive welfare states should adopt expansive policies, but research on policy reinvention suggests an alternative hypothesis. Specifically, early adopters adopt inferior policy and must update their policies to compensate (Hays 1996b). As time passes and policies diffuse, early-adopting states learn about shortcomings in their own policies and watch later-adopting states pioneer more expansive policies (Glick & Hays 1991; Hays 1996a; Mooney & Lee 1995). Thus, if more comprehensive welfare states adopt policies sooner than their less comprehensive counterparts, they may not adopt the most expansive accommodations—at least initially. If the reinvention hypothesis holds, and early states fail to adopt optimal policies, this leaves us to wonder whether comprehensive states catch up.

Explaining Same-Sex Relationship Recognition Adoption and Scope

In this section I review several literatures that help us understand SSRR policy adoption, including the literatures on social movements, policy processes, political institutions, and political economy. Social movement research argues movement organizations and activists impact policy adoption by pressuring governments (Fernandez and Lutter 2013; Frank, Camp, & Boutcher 2010; Keck & Sikkink 1998; McGann & Sandholtz 2012). The first of three important literatures on policy processes, the policy typology literature on social regulatory policy, asserts policy change occurs

when the regulatory status quo ceases to appropriately resolve conflicts of first principles (Heichel 2015). The second of these literatures suggests that benefits, like SSRR policies, will be less likely to be adopted when LGBT people are viewed negatively and lack political power (Schneider and Ingram 1993). Third, the literature on policy diffusion suggest that policy in neighboring states and previous policy within a state increases the likelihood of policy adoption (Ayoub 2015; Glass, Kubasek, & Kiester 2011; Haider-Markel 2001; Schmitt & Obinger 2013; Waaldijk 2001). The existing literature on political institutions implicates a range of institutional features including electoral systems (Khanani and Robinson 2010; Osterbur 2012; Rayside 2007), divisions of power (Osterbur 2012; Rayside 2007, 2010), religion (Canetti-Nisim 2004; Duriez et al. 2002; Fernandez and Lutter 2013; Herek 1984; Horvarth and Ryan 2003; Peres 1995), and partisan legacies (Fernandez and Lutter 2013). Finally, key research on comparative political economy provides a rationale for the study at hand as research finds income inequality (Andersen & Fetner 2008), social expenditures (Badgett 2004), and the political economy of care (Wilson 2013) impact attitudes toward and/or policies for gays and lesbians.

While previous research offers important insight into patterns of SSRR policy adoption, it fails to answer the questions posed here. First, it largely ignores the issue of policy timing. Given that 19 of the 20 countries in this study adopt some type of SSRR policy by 2015, time-invariant concepts and institutions alone cannot help us understand policy adoption and policy timing provides a more fruitful area for study. Second, these literatures approach SSRR policy adoption from a perspective of convergence, if not theoretically, then methodologically. That is, they consider any type of policy adoption, rather than the specific types of policies adopted, thereby ignoring the nuanced effects of policy scope. In particular, early studies ignore the variation in policy as a means of increasing the number of observations. A focus on the timing of policy adoption allows us to learn the relative effect of welfare policy, while an understanding of the scope, or degree of

accommodation, gives us insight on the substantive benefits of policies across cases. In what follows, I thoroughly review these literatures before returning to a defense of my proposed framework in the subsequent section.

Social Movements

Social movement theories argue policy change occurs, in part, because of movement organization and mobilization (Cress & Snow 2000; Soule et al 1999). One branch of research finds that intra-national social movements can set policy priorities by lobbying elites and shape aggregate opinion by communicating policy consequences to the public (Cress & Snow 2000; Skocpol et al. 1993; Soule 2004). Other research focuses on the role of social movements in the international dissemination of policies. Social movement pressure partially explains why human rights have become culturally entrenched, especially in western nations (Ayoub 2015; Boli & Thomas 1997; Finnemore & Sikkink 1998; Meyer, Boli, & Ramirez 1997). The transnational activism theory asserts policy adoption occurs when movement activists, favoring new policy, form relationships with international organizations, thus strengthening the position of these policies in international culture and producing transnational activist networks that pressure governments to adopt preferred policies (Fernandez and Lutter 2013; Frank, Camp, & Boutcher 2010; Keck & Sikkink 1998; McGann & Sandholtz 2012). Research demonstrates both the direct and indirect effects of movement forces on legislatures, courts, and organizations across a range of policy areas. When this research considers the role of social movements in SSRR policy adoption (Ayoub 2015; Fernandez and Lutter 2013; Osterbur 2012; Soule 2004), it does so at the expense of considering policy scope.

In this study, I rely on the assumption that social movements and activists serve as carriers (or policy entrepreneurs) for SSRR policies, delivering policies to those places where demand is highest and success is most probable. Social movements must consider both the electoral conditions and the public opinion within a state and pursue the correct type of policy given said preconditions.

Social movements literature largely ignores the role welfare policy regimes play in structuring opportunities for social movements. Specifically, comprehensive regimes can soften public opinion to the plight of minority groups and the expansive policy regimes can liberate elected officials to pursue state-centered solutions to policy problems.

Policy Processes

The literature on policy processes examines the role of key actors in the policy cycle from problem identification through evaluation. This body of work offers several insights into the adoption and scope of SSRR policies. First, it can help us understand the relationship between policymaking within and between states. The most comprehensive theory of same-sex marriage adoption argues these policies result from incremental policy change (Waaldijk 2001). Relying primarily on the case of the Netherlands, Waaldijk (2001) asserts the process begins with the decriminalization of homosexual activities, which gives way to the implementation of anti-discrimination legislation, and, later, relationship recognition. This step-by-step normalization of homosexuality impacts the attitudes of publics and elites in independent and reciprocal ways, ultimately creating an opening for the development or expansion of same-sex relationship recognition. Others also attest to the possibility of an LGBT-friendly state, with some arguing that friendly policies facilitate the adoption of same-sex marriage (Glass, Kubasek, & Kiester 2011; Wilson 2013). A related line of logic, building on contact theory—interaction with “the other” is more likely to create amicable feelings toward that person’s social group— argues anti-discrimination legislation and early informal cohabitation policies may lead to more “out” gays and lesbians and thus shift public opinion such that subsequent policy adoption is less contentious, or move legislators’ opinions on the issue in ways that encourage them to adopt (and even introduce) more expansive relationship recognition policies (Dasgupta and Rivera 2008; Herek 1997; Lewis 2011). Recent public opinion research lends credence to these arguments, showing the adoption of

tangible policies—those policies that directly impact citizens—builds support for analogous policies by (re)defining the target population (Pacheco 2013).

Policy diffusion research suggests states, with an eye on what other nations are doing, may “mimic” problem definition and policy solutions to increase the likelihood of policy adoption (Boushey 2010, p. 140; Collier and Messick 1975; Schmitt and Obinger 2013; Walker 1969). Thus, the adoption of a policy in one country may lead to the subsequent adoption (or purposeful non-adoption) of a policy in adjacent countries. In their study of global liberalization, Simmons and Elkins (2004, p 186) find that “governments are sensitive to external signals.” Countries can allow their neighbors with SSRR to serve as policy laboratories. As the neighbors’ “experiments” succeed alongside mounting economic and cultural pressures, countries may move to adopt policies to remain attractive places for gays and lesbians to live.

While these literatures improve understanding of the causes and timing of policy adoption, we must look to alternate policy process literatures for better insight into policy scope. The literature on policy typologies suggests policy change occurs when policy legitimacy breaks down, rather than when policies prove ineffective (Knill, Adam, and Hurka 2015; Heichel 2015). Consider the case of same-sex sexual relations. If prohibitions on or the absence of SSRR policies aim to eliminate such expressions of human sexuality, then they have long been ineffective. Only when arguments about the illegitimacy of governing these relationships gained traction were the regulatory frameworks questioned. Furthermore, the directional change of policy will depend upon the options for voice (social movements) and exit (non-compliance) within a political system. Related scholarship on policy design argues the perception and power of target groups determines the electoral consequences of policy proposals and, thus, the types of policies adopted (Boushey 2016; Schneider and Ingram 1993). Specifically, policy benefits like SSRR are more likely to be advanced when

society views gays and lesbians favorably and when gays and lesbians possess substantial political power. Absent both conditions, policy burdens will dominate policymaking.

Though these literatures on policy processes help us understand the adoption and scope of SSRR policies, timing and scope are rarely considered together. Taylor et al. (2012) identify a similar problem in the case anti-discrimination protections for sexual orientation and gender identity. Furthermore, these literatures fail to consider how welfare policy regimes structure the legitimacy of values within a state and the electoral risks of policymaking by shaping states' policymaking toolkits and citizens' trust and tolerance.

Political Institutions

While many studies consider the role of institutions on human rights policy adoption, fewer consider the role of institutions on policy scope. Furthermore, results from studies on the effects of political institutions are equivocal. For instance, we know proportional representation facilitates the adoption of SSRR policies (Khanani and Robinson 2010; Osterbur 2012) and foster a more deliberative legislature that better represents minority interests (Lijphart 1999; McGann 2006; McGann and Sandholtz 2012; Nino 1996). But, this same deliberation may serve to delay the most expansive accommodations as representatives seek to develop broad governing coalitions. Similarly, while the broader literature on federalism argues subnational governments increase policy innovation, reducing the cost and complexity of finding a policy solution and leading to more rapid policy diffusion (Boushey 2010), scholarship specific to SSRR cites federalism as a primary roadblock to policy adoption in the United States (Osterbur 2012; Rayside 2007, 2010).

Research suggests both religion and religiosity predict intolerance (Canetti-Nisim 2004; Duriez et al. 2002; Peres 1995) and negative attitudes toward marginalized social groups (Fernandez and Lutter 2013; Herek 1984; Horvarth and Ryan 2003). Religious values frame debates over same-sex unions (Kollman 2007), especially when religious authority underpins national identities (Ayoub

2014). The casual observer notes the resistance to policy adoption, particularly same-sex marriage, in deeply religious countries—Italy, Greece, the United States—as evidence. Yet, religion fails to explain resistance to same-sex marriage in France, the early adoption of such policies in Spain and Portugal, or the adoption of registered partnerships and the referendum on same-sex marriage in deeply conservative Ireland. To be sure, religious traditions underpin some conceptualizations of welfare policy regimes, but much of the work on SSRR policy adoption eschews the policy legacies nations have established through the development of robust welfare states and secular governments even as religiosity and religious affiliation decreases in the western world.

Legislative makeup often determines the success of recognition measures (Fernandez and Lutter 2013). In deciding whether to advance relationship recognition policies, legislators must consider their individual electoral costs. On a macro level, parties' ideological positions and relative strength in the legislature shape the cost-benefit analysis. Left parties often champion social justice issues, such as LGBT rights, while conservative parties often oppose these measures or remain silent (Stewart 2010). In fact, some conservative party platforms strongly oppose these rights—particularly civil marriage—even after they enter the popular discourse and more liberal parties assume a neutral or favorable stance on them. For instance, Australia's Christian Democratic party disparages the Green party's "anti-Christian agenda" which includes "recognizing same-sex marriage and [adoption]" (Christian Democratic Party 2014). In 2013, the leader of Italy's *Unione Democratici di Centro* (UDC), a major Christian Democratic party, compared gay marriage to pedophilia (Gessa 2013). To be sure, Christian Democratic parties are not alone in their disparagement of or disregard for LGBT rights—the U.S. Democratic party did not support same-sex marriage until 2012. Comprehensive welfare states should shift policy debates such that SSRR policies present fewer electoral costs for most legislators, though the scope of policy likely moderates this relationship. Thus, the absence of both scope considerations and a simultaneous consideration of the welfare

state and partisan composition of the legislature represents an impediment to fully understanding SSRR policy processes.

Comparative Political Economy

A few scholars have considered the effects of political economy on gay and lesbian issues, including social expenditures (Badgett 2004), income inequality (Andersen & Fetner 2008), and the political economy of care (Wilson 2013). This section recounts the contributions of these closely related studies—including the questions asked, the policies studied, and the framework employed—to further support the research at hand. In particular, I emphasize how previous research explores related concepts without fully considering the role of the welfare state in structuring policy adoption, and how this same research fails to consider the timing and scope of policy adoption.

Badgett's (2004) qualitative comparative analysis of relationship recognition finds countries with partnership recognition—broadly defined to encompass any formal or informal recognition, regardless of the benefits conferred—also have high social expenditures (a feature of comprehensive welfare states). Though she initially theorizes those states that spend more money on social welfare will be less likely to adopt partnership recognition policies for gays and lesbians because of the costly benefits said nations would have to extend, she concludes that partnership policies mean less in generous states because it comes with fewer economic benefits. A few key problems plague Badgett's (2004) argument. First, she incorrectly conflates the symbolic and tangible values of partnership policies. Just because generous states reduce the tangible costs of extending partnership policies to gays and lesbians, does not mean the symbolic value of these policies declines. Indeed, the flood of gays and lesbians that seek partnership recognition following its legalization indicate that these policies are valuable. Second, the study does not consider the role timing or scope play in structuring adoption patterns. Instead, Bagett (2004) merely identifies observational relationships. Finally, she fails to consider the possibility that more generous states are just more inclusive. Absent

the culture of social stigma created by means tested welfare schemes (Rothstein 2001), minority rights contestations are evaluated with an eye toward inclusion, leaving less room to deny gays and lesbians relationship recognition.

Andersen and Fetner (2008) find income inequality decreases tolerance for homosexuality, arguing that those countries with more egalitarian income distributions (another feature of comprehensive welfare states) produce higher levels of trust and tolerance (also a feature of comprehensive welfare states). This study supports my underlying argument about inequality narratives. Specifically, it provides evidence that inequality begets social discord, but my theoretical argument moves beyond these individual-level processes to explain resulting policy outcomes and to consider the role policy scope plays in shaping policy adoption.

Finally, Wilson (2013) examines the role of the political economy of care in the adoption of lesbian and gay “friendly” policies—including anti-discrimination, partnership recognition, and parenting rights. She establishes a dichotomy between European countries and the United States, arguing the former possess a cultural and social policy commitment to care provision along with assumptions that such provision is awarded (universally) by virtue of citizenship. She demonstrates that shortages of care providers at key time points results in the liberalization of family policy to encompass gays and lesbians. Wilson not only eschews policy variation and scope in her study, instead looking at gay and lesbian policies broadly, but also argues for a homogenous view of Europe, despite decided variability in the timing of policy adoption and the types of policies adopted.

Drawing on concepts closely related to and features of comprehensive welfare states, previous research leads us to the unique set of questions in this dissertation. Surely, the adoption of SSRR policies results from an overlapping collection of the dynamics presented here. Yet, an

important narrative about the effect of welfare states on SSRR adoption remains absent.⁸ In particular, research largely fails to develop more refined measurements of policy type, fully explore the timing mechanism, and consider the variation within Europe and the similarities between the United States and some European nations—arguably important factors given nearly all western cases have adopted some form of SSRR. Research on policy scope is all but absent from the larger scholarly conversation. In some cases, scholars acknowledge the theoretical problems with omitting scope considerations, but do so for methodological reasons. In other instances, scope is ignored all together. Given that policy attributes shape adoption patterns, scope must be considered. Furthermore, variations in scope have tangible effects for gay and lesbian couples and families. In what follows, I reiterate my theory of rights recognition and introduce hypotheses to be tested in subsequent chapters.

Explicating the Theory

In the preceding sections I maintain that a full understanding of SSRR policy adoption patterns requires an evaluation of policy timing and scope while considering the role welfare policy regimes play in shaping policy adoption on both dimensions. I detail the literature leading me to this conclusion and indicate the processes by and ways in which I expect welfare policy regimes to impact the timing and scope of SSRR policies. To reiterate, I argue social policy programs create national narratives about (in)equality and that these narratives differ based on welfare regime comprehensiveness. The policy toolkits available to policymakers and the buildup or breakdown of trust and tolerance that occurs depending upon the specifics of these narratives lead me to expect differing outcomes for SSRR policy timing and scope.

⁸ Wilson's (2013) work arguably comes closest to the research at hand, but remains distinct in terms of the questions asked and the measurements employed.

Welfare State Regimes and Policy Timing

The most comprehensive welfare policy regimes exhibit decreased stratification, increased decommodification, an ability to adapt to a broad range of social risks, and universal social provisions that reduce dualisms in society. These states have an intolerance for inequalities which they view as arising because of circumstance, rather than personal shortcomings. This intolerance for inequalities delegitimizes policies sanctioning unequal social relationships, such as the inequalities gays and lesbians face when they are denied access to partnership recognition. This delegitimization arising from social solidarity in comprehensive welfare policy regimes, coupled with a state-centered approach to social policy making leads to earlier policy adoption in comprehensive regimes as compared to their less comprehensive counterparts. Thus, if comprehensive welfare policy regimes are less tolerant of inequalities and more reliant on state-centered solutions to social policy problems than their counterparts, then they will adopt SSRR policies sooner than their less comprehensive peers. This leads to a testable hypothesis.

Hypothesis 1: Comprehensive welfare policy regimes will adopt SSRR policies sooner than their less comprehensive peers.

What happens in less comprehensive regimes amidst rising social pressure when national policy does not develop? The second implication of my theory suggests individuals and organizations in market-based regimes will pioneer solutions on a smaller, less contentious scale (such as within a like-minded city or company, or through private contracts). Thus, a second hypothesis.

Hypothesis 2: Less comprehensive welfare policy regimes will contrive sub-federal and organization-level solutions to the problems posed by a lack of national-level SSRR.

Welfare State Regimes and Policy Scope

Throughout this chapter, I insist that a full understanding of SSRR policy adoption can only come from an examination of the scope of policies adopted. That is, a complete articulation of the effects of SSRR policy adoption must consider the benefits SSRR policies afford gays and lesbians. One reason for this is that policy variation can serve as a signal about the value society places on the inclusion of a minority group, such as gays and lesbians in the case of SSRR policies. A second reason we must understand policy scope is because the varying accommodations states afford same-sex couples tangibly and symbolically impacts the lives of gays and lesbians. These underlying realities about policy scope suggest states may adopt each type of policy for different reasons, though previous SSRR research does not empirically test this idea. Thus, the following competing hypotheses.

Hypothesis 30: The determinants of SSRR policy adoption are equivalent across policy types.

Hypothesis 3: The determinants of SSRR policy adoption vary significantly across policy types.

An understanding of the way national narratives about inequality structure societies' relationships with minorities might lead to the assumption that more comprehensive welfare policy regimes enact the broadest possible policy accommodations, but research in public policy offers a competing narrative about policy scope. Specifically, literature on policy learning and reinvention (e.g. Glick and Hays 1991) suggests that early adopting states looking for policy solutions from seemingly analogous programs will fail to adopt optimal policies. Instead, these early adopters will need to update their policies to rectify emerging illegitimacies and keep pace with late adopters who learn from their predecessors (Glick and Hays 1991; Maske & Volden 2011). Thus, if comprehensive welfare policy regimes adopt policy early, they will likely update their policies to keep pace with subsequent adopters. This, too, leads two testable hypotheses about the scope of policy adoption relative to welfare state comprehensiveness.

Hypothesis 4: Conditional on policy adoption, less comprehensive welfare states are more likely to adopt more expansive accommodations than their less comprehensive peers.

Hypothesis 5: More comprehensive welfare states will update their policies more times than will less comprehensive states.

Conclusion

This chapter advances a theory of rights recognition grounded in an understanding of comparative political economy. Specifically, I argue that more comprehensive welfare states adopt rights accommodations sooner than their less comprehensive peers. Key features of the comprehensive welfare state reduce acceptance of inequalities, leading to the delegitimization of a state's existing approach to rights. However, those states that adopt accommodation policies early on (e.g. comprehensive welfare states) often develop imperfect policy solutions, thereby necessitating subsequent revision—especially once later adopting states adopt more expansive accommodations.

This argument provides the theoretical foundation for the hypotheses presented here. In the next two chapters, I evaluate the effects of the welfare state on the timing to rights recognition policy adoption (Chapter Three) and on the scope of adopted policies (Chapter Four) using same-sex relationship recognition policies in 20 countries.

CHAPTER THREE

When Can We Say ‘I Do’?: Welfare Policy Regimes and Policy Timing⁹

On September 13, 2000, *The New York Times* reported “Dutch Legislators Approve Full Marriage Rights for Gays.” Though seemingly sudden, the Dutch adoption of same-sex marriage was the culmination of 13 years of policy change, with two other same-sex relationship recognition (SSRR) policies preceding the legislation—a 1979 cohabitation policy and a 1997 registered partnership policy (De Visser 2012). Nearly 15 years after the Netherlands implemented this historic legislation (and 36 years after its 1979 cohabitation policy became the world’s first same-sex relationship recognition [SSRR] policy), *The New York Times* featured a parallel headline—“Supreme Court Ruling Makes Same-Sex Marriage a Right Nationwide,”—in response to the U.S. Supreme Court’s legalization of such unions in *Obergefell v. Hodges* (2015). In the time between these headlines, several western European countries adopted cohabitation, registered partnership and same-sex marriage laws. Likewise, Canada, Australia, New Zealand, several U.S. states, and a handful of Latin American countries also moved to recognize same-sex relationships, catapulting gay and lesbian issues onto the global human rights stage

In the previous chapter, I assert the scholarship on same-sex relationship recognition contains at least two important oversights. First, while much research considers the timing of SSRR policies (Fernandez and Lutter 2013; Osterbur 2012), this work fails to consider the scope of policy adoption, if not theoretically, then at least empirically. Second, research largely overlooks the role of the welfare state in structuring adoption patterns. This chapter focuses on the second of these oversights. What explains this policy adoption? Why do some states—like the Netherlands—adopt

⁹ In many American weddings, partners agree to an officiant’s list of marital commitments and responsibilities by responding with ‘I do.’ The phrase “saying ‘I do’” has become a colloquial reference for getting marriage.

policies early and update them over time, while others—like the United States—adopt a single policy more than 30 years after the invention of SSRR?

Throughout this dissertation, I maintain SSRR policy adoption can, in part, be understood as the result of welfare policy regime comprehensiveness. In brief, I assert that the economic equality found in the most comprehensive regimes reduces the legitimacy of social inequalities. By contrast, the delegitimization process takes longer in less comprehensive regimes, where economic inequality is tolerated. To expand, narratives about economic inequality can be easily extended to address social inequalities. This results from two sub-processes. First, welfare regimes structure states' approaches to resolving policy problems. Past policy solutions guide future choices in terms of both substantive solutions and preferred solution methods—state-based versus market-based solutions (Polanyi 1944). Specifically, comprehensive welfare states accustomed to adopting elaborate state-centered benefit programs to address policy problems and mitigate market risks will look to their existing rosters of top-down solutions, while less comprehensive regimes rely on individuals and the market to address policy problems that arise (Bonoli 2007).

Consider a simple example to demonstrate the intuitive sense of this argument. Having never seen a screwdriver, you are given a hammer and asked to remove a screw from a wall. After thinking over your task, you use the claw of the hammer to remove the screw the way one might typically remove a nail. Your success garners recognition, and day after day, you are asked to remove screws from walls—a task you undertake in the manner described above. Then, one day when asked to remove a screw from a wall, you are presented with a hammer and a screwdriver. If you are a moderately perceptive person, you know that other people—somewhere far away from where you are—use screwdrivers to remove screws; but, you have always used a hammer. How do you respond? If your propensity for curiosity is high, perhaps you attempt to manipulate the screwdriver. Most likely, you wield your hammer and get to work—especially if your job depends on it. After all,

your method has proved both safe and successful. Solving policy problems with familiar solutions increases the ease of policy adoption and decreases the electoral risk.

Second, comprehensive regimes promote tolerance and social cohesion. The generous, equalizing expenditures of comprehensive states bolster social solidarity by promoting equality (Crepaz & Damron 2009; Gelissen 2002; Larsen 2007; Rothstein and Stolle 2003; Titmuss 1968; Uslaner 2003). On the other hand, less comprehensive regimes encourage social categorization. Said categorization leads to stigmatization and decreased interpersonal trust as people compete for scarce resources and negotiate the boundaries of need and greed (Kumlin and Rothstein 2005; Rothstein 2001; Titmuss 1968).

As a consequence of these features, comprehensive welfare policy regimes, better equipped to address inequalities, adopt SSRR policies sooner than their less comprehensive counterparts. Thus, the following hypothesis:

Hypothesis 1: Comprehensive welfare policy regimes will adopt SSRR policies sooner than their less comprehensive peers.

What does this mean for less comprehensive regimes? In the absence of national-level policy, I expect individuals and organizations in less comprehensive regimes, with an emphasis on market solutions to social problems, to develop solutions in smaller, less contentious settings (such as within a like-minded city or company, or through private contracts). Thus, my second hypothesis:

Hypothesis 2: Less comprehensive welfare policy regimes will contrive sub-federal and organization-level solutions to the problems posed by a lack of national-level SSRR.

The remainder of this chapter has four sections and proceeds as follows. In the next section, I discuss the data and method I use to test my main hypothesis, including my case selection and my measures for the alternate explanations for SSRR policy adoption discussed in Chapter Two. In the second section, I quantitatively test my hypothesis against alternate explanations using a series of

event history analyses that capture the effects of different welfare policy regime features on different types of SSRR policies. In the penultimate section, I briefly examine policy adoption in both the Netherlands and the United States, with an emphasis on the differences in the policy processes and the timing of policy adoption. The final section summarizes the chapter's findings and discusses their significance.

Data and Methods

My first hypothesis asserts states with more comprehensive welfare regimes adopt national-level SSRR policies sooner than states that lack such regimes. In this section, I describe the data and methods I use to test this hypothesis beginning with the statistical analyses.

Case Selection

Much of the existing work on welfare states focuses on western nations (Castles & Mitchell 1993; Esping-Andersen 1990; Scruggs 2004). More recent research on developing welfare states does not cover as much time or as many social program dimensions as the classic research on the west. The availability of key measures of the welfare state and the data for alternate hypotheses between 1978 and 2015 largely dictate my case selection. There is also theoretical reason to believe that the policies adopted by non-Western states arise from different processes and conditions (Ayoub 2015). Though focusing on the west reduces the degrees of freedom and restricts the variation of the independent variables in the model, variation in SSRR policy adoption despite similarity in institutional design, is unexpected and interesting (Pettinicchio 2012).¹⁰ Ultimately, my dataset includes 20 countries. Appendix A provides a look at key institutional features of each.

¹⁰ I exclude some smaller western European countries due to a lack of welfare state data. Alternate specifications of the Esping-Andersen Typology Model that include Luxembourg and Iceland indicate that their inclusion conforms to the results presented herein.

Tracking Same-Sex Relationship Recognition Policies

The dependent variable measures the number of years from 1978 until the passage of the SSRR measure of interest. The data come from an original data set—drawn from a combination of primary and secondary sources (Center for European Family Law 2017; International Gay and Lesbian Association (ILGA) 2017; Kollman 2013; Osterbur 2012; Waaldijk 2005)—on the year of policy adoption in 20 western industrialized nations from 1978 to 2015. Because many scholars and organizations document the date of policy implementation rather than policy adoption, I checked dates across multiple sources including news reports in *The New York Times*. When necessary, I also used countries' legislative websites.

Measuring the Welfare State

In the previous chapter I present a picture of the welfare state as both a collection of social programs aimed to foster citizen well-being and as an institution able to shape social relations and behaviors. I use three different measures of the welfare state to capture the key theoretical dimensions I delineate.¹¹ While my three variables are related, they measure distinct features of comprehensive welfare states and the different pieces of my theoretical argument.¹²

The first measure, Esping Andersen's typological classification, captures states' approaches to policy—their regime associations. Esping-Andersen (1990) classifies countries on two dimensions: decommodification and stratification. Decommodification refers to a citizen's ability to forgo labor force participation without risking his or her general well-being. Absolute decommodification would require robust social programs to offer dollar-for-dollar income replacement, thereby eliminating financial hardship in the face of unemployment, disability, or other

¹¹ Appendix A provides summary statistics for each of the variables in my analyses.

¹² The correlation coefficients for the welfare state variables are as follows: 0.3334 for *Family Welfare Expenditures* and *Welfare State Comprehensiveness*; 0.5659 for *Social Democratic State* and *Welfare State Comprehensiveness*; and, 0.3770 for *Family Welfare Expenditures* and *Social Democratic State*.

income-reducing life events. In practice, the best programs replace about 80% of the average worker's income, meaning high-income earners receive a smaller replacement wage relative to their incomes (Scruggs & Allan 2006). States may further limit the effective benefit of social policies through stratification—the system of social relations promoted through limits (such as work requirements or income ceilings) placed on access to benefits.

Evaluating countries on these two dimensions, Esping-Andersen identifies three regime types—liberal, conservative, and social democratic. Social democratic regimes exhibit the greatest levels of decommodification and the lowest levels of stratification, thus supporting social solidaristic views of inequality. Furthermore, their expansive policy programs should make them adept at state-centered interventions. As such, my variable, *Social Democratic State* (coded 1 for states with social democratic regime types), helps us understand both state culture and the policy toolkits available to states.¹³ If this measure captures states' robust regimes, and if, as I suggest, this regime robustness encourages states to rectify social inequalities, then social democratic states will adopt SSRR policies sooner than their liberal and conservative counterparts.

The second measure—*Welfare State Comprehensiveness*—serves as a proxy for states' inequality narratives and the underlying element of social trust and tolerance. *Welfare State Comprehensiveness* comes from comes from Scruggs, Jahn, and Kuitto's (2014) measure of welfare state benefit generosity. This measure compares nations' pension, unemployment, and sick leave compensation

¹³ While Esping-Andersen's (1990) critics propose everything from amendments—adding a category for Mediterranean nations or reclassifying countries based upon alternate measures of their welfare provisions (see for example, Arts & Gelissen 2002; Bonoli 1997; Ferrera 1996; and, Pateman 2000)—to abandonment (Kasza 2002) to an evaluation of welfare states on a range of citizenship rights that apply to both men and women (see, Orloff 1993; Siaroff 1994), his framework remains oft employed. Furthermore, there is no contestation about the social democratic welfare state as a type, and little contestation about which states belong in the category.

based on eligibility, duration, and the rate of wage replacement. These data are available annually for many countries, allowing me to account for temporal variation.¹⁴

The variable captures both the universalism and decommodification of welfare regimes, each of which tells us something about states' inequality narratives—the dialogues states assign to inequalities. As contingencies for benefit access increase and the recipient pool narrows—that is, as a welfare state becomes less comprehensive—society questions the deservingness of recipients, creating an environment of social stigmatization. Universal benefits in comprehensive regimes, by contrast, build social cohesion (Rothstein 2001). Similarly, if states and citizens view inequality as the result of random misfortune rather than personal mistakes or laziness, then providing economically displaced citizens with generous, decommodifying benefits makes sense. After all, benefit recipients are hardworking, co-equal members of society who happen to be down on their luck. States with higher *Welfare State Comprehensiveness* scores offer more benefits to more people. If this measure captures elements of states' inequality narratives and social cohesion in the way I argue, then those states with higher *Welfare State Comprehensiveness* scores will adopt SSRR policies sooner than those states with lower scores.

The final measure—Organization for Economic Cooperation and Development (OECD) spending data—captures both states' policy toolkits and post-industrialization adaptation. My variable, *Family Welfare Expenditures*, uses disaggregated OECD spending data on the level of family welfare expenditures as a percentage of a country's gross domestic product (GDP). This measure captures both the robustness of welfare state regimes in one policy area and welfare state adaptation to new social risks—whose economic fixes typically fall under the umbrella of family policy. If, as I

¹⁴ The Comparative Welfare Entitlements Dataset (CWED) currently records benefit generosity through 2010. I held the 2010 values constant for all countries that remained in the dataset thereafter. Missing values for Greece, Portugal, Spain, and Switzerland at the start of the observation were assigned the same value as that of the first year of available data for each country.

expect, those welfare states that have adapted to emerging economic inequalities also better adapt to emerging social inequalities, then those states that spend more on family welfare as a percentage of their GDP will adopt SSRR policies sooner than states that spend less on family welfare.

Operationalizing Alternate Explanations

In Chapter Two, I discuss several alternate explanations for SSRR policy adoption. While I conceptualize SSRR policy adoption as the result of multiple factors working in concert, I control for many of the alternate explanations to ensure the validity of my argument. In what follows I briefly reintroduce the alternate explanations and describe how I operationalize each concept in my analyses.

Electoral System

Electoral systems structure the dialogue of politics by determining who gets a say. Unlike majoritarian systems, proportional representation (PR) systems aim to “represent both majorities and minorities” (Lijphart 1999, p. 143). When the majority of voters oppose policy adoption, both parties in a majoritarian system refrain from supporting progressive (and contentious) relationship recognition policies in order to capture the median voter. By contrast, in PR systems, parties can seek out niche voters. Thus, gay and lesbian issues, such as relationship recognition stand a better chance of being captured by a party’s platform. Because PR systems foster a more deliberative democracy and better represent minority interests, they should increase the likelihood of adopting relationship recognition policies (Lijphart, 1999; McGann, 2006; McGann & Sandholtz, 2012; Nino, 1996). But, this same deliberation may serve to delay the most expansive accommodations as representatives seek to develop broad governing coalitions. I measure a state’s electoral system with the variable *Degree of Proportional Representation* coded 0 for majoritarian systems, 1 for mixed systems, and 2 for PR systems. These data come from Bormann and Golder (2013).

Division of Powers

I operationalize division of powers as *Strength of Federalism*, which is coded 0 for unitary states, 1 for weak federal states, and 2 for states with strong federal systems (Brady, Huber & Stephens 2014). Federal governments offer multiple venues for policy development. This opportunity for subnational policy innovation can reduce the cost and complexity of solving policy problems (Boushey 2010; Chappell 2001). That said, unifying policy across these dispersed venues can present a challenge to national-level policy adoption (Osterbur 2012; Rayside 2007,2010). As such, I expect federalism to hinder SSRR policymaking.

Religion

Religion explains political histories, citizens' attitudes, and government action (particularly in cases where a religious party is in control or a religious interest group is a prominent source of a party's resources). Religious organizations also disseminate information on social issues. For instance, the Catholic Church formally opposes both same-sex marriage and abortion, while most Lutheran denominations have loosened their oppositions to, or even moved to support same-sex marriage. Religious leaders' delivery of moral testimony informs believers' actions—whether the believers are citizens or policymakers. In short, the national religious composition may shape public opinion, the actions of key political players, and policy outputs—Fernandez and Lutter (2013) find that secularization improves the likelihood of policy adoption. Research has also shown that individuals who hold conservative religious traditions have less favorable attitudes toward gays and lesbians, and, presumably, relationship recognition (Herek 1984; Horvath & Ryan, 2003). We can thus expect that areas where more people belong to religions that openly oppose same-sex relationship recognition will hesitate to adopt such policies.

Considering Gerhard's (2010) finding that the Greek Orthodox Catholic churches are less likely to deem homosexuality justifiable than Protestant-Lutheran faiths, I operationalize religion as

the percentage of the population that is Catholic or Orthodox (*% Catholic or Orthodox*).¹⁵ These data come from the *World Religion Dataset* (Maoz and Henderson 2013). The data are reported every five years. I obtained country-year estimates, by averaging by-year change across each five-year period.

Partisan Influences

The partisan composition of the legislature might impact the success of recognition measures (Fernandez & Lutter 2013). In deciding whether to advance relationship recognition policies, legislators consider their individual electoral costs. On a macro level, parties' ideological positions and relative strength in the legislature are important considerations. Left parties are more likely to champion social justice issues, such as LGBT rights, than are conservative parties (Stewart, 2010). This evidence alongside observed historical trends suggest that we can expect strong left parties to increase the likelihood of policy adoption, while the presence of a religious party should slow policy adoption.

The variable, *% Left Party Seats*, measures the percentage of seats held by left parties in the (lower) legislative chamber. For 1978 to 2011 these data come from Brady, Huber and Stephens's (2014) *Comparative Welfare States Dataset*. The data for the remaining years was hand-coded using Brady et al.'s coding scheme with information from national election websites. Using the same data, I calculated the variable, *% Religious Party Seats* by adding the center and right Christian and Catholic party shares together.

Previous Policy

The most comprehensive theory of the dissemination of same-sex marriage argues the policies result from incremental policy change (Waaldijk, 2001). Incremental normalization of

¹⁵ The Greek Orthodox Church and the Catholic Church share many major religious tenets and a strong tradition of socially conservative views.

homosexuality (through the adoption of anti-discrimination and relationship recognition policies) impacts the attitudes of publics and elites and a foundation of LGBT-friendly policies can build support for analogous policies, ultimately facilitating the adoption of same-sex marriage (Glass, Kubasek, & Kiester 2011; Pacheco 2013).

My variable, *Previous LGB-Friendly Policies*, captures the effects of previous policy. It is a count variable that sums dichotomous indicators for a country's anti-discrimination legislation specific to or inclusive of gays and lesbians, cohabitation policy, registered partnership policy, and civil marriage policy for each observation year. Anti-discrimination data come from Osterbur (2010) and the relationship recognition data come from my original data collection as described earlier in this chapter. I lag this variable by one year to account only for previous, not concurrent, policy.

Spatial Diffusion Mechanisms

Spatial diffusion refers to the idea that “governments are sensitive to external signals” (Simmons and Elkins 2004, p. 186). Thus, the adoption of a policy in one country may lead to the subsequent adoption or purposeful non-adoption (non-diffusion) of a policy in adjacent countries (Collier & Messick, 1975; Schmitt & Obinger, 2013; and, Walker, 1969). My measure for spatial diffusion, *Neighbors with Recognition*, looks at the proportion of other states on a country's continent with any SSRR policy.¹⁶

Economic Development

To measure *Economic Development* I take the natural log of per capita gross domestic product.¹⁷ These data come from the World Bank. Several scholars find economic development impacts

¹⁶ An alternate diffusion model further separating Europe into regions did not change the results of the model.

¹⁷ The World Bank reported the GDP per capita for countries through 2014. I held the 2014 values constant for all countries that remained in the dataset thereafter. Missing values for Switzerland at the start of the observation (1978-1979) were assigned the same value as that of the first year of available data (1980).

minority rights (Fernandez and Lutter 2013; Gerhards 2010). These findings arise from Inglehart’s (1971) theory that citizens in more developed nations hold post-materialistic values—valuing self-expression and freedom, and better tolerating diversity (Inglehart & Welzel 2005). Economic development is important for the research at hand because it likely impacts both minority rights outputs—SSRR policy, in this case—and welfare state comprehensiveness.

Method of Analysis

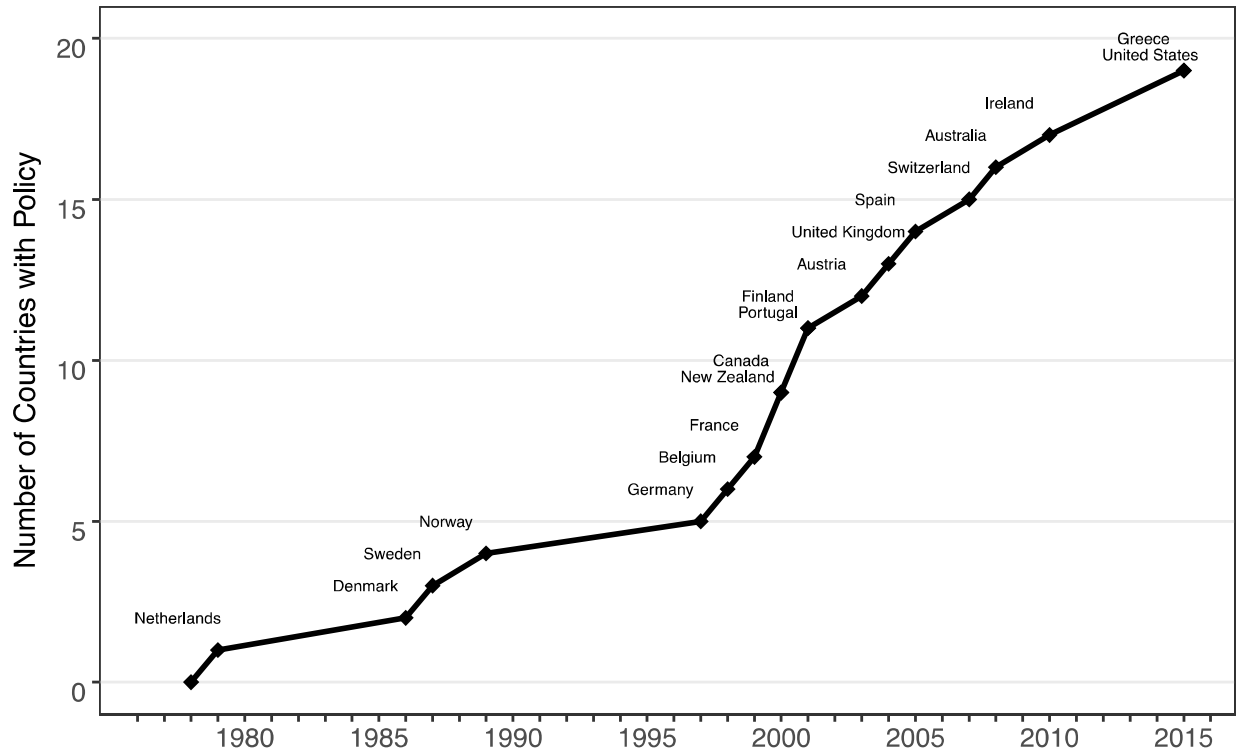
To test my hypothesis, I employ a type of survival analysis—the Cox-proportional-hazards model. Cox proportional-hazards models model the time until an observation “fails” (i.e. the event of interest occurs) alongside the distribution of covariates (Box-Steffensmeier and Jones 2004).¹⁸ Unlike other survival models that specify the directionality and/or shape of the baseline hazard function, the Cox model does not make assumptions about the function or form of the hazard, aiding against misspecification (Fox 2002). Survival analysis is superior to regression for my purposes because it allows for the accommodation of right-censoring—when an observation at risk for an event of interest does not experience the event before the end of the analysis time-period—and does not assume that the residuals are normally distributed (Cleves et al. 2008). I construct separate models for each of my three measures of the welfare state. In each model, I use country clusters with robust standard errors to overcome the violation of the assumptions of independent errors produced by the data’s panel structure and the assumption of normal distribution produced by the dichotomous dependent variables (Lin & Wei 1989).

¹⁸ In the context of this research, the language of survival analysis seems counterintuitive. A nation “fails” or exits the dataset when it adopts relationship recognition. By contrast, survival indicates states without such policies.

Analysis

Before I turn to the formal analyses, I present some descriptive characteristics of the data. First, 19 of the 20 countries analyzed in this study adopted some form of relationship recognition between 1978 and 2015. **Figure 3.1** offers a picture of countries' first instances of policy adoption. The x-axis shows the year of policy adoption, while the y-axis shows the total number of countries with at least one policy. Thus, the chart serves as both a count of the total number of countries with SSRR policy and, with the addition of country labels, a timeline of first policy adoption.

Figure 3.1 Timeline of First Policy Adoption



Does a comprehensive welfare regime encourage a state to adopt SSRR policies sooner? This question underpins the analyses in this chapter. If my theoretical arguments hold true, then we should expect more comprehensive welfare states to adopt policies sooner than their less comprehensive counterparts. **Figure 3.2** recreates the chart from **Figure 3.1**, this time color-coding the states by their welfare regime types. Two patterns emerge from this exercise. First, the more

comprehensive social democratic states cluster in the early phase of policy adoption. Second, the liberal and conservative states cluster together across a broader range of time. These patterns provide preliminary support for my hypothesis that more comprehensive policy regimes adopt policies sooner than their less comprehensive counterparts.

Figure 3.2 First Policy Adoption by Welfare State Regime Type

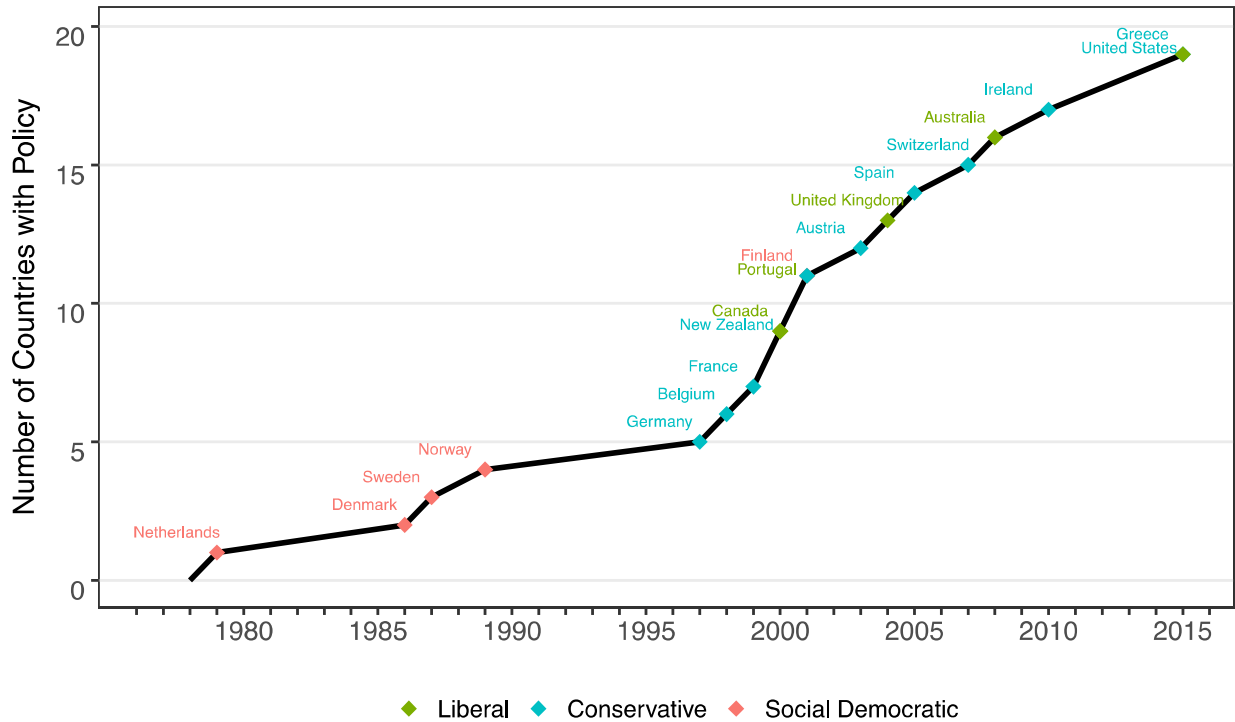


Table 3.1 shows the results of the survival analyses in hazard ratios. A hazard ratio less than 1 represents a decrease in the likelihood of policy adoption, while a hazard ratio greater than 1 represents an increase. To expand, a hazard ratio of 1.05 indicates a 5% increase in the likelihood of policy adoption, while a hazard ratio of 2.00 signifies a 100% increase (alternately, the subject would be twice as likely to adopt a policy given a one unit change in a specified covariate). By contrast, a hazard ratio of .75 represents a 25% decrease in the likelihood of policy adoption. Overall, the analyses support my hypothesis that more comprehensive welfare states adopt policies sooner than

their counterparts; the measures for welfare state comprehensiveness consistently predict policy adoption.

Table 3.1 Effects of the Welfare State on Same-Sex Relationship Recognition, 1978-2015¹

	Model					
	1	2	3	4	5	
<i>DV: SSRP Policy Adoption (Any)</i>	<i>Hazard Ratio</i>	<i>Hazard Ratio</i>	<i>Hazard Ratio</i>	<i>Hazard Ratio</i>	<i>Hazard Ratio</i>	
Social Democratic State		47.183*	79.926		9.202	10.454
Welf. State Comprehensiveness			1.417***	0.149	1.317***	0.111
Family Welfare Spending			2.662**	0.943	2.814**	0.990
Degree of Proportional Rep.	1.325 (0.711)	0.499 0.314	0.364 0.223	1.310 0.635	0.249**	0.128
Strength of Federalism	0.887 (0.872)	1.491 1.095	0.823 0.981	1.609 1.243	2.493*	1.080
% Catholic or Orthodox	0.107 (0.124)	2.102 4.505	0.026*** 0.27	0.157 0.189	0.247	0.319
% Left Party Seats	1.032 (0.022)	1.050 0.027	0.999 0.033	1.029 0.021	1.005	0.023
% Religious Party Seats	1.040 (0.041)	1.056* 0.024	1.048 0.055	1.030 0.034	1.046*	0.022
LGB-Friendly Policies _{t-1}	1.112 (1.655)	1.829 1.434	1.016 1.824	2.388 2.768	2.475	1.560
Neighbors with Recognition _{t-1}	0.027* (0.042)	0.008* 0.016	0.002 0.006	0.042* 0.060	0.003*	0.006
Economic Development	2.425 (2.527)	2.692 4.503	0.116 0.162	0.856 0.860	0.036*	0.055
Wald chi-squared	86.80***	35.79***	39.51***	37.53***	33.71***	
N observations	459	459	459	459	459	
N events	19	19	19	19	19	
AIC	85.913	80.867	74.497	80.703	70.771	
BIC	118.946	118.028	111.659	117.864	116.191	

* $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq 0.001$

1. Table Hazard ratios and robust standard errors, clustered by country.

Model 1 contains only the control variables representing the alternate hypotheses. In this model, only the variable *Neighbors with Recognition (t-1)* is significant ($p=0.02$). Each additional neighbor with a recognition policy in the preceding year decreases the likelihood of policy adoption by 97%, *ceteris paribus*. *Neighbors with Recognition (t-1)* has a similar effect in *Models 2-5*. While we typically expect the likelihood of policy adoption to rise as the proportion of neighbors with corresponding policies increases, at least two possible explanations exist for the opposing pattern found here. First, the lagged variable devalues concurrent policy adoption. Research on the Netherlands indicates the country aimed to stay in step with neighboring countries as it adopted policy (Waaldijk 2001). Similarly, in evaluating a 2001 proposal for registered partnership to equalize the treatment of same-sex couples under the law, the government of Liechtenstein concluded “the date for such a solution was too early and. . .relevant legislation in neighboring countries should be awaited.”¹⁹ Thus, the lag may mask countries’ attempts to keep pace with their neighbors. Yet, **Figure 3.1** reveals only three instances of concurrent—in this case within the same year—policy adoption, and removing the lag does not change the direction or magnitude of the hazard.²⁰ A second, more likely, possibility is that spatial diffusion fails to explain policy once we account for additional explanations. Indeed, univariate models of SSRR policy adoption using five and ten year lags result in hazard ratios larger than 1, but the results do not reach the margins of statistical

19 Translated by government website. Original text: Es wurde ins Treffen geführt, dass der Zeitpunkt für eine solche Lösung zu früh sei und vorerst die Ausgestaltung der einschlägigen Gesetze in den Nachbarländern abgewartet werden soll.

20 I also run the model using a one year lead capturing Neighbors with Policy in the subsequent year in case states move proactively to adopt policy ahead of neighbors. Again, the magnitude and direction (Hazard ratio=0.00000213) of the variable remained comparable to the original model ($p=0.004$).

significance.²¹ Though the other variables in *Model 1* do not reach significance, the variable, *% Catholic or Orthodox*, approaches that point ($p=0.054$). A 1% increase in the Catholic or Orthodox population leads to an expected 89% decrease in the likelihood of policy adoption.

Model 2 expands the first model by introducing one of the three welfare state measures. *Social Democratic State*, a dichotomous variable, indicates those states identified by Esping Andersen's typological classification as social democratic states—based on states' decommodification practices. The measure serves as a proxy for state culture and policy toolkits by capturing states with historically robust welfare regimes. As expected, social democratic states adopt policy sooner than their non-comprehensive (liberal and conservative) counterparts. Specifically, a social democratic state is 47 times more likely to adopt policy than a non-social democratic state. The smaller Akaike Information Criterion (AIC) and Bayesian Information Criterion (BIC) values for *Model 2* compared to *Model 1* indicate the justifiability of the addition of the *Social Democratic State* variable.

Two control variables reach significance in *Model 2*, and a third approaches the standard. First, a 1% increase in the number of legislative seats held by religious parties curiously increases the likelihood of policy adoption by almost 6%. Second, each additional neighbor with a recognition policy in the preceding year decreases the likelihood of policy adoption by 99%. Lastly, the variable *% Left Party Seats*, which approaches significance ($p=0.056$), indicates a 1% increase in the number of legislative seats held by left-leaning parties increases the likelihood of SSRR policy adoption by 5%, *ceteris paribus*—a result that conforms with previous research and expectations.

Model 3 expands *Model 1* by introducing *Welfare State Comprehensiveness*, a proxy for states' inequality narratives and the underlying elements of social trust and tolerance, that measures benefit

21 I also run versions of the full model using the five and ten-year lags. The AICs indicate that these models are superior to the model with the one-year lag, but I report the one-year lag model for ease of interpretation. The hazard ratios for Neighbors with Recognition do not change direction and are statistically insignificant in the alternate models.

generosity (Scruggs et al. 2014). Again, my hypothesis is confirmed; more comprehensive welfare states adopt policies sooner than their counterparts. This time, a 1% increase in benefit generosity leads to a 42% increase in the likelihood of policy adoption (said differently, a 1% increase in generosity makes states 1.4 times as likely to adopt an SSRR policy). Only the control for religiosity, *% Catholic or Orthodox*, reaches significance. A 1 % increase in the percentage of Catholic or Orthodox adherents within a state decreases the likelihood of policy adoption by 74%. The AIC and BIC for the model support the inclusion of *Welfare State Comprehensiveness*.

Model 4 expands the first model by accounting for *Family Welfare Spending*. The measure employs disaggregated OECD spending data on the level of family welfare expenditures as a percentage of a country's gross domestic product (GDP) to capture states' policy toolkits and adaptation to post-industrialization. A 1% increase in *Family Welfare Spending* makes a state 2.6 times (or 260%) more likely to adopt an SSRR policy. Again, the results confirm my hypothesis and the AIC and BIC support the inclusion of the welfare state measure over the control model. Amongst the controls, only *Neighbors with Recognition* is significant. The results, which indicate that every neighbor with an SSRR policy in the preceding year decreases the likelihood of policy adoption by about 96%, conform with findings from the other models.

Model 5 incorporates all three welfare state measures. Though related, the three measures capture different features and elements of the welfare state. Thus, a model with all three measures makes theoretical sense. The variable for *Social Democratic States*, which falls just beyond the margins of significance ($p=0.051$), indicates that social democratic states are 9 times more likely to adopt policy than their counterparts to adopt SSRR policy. Likewise, a 1% increase in *Welfare State Comprehensiveness* leads to a 132% increase in the likelihood of policy adoption ($p=0.001$), while a 1% increase in *Family Welfare Spending* makes policy adoption 2.8 times (280%) more likely in any given year.

More of the control variables are significant in *Model 5* than any of the other models. A one-unit increase in *Degree of Proportional Representation*—a variable that identifies whether a country has a majoritarian (coded 0), mixed (coded 1), or proportional (coded 2) electoral system—leads to a 75% decrease in the likelihood of SSRR policy adoption. *Neighbors with Recognition* and *Economic Development* also reduce the likelihood of policy adoption (99% and 97%, respectively). By contrast, a stronger federal system and a larger share of religious party seats in the legislature increase the odds of SSRR policy adoption. Specifically, a move from a unitary system to a weak federal system or from a weak to a strong federal system makes a country 2.5 times as likely to adopt a policy, while a 1% increase in the share of the legislature held by a religious party leads to a 5% increase in the likelihood of policy adoption. The AIC pegs the combined model as the best model, though the BIC favors *Model 3* (the *Welfare State Comprehensiveness* model).

Unfortunately, these analyses give us little understanding about the validity of existing explanations for SSRR policy adoption. They offer some support for extant theories about the role of conservative religiosity, but contradict expectations about the effects of proportional representation, federalism, religious parties in parliament, spatial diffusion, and economic development. I suspect the lack of consistent significance and the unexpected outcomes amongst the controls are the result of four explanations. First, many previous studies identifying alternate causes of SSRR policy adoption do not consider the timing of adoption. I argue elsewhere in this dissertation that policy timing must be considered, and the variable support for the alternative explanations reinforces this argument. Second, many previous studies use qualitative analyses, allowing for more fluid interpretations of the causes and effects of SSRR policy. Third, many previous studies also employed broader definitions of SSRR; some included all forms of recognition, others collapsed registered partnerships and same-sex marriage into a single category, and still some combined a variety of gay and lesbian friendly policies. Finally, no other quantitative study considers

the role of welfare policy regimes. The results clearly indicate welfare regimes represent a missing link in our understanding of SSRR policy adoption.

Policy Development in the Netherlands and the United States

The preceding analyses offer strong support for my hypothesis: greater welfare state comprehensiveness results in earlier policy adoption. Yet, the quantitative analyses necessarily sidestep some of the nuance and micro-foundational expectations of the process I delineate in Chapter Two. If, welfare policy regimes operate in the manner I theorize, then we should observe the between country variations in the policymaking put forth in this dissertation. Specifically, more comprehensive welfare states should adopt centralized policy solutions, demonstrate increased economic equality, and demonstrate increased trust and tolerance. Less comprehensive welfare states, by contrast, should pursue market-based and individual solutions, have greater levels of economic inequality, and show lower levels of trust and tolerance.

In this section, I compare policy adoption in the early-adopting, comprehensive welfare policy regime of the Netherlands and the late-adopting, less comprehensive United States to evaluate the presence of the aforementioned micro-foundational processes and expectations. The remainder of this section has three parts. In the first, I briefly trace the policy history of both countries. In the second, I evaluate the welfare state, economic equality, trust, and tolerance in both nations. The final section summarizes the results of this investigation.

Policy Histories

The Netherlands adopted a cohabitation policy securing rights for same-sex couples in 1979. Though the country continued to extend rights to gays and lesbians during the 1980s, it did not adopt a formal recognition policy—registered partnership—until 1997. Not long after, it granted same-sex couples access to civil marriage. Though a frequent leader in SSRR policy adoption, the

Netherlands remained largely in step with other European countries, especially the comprehensive welfare policy regimes in Scandinavia (Waldijk 2001). Furthermore, the country followed what some argue is a predictable pattern of policy adoption beginning with the decriminalization of homosexuality (1811), moving to the prohibition of discrimination against gays and lesbians (1983), and concluding with the aforementioned relationship recognition policies (Eskridge 2002; Glass, Kubasek & Kiester 2011; Waldijk 2001, 2004).²² Overall, policy adoption processes in the Netherlands exhibited a strong top-down pattern. The government faced great internal pressure from gay members of parliament and lower-level government officials to adopt both registered partnerships and same-sex marriage in order to reduce discrimination against homosexuals (Kamerstukken 1991/1992; Waldijk 2001).

The United States took a very different (and arguably more complicated) path to same-sex marriage policy adoption. The 2003 Supreme Court ruling in *Lawrence v Texas* decriminalized homosexuality. In his *Lawrence* dissent, Justice Antonin Scalia disapprovingly asserts the ruling tears down the legal barricades to same-sex marriage.

Today's opinion dismantles the structure of constitutional law that has permitted a distinction to be made between heterosexual and homosexual unions, insofar as formal recognition in marriage is concerned. . . what justification could there possibly be for denying the benefits of marriage to homosexual couples? This case 'does not involve' the issue of homosexual marriage only if one entertains the belief that principle and logic have nothing to do with the decisions of this Court.

At the time of the *Lawrence* ruling the federal government already limited the definition of marriage for federal purposes to the union between one man and one woman through the 1996 Defense of Marriage Act (DOMA), though no US state recognized same-sex marriage. Ultimately, it

²² The Netherlands amended its constitution in 1983 with the intention of protecting gays and lesbians from discrimination. Article 1 reads "discrimination on the grounds of religion, belief, political opinion, race, sex, or any other ground whatsoever is prohibited." The country adopted explicit prohibitions on sexual orientation discrimination in 1992 (Waldijk 2001).

took another 12 years and two court decisions for the Supreme Court to fully invalidate DOMA.²³

The US legalized same-sex marriage—its first SSRR policy—in all 50 states with the Supreme Court’s 2015 ruling in *Obergefell v Hodges*. As of this writing, the United States still lacks national-level anti-discrimination protections for gays and lesbians—a policy position unlikely to change in the current political climate—despite repeated attempts to pass such legislation since 1974 (National Gay and Lesbian Task Force n.d.).

This brief picture of US policymaking masks important sub-federal and non-governmental policy processes. For instance, 36 US states allowed gays registered partnerships or same-sex marriage before 2015. Numerous US cities also implemented registration schemes providing couples with both tangible and symbolic benefits before the idea gained traction at the state-level. For example, Berkeley, California, implemented a policy extending domestic partnership benefits to the partners of city employees in 1984 (City of Berkeley n.d.). In 1991, Berkeley expanded its policy to allow all residents to register their relationships (*ibid.*).

In many ways, sub-federal adoption patterns in the United States mirrored the timing in more comprehensive states. For instance, Berkeley’s narrow registered partnership policy for city employees came just four years after the Netherlands legalized gay cohabitation, while the city’s expansion of its registered partnerships in 1991 came two years after Denmark’s 1989 policy. Likewise, in 2003 Massachusetts became the third jurisdiction worldwide poised to recognize same-sex marriage, only three years after the Netherland’s 2000 decision (*Goodridge v The Department of Health* 2003).²⁴

²³ In its 2013 decision in *United States v Windsor*, the US Supreme Court invalidated Section 3 of DOMA, legalizing legally performed same-sex marriages for federal purposes under the Fifth Amendment’s due process clause.

²⁴ The Massachusetts Supreme Judicial Court issues its opinion in *Goodridge v The Department of Public Health* in November 2003. The ruling took effect in May 2004.

Yet, some key differences remain between the experiences of the Netherlands and the United States. First, sub-federal variation in culture and ideology coupled with state-level authority over marriage policy in the United States resulted in a tug-of-war between states over the direction the United States should move on the issue (Lax and Phillips 2009; Olson, Cadge, & Harrison 2006). For instance, between 2000 and 2012, 31 states adopted constitutional amendments banning same-sex marriage and/or civil unions, while nine states legalized same-sex marriage during that time. Furthermore, where the Netherlands' adoption of cohabitation, registered partnership, and same-sex marriage definitively determined policy in the country, states continue to resist the implementation of the US Supreme Court's ruling in *Obergefell*. Several counties in Alabama circumvented the *Obergefell* decision by refusing to issue any marriage licenses (Sheets 2016). Most recently, the Texas Supreme Court ruled on a case where Houston taxpayers challenged then-Mayor Annise Parker's decision to provide municipal spousal benefits to city employees legally married in places where such unions are recognized. The court opined that the decision in *Obergefell* "did not hold that states must provide the same publicly funded benefits to all married employees" (Herskovitz 2017).

A second difference in the two countries' policymaking processes is the prominent role of the judiciary in the United States. The legislature made each of the policy changes in the Netherlands, even when Court cases dredged up attention to the issue (Waaldijk 2001). In contrast, state and federal courts determined a majority of US marriage policies.

A final source of difference comes from the involvement of business actors in the United States. In the absence of state and federal action on same-sex relationship recognition companies, large and small, implemented anti-discrimination policies and domestic partnership benefits for gays and lesbians. The New York-based newspaper, the Village Voice, first offered domestic partner benefits in 1982 (Ebeling 2004). In 1992, only one Fortune 500 company—Levi Strauss—offered

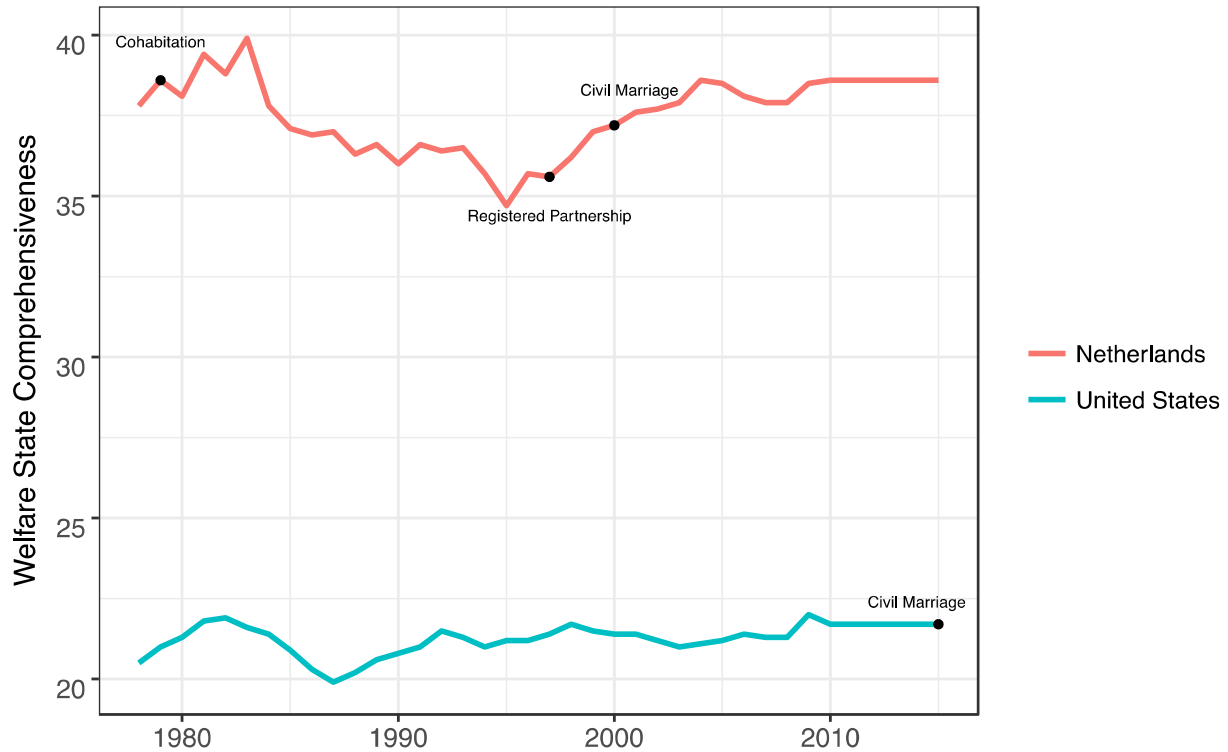
benefits to same-sex domestic partners (Joyce 2006). By 2007, over half of Fortune 500 companies offered such benefits, while 86% prohibited sexual orientation discrimination (Joyce 2006; Schaefer 2009). As of this writing, 61% of Fortune 500 companies offer domestic partner benefits and 92% prohibit sexual orientation discrimination (Human Rights Campaign 2016). Some companies pitch their decisions as matters matter of equality. For instance, then-Disney spokesman, John Dreyer, explains the company’s 1995 decision to extend health benefits to employees’ domestic partners saying, “we made this decision because it brings our health benefits in line with our corporate nondiscrimination policy” (New York Times 1995). Other companies act from an economic perspective to ““attract talent,”” in the words of Donna Zimmer, then-senior manager of diversity and inclusion at BP, or to remain ““competitive,”” according to then-executive director of human resources at Marriot International (Employee Benefit Research Institute 2009; Joyce 2006; Schaefer 2009). Similarly, state and municipal governments leveraged their power as employers and consumers to regulate public and private employer policymaking. The earlier example of Houston’s then-Mayor extending municipal spousal benefits to same-sex couples in 2013 describes one such instance. As another example, the city of San Francisco in its capacity as a market participant began requiring all city contractors to offer domestic partner benefits (Employee Benefit Research Institute 2009). Each of these vignettes offers an example of the free market addressing problems unresolved by the national welfare state.

The Welfare State, Economic Equality, Trust and Tolerance

Earlier in this chapter, I argue *Welfare State Comprehensiveness*—a measure comparing nations’ pension, unemployment, and sick leave compensation based on eligibility, duration, and the rate of wage replacement—serves as a proxy both for states’ inequality narratives and for the underlying elements of social trust and tolerance. I also assert that states with higher *Welfare State Comprehensiveness* scores will adopt SSRR policies sooner than those states with lower scores. **Figure**

3.2 charts the *Welfare State Comprehensiveness* scores for the Netherlands and the United States from 1978-2015. As expected, the Netherlands exhibits greater welfare comprehensiveness across the entire period, with an average Welfare State Comprehensiveness score of 37 compared to the United States' score of 21.

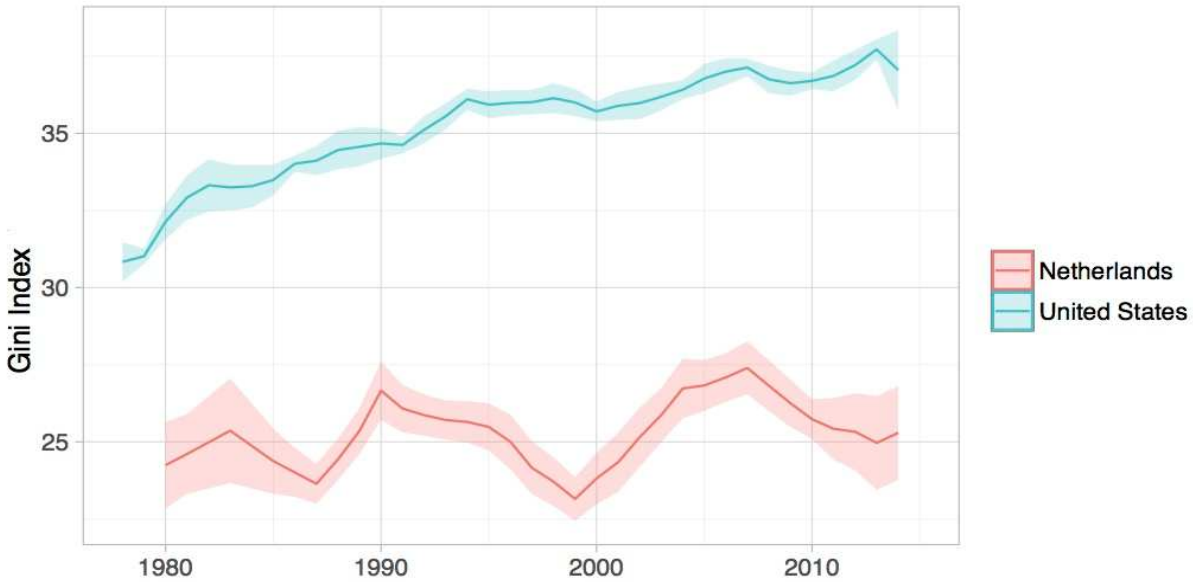
Figure 3.3 Welfare State Comprehensiveness in the Netherlands and the United States



Comprehensive welfare states aim to reduce economic inequality. Thus, I rely on the assumption that these states exhibit less income inequality. **Figure 3.3** reports the net income inequality in both countries between 1978 and 2014. The y-axis reports the Gini Index for each country. The Gini Index for net inequality measures post-tax, post-transfer inequality on a scale from 0 (perfect equality) to 100 (perfect inequality). Using post-tax, post-transfer inequality allows us

to see the effect of the welfare state on inequality. Net inequality in the United States exceeds inequality in the Netherlands during the entire observation period.²⁵

Figure 3.4 Income Inequality in the Netherlands and the United States¹



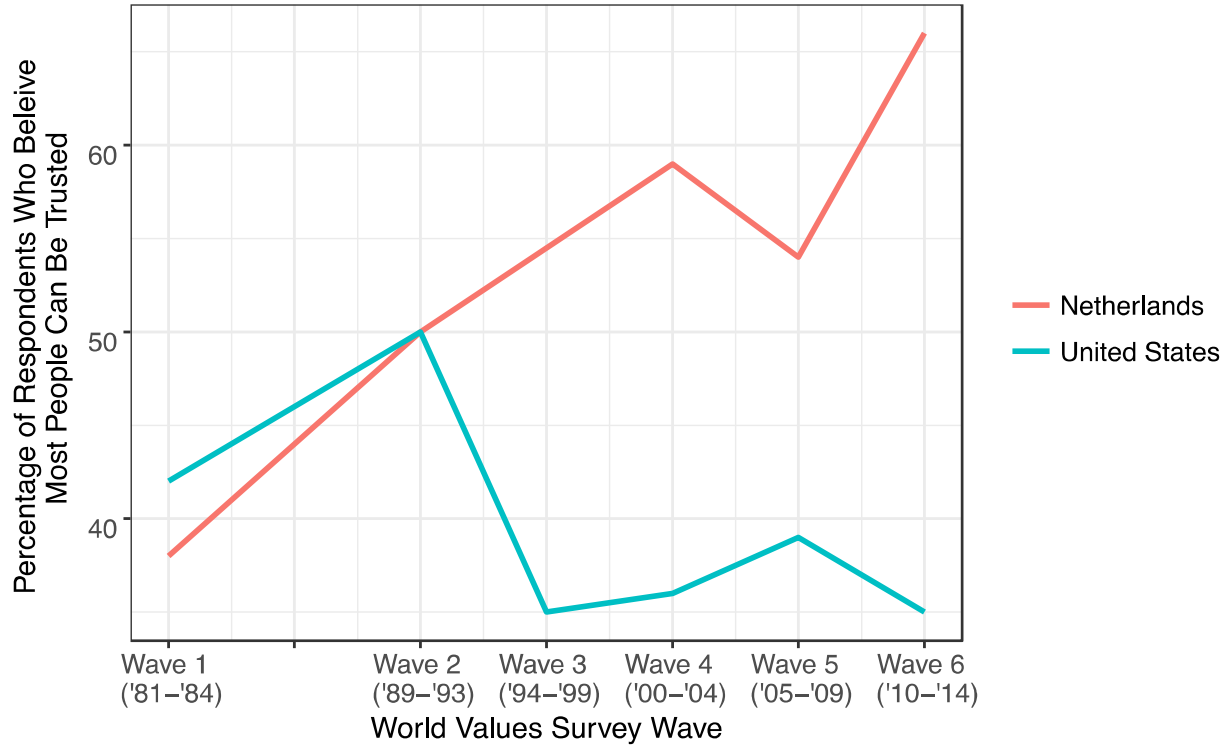
1. Source: Standardized World Income Inequality Database v5.1 (Solt 2016)

If the Netherlands—a comprehensive welfare state—better addresses income inequality through its social programs, then, I argue, we should also find increased trust and tolerance. **Figure 3.5** shows the level of social trust in each country. The data come from the World Values Survey. The x-axis represents each wave of the survey. A missing tick label between Wave 1 and Wave 2 denotes the five-year gap between those waves. The y-axis reports the percentage of respondents in each country who believe that most people can be trusted. In the Netherlands, social trust increases across the six waves (with a small dip between Wave 4 and 5). From Wave 2 on, a majority of respondents believe most people can be trusted. The United States, by contrast, demonstrates rising

25 Pre-tax, pre-transfer market inequality in the countries overlaps from 1980-1990 (Solt 2016). After 1990, the United States exhibits greater market inequality, but the difference in net inequality far exceeds that of market inequality (ibid.). This indicates that the Netherlands’ welfare programs substantially reduce inequality relative to programs in the United States. This corresponds to expectations based on welfare state regime type and comprehensiveness.

trust between Wave 1 and Wave 2, at which point in time trust plummets and remains low compared to the Netherlands.

Figure 3.5 Social Trust in the Netherlands and the United States^{1,2}

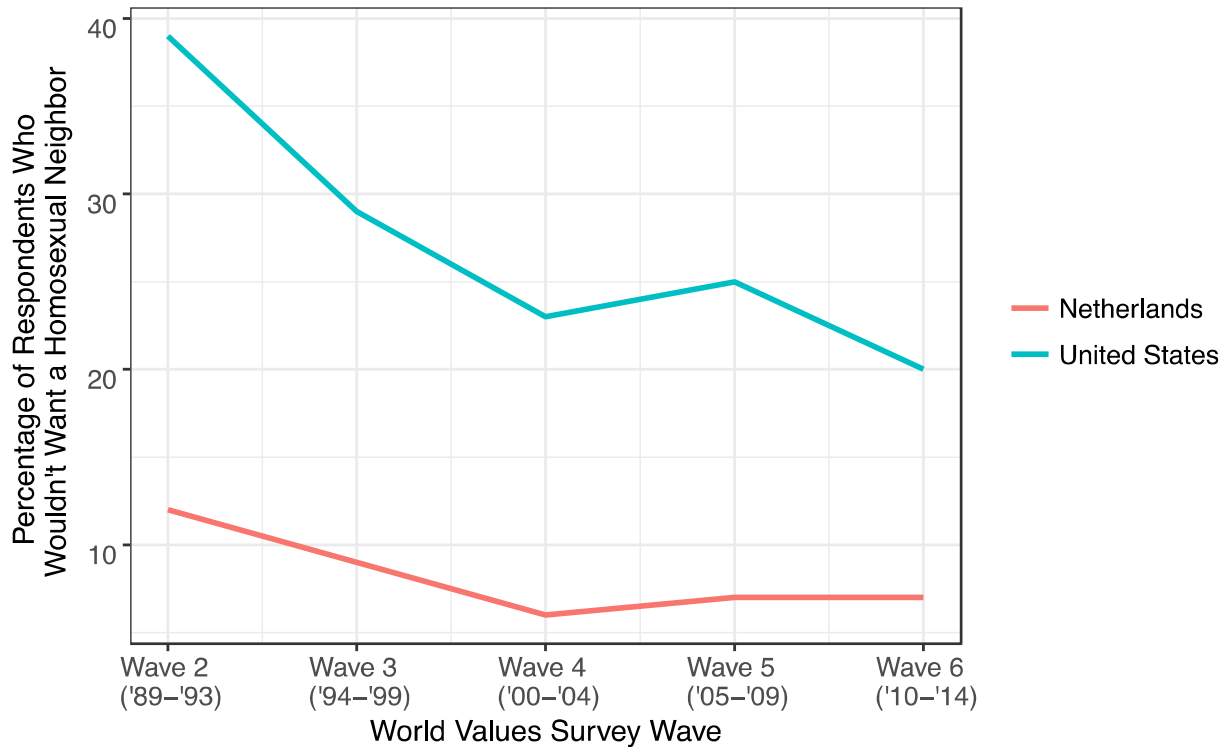


1. Source: World Values Survey
2. Results report unweighted, country-level aggregation by wave of the World Values Survey

Figure 3.6 gives a picture of the *intolerance* toward homosexuals in each country. These data also come from the World Values Survey. Again, the x-axis represents the wave of the survey. Wave 1 surveyors did not ask the question, so results begin with Wave 2. The y-axis represents the percentage of respondents who *wouldn't* want a homosexual as a neighbor. Thus, higher values represent greater *intolerance* toward homosexuals. Intolerance decreases overall in both countries across the five waves. This conforms with other research on public opinion toward the LGBT community and LGBT rights (Brewer 2014; Hooghe and Meeusen 2013; Powell et al. 2010; Powell, Quadlin, & Pizmony-Levy 2015). By Wave 3, less than 10% of respondents in the Netherlands object to a homosexual neighbor. That number remains above 20% in each of the last five waves of

the survey in the United States. Intolerance in the United States appears to still be on the decline, while numbers in the Netherlands have stabilized.²⁶

Figure 3.6 Intolerance Toward Homosexuals in the Netherlands and the United States^{1,2}



1. Source: World Values Survey
2. Results report unweighted, country-level aggregation by World Values Survey wave

Understanding the Policy Process in the Netherlands and the United States

The above narrative reveals several key differences in policymaking in the early-adopting, comprehensive welfare state of the Netherlands and the non-comprehensive, late-adopting United States. For one, the Netherlands demonstrates a top-down policy adoption pattern resulting from internal government pressures. Thus, even the earliest instances of policy adoption—the 1979 cohabitation policy—receive nationwide recognition. Furthermore, the strong centralized

²⁶ Responses to a question about whether homosexuality is always justifiable, never justifiable, or somewhere in between demonstrate similar patterns over time. More people in the Netherlands (22-54%, compared to 2-22% in the United States) consistently report feeling homosexuality is always justifiable, while more people in the United States (24-63%, compared to 7-23% in the Netherlands) feel homosexuality is never justifiable.

government ultimately develops an almost unified front on the issue, with a government commission recommending the opening-up of civil marriage following the adoption of registered partnerships. In contrast, the United States exhibits bottom-up policymaking, with cities, states, and companies introducing policy solutions to problems posed by the absence of national-level SSRR policies.

Turning to the micro-foundational elements of my argument, the Netherlands not only exhibits more welfare state comprehensiveness than the United States, but also lower levels of income inequality and intolerance toward homosexuals, and higher levels of social trust—albeit only after 1989. The United States, by contrast, demonstrates greater inequality and intolerance, and less social trust, indicating the national-level inhospitality to the equalizing processes I delineate in Chapter Two.

Conclusions and Implications

This chapter expands our understanding of same-sex relationship recognition policy adoption in three ways. First, I quantitatively evaluate existing explanations for SSRR policies. Second, I introduce a model to measure the effects of the welfare state—a previously overlooked determinant—on policy adoption. Finally, I explore the micro-foundational mechanisms of equality, trust, and tolerance put forth in Chapter Two.

My primary argument in this dissertation asserts comprehensive welfare states' penchants for addressing economic inequalities leads them to better resolve social inequalities, like those inequalities between same and opposite-sex couples in the absence of SSRR policies. I argue more economically egalitarian societies promote social trust and create narratives about inequality that lead them to close discriminatory gaps in policy rather than resort to social categorizations around deservingness to justify said tensions. One implication of this theory—and the hypothesis under

evaluation in this chapter—is that comprehensive welfare states should adopt SSRR policies sooner than their less comprehensive counterparts.

I test my hypothesis using Cox proportional-hazards models and then disentangle the presence of key micro-foundational elements of the theory using a comparative case study of the Netherlands and the United States. The statistical analyses strongly support my hypothesis and clearly indicate more comprehensive welfare states do, in fact, adopt SSRR policies sooner than those states with stigmatizing, means-tested welfare benefits. Furthermore, the analyses confirm that considering the role of the welfare state helps us better understand SSRR policy adoption.

The qualitative analysis highlights the differing approaches to policy-making taken in an early-adopting comprehensive welfare state and a late-adopting non-comprehensive state. The Netherlands exhibits the sort of top-down policymaking, low levels of inequality, and comparatively high levels of trust and tolerance one expects from a far-reaching, egalitarian welfare state engineering policy to reinforce its core goals. In contrast, policy in the United States builds from the bottom-up, through concerted efforts on the part of interest groups and through sub-federal governments and market actors trying to circumvent the consequences of federal government inaction.

Ultimately, this chapter improves our knowledge of both identity politics and political economy. First, it adds nuance to our understanding of SSRR policy adoption through the introduction of a previously overlooked factor shaping policy adoption patterns. My theory subsumes many of independent variables currently in the literature to provide parsimony to a cluttered debate. Better understanding SSRR policy is important not only because of the tangible and symbolic benefits gays and lesbians derive from access to SSRR, but also because policies signal “values and norms and the organization of society” (Wilson 2013). Second, it provides a theory of the political economy of prejudice that should extend beyond the group presently under

observation. Finally, it suggests conventional evaluations of economic rights as derivatives of political and civil rights (e.g. Marshall 1950) do not give us the full picture; instead, economic rights may also drive political and civil rights for some groups.

Though encouraging, these results cannot lend credence to the entirety of my theory. Specifically, the analyses at hand do not improve our understanding of the welfare state's effects on policy scope. Throughout this dissertation I maintain much research ignores—theoretically, empirically, or both—important variation in the types of policies adopted. In the following chapter, I look at the range of policy options available to countries on the basis of tangible and symbolic benefits to identify the determinants shaping states' nuanced policy-making decisions.

CHAPTER FOUR

Why Can't We Be (More Than) Friends?: The Welfare State, Policy Reinvention, and Same-Sex Relationship Recognition

In 1978, the Swedish Minister of Social Affairs commissioned an investigation on the “situation for homosexuals” in society to determine ways in which the Swedish government could reduce discrimination (SOU 1984:63, p. 3 Merin 2002; Nozari 1989). The 1984 commission report determined the lack of social and cultural institutions supporting homosexuality presented one roadblock to equality, and social norms rendering homosexuality taboo presented another (Nozari 1989). Understanding that cultural change would require time, the commission proposed several legal and institutional changes to protect gays and lesbians as individuals and couples (Nozari 1989; SOU 1984:63, p. 239). The commission also identified social welfare authorities as necessary actors in the process (SOU 1984; 63, p. 239).²⁷ Ultimately, in 1987, the government adopted a series of legislative proposals including the Homosexual Cohabitants Act, rejecting a proposal for same-sex marriage, and opting to treat same-sex couples in a manner similar opposite-sex, cohabiting couples (Lagutskottets Betänkande 1986-87: 28) to eliminate some economic disadvantages (Merin 2002).²⁸

Four years after adopting the Homosexual Cohabitants Act, the Swedish government established a “Partnership Commission” in response to Denmark’s 1989 adoption of registered partnerships (Merin 2002). In 1994, the parliament adopted the commission-recommended Swedish Registered Partnership Act, which provided same-sex couples most of the rights afforded heterosexual, save adoption, joint custody, artificial insemination, in vitro fertilization, and church weddings (Merin 2002). Updates to the law in 2002 and 2005 provided most of the parenting rights (BBC 2002; West 2009).

²⁷ Original text translated by author: Den bästa lösningen av dessa samordningsproblem är, enligt vår uppfattning, att socialstyrelsen får ett särskilt ansvar för den verksamheten.

Finally, in 2009, Sweden neutralized its marriage laws (Jänterä-Jareborg, Brattström, and Eriksson 2015). This time, the government commission not only cited the need to abolish discrimination and keep pace with changing times, but also the “higher symbolic value” of marriage as compared to registered partnerships (Regeringens proposition 2008/09:80).²⁹ The symbolic value of marriage, especially in countries with expansive registered partnership policies, is also noted by couples and activists. Markus Ulrich, spokesman for the Lesbian and Gay Federation in Germany told Vice News that the “most important impact” of the 2017 parliamentary decision to legalize same-sex marriage in a country known for its LGBT-friendly culture “is on a symbolic level” (Hume 2017).

The narratives above suggest variation in SSRR policy matters for both governments and citizens. Policymakers leverage various SSRR policies to achieve distinct cultural and policy goals, such as reducing discrimination, ensuring equal economic security, and keeping pace with neighboring states. For same-sex couples, adoption of and changes in SSRR policies produce tangible and symbolic benefits. If policy variation matters for governments and gay and lesbian citizens, then policy variation matters for research—a claim I assert throughout this dissertation.

In this chapter, I examine the variation in policy adoption, building on the argument and findings laid out in the preceding chapters, to illuminate the importance of considering variation in policy type, even amongst seemingly similar policies. To reiterate the central thesis of this work: I argue research on same-sex relationship recognition (SSRR) policies overlooks the scope of policy adoption—at least empirically, if not theoretically—and fails to consider the role of the welfare state. In delineating the role of the welfare state in SSRR policy adoption in Chapter Two, I assert the

²⁸ The Commission and its report made up part of a broader effort to reform Swedish family policy, which included a policy granting heterosexual, cohabiting couples some legal rights in 1984.

²⁹ Original text translated by author: Rättsverkningarna av ett registrerat partnerskap skiljer sig inte nämnvärt från ett äktenskap. Äktenskapet får dock enligt min mening anses ha ett högre symbolvärde.

economic equality found in comprehensive welfare policy regimes produces support for social equality. Economic equality creates an environment in which social inequalities are better identified and delegitimized. In less comprehensive regimes more tolerant of economic inequality, the delegitimization of inequalities takes longer.

Two sub-processes underlie this development. First, self-reinforcing welfare regimes shape states' policy solutions, both substantively and in terms of preferred policy tools—state-based versus market-based solutions (Polanyi 1944). Specifically, comprehensive welfare states accustom to adopting elaborate state-centered benefit programs to address policy problems and mitigate market risks will look to their existing rosters of top-down solutions, while less comprehensive regimes rely on individuals and the market to address policy problems that arise (Bonoli 2007). Second, comprehensive regimes encourage tolerance and social cohesion. In promoting economic equality, generous welfare states bolster solidarity by reducing the need for social categorization that arises in less comprehensive regimes as citizens and policymakers negotiate the boundaries of need and deservingness in decisions around narrow, means-tested social programs (Crepaz & Damron 2009; Gelissen 2002; Kumlin and Rothstein 2005; Larsen 2007; Rothstein 2001; Rothstein and Stolle, 2003; Titmuss 1968; Uslaner 2003).

In the previous chapter, I establish the value of the welfare state in understanding patterns of SSRR policy adoption. I employ event history analyses to test the effects of three different welfare state dimensions on states' adoptions of *any* SSRR policy. The quantitative analyses confirm more comprehensive welfare states do, in fact, adopt SSRR policies sooner than those states with less generous welfare policy schemes. An analysis of policy development in the early-adopting, comprehensive welfare state of the Netherlands and the late-adopting, less comprehensive United States reveals key differences in the policy-making processes of the two countries consistent with the welfare state dynamics I delineate in Chapter Two. Specifically, the Netherlands demonstrates a top-

down policy adoption pattern—with the government acting as a (mostly) unified coalition across branches and parties—lower levels of income inequality and intolerance, and higher levels of social trust. In contrast, the US exhibits fractured policymaking with contention between branches of government, political parties, and sub-federal government jurisdictions. Furthermore, the United States also exhibits higher levels of inequality and intolerance, and lower levels of social trust.

The processes I detail above and in Chapter Two have implications for the types of policies countries choose to adopt. Existing research on SSRR policy ignores the specifics of policies when considering the determinants of adoption—at least empirically. Other research on gay and lesbian issues establishes the importance of considering the content and complexity of policy (Taylor et al. 2012). My argument about the role of the welfare state in policy adoption implies comprehensive welfare states should adopt expansive policies. If inequality narratives organize the relationship between minorities and society, then generous, comprehensive welfare policy regimes, with penchants for identifying and rectifying inequalities, should enact the broadest possible policy accommodations. Research on policy reinvention, however, suggests an alternative hypothesis. Specifically, the reinvention literature argues early adopting states draw policy solutions from analogous programs and must subsequently update policies to reach optimal policy solutions (Glick and Hays 1991; Hays 1996a). Furthermore, reinvention should result in more expansive policies over time, with later adopters building on policy as they borrow it (Hays 1996b). In contrast, early adopters acting on initial information may need to update their policies to rectify emerging illegitimacies and keep pace with late adopters who learn from their predecessors (Glick and Hays 1991; Hays 1996a, 1996b; Makse & Volden 2011). This understanding of the welfare state and policy reinvention and their effects on scope result in the following, testable hypotheses.

Hypothesis 3a: The determinants of SSRR policy adoption are equivalent across policy types.

Hypothesis 3b: The determinants of SSRR policy adoption vary significantly across policy types.

Hypothesis 4: Conditional on policy adoption, less comprehensive welfare states adopt more expansive accommodations than their less comprehensive peers.

Hypothesis 5: More comprehensive welfare states will update their policies more times than will less comprehensive states.

In this chapter, I test the above hypotheses. The rest of the chapter proceeds as follows. In the next section, I revisit the types of SSRR policies governments adopt. The subsequent section introduces the data and methods I use to test my hypotheses, including my case selection and my measures for the alternate explanations for SSRR policy adoption discussed in Chapter Two. I then turn to the quantitative analyses, beginning with the multiple component event history analyses to examine *Hypotheses 3₀* and *3*, before moving to logistic regression to evaluate *Hypothesis 4*, and concluding with an OLS regression to evaluate *Hypothesis 5*. The final section summarizes the chapter's findings and discusses their significance.

The Scope of Same-Sex Relationship Recognition Policies

The Challenges of Classifying Same-Sex Relationship Recognition Policies

Comparing SSRR policies presents two challenges. First, the benefits available to gay and lesbian couples change within states over time. For example, Denmark first offered same-sex couples a few basic benefits by adjusting the sex-specific provisions of certain laws in 1986 (Lund-Andersen 2015). It then pioneered registered partnerships, providing same-sex couples with all the tangible benefits of marriage in 1989, before opening marriage to same-sex couples in 2012.³⁰ The second challenge in comparing SSRR policies arises from complications of state sovereignty and policymaking autonomy. Put simply, Sweden offering more benefits to same-sex couples in its

³⁰ Same-sex couples did not immediately have all the parentage rights typically associated with marriage until 2012, but the law was otherwise equal in its treatment of same-sex registered partners and opposite-sex married spouses.

cohabitation policy than France does in its registered partnership policy does not violate the laws of policymaking, but does provide a potential problem for cross-national analyses.³¹

I circumvent the problems outlined in the previous section by classifying policies into the categories discussed earlier—cohabitation, registered partnerships, and civil marriage—based on the symbolic benefits they confer to same-sex couples relative to opposite-sex couples within each state. Theoretically, same-sex couples derive equality from two elements of relationship recognition. First, through tangible benefits—provisions of policy that afford couples rights such as tax incentives, privileged immigration statuses, and the right to a common surname—with benefits equal to those afforded heterosexual married couples being a necessary, but not a sufficient condition for equality.³² States can further equalize or differentiate relationships through symbolic benefits conferred through the degree of acknowledgement and the terminology they afford same-sex relationships: identification, demarcation, or solemnization.³³ Identification describes those situations when a state acknowledges the existence of a relationship in the absence of a formal decree. Demarcation, by contrast, involves a formal declaration of the relationship, but falls short of the solemnization conferred through the ceremony and terminology reserved for married spouses. In practice, the symbolic benefits conferred through the degree of acknowledgement of same-sex relationships

³¹ Within a nation, when multiple institutions exist for recognizing same-sex relationships, the following is always a rank order in which the first provides fewer benefits than the second, and so forth: cohabitation, registered partnerships, and marriage. This is often the case when comparing institutions cross-nationally, but not always. For instance, marriage in one nation may confer fewer benefits than registered partnerships in another nation.

³² Theoretically, benefits equal to those afforded heterosexual couples by the most expansive policy available to them (heterosexuals) are a necessary condition for equality. In practice, “the most expansive policy” in each state I study is marriage. States can choose to provide couples none, some, or all of the benefits of heterosexual marriage. In practice, the first of these options is paired with either a ban on relationship recognition or the decision to ignore same-sex relationships.

³³ Theoretically speaking, states may also choose to ban same-sex relationships, though this scope specification falls outside the focus of this dissertation. Alternately, states may ignore relationships, which logically precludes the provision of tangible benefits.

approximate the tangible benefits of policy.³⁴ For instance, within a single state, marriage offers more benefits than registered partnerships which offer more benefits than cohabitation.³⁵ Thus, an adherence to the typology is both useful and reasonable, despite the within and across-state variation in benefits afforded same-sex couples.

Types and Benefits of Relationship Recognition

In the previous section I argue the symbolic benefits of identification, demarcation, and solemnization largely approximate the tangible benefits of policies. This section revisits the details of the policy types introduced in Chapter One and links them to the corresponding symbolic benefits. I also note one exception to my assertion about the relationship between symbolic and tangible benefits.

Cohabitation policies govern informal relationships. Governments *identify* the existence of shared bonds, but neither demarcate, nor solemnize the relationship—a reality with strengths and weaknesses for achieving gay and lesbian equality.³⁶ Through legislation, case law, or both, states regulate these non-marital relationships, providing unique sets of benefits and obligations—such as the right to remain in shared housing upon one partner’s death, or the obligation to split joint debts.

³⁴ Future research should consider the proportion of benefits afforded same-sex couples relative to those afforded heterosexual married couples in each state. Unfortunately, collecting this sort of data across 20 countries and 37 years is beyond the budget of this project.

³⁵ Recently, some states (e.g. Denmark) have moved to equalize the treatment of married and unmarried persons by expanding the rights and responsibilities of cohabitation policies. Other states (for instance, Malta and France) have focused on preserving each unique institution to offer couples a wider range of choices in organizing their relationships. In each case, the divergence in policy goals took place after the legalization of same-sex marriage.

³⁶ Theoretically, expansive cohabitation legislation providing couples the benefits of marriage can improve the relative status of gays and lesbians without access to other forms of relationship recognition. In practice, these policies always follow the adoption of same-sex marriage. Thus, expansive cohabitation policies impose the obligations of marriage on couples who “just live together.” An additional disadvantage of cohabitation policies: the absence of a formal registration requirement subjects the standing of the relationship to legal disputes around benefits or obligations that must be handled on a case by case basis in most states.

States may include same-sex couples under the protection of cohabitation policies incrementally or through comprehensive legislation equalizing the treatment of same and opposite-sex couples.³⁷

For registered partnerships, states move beyond identification to *demarcate* relationships and ensure the provision of benefits. Exact benefits and obligations vary by country, and this category of recognition offers the one actual exception to my assessment that symbolic benefits approximate tangible benefits. Registered partnership policies fall into one of two sub-categories. The first group of policies offer some of the benefits and obligations afforded heterosexual married couples. The second group of policies—all but marriage policies—confer the tangible rights and responsibilities of marriage, but do not provide the symbolic benefit of solemnization.

While most states designed cohabitation policies for heterosexual couples—and later included same-sex couples—registered partnership policies developed to serve a broader range of goals, including as an alternative to marriage for same-sex couples, to address declining marriage rates, or both.

When states *solemnize* same-sex marriages, they confer tangible and symbolic benefits historically reserved for heterosexually married couples to same-sex couples. In most states, the extension of civil marriage did not immediately include parenting rights, though many states later extended them. Beyond this exception, civil marriage for same-sex couples includes all the benefits afforded opposite-sex couples.

Data and Methods

The four hypotheses under consideration in this chapter examine expectations about policy scope derived from my theory of rights recognition and research on policy reinvention. In this

³⁷ Historically, states expanded existing cohabitation policies to include same-sex couples. Recently, Malta developed a cohabitation policy to protect both same and opposite-sex couples as an alternative to existing formal relationship options.

section, I describe the data—much of which I borrow from the previous chapter—and methods I use to test these hypotheses.

Case Selection

As discussed in Chapter Three, my case selection hinges on the availability of welfare state indicators and data on important covariates (identified in Chapter Two) between 1978 and 2015. Recent research on developing welfare states does not cover as much time nor as many social program dimensions as the classic research on the west. Thus, my dataset includes 20 western countries (see Appendix A) commonly included in work on western welfare states (Castles & Mitchell 1993; Esping-Andersen 1990; Scruggs 2004). Though focusing on the west reduces the variation on some of the independent variables in my models, this relative similarity in institutional design makes variation in SSRR policy adoption even more interesting (Pettinicchio 2012).³⁸

Dependent Variables

My dependent variable in Chapter Three indicates whether countries adopt *any* SSRR policy in a given country-year between 1978 and the year of first policy adoption. My first two hypotheses in this chapter (*H3_o*, *H3*, and *H4*) rely on a combination of three dependent variables—*Cohabitation*, *Registered Partnership*, and *Civil Marriage*—measuring the adoption (or non-adoption) of the specified policy in a given country-year from 1978 until the passage of the SSRR policy specified. These data come from an original data set on the year of policy adoption by policy type in 20 western countries. The data, which cover the years 1978 to 2015, are drawn from a combination of primary and secondary sources (Commission on European Family Law 2017; International Gay and Lesbian Association (ILGA) 2017; Kollman 2013; Osterbur 2012; Waaldijk 2005). Many scholars and

organizations document the date of policy implementation rather than policy adoption, so I check dates across multiple sources including news reports in *The New York Times*. My dependent variable for *Hypothesis 5* counts the total number of policy adoptions, regardless of type, between 1978 and 2015.

Welfare State Comprehensiveness

Having established welfare state comprehensiveness as a determinant of SSRR policy adoption in Chapter Three, I account for this factor by employing Scruggs, Jahn, and Kuitto's (2014) measure of welfare state benefit generosity, as the variable Welfare State Comprehensiveness. The measure compares nations' pension, unemployment, and sick leave compensation based on eligibility, duration, and the rate of wage replacement. The data are available annually for many countries, allowing me to account for temporal variation.³⁹ Theoretically speaking, higher levels of Welfare State Comprehensiveness should increase the likelihood of policy adoption across types, in a consistent manner, but there is reason to believe that these early adopting states do not adopt the highest-level policies when we condition models on elements of policy adoption. Further, more comprehensive welfare states likely update their policies more than their less comprehensive peers.

Control Variables

Chapter Two details several alternate explanations for SSRR policy adoption. Testing my first two hypotheses requires a specification of my full model, including these variables. I briefly describe them below (see Chapter Three for more details).

³⁸ I exclude some smaller western European countries due to a lack of welfare state data. Alternate specifications of the Esping-Andersen Typology Model that include Luxembourg and Iceland indicate that their inclusion conforms to the results presented herein.

Electoral System

PR systems foster deliberative democracy, increasing minority representation (Lijphart, 1999; McGann, 2006; McGann & Sandholtz, 2012; Nino, 1996). As such, they should encourage the adoption of SSRR policies. My variable *Degree of Proportional Representation* is coded 0 for majoritarian systems, 1 for mixed systems, and 2 for PR systems. These data come from Bormann and Golder (2013).

Division of Powers

Previous research on gay and lesbian issues identifies federalism as a roadblock to national policy adoption (Osterbur 2012; Rayside 2007,2010). *Strength of Federalism*, which is coded 0 for unitary states, 1 for weak federal states, and 2 for states with strong federal systems captures this effect (Brady, Huber & Stephens 2014).

Religion

I operationalize religion as the percentage of Catholic or Orthodox (*% Catholic or Orthodox*) adherents within a state, following Gerhard's (2010) finding that these conservative traditions eschew homosexuality more so than Protestant-Lutheran faiths.⁴⁰ The data come from the *World Religion Dataset* (Maoz and Henderson 2013) reported as five-year estimates. I obtain country-year estimates, by averaging by-year change across each five-year estimate.

³⁹ The Comparative Welfare Entitlements Dataset (CWED) currently records benefit generosity through 2010. I held the 2010 values constant for all countries that remained in the dataset thereafter. Missing values for Greece, Portugal, Spain, and Switzerland at the start of the observation were assigned the same value as that of the first year of available data for each country.

⁴⁰ The Greek Orthodox Church and the Catholic Church share many major religious tenets and a strong tradition of socially conservative views.

Partisan Influences

Left parties increasingly champion social justice issues, such as LGBT rights (Stewart 2010). This evidence, coupled with historical trends, suggests left parties will increase the likelihood of policy adoption, while religious parties will deter adoption. The variable, *% Left Party Seats*, measures the percentage of seats held by left parties in the (lower) legislative chamber. For 1978 to 2011 these data come from Brady, Huber and Stephens's (2014) *Comparative Welfare States Dataset*. I hand code the data for the remaining years using the same coding scheme and information from national election websites. I also calculate the, *% Religious Party Seats* (right Christian and Catholic parties) using this data.

Previous Policy

Incremental normalization of homosexuality (through the adoption of anti-discrimination and relationship recognition policies) impacts public and elite attitudes and can provide foundational support for future LGBT-friendly policies (Glass, Kubasek, & Kiester 2011; Pacheco 2013). *Previous LGB-Friendly Policies* sums dichotomous indicators for a country's anti-discrimination legislation specific to or inclusive of gays and lesbians, cohabitation policy, registered partnership policy, and civil marriage policy for each observation year. Anti-discrimination data come from Osterbur (2010) and the relationship recognition data come from my original data collection as described earlier in this chapter and in Chapter Three. I lag this variable by one year to account only for previous policy adoption.

Spatial Diffusion Mechanisms

Pressure from neighboring states may encourage policy adoption because of social pressure, social learning, competition, or some combination of the three (Collier & Messick, 1975; Schmitt &

Obinger, 2013; and, Walker, 1969). My measure for spatial diffusion, *Neighbors with Recognition*, looks at the proportion of other states on a country's continent with any SSRR policy.⁴¹

Economic Development

Inglehart (1971; Inglehart & Welzel 2005) suggests citizens in more developed nations better tolerate diversity. I control for this assertion using the variable *Economic Development*—the natural log of per capita gross domestic product (data come from the World Bank).⁴²

Methods of Analysis

To examine the determinants of policy adoption across policy types, I employ multiple component event history analysis, treating each policy type as a component and allowing coefficients to vary by the level of benefits afforded same-sex couples (for another application of this method, see Taylor et al. 2012). This data structure allows me to run three separate models, one for each policy type. Separate models, however, pose a challenge to testing *Hypothesis 3₀* and *Hypothesis 3*, as I must perform significance tests on the differences across coefficients. Furthermore, estimating three separate models assumes independence of the error terms in each model—an unlikely assumption, at best. To overcome these issues, I estimate seemingly unrelated regressions as follows. First, I estimate separate event history models using logistic regression (see, Beck, Katz & Tucker 1998 for an explanation on the relationship between binary time-series cross-sectional data and discrete time duration data) with a cubic polynomial approximation (following the recommendation of Carter & Signorino 2010) to account for duration dependence. Subsequently, I produce jointly-estimated robust/sandwich standard errors clustered by country. To do this, I combine the model estimates

⁴¹ An alternate diffusion model further separating Europe into regions did not change the results of the model.

and variance-covariance estimates into a single vector and simultaneous covariance matrix (Weesie 1999). This allows me to test the variation in policy determinants across policy types using a Wald chi-squared test. For example, I can evaluate whether *Welfare State Comprehensiveness* has the same effect on the adoption of cohabitation and registered partnership policies.

To test whether less comprehensive welfare states are more likely to adopt higher-level policies (*Hypothesis 4*), I construct two logistic regression models.⁴³ In these models, I purposefully restricted my analyses to the 19 countries that have adopted some form of recognition (*Logit Model 1*) and the 18 countries that have adopted registered partnership and/or same-sex marriage (*Logit Model 2*) between 1978 and 2015.⁴⁴ In the first model, I test the effect of welfare state comprehensiveness on countries' decisions to adopt formal recognition (registered partnerships or same-sex marriage) as compared to cohabitation, conditional on some type of policy adoption. In the second model, I look at the effect of the welfare state on countries' decisions to adopt same-sex marriage as compared to registered partnerships, conditional on the adoption of at least one formal recognition policy. In these models, I consider countries in the year of policy adoption, exclusively. I count countries adopting less expansive policies before adopting broader accommodations twice to account for the variation in welfare state comprehensiveness at each point in time when a state adopts policy. As such, the first model contains 29 cases and the second contains 26. Once again, I used country clusters and robust standard errors to account for the errors produced by the lack of independence in the data. I also included a variable for the year of policy adoption to partially deal

⁴² The World Bank reported the GDP per capita for countries through 2014. I held the 2014 values constant for all countries that remained in the dataset thereafter. Missing values for Switzerland at the start of the observation (1978-1979) were assigned the same value as that of the first year of available data (1980).

⁴³ See True, J. and Mintrom, M. (2001). "Transnational networks and policy diffusion: The case of gender mainstreaming." *International Studies Quarterly* 45(1), 22-57, for another example of this.

⁴⁴ In the model that evaluates the effect of welfare state comprehensiveness on adopting a formal recognition policy as compared to an informal policy (*Logit Model 1*), I use only the first instance in which a country adopts formal recognition (either registered partnerships or marriage).

with the time-dependence of policy adoption. Due to the limited case size, I was unable to add additional variables to these analyses.

Finally, *Hypothesis 5* examines the relationship between *Welfare State Comprehensiveness* and policy innovation and reinvention. To determine this relationship, I regress a count of the number of major policy innovations and reinventions countries undertake (e.g. moves from no policy, to one policy category, to the next) on average *Welfare State Comprehensiveness*. I expect the number of policies adopted to correlate positively with *Welfare State Comprehensiveness*.

Analyses

In Chapter Three, I established the western convergence around relationship recognition policies. Indeed, 19 of the 20 countries in my analyses adopted relationship recognition policies between 1978 and 2015. Yet, governments can and do choose amongst several policy solutions to resolve the problems posed by the absence of same-sex relationship recognition.

Figure 4.1 Relationship Recognition Patterns in the West by Policy Type, 1978-2015

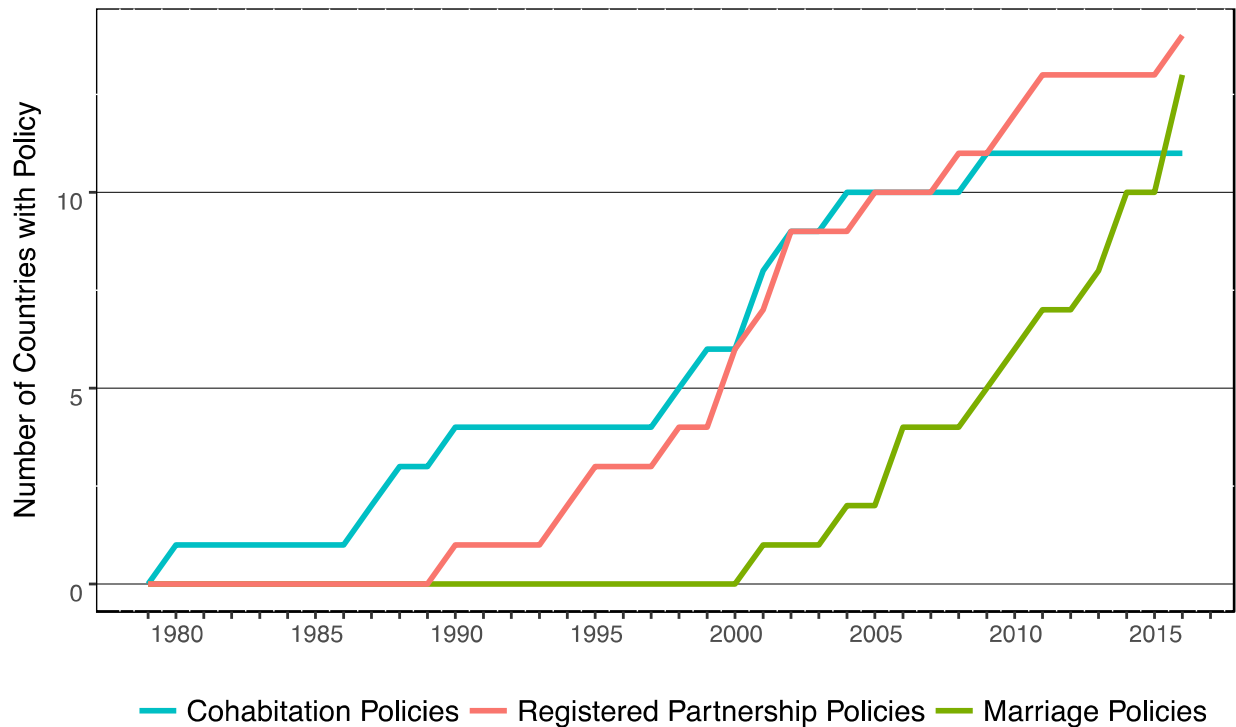


Figure 4.1 tracks the number of countries adopting each of the three policy types, discussed at the outset of this chapter, over time.⁴⁵ A few features stand out. First, as detailed in the narratives of this dissertation, cohabitation policies emerge first, then registered partnerships, and finally civil marriage. Second, about ten years elapse between each of the two major policy renovations. Third, cohabitation policies do not fall out of favor until around 2003—26 years after the Netherlands pioneered cohabitation policy—and, even then, Australia adopts a cohabitation policy in 2008. Fourth, registered partnership adoptions do not outnumber cohabitation adoptions until 2005, and civil marriage adoptions continue to lag registered partnership adoptions for the duration of the study. Finally, several countries adopt more than one policy, as indicated by the fact that the sum of policies adopted in 2015 (40) exceeds the number of countries in the sample. **Table 4.1** offers details on the policies adopted by each country.

Table 4.1 Relationship Recognition Policies in Western Advanced Industrialized Nations by Policy Type, 1979-2015¹

<u>Cohabitation</u>	<u>Registered Partnership</u>	<u>Civil Marriage</u>
Netherlands (1979)	Denmark (1989-2012) ³	Netherlands (2000)
Denmark (1986)	Norway (1993-2009) ³	Belgium (2003)
Sweden (1987)	Sweden (1994-2009) ³	Canada (2005)
Norway (1989) ²	Netherlands (1997)	Spain (2005)
Germany (1997)	Belgium (1999)	Norway (2008)
Belgium (1998)	France (1999)	Sweden (2009)
Canada (2000)	Germany (2000)	Portugal (2010)
New Zealand (2000)	Finland (2001)	Denmark (2012)
Portugal (2001)	New Zealand (2001)	France (2013)
Austria (2003)	United Kingdom (2004)	New Zealand (2013)
Australia (2008)	Switzerland (2007)	Finland (2015)
	Austria (2009)	Ireland (2015)
	Ireland (2010)	United States (2015)
	Greece (2015)	

1. Several countries—France (1999), United Kingdom (2004), Ireland (2010), Greece (2015), Italy (2016)—recognized same-sex cohabitation at the same time they legalized registered partnerships. Finland (2017), which does not have a wholesale cohabitation policy for same or opposite-sex couples, but does make some legal references to “marriage-like” relationships, began recognizing same-sex couples under these provisions when its same-sex marriage policy took effect. I exclude these instances of policy adoption from my observations in this dissertation because the human rights perspective taken here warrants a focus on the broadest policy accommodations available in a country.

2. Norway began piecemeal inclusion of gays and lesbians into cohabitation laws in 1989, but adopted a more expansive policy in 1991.

3. Denmark, Norway, and Sweden all terminated their registered partnership policies when marriage became available to gays and lesbians.

Turning to the event history analyses, **Table 4.2** reports the logistic regression coefficients for each of the independent variables by type of policy adoption.⁴⁶ A brief glances at the significant determinants of policy adoption across models indicates variation in the policy determinants.

Welfare state comprehensiveness is a statistically significant determinant of both registered

⁴⁵ Because many countries update their policies, countries may be represented up to three times on this chart (one time for each policy category). See Table 4.2 for more information on policy adoption by country.

⁴⁶ The reader can interpret the coefficients by exponentiating them to retrieve odds ratios. For instance, the coefficient on % *Left Party Seats* (0.067) in the *Cohabitation* model (1) can be exponentiated to retrieve the odds ratio 1.069. This indicates that a 1% increase in the left party seats increases the likelihood of cohabitation policy adoption by about 7%. Odds ratios less than 1.000 indicates a decrease in the likelihood of policy adoption equivalent to 1.000-odds ratio. For instance, an odds ratio of 0.75 represents a 25% decrease in the likelihood of policy adoption.

partnership and civil marriage, but not of cohabitation policy adoption. Only *% of Left Party Seats* significantly predicts the adoption of cohabitation policies. A 1% increase in the number of seats held by left leaning parties in a country's legislature increases the likelihood of cohabitation policy adoption by about 7%. This supports previous findings indicating left parties lend themselves to social justice issues, such as gay and lesbian relationship recognition (Fernandez and Lutter 2013). However, this variable does not determine the adoption of any other kind of relationship recognition, suggesting the importance of considering the type of policies governments adopt when identifying policy determinants.

Moving to the second model (**Table 4.2**), welfare state comprehensiveness, religion, spatial diffusion, and economic development are all statistically significant determinants of registered partnership adoption. A 1% increase in welfare state comprehensiveness results in a 61% increase in the likelihood of policy adoption. A 1% increase in the percentage of Catholic and Orthodox adherents, by contrast, results in a 99% decrease in the odds of registered partnership adoption, supporting previous research on the role of religiosity in the adoption of gay and lesbian legislation (Ayoub 2014). Both *Neighbors with Recognition* and *Economic Development* also decrease the likelihood of policy adoption. Each additional neighbor with a comparable recognition policy (e.g. cohabitation in the cohabitation model) decreases the policy adoption by 99%, while an increase in economic development yields an 87% reduction in the likelihood of registered partnership policy adoption. In Chapter Three, I discussed the possibility that spatial diffusion fails to explain policy once we account for additional explanations of adoption. This may also be the case with economic development. Economic development may either matter less in the sample of relatively rich countries studied here either because development has a diminishing return after reaching a high threshold, or it may be that developed nations face less external pressure to adopt policy.

Table 4.2 Event History Analysis (EHA) of the Adoption of Same-Sex Relationship Recognition by Policy Type, 1978-2015¹

	Model		
	(1)	(2)	(3)
	Cohabitation <i>Coefficient</i> (s.e.)	Registered Partnership <i>Coefficient</i> (s.e.)	Marriage <i>Coefficient</i> (s.e.)
Well-Being	0.166 (0.208)	0.482** (0.178)	0.329** (0.135)
Comprehensiveness			
Degree of Proportional Rep.	0.399 (0.564)	-1.090 (0.679)	0.419 (0.291)
Strength of Federalism	0.423 (1.677)	-0.962 (0.830)	1.751 (1.304)
% Catholic or Orthodox	-2.050 (1.568)	-5.538*** (1.537)	-0.600 (1.009)
% Left Party Seats	0.067* (0.039)	-0.007 (0.032)	-0.447 (0.055)
% Religious Party Seats	0.023 (0.070)	0.061 (0.039)	-0.187* (0.099)
LGB-Friendly Policies _{t-1}	-0.594 (0.892)	-0.269 (0.572)	2.493** (1.193)
Neighbors with Recognition _{t-1}	-6.934 (15.206)	-7.843* (4.128)	-3.728 (2.390)
Economic Development	-0.718 (1.261)	-2.027* (1.057)	-5.090* (2.639)
Time	-0.253 (0.416)	0.968 (1.630)	11.948 (11.217)
Time ²	0.040 (0.037)	0.003 (0.062)	-0.387 (0.357)
Time ³	-0.001 (0.001)	-0.000 (0.001)	0.004 (0.004)
Constant	-6.699 (13.272)	-12.746 (20.265)	-90.692 (117.497)
N observations	531	543	688
Log likelihood	-42.534	-37.772	-36.544
McFadden's R ²	0.205	0.4192	0.4332

* $p \leq 0.1$; ** $p \leq 0.05$; *** $p \leq 0.01$

1. Table reports logistic regression coefficients and simultaneously estimated robust standard errors, clustered by country

Determinants of civil marriage (Table 4.2, *Model 3*) include welfare state comprehensiveness, religious party power, previous LGB-friendly policy adoption, and economic development. Again, welfare state comprehensiveness increases policy adoption; this time, a 1% increase in the independent variable results in a 39% increase in the likelihood of policy adoption. Meanwhile, each additional LGB-friendly policy makes a country 12 times as likely to adopt same-sex marriage. This lends strong support to research indicating the benefits of incremental policy change (Eskridge 2002; Glass, Kubasek, & Kiester 2011; Waaldijk 2001), though as Aloni (2010) points out, this theory largely reflects patterns within Europe (which comprises 80% of my sample). Religious party power, on the other hand, decreases the rate of marriage policy adoption by 17% for each 1% increase in the number of legislative seats held by religious parties. Finally, economic development appears to have comparable effects on the adoption of civil marriage as on registered partnership.

Though the significant coefficients vary across models, we must mathematically evaluate the differences. To that end, I perform pairwise chi-square tests to determine whether the variation in the coefficients is significant across models and test the following rival hypotheses:

Hypothesis 3₀: The determinants of SSRR policy adoption are equivalent across policy types.

Hypothesis 3: The determinants of SSRR policy adoption vary significantly across policy types.

Table 4.3 lists the p-values of the pairwise chi-square tests comparing variables across the indicated models. Of the 33 tests presented, 10 (31%) produce statistically significant ($p < .10$) differences. This suggests a high level of variation across policy types, and allows us to reject *Hypothesis 3₀* in favor of *Hypothesis 3*. Furthermore, the analyses indicate the magnitude of the effects on *Degree of Proportional Representation*, *LGB-Friendly Policies* and *% Religious Seats* vary across models. Overall, the results support my argument for considering the *types* of policies adopted, as determinants for one policy do not necessarily determine the adoption of the other policies.

Table 4.3 Test of Differences of Coefficients across Same-Sex Relationship Recognition Policy Types¹

	<i>Models</i>		
	(1/2)	(2/3)	(1/3)
	Cohabitation Registered Partnership <i>p-value</i>	Registered Partnership Marriage <i>p-value</i>	Cohabitation Marriage <i>p-value</i>
Welf. State Comprehensiveness	0.268	0.522	0.503
Degree of Proportional Rep.	0.073*	0.047**	0.969
Strength of Federalism	0.414	0.027**	0.353
% Catholic or Orthodox	0.134	0.009***	0.247
% Left Party Seats	0.098*	0.502	0.087*
% Religious Party Seats	0.586	0.004***	0.018***
LGB-Friendly Policies _{t-1}	0.753	0.043***	0.048***
Economic Development	0.480	0.313	0.065*
Time	0.501	0.346	0.272
Time ²	0.647	0.305	0.229
Time ³	0.595	0.275	0.174
N observations	531	543	688
Log likelihood	-42.534	-37.772	-36.544
McFadden's R ²	0.205	0.4192	0.4332

* $p \leq 0.1$; ** $p \leq 0.05$; *** $p \leq 0.01$

1. Table reports p-values from pairwise chi-square tests across the indicated equations.

One noteworthy observation from the preceding analysis: welfare state comprehensiveness increases the likelihood of policy adoption equally across policy models. Does this mean comprehensive welfare states adopt more expansive policies? While, the equalizing nature of the welfare state should encourage the adoption of expansive policies, the policy reinvention literature suggests early-adopting, comprehensive welfare states may adopt inferior policies—at least initially—while slow-moving, less comprehensive states adopt more expansive policies. My fourth hypothesis begins to disentangle whether this is the case.

Hypothesis 4: Conditional on policy adoption, less comprehensive welfare states adopt more expansive accommodations than their more comprehensive peers.

To confirm this hypothesis, the welfare state coefficient in the conditional logistic regressions would need to be negative and statistically significant. **Table 4.4** reports the result of these models. *Model 1* considers whether, conditional on states' adoption of *any* SSRR policy, less comprehensive states encourage the adoption of formal recognition (registered partnership or civil marriage) as compared to cohabitation.⁴⁷ The results reveal a 1% increase in welfare state comprehensive increases (rather than decreases) the likelihood of adopting a formal recognition policy by almost 16%.

⁴⁷ The table displays logistic regression coefficients, which can be interpreted in the same manner as the coefficients in Table 4.3.

Table 4.4 Effects of Welfare State Comprehensiveness on the Adoption of Higher-Level Policy, 1978-2015¹

Variable	<i>Logit Model 1</i> Formal Recognition		<i>Logit Model 2</i> Marriage	
	<i>Coefficient</i>	<i>(s.e.)</i>	<i>Coefficient</i>	<i>(s.e.)</i>
Welfare State Comprehensiveness	0.145*	(0.058)	0.057	(0.063)
Time	0.225***	(0.065)	0.231**	(0.078)
Constant	-9.207**	(3.118)	-8.401*	(3.513)
N observations	29		27	
Log likelihood	-14.608		-13.495	
McFadden's R ²	0.241		0.278	

*p ≤ .05, **p ≤ .01, ***p ≤ .001

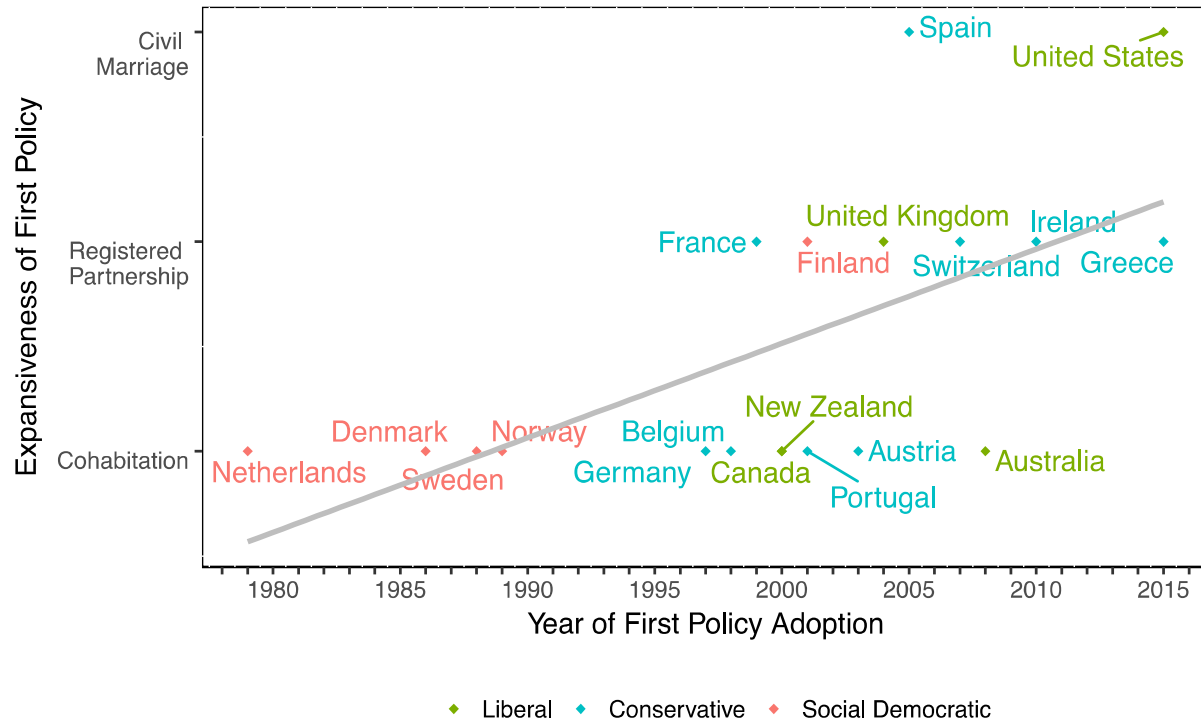
1. Tables report logistic regression coefficients and simultaneously estimated robust standard errors, clustered by country

Model 2 considers whether, conditional on states' adoption of at least one formal recognition policy, less comprehensive welfare states adopt civil marriage over registered partnerships. This time, welfare state comprehensiveness does not significantly impact the likelihood of policy adoption, though, again, the coefficient lies in the opposite direction of my hypothesis. It appears, welfare state comprehensiveness encourages the adoption of formal recognition over cohabitation, but does not increase the likelihood of adopting a same-sex marriage policy over registered partnership. It is possible comprehensive welfare states view the move to registered relationships as a primary barrier to LGB equality.

Alternately, early-adopting comprehensive welfare states may adopt inferior policies, but update their policies to keep pace with late adopters. My final hypothesis considers this possibility.

Hypothesis 5: More comprehensive welfare states will update their policies more times than will less comprehensive states.

Figure 4.2 Policy Expansiveness by Date of Adoption, 1978-2015¹



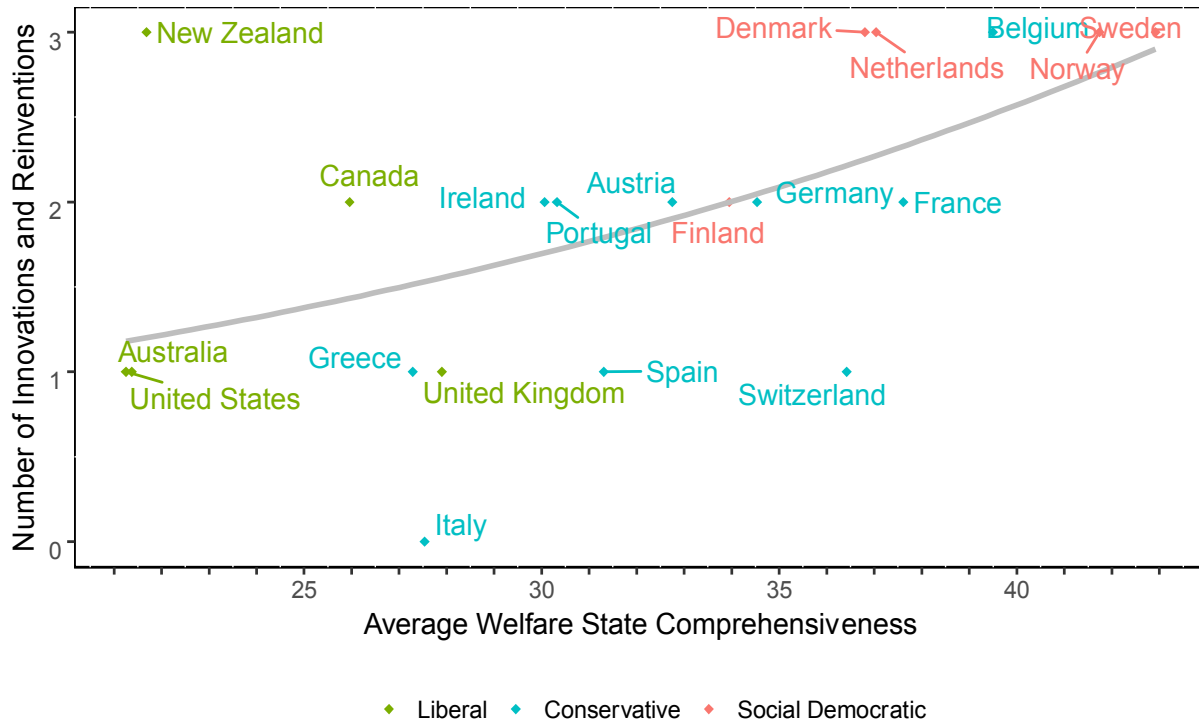
1. slope = 0.045 (standard error = 0.014); $r = 0.378$ ($p = 0.006$)

Figure 4.2 shows the relationship between policy expansiveness and the year of policy adoption. The linear regression results suggest policy gets more expansive over time. We can also see the early-adopting, Social Democratic states generally adopt low-level cohabitation policies first.

If welfare state comprehensiveness does not lead to the adoption of high-level policies at the outset, then do comprehensive welfare states update their policies to catch up to their late-adopting peers? My final hypothesis predicts that they do.

Hypothesis 5: More comprehensive welfare states will update their policies more times than will their less comprehensive states.

Figure 4.3 Policy Innovation and Reinventions by Average Welfare State Comprehensiveness¹



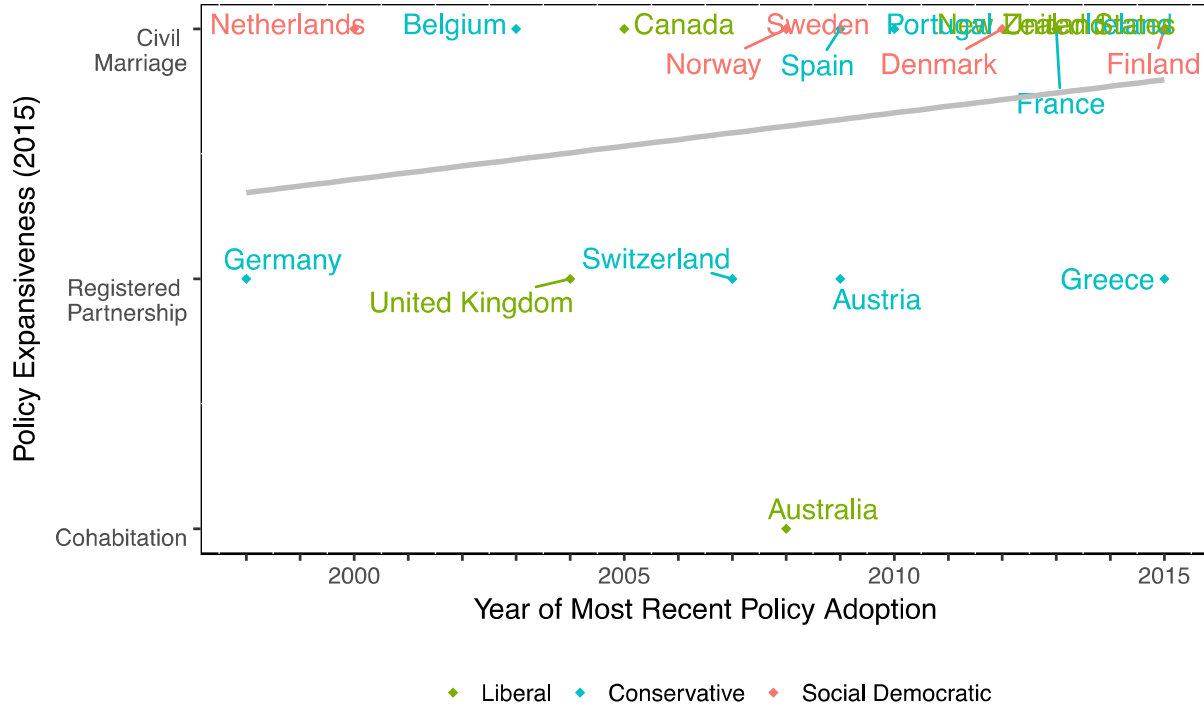
1. Poisson coefficient = 0.042 (robust standard error = 0.017); (p = 0.016)

Figure 4.3 shows the relationship between average welfare state comprehensiveness and the number of policy innovations and reinventions countries undertook between 1978 and 2015. Exponentiating the results of the Poisson regression model gives us an incidence rate ratio of 1.042. In other words, a 1% increase in welfare state comprehensiveness yields a 4% increase in the expected number of policies (moving the expected policy count from, say, 1 to 1.043). To put this into perspective, a 16.5% increase in average welfare state comprehensiveness (the difference between, say, the United States and France, or Canada and Sweden) results in a doubling of the expected number of policies (e.g. moving the count from 1 to 2 policies).⁴⁸ This result supports

⁴⁸ Poisson regression coefficients represent the natural log of expected counts; formally, $\beta = \ln(\mu_{x+1}) - \ln(\mu_x)$, where β is the regression coefficient and μ is the expected count at a value (x , or $x+1$) of the predictor variable (the subscripts in this case indicate a one-unit change in x , from x to $x+1$). Because the difference in two logs equals their quotient [$\ln(\mu_{x+1}) - \ln(\mu_x) = \ln(\mu_{x+1}/\mu_x)$], the formal equation can be simplified as

Hypothesis 5: more comprehensive welfare states do, in fact, adopt more policies than their less comprehensive peers.

Figure 4.4 Policy Expansiveness by Year of Last Amendment, 2015¹



1. slope = 0.027 (standard error = 0.028); r = 0.052 (p = 0.348)

Figure 4.4 offers a picture of the results of the iterative policymaking process comprehensive welfare states undertake. Specifically, it shows the level of policy expansiveness as of 2015 and the year of the most recent policy adoption. Where the positive and statistically significant

$\beta = \ln(\mu_{x+1} / \mu_x)$. Thus, the coefficient (β) is the log of the ratio of change (μ_{x+1} / μ_x) in counts. This yields the equation $0.042 = \ln(\mu_{x+1} / \mu_x)$, which solves by exponentiating β as follows: $e^{0.042} = \mu_{x+1} / \mu_x = 1.043$. Determining the necessary change in welfare state comprehensiveness to achieve a ratio of change equal to 2 ($\mu_{x+1} / \mu_x = 2$)—representing a doubling in the number of policies adopted—requires determining the value by which to multiply the coefficient (β). Thus, the equation $\beta = \ln(\mu_{x+1}) - \ln(\mu_x)$, which can also be written $\beta * 1 = \ln(\mu_{x+1}) - \ln(\mu_x)$, becomes $\beta * w = \ln(\mu_{x+1}) - \ln(\mu_x)$, where w is an unknown multiplier by which to multiply the coefficient ($\beta = 0.042$) to determine the change in x (in this case, average welfare state comprehensiveness) that produces a ratio of change equal to 2. Simplifying $\beta * w = \ln(\mu_{x+1}) - \ln(\mu_x)$ gives us $\beta * w = \ln(\mu_{x+1} / \mu_x)$. Plugging in the known values ($\beta = 0.042$ and $\mu_{x+1} / \mu_x = 2$) produces the following: $0.042 * w = \ln(2)$. The equation $0.042 * w = \ln(2) = 0.693$ simplifies to $0.042 * w = 0.693$. Dividing both sides of the equation by 0.042 simplifies to $w = 0.693 / 0.042 = 16.5$. Thus, a 16.5% increase in welfare state comprehensiveness, doubles the number of policies adopted.

slope of the regression line in **Figure 4.2** indicates an increase in policy comprehensiveness over time, the insignificant slope and congregation of states near the upper right corner in **Figure 4.4** suggests comprehensive welfare states ultimately end up among the pack.

The results of my analyses generally confirm my hypotheses and support my theory. Welfare state comprehensiveness increase the likelihood of registered partnership and civil marriage, but not cohabitation, policy adoption in any given year—indicating variation in the determinants of policy adoption. This fact is further supported by the pairwise chi-square tests of the seemingly unrelated regression coefficients which indicate statistically significant variability in the policy determinants. All of this bolsters my argument about the importance of studying the *types* of SSRR policies countries adopt.

While the relationship between welfare state comprehensiveness and policy timing is straightforward, the effects of welfare state comprehensiveness on policy scope are more complicated. For one, while early-adopting, comprehensive welfare states tend to adopt less expansive, cohabitation policies, the results do not indicate less comprehensive welfare states adopt more expansive policies. Instead, it appears comprehensive states update their policies more than their peers, but ultimately end up with policies similar to their later adopting peers.

Conclusion

This chapter serves three purposes in the broader context of the dissertation. First, it bolsters the findings in Chapter Three about the importance of considering welfare state comprehensiveness when discussing SSRR policy determinants. Second, it illuminates the need to consider not just *whether* states adopt policies, but the types of policies adopted. Finally, it identifies a nuanced relationship between welfare state comprehensiveness, the timing of policy adoption, and policy scope.

The argument I advance in Chapters Two and Three asserts the way comprehensive welfare states address economic inequalities leads them to better resolve social inequalities, such as those between same and opposite-sex couples in the absence of SSRR policies. This theory implies comprehensive welfare states should adopt SSRR policies sooner than their less comprehensive peers—one of the hypotheses I evaluate and confirm in Chapter Three. It also raises questions about whether comprehensive states adopt more expansive policies, or whether, as the policy reinvention literature suggests, these states adopt less expansive policies and make changes in response to emerging inequalities.

I leverage several types of quantitative analyses to test my theory and corresponding hypotheses, including event history analyses, pairwise chi-square tests, and Poisson regression. The results lend credence to my comparative political theory of rights recognition, and support previous research on policy reinvention in several key ways. First, welfare state comprehensiveness speeds up the policy adoption process for both registered partnership and same-sex marriage policy adoption. This reinforces findings from Chapter Three on the effects of the welfare state on timing to policy adoption. That said, the variability in the significance and magnitude of the coefficients in the event history models not only suggests SSRR policies are not created equally, but also calls into question the validity of research making that erroneous assumption. Finally, while welfare state comprehensiveness is a determinant of adoption for some policy types, comprehensive welfare states do not necessarily adopt the most expansive policy accommodations. Instead, they update their policies over time to keep pace with late-adopting, less comprehensive states.

Overall, this chapter advances understandings of identity politics, including but not limited to SSRR policy adoption, policy innovation and reinvention, and comparative welfare states. First, it illuminates the need to examine seemingly related civil rights policies individually, to better understand the processes impacting their adoption. Second, it supports research on policy

reinvention suggesting innovation is about more than early policy adoption and detailing the iterative policy processes early-adopting states undertake to keep up with later-adopting peers. Lastly, it identifies the welfare state as an important moderator of social equality. These findings should serve as a reminder that for members of disadvantaged groups, threats of welfare state retrenchment pose risks beyond the reduction of financial resources and may well lead to a contestation over social citizenship rights.

CHAPTER FIVE

Concluding Remarks

What explains same-sex relationship recognition (SSRR) policy adoption? This dissertation offered a theory of rights recognition and reinvention grounded in comparative political economy to explain the *timing* and *scope* of SSRR policies, and tested it on 20 western nations. This concluding chapter proceeds as follows. In the first section, I summarize my theory and recount the empirical findings generated from my tests thereof. In the second section, I discuss the contributions of my findings to the literatures on identity politics, comparative political economy, and public policy. The final section considers the bounds of my theory and delineates directions for future research.

Summary of the Dissertation

In Chapter One, I cast doubt on a commonly invoked narrative: countries are converging around same-sex relationship recognition. I traced patterns of policy adoption to show this dialogue masks important variation in the *timing* of policy adoption and the *types* of policies adopted. In invoking assumptions of convergence, discourse around and research on SSRR policy adoption disregards meaningful differences in the experiences of same-sex couples—particularly those living in countries with less expansive (or no) recognition policies—and the goals of governments. Ultimately, this shortcoming renders research on SSRR policy adoption inexact, at best. I argued an additional limitation of existing research is its neglect in evaluating the role of the welfare state in shaping both the timing and scope of policy adoption.

In Chapter Two, I presented a theory of rights recognition to explain SSRR policy adoption. Drawing on the comparative welfare states and policy reinvention literatures, I argued comprehensive welfare states better respond to social inequalities because more comprehensive welfare states produce greater economic equality that creates an intolerance for social inequalities. Such an intolerance is absent, however, in less comprehensive welfare states comfortable with

economic inequalities. I detailed two sub-processes underlying my argument. First, I argued comprehensive welfare states are better primed for action on rights recognition. States' social policies structure the relationship between citizens and government and generate expectations about the role of government in society—including the types of policy problems government should solve and the types of policy solutions they should seek. I argued these welfare policy regimes produce feedback cycles where expansive, state-centered policy solutions beget more of the same. Second, I asserted the economic equality in comprehensive welfare policy regimes leads to social solidarity. These features lead more comprehensive welfare regimes to adopt SSRR policies sooner than their counterparts.

My theory of rights recognition implied consequences for the scope of SSRR policies states choose to adopt. Specifically, if comprehensive welfare states look to resolve inequalities, we should not only expect them to adopt policy sooner, but we should also expect them to adopt more expansive policy accommodations. Yet, this theoretical implication partially conflicted with research on policy reinvention indicating policy innovators (early adopters) adopt sub-optimal policy solutions and update policy to keep pace with late adopters who update borrowed policy before adopting it.

In Chapter Three, I used an original dataset on the adoption of same-sex relationship recognition policies between 1978 and 2015 to test the hypothesis that more comprehensive welfare states adopt policies sooner than their less comprehensive peers. Furthermore, I studied policy adoption in the Netherlands and the United States to identify evidence of micro-foundational mechanisms and evaluate my hypothesis that less comprehensive welfare states turn to individual, market-based, and sub-federal policy solutions to deal with a lack of relationship recognition. Event history analyses provided strong support for my theory, even while controlling for several alternate explanations of policy adoption, each of my three welfare state variables was a statistically significant

determinant of SSRR policy adoption; model selection tests confirmed the benefit of including welfare state comprehensiveness. Interestingly, none of the control variables consistently determined policy adoption. Moreover, when significant, many of the coefficients for the alternate explanations of policy adoption were opposite the expected direction. For instance, economic development, proportional representation, and the proportion of neighbors with a relationship recognition policy all decreased the likelihood of policy adoption, while federalism and an increase in the percentage of legislative seats held by religious parties unexpectedly increased the likelihood of adoption. This may be because my theory (and, the welfare state variables) subsumes many of the existing explanations of SSRR policy adoption. It may also be because existing research does not always limit itself to the study of SSRR policies, instead considering LGBT-friendly policies (e.g. Ayoub 2014; Wilson 2013). The results did lend some support to the argument that increased national religiosity decreases support for relationship recognition. Specifically, as an increase in the percentage of Catholic or Orthodox adherents decreased the likelihood of policy adoption.

The case study provided additional support for my theory, revealing several key differences in the policymaking processes and features of the early-adopting, comprehensive welfare state of the Netherlands as compared to the late-adopting, less comprehensive United States. First, in tracing the policy histories of the countries, I identified a top-down policy adoption pattern resulting from internal government pressures in the Netherlands. This pattern resulted in near-uniform government action and bureaucratic agreement on SSRR policies. In contrast, the United States exhibited bottom-up policymaking, as, sub-federal governments and market actors introduced their own solutions to policy problems policy presented by the absence of national action on SSRR rights. Further research indicated the Netherlands was not only a more welfare state comprehensiveness than the United States, but it also had lower levels of income inequality and intolerance toward homosexuals.

Finally, having established the role of the welfare state in SSRR policy adoption more generally, in Chapter Four I turned to a discussion of the tangible and symbolic provisions of policies to determine the variability of policy determinants across policy type and evaluate the role of the welfare state on policy scope. To that end, I conducted a discrete time, multiple component event history analysis and a pairwise chi-square test of the coefficients on the policy determinants. The results of these analyses unveiled two important findings. First, welfare state comprehensiveness was a significant predictor of registered partnership and civil marriage, but not cohabitation policies. Second, significance tests revealed sizeable variation in both the determinants of policy across policy types. These findings bolstered my argument that it is imperative to consider policy scope in considerations of rights recognition.

Additional tests illuminated a nuanced relationship between welfare state comprehensiveness, the timing of policy adoption, and the scope of policies adopted. As the event history analyses indicated, welfare state comprehensiveness speeds up the adoption of some policy types. That said, the variability in the significance and magnitude of the coefficients in the event history models calls into question research assuming uniformity in the determinants of distinct policies. Finally, follow up analyses revealed comprehensive welfare states do not necessarily adopt the most expansive policy accommodations. Instead, they update their policies over time to keep pace with late-adopting, less comprehensive states.

Contributions of the Study

This dissertation bridges three literatures—identity politics, comparative welfare states, and public policy—to develop a comparative political economy theory of rights recognition. My theory subsumes and simplifies many existing explanations for SSRR policy adoption, offering parsimony to a cluttered debate. It provides theoretical justification for some observed relationships, such as those between social spending and income inequality. Other relationships, like those between

religion and policy adoption, likely occur through the pathway I specify. Thus, my research connects previous results through a better specified and more manageable framework. Furthermore, the theory should generalize both in terms of geography and policy substance, offering insight into a possible determinant of policies and protections for other identity groups. The remainder of this section discusses the contributions of this work to the literatures discussed at the outset.

Identity Politics

This dissertation contributes to our understanding of identity politics. First, by examining the way the welfare state and public policy processes can progress or impede minority rights policy, it contributes to an understanding of identity and social citizenship. “New social movements” seeking to garner recognition and rights through empowered differences (Moosa-Mitha 2005) have upended research on citizenship and identity politics. Much of this work explores the well-being and rights of legal citizens—children, persons with disabilities, LGBTs—whose characteristics render them on the margins of the population and often excluded from full social (and sometimes even, legal) participation (Phelan 2001). My work contributes to this field of study by injecting nuance into existing understandings of the determinants of SSRR policy.

Comparative Political Economy

This dissertation also makes three theoretical contributions to research on comparative political economy. First, while literature on comparative welfare states has arguably developed in parallel to other political science research, I synthesize this body of research with work on public policy and identity politics. In so doing, I diverge from prevailing accounts of the welfare state (Castles & Mitchell 1993; Esping-Andersen 1990; Obinger & Wagschal 2001; Sruggs 2006) that invoke welfare regimes as a dependent variable, to consider welfare state regimes and comprehensiveness as independent variables and key determinants of policy adoption. Second, I

expand research implicating the welfare state as a mechanism for easing social tensions and providing for citizen well-being. Previous work in this area focused on the role of the welfare state in mitigating ethnic and racial tensions (Crepaz & Damron 2009) I expand this work, asking how welfare states designed to care for typical (heterosexual) citizens fare at providing for atypical (gay and lesbian) citizens and combating sexual orientation discrimination to equalize treatment of gays and lesbians in society. Lastly, I invert conventional evaluations of social rights as derivatives of political and civil rights (e.g. Marshall 1950), showing social rights drive political and civil rights for some groups.

Public Policy Processes

The final theoretical contributions of this dissertation enhance our understanding of public policy processes. First, I illuminate the need to examine seemingly related (civil rights) policies individually to better understand the processes impacting their adoption. This finding echoes calls by scholars of policy diffusion (e.g. Makse and Volden 2011; Karch 2007; Taylor et al. 2012) to examine policy content, not just policy adoption. Second, this dissertation supports research on policy reinvention suggesting innovation is about more than early policy adoption and detailing the iterative policy processes early-adopting states undertake to keep up with later-adopting peers.

Practical Implications

This study also reveals two practical implications of this research. First, my research underscores the importance in policy variation for policy targets. Governments wield policy tools and craft solutions with specific outcomes in mind, but sometimes fail to identify the importance of nuanced policy differences for the people directly impacted by policies. For SSRR policies, increases in tangible and symbolic benefits translate into better, fuller, more secure lives for the couples in want of such recognition. The second practical implication of this research regards an important

argument missing amidst the cries and concerns over welfare state retrenchment in the west. If, as I posit, welfare state generosity spurs social equality, then the risks of retrenchment extend beyond the reduction of financial resources and may well lead to a contestation over social citizenship rights. While the deterioration of existing rights is unlikely, the power of the welfare state to shape social relations and rectify future inequalities is threatened by retrenchment.

Boundaries of the Study and Considerations for Future Research

What does this study tell us about tangible benefits and the corresponding policy reinventions?

In this dissertation, I rely on symbolic benefits and changes therein to approximate the corresponding tangible benefits. This was primarily a practical, rather than a theoretical decision. Grappling with the magnitude of change in tangible benefits presents a difficult task because it requires a nuanced understanding of legal codes and the relationship between same and opposite-sex couples both within and across countries. Yet, the tangible benefits of SSRR policies undoubtedly impact the lives of same-sex couples, and more thoroughly studying them offers at least two useful avenues for future research. First, this area of research is ripe for data collection. There exists no comprehensive, cross-national dataset on the specifics of policies impacting gays and lesbians. Such a dataset would most certainly yield fruitful questions and answers for the study of gay and lesbian identity politics. Second, investigating tangible benefits would allow for a more nuanced version of the theory put forth in this dissertation. For instance, welfare state comprehensiveness may impact tangible and symbolic benefits in distinct ways. Alternately, comprehensiveness may moderate the incorporation of tangible and symbolic benefits.

Does the theory only work in the west?

I limited my sample to western nations for practical, rather than theoretical reasons. That said, there is to believe the theory is geographically portable. Emerging research on developing

welfare states—particularly those in Latin America and Southeast Asia—provides an opportunity to examine the effects of welfare state comprehensiveness in other areas. South America, for instance, has seen a surge in SSRR policy adoptions and represents another area for theory testing. **Table 5.1** offers a glimpse at the relationship between welfare state structures and SSRR policies in the region. This connection undoubtedly warrants additional research. An equally interesting and related question: what role, if any, do welfare state structures (or lack thereof) play in the adoption of anti-LGBT policies? Expanding the geography of this analysis will more fully inform the theory presented here.

Table 5.1 Welfare State Development and Same-Sex Relationship Recognition in South America, 2016¹

		<i>More Developed Welfare State</i>	<i>Less Developed Welfare State</i>
		Yes	Uruguay Argentina Chile Brazil Costa Rica
No		Guyana Peru Suriname Venezuela Paraguay	

1. Source: Huber and Niedzwiecki 2014

Is the theory limited to improving understanding of gay and lesbian policy adoption?

My findings indicate the welfare state can support gay and lesbian citizens by increasing the likelihood that states will adopt policies to protect them and their families. The underlying theoretical processes—for instance, discomfort with economic inequality leading to discomfort with social inequalities—by no means preclude the extension of the theory. On the one hand, studying gay and lesbian incorporation represents a conservative test of the theory because welfare states were designed to mitigate ethnic differences. On the other hand, gay and lesbian inclusion represented both a strategic and a moral decision for many comprehensive welfare states. Thus, it

may take longer for other inequalities to unsettle the policymaking bureaucracy if such inequalities are justified by differing values and threats to the welfare state itself. Future inquiry should adjudicate between the competing possibilities that this theory offers a far-reaching explanation for variations in social inequalities or that it is limited to a narrower range of inequities.

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APPENDIX A

Summary Statistics and Values for Model Variables

Country	Anti-Discrimination	Cohabitation	Registered Partnerships	Marriage
Australia	1996	2008	-	-
Austria	2004	2003	2009	-
Belgium	2003	1998	1999	2003
Canada	1996	2000	-	2005
Denmark	2004	1986	1989	2012
Finland ¹	1995	-	2001	2015
France	1992	-	1999	2013
Germany ²	2001	1997	2000	-
Greece	2005	2015	2015	-
Ireland	1993	-	2010	2015
Italy	2003	-	-	-
Netherlands	1971	1979	1997	2000
New Zealand	1993	2000	2001	2013
Norway	1998	1989	1993	2008
Portugal	2003	2001	-	2010
Spain	1978	-	-	2005
Sweden	1987	1987	1994	2009
Switzerland	1971	-	2007	-
United Kingdom ³	2003	-	2004	-
United States	-	-	-	2015

1. Finland adopted same-sex marriage in February 2015, though the policy does not take effect until March 1, 2017.

2. All data for Germany uses West Germany data until 1990.

3. England and Wales adopted civil marriage in 2013 and Scotland followed in 2014, however a marriage policy cover all of the United Kingdom does not exist, and Northern Ireland still lacks civil marriage. As such, I rely on the 2004 policy that covered the U.K. in its entirety.

Country	Regime Type ²	Degree of PR ³	Strength of Federalism ⁴
Australia	Liberal	Majoritarian	Weak
Austria	Social Democratic	Proportional	Weak
Belgium	Social Democratic	Proportional	Strong
Canada	Liberal	Majoritarian	Strong
Denmark	Social Democratic	Proportional	-
Finland	Conservative	Proportional	-
France	Conservative	Majoritarian	-
Germany ¹	Conservative	Mixed	Strong
Greece	-	Mixed	-
Ireland	Liberal	Proportional	-
Italy	Conservative	Proportional	-
Netherlands	Social Democratic	Proportional	-
New Zealand	Liberal	Mixed	-
Norway	Social Democratic	Proportional	-
Portugal	-	Proportional	-
Spain	-	Proportional	-
Sweden	Social Democratic	Proportional	-
Switzerland	Conservative	Proportional	Strong
United Kingdom	Liberal	Majoritarian	-
United States	Liberal	Majoritarian	Strong

1. All data for Germany uses West Germany data until 1990.

2. Greece, Portugal, and Spain were not included in Esping-Andersen's (1990) analysis. Subsequent welfare state research typically categorizes them in a fourth group of states along with Italy (Arts & Gelissson, 2002). The fact that they are not social democratic states, however, is an uncontested point.

3. In most cases, the degree of proportional representation was time invariant. The exceptions are as follows: Greece traded its proportional system for a mixed electoral system in 2006; Italy switched from a proportional to a mixed system in 1993, and then back again in 2006; New Zealand moved from a majoritarian to a mixed electoral system in 1993.

4. In most cases, federalism was time invariant. However, Belgium switched to a strong federal system from a unitary system in 1993.

Table A3. Average Values of Continuous Variables

Country	Welf. State Comp.	Family Welf. Spending	% Catholic or Orthodox	% Left Party	% Religious Party	GDP <i>per capita</i>
Australia	21	2.2	28	47	0	26,259
Austria	33	2.8	75	47	36	27,439
Belgium	39	2.6	82	33	29	18,787
Canada	6	0.9	48	15	0	19,395
Denmark	37	3.4	1	45	2	32,354
Finland	34	3.0	1	41	4	27,690
France	38	2.8	71	44	0	24,780
Germany ¹	35	1.9	28	48	44	26,417
Greece	27	1.0	95	53	1	14,177
Ireland	30	2.4	90	18	0	26,615
Italy	28	1.1	84	40	22	21,955
Netherlands	37	1.9	36	35	30	18,835
New Zealand	22	2.5	15	47	0	17,967
Norway	42	2.7	1	47	11	34,888
Portugal	30	1.0	86	50	9	10,677
Spain	31	0.8	93	49	0	12,328
Sweden	43	3.6	3	52	5	28,346
Switzerland	36	1.1	47	26	22	45,262
United Kingdom	28	2.8	9	46	0	24,792
United States	21	0.7	30	0	0	31,592

1. All data for Germany uses West Germany data until 1990.