

*This is a working draft
Please do not quote*



Neither marriage, nor cohabitation.

The development of the Civil Solidarity Pact (PACS) in France

Wilfried Rault, Institut national d'études démographiques (INED)

133, boulevard Davout

75980 Paris cedex 20

France

Wilfried.rault@ined.fr

In collaboration with Muriel Letrait

(Paris Descartes University)

Introduction

By creating the Civil solidarity pact (PACS) ten years ago, France joined the group of European countries which have officially implemented the legalization of same-sex couples. Northern European countries were the first to recognize same-sex unions before France. The first “registered partnership” was created in Denmark in 1989. But compared to most European legislation on same-sex partnerships, the French PACS displays a very noticeable difference as it also applies to different-sex couples seeking to legally formalize their union through an alternative to marriage. The Parliament adopted the PACS in the fall of 1999, more than one year after the first debate in the lower assembly. Ten years after its adoption, it comes across as a form of union well suited to the needs of different-sex couples, since 175,000 PACS were registered in 2009, of which 95% were heterosexual (vs. 260,000 marriages). The number of PACS has been increasing continuously since 2001. Such rapid development was not anticipated when the PACS was voted. There were no official claims to create this type of union for different-sex couples and the “heterosexual dimension” of the PACS was often perceived as a political device to camouflage the politically sensitive recognition of same-sex couples.

How can we explain the choice of this new type of union by heterosexual partners who can also marry and for which there was no specific demand?

This paper presents a three-dimensional analysis in order to provide hypotheses about the development of the PACS. Firstly, it highlights the characteristics of this civil union with regard to marriage and informal cohabitation. Then, a cross-exploration of in-depth interviews (n = 65) sheds light on the diversity of the social uses of the PACS. Finally, a secondary

exploration of topical surveys provides the main characteristics of the first PACS partners (1999-2006) in order to understand the factors behind the development of this new form of union.

1. Between marriage and cohabitation? The legal nature of the PACS

It is first necessary to understand what the PACS is, before trying to explain its evolution since it was first introduced. When it was adopted in 1999, it was created in order to provide legal recognition for same-sex couples. The political question of a “gay marriage” was so sensitive that the government invented a new civil union instead of opening marriage to same-sex couples or creating an equivalent like in the Scandinavian countries (Digoix, 2008; Waaldijk, 2005). The PACS was conceived as a “new way to allow couples to organize their lives jointly” and concerned both same-sex and different-sex couples. In order to legitimate this “new form of union” the articles of the law expressed very clearly the political wish to create an alternative to marriage.

The PACS is nevertheless inspired by the spirit of marriage (Leroy-Forgeot & Mécary, 2001). For instance, it guarantees mutual support by including a shared financial responsibility, it gives access to social rights, and it also opens the possibility of joint taxation, after 3 years.

On the other hand, the PACS is different and simpler than marriage for many reasons. For instance, it does not include inheritance clauses, as marriage does. The differences between marriage and PACS are also particularly obvious in a several areas. Three of them can be mentioned:

First, the **dissolution proceedings**: there is no legal procedure to terminate a PACS, as is the case with divorce. Another difference lies in the fact that it is possible to end the contract on a individual basis;

Second, **guardianship and adoption**: the PACS entails no filiation rights. For example, it does not open the possibility of joint adoption;

And third, **citizenship**: the PACS does not enable a foreign partner to request French citizenship, like a spouse after marriage. It also provides very limited access to a legal status for the foreign partners of French citizens: it does not create any automatic rights in terms of residence in France; it is just one element among others in evaluating residence applications. For these reasons, one could almost consider that the PACS is in some respects closer to cohabitation than to marriage.

Since the implementation of the PACS, the law has been revised three times: in 2004, 2006 and 2007. Without going into detail, it is useful to keep in mind that the PACS was modified to make it closer to marriage, especially in terms of taxes. I will come back to the tax regime in a moment. There is one exception: the assets regime, which is more different than it used to be¹.

On other characteristics, the PACS can also be considered as an alternative status. For instance, because it is registered by a court called *tribunal d'instance*, where there is no institutionalized ritual. The registration does not require exchanging consent publicly in the presence of a State representative as is the case for a wedding ceremony. It does not require witnesses either. For all these reasons, the PACS can be seen as a more privatized form of union than marriage² (Rault, 2009). This aspect was often perceived as a way to hide the

¹ The differences between PACS and marriage have been reduced owing to the new 2005 legislation on divorce: it introduced full divorce by mutual consent with a single hearing before the judge instead of the two previously required. It also introduced a unilateral procedure on grounds of irreconcilable marriage breakdown. In a sense, while the PACS is closer to marriage, one can also say that marriage has moved closer to the PACS.

² This restrictive visibility is echoed in the absence of data concerning the PACS from 1999 to 2007. During this period, the data of the Ministry of Justice was very poor: there was no classification by age, no distinction by gender and type of union which would shed light on the phenomenon on a demographic basis (Festy, 2001). Because the French Data Protection Authority (Commission Nationale Informatique et Libertés) considered the PACS as a private choice and wanted to prevent the disclosure of homosexuality against the wishes of the partners, it was not possible to tell more, as if statistics threatened private life in spite of their anonymity. This restriction was eventually abolished by a law of 6 August 2004, which has recently led to change. Consequently, new data became available in autumn 2007, supplementing the quarterly data published by the Ministry of Justice. The average age of the partners, the type of couple,

official recognition of same-sex couples. In fact, the PACS was mainly viewed as a civil union for same-sex couples 10 years ago. But it has been progressively adopted by different-sex couples³ (see Table 1):

Table 1. Number of PACS (different-sex couples)

2000	15 935
2001	15 435
2002	20 588
2003	25 819
2004	33 147
2005	52 800
2006	64 271
2007	95 708
2008	136 582

Scope : France.

Source : Insee, statistiques de l'état civil et ministère de la Justice - SDSE, fichiers détails Pacs.

There are several sociological approaches to understanding the choice of this new form of union. I will mention two of them. The first one is grounded on interviews (n = 65), and the second one is built on a secondary analysis of French representative surveys.

and the percentage of dissolutions were calculated by the Ministry of Justice (Carrasco, 2007). However, the ministerial data do not go into any more detail.

Note that there is no question about the Civil solidarity pact in the French Census. PACS partners are considered as cohabitants from this point of view.

³ Therefore “PACS partners” and “civil partners” are used as synonyms in this article.

2. The diversity of the social uses as a factor of development

The meaning of the PACS can be grasped by studying sociologically how it is used by contracting parties. According to a qualitative approach, social uses of the PACS are far from homogeneous. Analysis of the legal and symbolic motivations and of individual practices, especially in terms of rituals and celebrations, bring to light the meaning of the new arrangement. This can be represented in the following diagram.

Diagram 1. The various types of social use of the PACS by different-sex partners⁴

Representations associated with marriage	Symbolic appropriation of the PACS (-/+)	
+	<i>Pre-matrimonial legal arrangement (1)</i>	<i>Pre-matrimonial engagement (2)</i>
-	<i>Registered cohabitation (3)</i>	<i>Alternative to marriage (4)</i>

Interviews show several types of PACS. A distinction can be made between partners who give a symbolic value to the union and those who do not. Among the first ones, some see the PACS as a real alternative to marriage (4). In this case, the PACS make sense with regards to

⁴ As this paper is about different-sex couples, same-sex couples are not represented on the diagram. Note that it would be wrong to see the PACS through a simplistic duality in considering it necessarily as a marriage for gay and lesbian people. The reality is by far more complex. It is undeniable that some same-sex partners would have married if they could. In this case, they chose to “matrimonialize” the PACS instead by transforming it as an event. They try to make it visible, for instance by sending announcements, organising celebrations to counterbalance the invisibility of the PACS. They sometimes use the word marriage or wedding instead of PACS.

Nevertheless, the civil solidarity pact is not necessarily associated to marriage by same-sex couples. If some people consider it as a substitute, another part of the gay and lesbian population feel more at ease with the spirit of the PACS as an alternative. And they would not choose to marry if they could even if they rarely express hostility toward the opening of marriage to same-sex couples as a matter of principle.

*This is a working draft
Please do not quote*

their own vision of marriage. They consider that marriage conveys values and norms they do not want to promote (like religion, the fact that fidelity is more or less dictated by the civil code, because of the difficulties they associate with divorce...). They see marriage and weddings as stronger norms than the PACS. They sometimes mention that they prefer the PACS because of their gay-friendly opinions or because they do not want to involve families (i.e. their parents) in their union and especially in the celebrations, whereas weddings are often associated with the influence and the power of families.

Others are not so critical toward marriage and weddings. But they choose the PACS because they consider it more suited to their current situation. For instance, some see marriage as an ultimate commitment and do not feel ready to choose it (2). The PACS can be a way to experience a sort of intermediary status, with new rights. It sometimes plays a role as a privatized premarital commitment where marriage through a ritualized wedding is seen as a public one.

Some partners do not give any symbolic meaning to their PACS at all. They say they would have kept out of institutionalized union if consensual union had provided more rights (3), where others choose the PACS for instrumental reasons only and consider marriage as the only meaningful type of union (1).

Under these conditions, the social meaning of the PACS is definitely complex. Used as an alternative to or substitute for marriage (the latter by same-sex couples who cannot get married), as a means of trying out married life, as an intensified "living together" arrangement and even as a kind of anti-marriage, the Civil solidarity pact is a multifaceted arrangement whose meaning lies much more in the diversity of its social uses than in the legislative text itself. The recent success of the PACS lies very likely in polysemy.

While this qualitative approach is useful to understand the diversity of the new civil union, it does not provide information about the importance of each type of PACS. The best way to objectivise statistically these several faces of the Pacs would be to devise a specific survey in which we could create adequate indicators. As such a survey does not exist, and because the data from the ministry of Justice are very poor, one way to breach that gap in the data is to mine major representative surveys conducted since the PACS was introduced in late 1999.

3. Grasping the meaning of the development of the PACS from representative surveys. Do PACS partners have specific profiles?

3.1 Social distribution of civil unions

Two surveys of this kind – *Étude des relations familiales et intergénérationnelles* (ERFI), conducted by INED and INSEE (National Institute for Statistics and Economic Studies) in 2005 on 10,079 people aged 18 to 79, and *Contexte de la sexualité en France* (CSF) – were conducted at roughly the same period by INSERM (National Institute for Health and Medical Research) and INED on a sample of 12,364 people aged 18 to 69. This section looks at actual PACS and examines the main social characteristics of people who opted for this union between late 1999, when the PACS was introduced, and the dates of the two surveys (autumn 2005 for the ERFI, autumn 2005/winter 2006 for the CSF) in order to try to understand the reasons of its unexpected success, at least for a first wave of PACS.

As one of the two surveys allows comparisons with married people, PACS partners are sometimes compared to those who decided to get marry during the same period (December 1999- autumn/ winter 2005-2006). Despite their small numbers, the civil partners in the surveys exhibit socio-demographic characteristics that point to a highly specific social distribution. This suggests that the first civil unions were an expression of difference from

marriage⁵, since the choice of civil union is closely correlated with belonging to certain social groups. The idea of difference does not refer only to social positions; it also covers values and representations. This paper thus seeks to ascertain the extent to which the PACS reflects individual representation and value systems.

Inset 1. Methodology : Merging the group of civil partners from the CSF and the ERFI

The two surveys can be used to identify people who registered a civil union between November 1999, when the PACS was introduced, and the time the survey interviews were conducted. When the variables analysed are similar in both surveys or can be recoded according to the same criteria, the two groups of civil partners are merged into one set, called the “combined group” ($n = 51$ [ERFI] + 150 [CSF] = 201). The merger is not an addition. Different weightings are applied to the two surveys, in order to take the different survey plans into account, in particular to avoid the over-representation of young people in the CSF sample. Thus:

$P_{\text{combined}} = [(P_{\text{csf}} * n_{\text{csf}}) + (P_{\text{erfi}} * n_{\text{erfi}})] / (n_{\text{csf}} + n_{\text{erfi}})$ where:

P_{combined} is the % obtained for the combined group

P_{csf} is the % obtained for the CSF group (based on weighted numbers)

P_{erfi} is the % obtained for the ERFI group (based on weighted numbers)

n_{csf} is the unweighted number of the CSF group of civil partners (this variable depends on the scope of the question)

n_{erfi} is the unweighted number of the ERFI group of civil partners (this variable depends on the scope of the question)

The comparisons of the combined group with married people ($n = 668$) are accompanied by a calculation of a 95% confidence interval. Unfortunately, it is impossible to make relevant comparisons with cohabitation as there is no question that distinguishes people who are not married yet from those who are hostile to marriage, often for ideological reasons.

⁵ As this was the focus of research, same-sex couples were not taken into account. It would be interesting to know more about same-sex civil unions, but the numbers in both surveys are too small (6 in the ERFI, 12 in the CSF) for analysis.

In the ERFI, the average age of civil partners is 34.6 (standard deviation: 9.6) and the average age of married partners is 34.9 (standard deviation: 9.6). This information on the group of civil partners is similar to that collected by the CSF: the average age at the time of the survey is 34 (standard deviation: 10). In other words, logically, an age slightly older than the age on the date of registration of the civil union or marriage.

Five indicators were used to determine the social distribution of civil unions: educational level, income declared by the respondent, occupational category, whether both partners work or not, and sector of employment (private or public). The surveys also provide some of this information about the respondent's partner, which is also taken into consideration.

Educational level can be recoded on a similar basis in both surveys⁶. An education variable was therefore reconstructed with three levels: "lower than *baccalauréat*", "*baccalauréat*" and "higher than *baccalauréat*". In France, the *baccalauréat* is the higher secondary school exit examination. Civil partners stand out clearly with a high educational level.

⁶ The education variable used by the CSF team (see Bajos, Beltzer and Bozon, 2008, p. 43), which takes account of changes in educational level over the generations, was not recoded. It is based on a dissociation between two secondary vocational diplomas that cannot always be transposed to the ERFI because many respondents do not distinguish between the two even when they can (see Régnier-Loilier, 2006, p. 60). Since the vast majority of the population under review is in the same age group (25-39), applying this new variable would only have had a marginal effect on the overall results.

Table 2. Educational level of respondents and their partners

Respondent ⁷	PACS, combined		Marriages,	
	group	CI95	ERFI	CI95
Lower than <i>baccalauréat</i>	28%	21-35	42%	38-46
<i>Baccalauréat</i>	17%	12-23	17%	14-20
Higher than <i>baccalauréat</i>	55%	47-62	41%	37-45
Partner ⁸				
Lower than <i>baccalauréat</i>	18%	13-24	39%	35-43
<i>Baccalauréat</i>	12%	7-17	20%	17-23
Higher than <i>baccalauréat</i>	65%	58-72	40%	36-44

Scope: PACS from both surveys, and marriages from the ERFI registered between December 1999 and the survey date; unions that have not been dissolved.

Sources: CSF (INSERM-INED, 2006) and ERFI-GGS1 (INED-INSEE, 2005)

More than half of the civil partners have an educational level higher than the *baccalauréat* and only a tiny minority have not completed secondary school (Table 1). This characteristic strongly distinguishes civil partners from the total population, and supports the hypothesis that the choice of civil union is linked to specific social characteristics. When the combined group is compared with the group of people who married since PACS have existed, persons with a *baccalauréat* or above are more represented in the combined group, and strikingly so because of a much higher proportion of higher-education graduates among PACS partners. That specific feature is found again in respondents' answers about the educational level of their partners: whereas almost two-thirds of civil partners declare an educational level higher

⁷ The combined group conceals a difference between the CSF group and the ERFI group, which only appears after applying the weighting based on a post-stratification in which the respondent's educational level is a calibration variable (Toulemon and Razafindratsima, 2008). This leads, for the CSF group, to much lower educational levels than for the unweighted variables or for the variables that are weighted only to compensate for the deliberate over-representation of the youngest age group in the CSF. In the latter case, those with a level "higher than *baccalauréat*" make up 62% of the combined group, instead of 55%. It is possible that the weighting over-corrects downwards the educational level of civil partners, particularly if they are relatively less present in the population under-represented by the sample. Whatever the weighting used, the educational level of civil partners is higher than that of married partners.

⁸ The total responses do not add up to 100%, because some respondents said they did not know or did not want to provide this information about their partners.

than the *baccalauréat* for their partners in both surveys, the figure is only 40% among married respondents⁹. The difference in terms of educational level is therefore considerable.

The specific feature of civil partners in terms of educational level carries through to the couple's income. However, income data were not collected in the same way in both surveys. In the ERFI, income was recorded in a complex way, based on an estimate of the monthly income of each partner plus other possible sources of income, noted by the interviewer. This method of calculation is used in surveys that seek to determine respondents' income as accurately as possible (see Régnier-Loilier, 2006, p.141). In the CSF, the questioning is based more on a perception of the household's total monthly income, with income ranges suggested to the respondents. Because of this difference in the method of calculation, the results obtained are different for the two groups surveyed. When the interviewer lists all the possible incomes, respondents tend to declare a higher level of income. If the analysis is restricted to a small age group, excluding people aged 40 and over, who are rarer in the groups of civil partners, as well as those aged under 25, whose position in relation to tertiary education makes it difficult to take income into account, the income level of civil partners in each survey group (ERFI or CSF) is much higher than that of couples who have married since civil unions have existed, which is not surprising given civil partners' much higher educational level. In both cases, the declared income of people who registered a partnership in the early years stands out as high.

Do PACS partners also exhibit specific features in terms of occupational categories? The results obtained thus far suggest so. Three indicators are used to confirm or qualify the

⁹ It is observed that the educational level declared for the partner is higher than the educational level declared by the respondent for himself/herself. However, when the partner's educational level is compared with that of the respondent without applying a weighting to the latter based on a post-stratification that includes the respondent's educational level as a calibration variable, the difference is only 3 points.

hypothesis of a specific social distribution: occupational category, sector of employment (public or private), and whether both partners work or not.

Table 2. PACS, marriages and occupational categories

	Civil unions, combined group		Marriages, ERFI	
		<i>CI95</i>		<i>CI95</i>
Managers, intellectual occupations	25%	<i>19-31</i>	13%	<i>11-16</i>
Manual workers	14%	<i>9-19</i>	24%	<i>20-27</i>
Both partners work*	77%	<i>71-83</i>	64%	<i>61-68</i>
Public-sector employees**	55%	<i>48-62</i>	22%	<i>19-26</i>

Scope: PACS from both surveys, and marriages from the ERFI registered between December 1999 and the survey date; unions that have not been dissolved.

*including those on maternity, paternity or parental leave

** People currently working

Sources: CSF (INSERM-INED, 2006) and ERFI-GGS1 (INED-INSEE, 2005)

An examination of the distribution of civil unions in occupational categories highlights a considerable contrast between civil partners and married partners in two specific categories: managers/intellectual occupations and manual workers. The managers/intellectual occupations category accounts for more than one-quarter of civil partners but only 13% of those who married since the PACS have existed. Conversely, the manual worker category, which accounts for almost one-quarter of people who married between the end of 1999 and winter 2005-2006 accounts for only 14% of PACS partners. The social characteristics of civil partners also differ from those of married partners regarding unemployment: civil partners are three times less likely to be in a couple where at least one of the partners is unemployed (5% versus 17%). Furthermore, in almost four out of five cases, civil partners are in couples where both partners work, compared with only 64% of married people. Lastly, in terms of sector of

employment, a high proportion of civil partners are employed in the public sector. This percentage is much higher than in the general population and than among married people. Whereas over half of civil partners work in the public sector, just over one-fifth of married people do.

Thus the civil unions registered in the first few years are not positioned randomly in the social space. Civil partners are better educated than married people, declare higher incomes, and more frequently belong to couples where both partners work and have a higher position in the occupational ranking. They are also much more likely to work in the public sector. These disparities, associated with those observed previously, therefore make the PACS registered in the early years (late 1999 to spring 2006) a type of union associated with higher cultural capital (represented by educational level) and higher economic capital than marriage.

3.2. The reasons behind the choice of the PACS: some hypotheses

Can these elements about the social profile of the partners explain the development of the Civil solidarity pact? On the bases of these characteristics and the qualitative survey that shows the variety of social uses (Rault, 2007 and 2009), two types of hypotheses can be advanced: legal hypotheses that find that a civil union meets the expectations of the groups observed, and axiological hypotheses relating to the respondents' values and representations. These hypotheses are not considered here as in competition, but as complementary.

Legal hypotheses

The legal provisions of civil unions are not reflected in the indicators that can be constructed from the surveys. However, the two previous observations can be explored in detail to provide

hypotheses about the choice of the PACS: the fact that civil partners are more often in couples where both partners work and that public-sector employees are strongly over-represented among civil partners (55%).

Concerning the first aspect, the difference might have to do with the initial tax regime of the PACS. It is necessary to recall that a joint tax return is particularly important when there is a difference of incomes between the two partners, as is often the case when only one works. Until 2005, when the tax status of civil unions was aligned with that of marriage, the attractiveness of the PACS for tax purposes was low because the partners had to wait three calendar years before they were eligible to lodge a joint tax return.

Concerning the second aspect, one of the provisions of the Act instituting the Civil solidarity pact gives public-sector employees the right to request a job transfer to a location close to the workplace of a civil partner¹⁰ who works in another location. A wish to be eligible for this entitlement, frequently mentioned in interviews, could explain the choice of a civil union by couples where at least one partner works in the public sector and in turn why employment in the public sector is strongly represented among civil partners. To explore this hypothesis, it is useful to reason in terms of couples, which is only possible with the ERFI since the CSF does not ask whether the respondent's partner works in the public or private sector. PACS appear strongly rooted in the public sector, even if the estimate is not robust because it is based on small numbers. While 68% of civil union couples have at least one partner employed in the public sector, the proportion is slightly over one-quarter of married couples. More specifically, one married respondent in ten belongs to a couple where both members work in the public sector, compared with two-fifths of civil union respondents. The high proportion of couples employed in the public sector could be linked to this reason for registering a PACS.

¹⁰ Article 60 of the Act of 11 January 1984 on statutory provisions on the state civil service, amended notably by the Act of 15 November 1999 relative to the Civil Solidarity Pact.

However, it should be borne in mind that marriage also confers eligibility for geographical transfers. If couples are choosing civil unions over marriage, which would also entitle them to the same benefit, then other factors are influencing the choice of civil unions over marriage. This massive over-representation of public-sector employees among early PACS partners might reflect another divide, closely linked to individual values, where working in the public sector is associated with more liberal moral values (Rouban, 2005).

Axiological hypotheses: religion, gender roles and representations of the family

In practice, although it might be based first on a legal entitlement like eligibility for geographical transfers, the prospect of filing a joint tax return or any other legal reason, the motivation for choosing a PACS is often accompanied by a more axiological dimension, relating to social representations, in particular those associated with marriage. Some civil partners exhibit a consistency in their choice, which is based on an explicit attempt to differentiate themselves, particularly in three closely related areas (Rault, 2009): religion, the perception of gender roles, and representations of the couple and family.

When within the ERFI sample¹¹, the group of civil partners is compared with the group of partners who married in the 1999-2005 period, there is a distinct attitude to religion on average. The percentage of people who say they have no religion of origin is much higher in the civil union group (25%) than in the married group (11%). The questionnaire does not ask about current religion but simply about “religion of origin” when respondents say they are not practicing. Conversely, the CSF includes data on current religion. A full 57% of the civil

¹¹ On this point, it is not possible to use the combined group from the two surveys, because the variables on social representations are different.

union group in the CSF say they have “no religion”¹². The observation of the two surveys suggests that some civil union respondents do have a religion of origin, because they were sensitized to religion and have lapsed from it. Regarding religious practice, the proportion of respondents who are practicing is higher among married people: 24% versus 14% in the civil union group from the ERFI. A third indicator informs about respondents’ perception of religious rites of passage. This indicator of closeness to or distance from religious ritual was constructed on the basis of three questions¹³ in the ERFI about the importance of these forms of religious ritualization. For each respondent, a value ranging from 2 points (agree) to –2 points (disagree) was given to each response. The values collected for the three questions on religious rituals were added together to produce a score, which is a composite indicator of support for or rejection of religious ritualization. Three attitudes were identified, based on the number of points scored:

In favour	6 to 3
In between	2 to -2
Against	-3 to -6

When an individual agrees unambiguously with the three rituals, he/she scores 6 points and belongs to the group that is in favor of religious rituals.

¹² As opinions towards religion are significantly linked to age in France, it is necessary to restrict the analysis to a small age group. When the percentage of people in the 25-39 age CSF group who say they have no religion is compared between civil partners and the whole 25-39 age group, it is much higher among civil partners (the figures are 58% and 31% respectively). Moreover, among these people who declare a religion, 42% of the 25-39 age group say it is very important or important to their lives, compared with 29% of civil partners.

¹³ Do you agree or disagree with these statements about religious ceremonies:
“It’s important to mark the arrival of a child with a religious ceremony”
“It’s important for people who marry civilly to also have a religious marriage”
“It’s important for a funeral to include a religious ceremony”.

The respondents could answer:

Agree/ Generally agree/ Neither agree or disagree/ Generally disagree/ Disagree/ Don’t know.

Again there is a clear divergence: the composition of the two groups according to their distance from religious ritual is distinct. While almost half of civil partners express some distance from or hostility towards religious ritual, only one-fifth of married people express these sentiments. The specific distribution of civil unions in terms of social background is reinforced by a distinct attitude to religion.

Table 4. Attitude to religion¹⁴

	Married	Civil
No religion of origin	11%	25%
Practising	24%	14%
Against religious ritualization of rites of passage	21%	47%

Scope: People who married or registered a civil union between December 1999 and the date of the survey and whose union has not been dissolved.

Source: ERFI (INED-INSEE, 2005)

Another aspect that is sometimes expressed in interviews attributes the choice of PACS to an attachment to values connected with the perception of gender roles. From that point of view, civil partners choose civil union as an alternative to the institution of matrimony, which they consider to be a historical or cultural institution associated with the perpetuation of male domination and the expression of heterosexism, which they reject.

In order to examine the hypothesis of a specific axiological orientation among civil partners, an indicator of attitude to “gender difference” was constructed in the same way as the

¹⁴ Tests including age are significant concerning rituals and religion of origin, but borderline significant concerning practise.

previous indicator¹⁵. It is used to ascertain the respondents' degree of support for or rejection of a social order characterized by highly gendered social roles.

Not very differentialist	8 to 3
Intermediate	2 to -2
Strongly differentialist	-3 to -8

A respondent strongly attached to a gendered order with a high degree of differentiation between men and women and their activities and who is hostile to equality between same-sex and different-sex couples scores -7 or -8 points and belongs to the “strongly differentialist” group.

Table 5. Synthetic indicator of attitude to “gender difference”

	Married	Civil union
Not very differentialist	40%	59%
Strongly differentialist	17%	5%

Scope: People who married or registered a civil partnership between December 1999 and the survey whose union has not been dissolved.

Source: ERFI-GGS1 (INED-INSEE, 2005)

¹⁵ Four questions from the ERFI were used to construct this indicator. Each reflects an outlook on gender roles: the first two relate to differences between the public and private spheres and their perception as gendered areas.
 “When there is an employment crisis, men should have priority over women for jobs”
 “A pre-school-age child suffers if its mother works”
 The next two questions relate more to an attachment to “gender difference” based more on the idea of complementary genders.
 “A woman can have a child and raise it by herself if she does not wish to have a stable relationship with a man”
 “Homosexual couples should have the same rights as heterosexual couples”.
 Respondents could answer:
 Agree/ Generally agree/ Neither agree or disagree/ Generally disagree/ Disagree/ Don’t know.

As is the case for religion, we observe that the three scores are differently distributed according to the two types of unions studied: among civil partners, the “not very differentialist” stance is clearly in the majority, whereas it only represents two-fifths of married people. Tests including age variable are significant. Symmetrically, the proportion of “strongly differentialist” people is three times higher among married people (17% versus 5%¹⁶).

The choice of Civil solidarity pact is also sometimes seen as consistent with representations of the family and couple. Some respondents point to a difference between a civil union, often associated with a consolidation stage in the relationship, and marriage, which is associated more with children, although attitudes to childbirth are extremely diverse: some people see marriage as a pre-condition for children, whereas others see marriage as a choice that can come after the birth of children. The ideal approach would compare the dates of union with the dates of childbirth. But the small numbers in the PACS group would make such an approach uncertain¹⁷. When the two groups under review are compared, the presence of at least one child is found in different proportions in the two types of union. Some 42% of PACS partners live in a household with at least one child (mixed group), whereas 66% of married people do. On this point, the observation from interviews is supported by the surveys studied, especially as the age distribution of the groups analyzed is quite similar. Respondents who chose to marry in the 1999-2005 period seem to show a greater propensity to have children than those who registered a PACS. The significant disparity between the two groups suggests that the associations of PACS/relationship and marriage/children are important to some couples.

¹⁶ The CSF did not have the same questions. However, through other indicators, this characteristic is also observed for civil partners in the CSF and finds extensions in a specific attitude to sexuality (Rault, in progress)

¹⁷ Moreover, the CSF survey lacks such a calendar.

The qualitative interviews prompt another biographical hypothesis, this time relating to dissolution procedures. Many respondents express a preference for a type of union that can be dissolved on similar terms to a de facto union, without going through the courts. More precisely, representations associated with divorce can sometimes explain the choice of a civil solidarity pact over that of marriage. From this viewpoint, the PACS offer a legal framework that is easier to dissolve and at less expense. The choice of a civil union for this reason might be expected to be linked to the experience of having been in a previous union. In fact, the difference seems to be fairly insensitive: this is the case for 33% of civil partners (combined group) and 28% of married people. It might also be linked to other experiences and socializations (for instance: parental divorce) but these surveys lack detailed indicators.

Conclusion

The social distribution of different-sex PACS is thus characterized both by objective social positions and affinities in values and social representations. However, these observations should not obscure the fact that the two groups under review display heterogeneity and that individuals are sometimes more similar between the two groups than within the same group. For example, within the married group, a divide is observable between individuals entering marriage directly or after only a very short period of cohabitation, and those who marry after several years of living together (Rault and Letrait, 2009a and 2009b).

Otherwise, these results are about the first wave of civil partners. Since the PACS was created the number of unions registered has constantly increased. The increase was particularly sharp from 2005 onwards, with the reform of income tax provisions¹⁸. In this area, civil partners are

¹⁸ The Finance Act No. 2004-1484 of 30 December 2004 (the 2005 Budget) changed the tax regime of civil unions by abolishing the three-year wait before partners could file a joint tax return.

now entitled to the same tax treatment as married partners. Apart from the considerable increase in the number of civil unions (+51% in 2005, +28% in 2006, +32% in 2007 and +40% in 2008), the seasonality of civil unions changed radically from 2005 onwards. While civil unions were mainly concentrated at the end and beginning of the civil year, they are now very frequent in the second and third quarters¹⁹, when the effects of registering a civil union are likely to be optimal in terms of the way income tax is calculated²⁰. PACS have thus moved closer to marriage.

Does the massive increase in the number of civil unions that followed this legal change²¹ reflect a relative *democratization* of civil unions, in the sense that the specific social distribution observed is tending to diminish? There is not enough recent data available to explore that hypothesis. However, one possibility is to study the intentions of ERFI respondents who declared a relationship (whether cohabiting or not) at the time of the survey²², without, however, considering intentions as equivalent to actual civil unions or marriages. The comparison of intentions of civil unions and intentions of marriage supports the conclusion of a *probable* rapprochement between PACS partners and married people, announced by the massive increase in the number of civil unions in recent years, even if this hypothesis can only be validated once the civil unions based on these intentions are actually registered. The comparison of divergences in the two types of group shows that they are decreasing (see appendix). For all the characteristics studied (educational level, income, occupation and employment sector), the gaps have considerably narrowed. The profile of respondents with an intention of a civil union is often more similar to that of respondents who

¹⁹ Source: French ministry of justice.

²⁰ The two partners file separate tax returns on an individual basis for the first part of the year (before the civil union is registered), then a joint tax return for the second part of the year (after the date of the civil union). As with a couple that marries, taxation is calculated on an annual basis for all three returns, which can significantly reduce the amount of tax payable.

²¹ And subsequent amendments to the Act in 2006, 2007 and 2009 that brought civil unions more in line with marriage, except for the provision on assets amended in June 2006.

²² This approach cannot be transposed to the CSF because the questionnaire does not include the question.

*This is a working draft
Please do not quote*

are married or intend to marry than to that of the first wave of civil partners. The group of people who intend to register a civil union nevertheless seems to continue to exhibit many specific features, especially in terms of values.

All these observations, from the legal reasons to the axiological ones, might explain why the PACS, designed to respond to a demand for recognition from same-sex couples, has been used massively by different-sex couples. The characteristics of civil unions, the sets of values that the partners associate with them, the variety of uses to which they lend themselves make them compatible with a wide variety of individual situations. The PACS reflect a changing trend in conjugality, characterized by a more gradual process of union formation and a rejection of an imposed external norm that some people associate with marriage. However, these differences between the two groups should not be perceived as rigid divides, especially because the two types of union are sometimes combined. For instance, of the nearly 10,000 PACS dissolved in the first half of 2009, one-quarter were ended because the couple married. While these first surveys do not make it possible to analyze this phenomenon, the trends observed in ministry of Justice statistics and surveys suggests it should be taken into consideration as soon as adequate data are available. That is also why we are currently preparing a new survey about couples which will include many questions about the civil solidarity pact.

*This is a working draft
Please do not quote*

APPENDIX:

Factors influencing the probability of declaring an intention of a PACS rather than marriage

	Odds ratio	Signif.
Sex		
Men	Ref.	
Women	1.1	ns
Age group		
18-24	Ref.	
25-34	1.1	ns
35-44	1.55	ns
45+	1.38	ns
Educational level		
Less than <i>baccalauréat</i>	Ref.	
<i>Baccalauréat</i>	1.27	ns
Two or more years of tertiary education	1.08	ns
Perception of gender roles		
Not very differentialist	Ref.	
Differentialist	0.69	*
Strongly differentialist	0.79	ns
Duration of the relationship		
Less than two years	Ref.	
Two to four years	0.77	ns
Five or more years	0.77	ns
Couple's monthly income		
Under €1,500	1.68	*
€1,500-€2,500	Ref.	
€2,500-€3,500	0.95	ns
Over €3,500	0.91	ns

*This is a working draft
Please do not quote*

Employed in the public sector	1.34	ns
Attitude to religious ritual		
In favour	0.33	***
Intermediate	0.43	***
Hostile	Ref.	
Religious practice	0.36	**
Wants at least three children	0.68	*
Total number	723	
Intention of a civil union	131	
<p><i>Scope:</i> Different-sex couples from the two groups who express an intention</p> <p><i>Key:</i> A statistically significant odds ratio above 1 indicates that, for the value studied, in relation to the reference value of the variable considered, the factor increases the likelihood of declaring an intention of a civil union rather than marriage. The further the odds ratio is from 1, the more influential the factor.</p> <p><i>Key:</i> *** if $p < 0.001$; ** if $p < 0.05$; * : $p < 0.10$, ns if not significant.</p> <p><i>Source:</i> INED-INSEE, ERFI-GGS1, 2005</p>		

References:

BAJOS (Nathalie), BOZON (Michel), *Enquête sur la sexualité en France. Pratiques, genre et santé*, Paris, La Découverte, 2008.

CARRASCO (Valérie), « Le pacte civil de solidarité : une forme d'union qui se banalise », *Infostat Justice*, 97, 2007.

DESCOUTURES (Virginie), DIGOIX (Marie), FASSIN (Éric) et RAULT (Wilfried), *Mariages et homosexualités dans le monde. L'arrangement des normes familiales*, Paris, Autrement, 2008.

DIGOIX (Marie). (2008), « Le concept nordique d'égalité entre différenciation et universalisme », dans DESCOUTURES (Virginie), DIGOIX (Marie), FASSIN (Eric) et RAULT (Wilfried). (dir.), *Mariages et homosexualités dans le monde. L'arrangement des normes familiales*, Paris, Autrement, « Mutations. Sexe en tous genres », p. 16-31.

FESTY (Patrick), « PACS : l'impossible bilan », *Population et sociétés*, 369, 2001.

LEROY-FORGEOT (Flora) et MÉCARY (Caroline), *Le PACS*, Paris, PUF, coll. « Que sais je ? », 2001 [1^{re} éd. 2000].

RAULT (Wilfried), *L'invention du PACS. Pratiques et symboliques d'une nouvelle forme d'union*, Paris, Presses de Sciences Po, 2009.

RAULT (Wilfried), LETRAIT (Muriel), « Diversité des formes d'union et "ordre sexué" » dans Arnaud Régnier-Loilier, *Portraits de famille. L'Étude des relations familiales et intergénérationnelles*, Éditions de l'Ined, Coll. « Grandes Enquêtes », Paris, 2009.

RAULT (Wilfried), LETRAIT (Muriel), « Choix du pacte civil de solidarité et rapport à la religion », *Politiques sociales et familiales*, 96, 2009.

RAULT (Wilfried), « Entre droit et symbole. Les usages sociaux du pacte civil de solidarité », *Revue française de sociologie*, 48 (3), 2007, p. 555-586.

*This is a working draft
Please do not quote*

RÉGNIER-LOILIER (Arnaud), *Questionnaire de l'étude des relations familiales et intergénérationnelles*, Document de travail, Ined, 2005.

TOULEMON (Laurent), RAZAFINDRATSIMA (Nicolas), "Plan de sondage et pondération de l'enquête", in Bajos Nathalie, Bozon Michel (dir.), *Enquête sur la sexualité en France. Pratiques, genre et santé*, La Découverte, Paris, 2008, p. 45-60.

WAALDIJK (Kees) (ed.), *More or Less Together : Levels of Legal Consequences of Marriage, Cohabitation and Registered Partnership for Different-Sex and Same-Sex Partners. A Comparative Study of Nine European Countries*, Paris, INED, coll. « Documents de travail », 125, 2005.