

# Legal and residential partnership status in Europe

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## Short Abstract

The last review of partnership patterns in Europe uses data from the 1990s. Since then new legal partnership options have emerged, yet we know little about contemporary patterns or who opts for new alternatives. Using 2006/7 European Social Survey data from 23 countries (N=41,117), we show partnership patterns of both sexes, then focus on 13 countries that have recognized legal partnerships and apply a multilevel multinomial logit model to compare country differences. Preliminary results show those in legal partnerships are significantly less religious, less traditional, younger and less likely to have children. Differences between countries emerge such as the presence of children in nonmarital unions and varying educational levels by type of union. We conclude with a discussion about the relevance of this research in relation to unintended consequences and lack of legal clarity in certain unions (paternity rights, inheritance, status after death or divorce).

## Extended Abstract

Within the last ten years across many European countries, there has been a considerable rise in unmarried cohabitation in addition to the legal recognition of unions other than marriage for both hetero- and homosexual partnerships. The last comprehensive empirical review of partnership and cohabitation patterns in Europe was undertaken using data from over a decade ago in the early to mid-1990s (Kiernan 1999; 2004; Heuveline & Timberlake 2004). Largely due to data restrictions, research to this point has also generally examined women only between the age ranges of 18 to 45 and omitted the study of the legal and residential status of partners. They have likewise applied a similar methodology of comparing and contrasting different countries and due to the lack of a multilevel statistical approach fail to indicate whether there is statistically significant variation between countries.

This study updates and extends our knowledge on current trends in partnership patterns across Europe by examining legal and residential partnership trends across 23 countries in Europe in 2006/7 using the European Social Survey (N=41,117). Our central research questions ask: (1) what are the predominant legal and residential relationship types in contemporary Europe and, (2) who chooses which type of partnership? We then ask (3) if both of these questions differ between countries.

## Background and Theory

The majority of research and theory formation on new forms of partnership types has focussed on the rise of cohabitation as a 'trial stage' before marriage, a 'selection process' to weed out weak relationships and as a viable 'alternative' to marriage (Rindfuss & Vandenhoevel, 1990; Lillard et al., 1995; Mills, 2004). More recent studies have also introduced the growth and meaning of new residential configurations in relationships such as living apart together (LAT) (Strohm et al. 2009; Régnier-Loilier et al. 2009). The meaning ascribed to partnerships, such as

cohabitation, marriage and LAT and the expectations surrounding them have changed not only over time, but also differ across social groups and national contexts (Manning & Smock, 1995; 2002; Manting, 1996). Another clear trend is the growing presence of children in these non-marital and sometimes non-legally binding and non-residential unions.

There has been considerably less research and theorizing about the role that new types of legal or civil partnerships play as both an alternative to marriage, but also to unmarried (i.e., nonlegally binding) cohabitation. The recognition of legal civil partnerships – defined as the legal recognition of a union between two people other than marriage whether the opposite or same sex – has emerged across many countries in Europe (e.g., Sweden, Denmark, Norway, Netherlands, Belgium, Germany, Switzerland, France, UK, Hungary, Slovenia, Slovakia, Spain). A related aspect is whether the co-residential status of different types of partnerships varies according to the type of partnership and how this differs across countries and social groups.

This raises the fundamental question: what is the difference between married, (nonlegally binding) cohabitation and the new types of legal civil partnerships? Compared to ‘nonlegal’ cohabitation, which has been traditionally examined to this point in the literature, married and civil legal partnerships have legally enforceable contracts and express long-term commitment. Marriage is however, symbolically different from civil legal partnerships and has an element of public affirmation (Brines and Joyner 1999; Cherlin 2000).

The role of new legal civil partnerships enters into uncharted theoretical territory, which we will develop in this paper. First, it may be that these legal unions are a rejection of the institution of marriage, but still allow a long-term legal and symbolic commitment. If this were the case, we would hypothesize that individuals in these types of unions are less religious and concerned with traditions and customs. Second, it might be that these types of legal partnerships may be one of the only opportunities for gays and lesbians to form legal partnerships in some countries. If this holds, there should be an overrepresentation of same-sex couples, especially after the immediate introduction of the law. A third possibility is that these are ‘rational’ calculated legal arrangements and a reflection of the highly individualized and calculated life courses of contemporary society. We would then expect that the younger and higher educated might opt for these unions. Finally, civil legal unions might be the answer to a practical solution and offer a graduated step between unmarried nonlegal cohabitation and the long-term binding commitment of marriage. Individuals might want to, for instance, buy a house together or arrange paternity rights but not want the public and symbolic commitment of marriage. If this is the case, those who own a house or have children might be more likely to enter these legal partnerships. The introduction of legal civil partnerships also raises questions about the role of nonlegal cohabiting unions. Are they more similar to civil legal partnerships, being single or being married? As with the above expectations, we assume that our findings will be highly country-context dependent.

## **DATA & METHODS**

### **Data**

Data is taken from third round of the European Social Survey (ESS), collected in 23 countries in 2006/7 (version 3.2, 2008). The countries included are Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom.

National teams are responsible for data collection, but must adhere to strict guidelines for sampling and translation in order to obtain cross-nationally comparable data. A representative sample for each country is obtained by using random probability sampling. The data is weighted using either design and population weights according to the ESS specifications. Since we are examining partnerships, we have reduced the sample to both men and women aged 18 and over, which reduces the sample to 41,117. When we examine legal civil relationships, we reduce the analysis further to individuals in the 13 countries where these types of partnerships exist (N=23,467).

### **Measurements**

The *type of partnership* is derived from combining the current legal marital status with questions regarding whether the respondent currently lives with their partner. The advantage of the ESS is that we have detailed information on *current legal partnership status*, which includes new types of civil and registered non-marital partnerships. For legal civil partnerships, the country-specific name of legal partnership was used in the questionnaire. *Civil partnership* is defined in the questionnaire as the legal recognition of a union between two people other than marriage whether of the opposite or same sex. A detailed breakdown of these categorizations is shown in descriptive Table 1, which we collapse further for the regression analysis.

The explanatory variables used in the preliminary analyses are *age and age squared*, *parenthood status* is controlled for by measuring whether the respondent had ever given birth to or fathered a child by the survey date. We also controlled for whether the union was *heterosexual or same-sex*. The *educational attainment* of the respondent is measured in years of full time education, included as a centred variable. Educational attainment is a proxy for economic level. Although income would be a more direct indicator, it could not be included due to the large amount of missing values. *Religiosity* is measured using a continuous 10-point variable ranging from not religious at all (0) to very religious (9). The measure of *how often an individual meets socially meet with friends, relatives or colleagues* includes the five categories of: never, less than or once a month, several times a month, once or several times a week and every day. A continuous variable, ranging from 0 (none of the time) to 6 (all of the time) is included to measure *how much of the time spent with immediate family is perceived as stressful*. *Residence* has been collapsed into three categories, of: 1) big city, suburbs or outskirts of big city, 2) town or small village, and 3) a combined category including country village, farm or home in the countryside. The *importance of following traditions and customs* was collapsed from a 6 to a 3 category variable, which includes: very important, somewhat or little important and not important.

### **Method of analysis**

Single and multilevel logistic regression analysis was used to analyze the influence of both individual level and country level effects on the various dependent variables. Multilevel modelling allows for the hierarchical structure of the data to be taken into account and to examine whether there is significant variance between the countries.

## **PRELIMINARY RESULTS AND DISCUSSION**

We first provide a detailed profile of contemporary legal and civil partnerships in Europe. An excerpt of some preliminary results of the multilevel and single-level multinomial logit models for each country is shown in Table 2. The table shows the differences between countries and central explanatory variables between those who

opt for civil legal partnerships and nonlegal cohabitation in comparison to married (reference group).

Returning to our previous expectations, we first asked whether entering civil legal unions might be a rejection of marriage, which gains some support. With the exception of Scandinavian countries, those in civil partnerships are significantly less religious than those who are married. They also generally do not find tradition and customs important as married individuals. There appears to be no difference in frequency of contact or family interaction.

Another hypothesis was that legal civil unions might be the only opportunity for gays and lesbians to form a long-term legal partnership. It does appear that same-sex couples are more likely to be in civil and nonlegal cohabitation than being married, but in the coming months we will examine the function of different rules and regulations, including the introduction of same-sex marriage laws. A third expectation was that legal civil unions were a rational and calculated legal arrangement made increasingly by the young and highly educated innovators. This hypothesis gains little support as the education results are highly mixed, prompting further analysis into how education operates in relation to partnership status across these different countries. Finally, we anticipated that legal civil unions might be a practical solution to buying a house or clarifying paternity rights. In the coming months we will undertake further analyses to control for home ownership, but current results show that those in legal civil unions are less likely to have children.

Individuals in civil partnerships vary according to the country and stage of 'development' of nonlegal cohabitation and civil relationships. In Scandinavia, for example, civil relationships are not significantly different from legal marriage whereas the difference between these types of unions differs for other countries. We are also examining the exact translation of each question. Results show somewhat higher numbers of legal nonmarital partnerships than expected in some countries, suggesting that either individuals perceive they are in legal unions, legal unions are in fact higher than reported elsewhere or methodological issues. This raises concerns about unintended consequences and lack of legal clarity and whether individuals realize the consequences of the legal status of their unions (paternity rights, inheritance, status after death or divorce).

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TABLE 1. Descriptive statistics of detailed categories of legal partnership and co-residence status, All 23 European countries and by those that acknowledge legal civil partnerships and those that do not, age 18 and older, 2006/7

Combined legal partnership and residence status	All		Countries with legal civil partnerships*		Countries NO legal civil partnerships**	
	N	%	N	%	N	%
1 Single: Never married or civil part & no coresidential partner	7710	18.8	4262	18	3448	19.7
2 Never married & never civil part & coresidential partner	1944	4.7	1303	5.5	641	3.7
3 Civil partnership & LAT	30	0.1	30	0.1	-	-
4 Civil partnership & coresidential	867	2.1	867	3.7	-	-
5 Married & LAT	227	0.6	141	0.6	86	0.5
6 Married & coresidential	21468	52.2	12179	51.6	9289	53.1
7 Dissolved civil partnership & no coresidential partner	222	0.5	222	0.9	-	-
8 Dissolved civil partnership & (new) coresidential partner	33	0.1	33	0.1	-	-
9 Divorce & no coresidential partner	3310	8.1	1862	7.9	1448	8.3
10 Divorce & (new) coresidential partner	601	1.5	413	1.7	188	1.1
11 Widow & no new coresidential partner	4267	10.4	2071	8.8	2196	12.5
12 Widow & new coresidential partner	117	0.3	73	0.3	44	0.3
<b>Total valid cases</b>	<b>40796</b>	<b>99.2</b>	<b>23456</b>	<b>99.3</b>	<b>17340</b>	<b>99.1</b>
Missing						
Refusal	159	0.4	69	0.3	90	0.5
Don't know	58	0.1	38	0.2	20	0.1
No answer	104	0.3	50	0.2	54	0.3
Total Missing	321	0.8	157	0.7	164	0.9
<b>Total all cases</b>	<b>41117</b>	<b>100</b>	<b>23613</b>	<b>100</b>	<b>17504</b>	<b>100</b>

Source: ESS, wave 3, 2006/7, ages 18+.

Notes: \*= Sweden, Denmark, Norway, Netherlands, Belgium, Switzerland, France, United Kingdom, Hungary, Slovenia, Slovakia, and Spain. \*\*Finland, Austria, Ireland, Estonia, Ukraine, Poland, Russian Federation, Portugal, and Cyprus.

TABLE 2. Selected results of multilevel and single multinomial regression of legal and residential partnership status types, 13 countries that recognize legal civil partnerships, 2006/7, reference = legally married

	All (1)	All (2)	Sweden	Denmark	Norway	Neth	Belgium	Switz	France	UK	Hungary	Slovenia	Slovakia	Spain
	Coef	Coef	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.	Coef.
<b>Civil partnership</b>														
Age	<b>-0,114</b>	<b>-0,165</b>	-0,039	0,148	0,066	-0,015	<b>-0,258</b>	-0,014	0,018	<b>-0,102</b>	<b>-0,138</b>	<b>-0,177</b>	<b>-0,129</b>	0,128
age-squared	<b>0,000</b>	<b>0,001</b>	0,000	-0,002	<b>-0,002</b>	-0,001	<b>0,002</b>	0,000	-0,001	0,000	<b>0,001</b>	<b>0,001</b>	<b>0,001</b>	<b>-0,002</b>
Homosex part		<b>1,012</b>												
No child	<b>1,463</b>	<b>1,254</b>	0,943	0,104	<b>1,990</b>	<b>1,110</b>	<b>1,420</b>	<b>1,748</b>	<b>1,654</b>	<b>1,212</b>	<b>1,446</b>	<b>1,933</b>	<b>2,567</b>	<b>1,470</b>
Education	<b>-0,038</b>	<b>-0,047</b>	-0,085	-0,046	<b>-0,171</b>	0,004	-0,020	0,059	-0,007	<b>-0,069</b>	-0,027	-0,023	<b>-0,086</b>	0,035
Religious	<b>-0,079</b>	<b>-0,112</b>	-0,145	0,028	<b>-0,140</b>	<b>-0,163</b>	<b>-0,087</b>	-0,062	<b>-0,122</b>	<b>-0,119</b>	<b>-0,161</b>	<b>-0,070</b>	-0,038	-0,081
More contact	-0,019	-0,036	0,075	0,263	0,070	-0,046	0,002	0,007	0,041	0,076	0,090	0,032	0,002	0,049
Family stress	0,025	0,036	-0,067	<b>-0,377</b>	0,041	<b>-0,054</b>	<b>0,122</b>	0,028	0,074	0,035	<b>0,215</b>	-0,007	0,088	0,115
Town	-0,145	-0,048	<b>1,152</b>	<b>-1,845</b>	0,109	0,348	-0,390	-0,072	0,153	<b>-0,750</b>	<b>-0,518</b>	0,107	-0,039	-0,146
Farm rural	-0,027	-0,005	-0,051	0,332	<b>-0,326</b>	-0,246	-0,338	-0,039	0,096	<b>-0,781</b>	-0,369	0,232	-0,217	0,271
Trad imp	<b>-0,182</b>	-0,188	-0,664	-0,381	0,000	<b>0,284</b>	-0,293	-0,423	-0,508	-0,170	0,223	-0,212	-0,316	<b>-1,227</b>
Trad somewhat imj	-0,148	-0,113	-0,320	-0,881	0,165	0,374	-0,196	-0,412	<b>-0,856</b>	-0,208	0,190	-0,025	0,161	<b>-1,260</b>
Constant	0,516	0,662	-3,715	-5,510	<b>-4,146</b>	-1,120	<b>4,380</b>	<b>-3,847</b>	-3,386	0,917	0,508	<b>2,638</b>	-1,496	<b>-4,480</b>
<b>Nonlegal cohabitation</b>														
age	-0,031	<b>-0,154</b>	-0,015	0,044	-0,033	-0,022	<b>0,388</b>	0,169	-0,010	-0,093	-0,045	ne	<b>0,409</b>	-0,042
age-squared	<b>-0,001</b>	<b>0,000</b>	-0,001	<b>-0,002</b>	-0,001	-0,001	<b>-0,008</b>	<b>-0,004</b>	-0,001	-0,001	-0,001	ne	<b>-0,007</b>	<b>-0,001</b>
Homosex part		<b>0,746</b>												
No child	<b>1,899</b>	<b>1,668</b>	<b>1,563</b>	<b>1,974</b>	<b>1,470</b>	<b>1,849</b>	<b>3,237</b>	<b>2,750</b>	<b>0,822</b>	<b>1,745</b>	ne	ne	<b>ne</b>	<b>2,677</b>
Education	<b>0,032</b>	<b>0,023</b>	<b>-0,078</b>	-0,017	0,013	<b>0,087</b>	<b>0,160</b>	<b>0,068</b>	<b>0,053</b>	-0,023	-0,058	ne	<b>-0,207</b>	<b>-0,004</b>
Religious	<b>-0,142</b>	<b>-0,162</b>	<b>-0,077</b>	-0,016	<b>-0,092</b>	<b>-0,174</b>	<b>-0,180</b>	<b>-0,113</b>	<b>-0,108</b>	<b>-0,163</b>	0,023	ne	<b>0,116</b>	<b>-0,096</b>
More contact	<b>0,074</b>	<b>0,097</b>	0,044	0,007	-0,013	-0,144	-0,005	-0,084	-0,087	-0,052	0,131	ne	<b>0,190</b>	-0,130
Family stress	<b>0,056</b>	<b>0,076</b>	<b>-0,099</b>	0,044	0,056	-0,033	-0,041	0,042	-0,026	0,097	0,108	ne	<b>-0,712</b>	<b>-0,066</b>
Town	<b>-0,313</b>	<b>-0,277</b>	0,001	-0,102	-0,364	-0,497	-0,565	-0,440	0,130	-0,053	-1,491	ne	<b>ne</b>	<b>-0,703</b>
Farm rural	<b>-0,333</b>	<b>-0,290</b>	-0,239	-0,205	0,313	-0,238	<b>-0,744</b>	-0,555	<b>0,485</b>	-0,411	-1,076	ne	<b>ne</b>	<b>-0,686</b>
Trad imp	<b>-0,349</b>	<b>-0,426</b>	-0,014	<b>-0,674</b>	<b>-0,689</b>	<b>-0,797</b>	0,093	0,580	<b>-0,504</b>	0,162	0,095	ne	<b>-1,926</b>	<b>-0,911</b>
Trad somewhat imj	-0,124	-0,155	<b>0,436</b>	-0,413	<b>-0,484</b>	-0,399	-0,131	0,744	-0,093	-0,221	0,059	ne	<b>ne</b>	<b>-0,836</b>
Constant	<b>-1,265</b>	0,545	-0,015	-1,942	0,637	0,243	<b>-9,197</b>	<b>-6,352</b>	0,624	0,433	ne	ne	ne	-1,346

Note: Excerpt of results showing two categories only (married=reference), bold = sign. At least a 0.05 level, Level 2 country variance 0.06 (model 1) and with same sex 0.28 (model 2)