SOCIAL RITES OF MARRIAGE

Suzanne A. Kim* and Katherine A. Thurman**

The legal consequences for same-sex couples who have married in the United States are numerous and profound. As legal rhetoric and scholarly research on marriage suggest, the social dimension of marriage—apart from the concrete legal benefits marriage affords—is significant. Despite what we understand about law's impact on people's lives and people's influence on legal institutions, scholars know little about the ways in which same-sex couples socially experience legal marriage, since it has become a reality in a majority of U.S. states.

This paper, the first in an ongoing, mixed-methods research project that examines the intersection of law and the social domain in the context of same-sex marriage, begins to fill a critical gap in sociolegal literatures on marriage and formal recognition of same-sex relationships. We discuss here early themes emerging in our exploratory research that is part of a larger project entitled Marriage Equalities: Gender and Social Norms in Same-Sex and Different-Sex Marriage.

We focus in this paper on couples' perceived changes in their lives from marriage and negotiations surrounding discursive practices associated with marriage—for the latter, taking up two language-based domains in marriage. These domains are decision-making concerning surnames and terminology used to refer to one's marital partner.

Perceived change and modes of self-presentation provide a window into the interplay of legal status, social norms, concepts of tradition, and gender, and reveal a richly diverse picture of transition to formal legal recognition in the context of longstanding—and continued—marginalization and discrimination. We situate our early findings in relation to fundamental questions we explore about relationships between marriage, hierarchy, and gender, as well as about intersections of legal and social recognition.

^{*} Professor of Law and Judge Denny Chin Scholar, Rutgers University, School of Law-Newark

^{**} M.A., Instructor, Rutgers University, Department of Sociology