

Population & Societies

Are Heterosexual Couples in Civil Partnerships Different from Married Couples?

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Since 1999, heterosexual couples seeking civil recognition for their union have been able to choose between marriage and civil partnership, commonly referred to by the initials PACS (*pacte civil de solidarité*). But is there any difference between those who opt for one rather than the other? And do the pioneering couples who entered a PACS union just after it had been introduced differ from those who have done so more recently? To find out, Estelle Bailly and Wilfried Rault analysed data from the 2011 round of the Famille et Logements (family and housing) survey, conducted jointly by INSEE and INED.

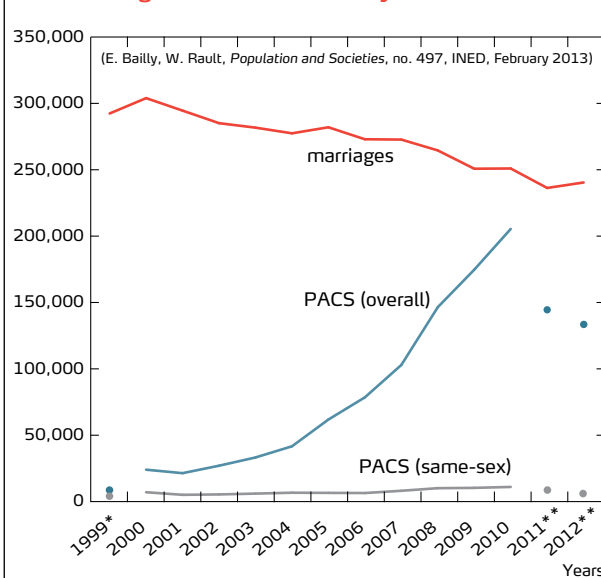
The place of the PACS union (see Box 1) in French society has changed markedly since the law bringing it into existence was passed by the National Assembly in October 1999. Intended to give legal recognition to same-sex couples, but also open to different-sex couples, it became increasingly popular in the 2000s, a decade that saw marriage rates decline. There were initially around 20,000 new PACS unions per year, but by 2010 this figure had risen to more than 205,000 (Figure 1). This increase concerned homosexual [1] and heterosexual couples alike. Of the 700,000 PACS unions (concerning 1,400,000 individuals) in France at the start of 2011, 94% were between heterosexual partners.

So who are these PACS partners? Are they any different from married couples? Is there anything that distinguishes the civil partnership pioneers from those who have entered a PACS union more recently? And are couples who wed after being in a PACS union together any different from the majority of people who go straight into marriage? The Famille et Logements survey, conducted jointly by INSEE and INED at the start of 2011 (Box 2), helped to answer these questions, by allowing us to identify the social characteristics of married couples and those in PACS unions.

PACS partners aged 25-39 years are more often childless

At the start of 2011, 2.9% of France's adult population were in a PACS union, i.e. 4.1% of the respondents to the

Figure 1. Number of civil partnerships and marriages contracted each year since 1999

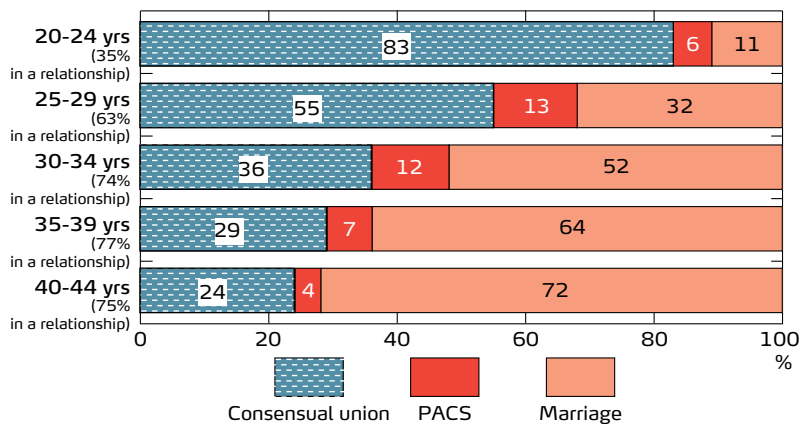


* The registration of PACS unions only began in December 1999.
** Since March 2011, PACS unions can be registered directly with solicitors. As the number of partnerships registered in this way was not known at 1 February 2013, our figures do not include these unions. The PACS union data for 2011 and 2012 are thus incomplete.
Source: PACS: SDSE - French Ministry of Justice; marriage: INSEE, civil records.

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Figure 2. Distribution of different-sex couples across the different types of union (%)

(E. Bailly, W. Rault, *Population and Societies*, no. 497, INED, February 2013)



Population: Individuals who reported “being in a relationship” (different-sex couple), whether or not they were cohabiting.

Source: Famille et Logements survey, INSEE, 2011.

Interpretation: 13% of 25-29 year-olds in a different-sex couple are in a PACS union.

The difference between married couples and PACS partners

Not all the people who are married today had the option of contracting a PACS union, as the latter was only introduced in 1999. In order to compare the social profiles of heterosexual PACS partners with those of married couples, we therefore restricted our analysis to individuals who had married or formed a PACS union since December 1999, and whose union had not been dissolved by the start of 2011. All of them had thus made the choice between these two forms of union, except for a small proportion of married couples who had previously been in a PACS partnership together.⁽¹⁾

People contract marriages or PACS unions at around the same age. In both cases, men are older on average than their partners, although the age gap is greater for married couples than for PACS partners.^[3]

Famille et Logements survey who reported that they were in a different-sex relationship.^[1] Most of these individuals belonged to the younger age groups (Figure 2), with two-thirds of them aged 25-39 years. In those age groups where they were relatively numerous, we found that PACS couples had children less often than married couples, but more often than those in a consensual union (Table). This is in line with qualitative surveys showing that in PACS unions the emphasis is very much on the couple, whereas marriage is more about children.^[2]

Table. Proportion of adults living in a couple who have at least one child, by age and type of union (%)

Age group	Type of Union			
	Consensual union	PACS	Marriage	Overall
20-24	16	27	50	20
25-29	36	43	68	47
30-34	61	68	85	75
35-39	79	81	93	88
40-44	84	82	94	91

(E. Bailly, W. Rault, *Population and Societies* no. 497, INED, February 2013).

Population: Individuals who reported “living in a couple” (different-sex couple), whether or not they were cohabiting.

Source: Famille et Logements survey, INSEE, 2011.

Interpretation: 68% of individuals aged 30-34 years in a heterosexual PACS union have at least one child.

(1) Nearly 10% of the adults who married in 2010 did so after being in a PACS union together. This group shares more similarities with the PACS union group as a whole than with the “directly” married group (see text below). Couples may choose to proceed in this way either because they view the PACS as a useful legal instrument prior to marriage or because it has a symbolic dimension, representing a staging post on the road to marriage.^[2]

Box 1

The act and its main amendments since 1999

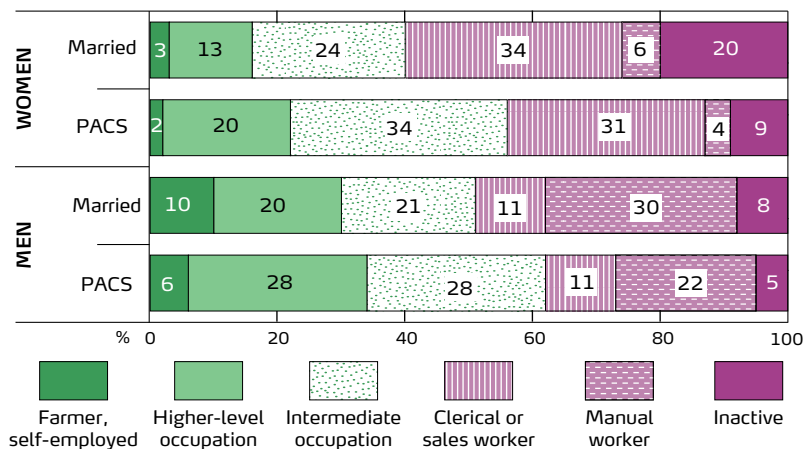
“A civil solidarity pact is a contract entered into by two natural persons of age, of different sexes or of the same sex, to organize their common life” (Art. 515-1 of the French Civil Code). Parties bound by a PACS union, which must be registered with the court office of the *tribunal d’instance* (Art. 515-3), enjoy a range of fiscal and social rights, and undertake to provide each other with mutual material assistance (Art. 515-4). The provisions set out in the 1999 act reflect the legislator’s intention to make a clear distinction between a PACS union and marriage. For example, the fact that the contract can be dissolved by one of the partners acting unilaterally (Art. 515-7), the absence of any reference to sexual exclusivity, the provisions relating to nationality, right of residence, and even the distribution of intestate estates, all set it apart from marriage. Moreover, a PACS union concerns the couple only, and has no bearing on filiation.

The legislation on PACS unions has undergone several amendments since 1999, two of them major ones. On 1 January 2005, the income tax regime for PACS unions was aligned with that of married couples, and on 1 January 2007, the provisions contained in the Act of 23 June 2006, concerning partnership registration, property and assistance, came into force.

The 2011 Finance Act modified income tax regulations for both married couples and PACS unions. Previously, couples and PACS partners could file a total of three returns (two separate ones for the period preceding the partnership, a single joint one for the period following it) for the first year of their union, and as each was considered for the entire twelve months, lower tax rates generally applied. Henceforth, they must select a single regime for the whole of the first year, filing either two separate returns or a single joint one.

Figure 3. Socio-occupational categories of persons who are married or in a PACS union

(E. Bailly, W. Rault, *Population and Societies*, no. 497, INED, February 2013)



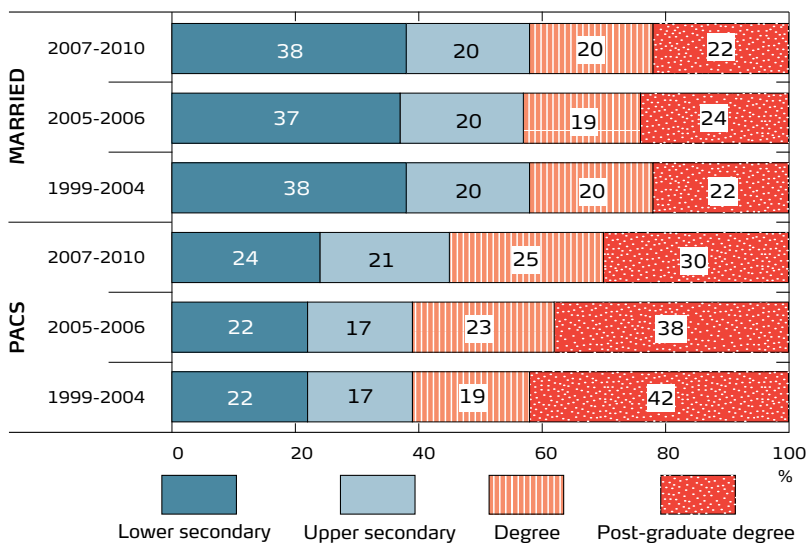
Population: Individuals who married or entered a PACS union between 1/12/1999 and 31/12/2010 and who were still with the same partner at the start of 2011.

Source: Famille et Logements survey, INSEE, 2011.

Interpretation: Out of every 100 women who married between December 1999 and December 2010, and who were still married at the start of 2011, 34 were clerical and sales workers.

Figure 4. Educational level by period when the PACS or marriage was contracted

(E. Bailly, W. Rault, *Population and Societies*, no. 497, INED, February 2013)



Scope: Individuals who married or entered a PACS union between 1/12/1999 and 31/12/2010 and who were still with the same partner at the start of 2011.

Source: Famille et Logements survey, INSEE, 2011.

Interpretation: Out of every 100 individuals who entered a PACS union between 1999 and 2004, and who were still with the same partner at the start of 2011, 42 had a postgraduate degree.

There are several socioeconomic differences between PACS partners and married couples, which prevail in every age group. Adults in PACS unions are more often in employment than their married counterparts (84% vs. 73%), the gap being particularly striking for women (80% versus 66%), with a higher proportion of inactive wives than female PACS partners (14% vs. 4%).

who opted for marriage instead, but also from those who have entered PACS unions more recently. The contrasts are particularly striking for educational level (Figure 4), as more than 60% of the adults who entered a PACS union in the earliest period have a higher education qualification, compared with 42% of individuals who married at around the same time. While this gap persists for more recent

There are also socio-occupational differences, among both men and women, as PACS partners are more often in higher-level or intermediate occupations, and fewer of the men are manual workers (Figure 3). It is also more common for at least one of the partners in a PACS union to work in the public sector (43% vs. 34%).

PACS partners are more highly qualified than their married peers, with 32% (vs. 22%) having at least a postgraduate degree or its equivalent. Furthermore, only 24% have only a lower secondary level of education, compared with 38% of married adults. Differences are also to be found in social background, as the fathers of PACS partners more often have (or had) intermediate occupations than the fathers of married individuals (20% vs. 15%) and are (or were) less often manual workers (35% vs. 40%). These disparities are even greater for mothers, with higher proportions of mothers currently or formerly employed as clerical and sales workers (42% vs. 33%) or in intermediate occupations (19% vs. 13%). By the same token, far higher proportions of married men or women have (or had) inactive mothers (32% vs. 18% for PACS unions).

The “democratization” of PACS unions

Are the differences between couples who prefer marriage and those who opt for a PACS partnership as great as ever, despite the passage of time and successive amendments narrowing the gap between the two forms of union? In order to study the effects of changes in PACS legislation, we analysed three separate periods (December 1999-2004, 2005-2006 and 2007-2010), (see Box 1).

The PACS pioneers differ in both educational attainment and socio-occupational category, not only from those

unions, it is not as large as it was before (55% vs. 42%). There has been an even greater change in terms of socio-occupational category, for whereas more than two-thirds (67%) of the pioneers are in a relationship where at least one of the partners is a public-sector employee, compared with scarcely a third of their married peers (35%), this difference is far less marked for unions contracted in 2005-2006 (46% vs. 33%) and is barely perceptible among the most recent cohorts (37% vs. 32%).

These observations, backed up by snapshot studies of PACS partners at other times,[4] [5] show that we are witnessing the democratization of PACS partnerships, inasmuch as their numbers are increasing, and they are becoming more prevalent in social groups that did not initially “espouse” them. There are several explanations for this. At the outset, the PACS was associated with the recognition of same-sex relationships,[2] so different-sex couples were slow to adopt it. Furthermore, it only interested groups who could benefit from its conditions. This was notably the case of public-sector employees wishing to relocate closer to their partners, as PACS unions entitled them to the same number of transfer points as marriage. When the income tax regime for PACS partnerships was aligned with that of marriage on 1 January 2005, they suddenly became a far more attractive option (Box 1). Not

Box 2

The Famille et Logements survey

In association with the annual census, the 2011 round of the Famille et Logements survey was conducted by INSEE in metropolitan France on a sample of 360,000 adults. It was designed to shed light on the diversity of family configurations and the spatial distribution of families, focusing on multiple-residence situations. The large sample size, plus the fact that the survey collected PACS registration dates, made it a uniquely valuable resource for studying individuals who enter PACS unions and for tracking changes in their social profiles, as the population census does not include any questions on this subject. The Famille et Logements survey did have one limitation, however, for while it enabled us to compare marriages and PACS unions that had been contracted since the latter’s introduction, it only provided data for unions that were still undissolved when the survey was conducted (February 2011). It therefore measured stocks, but not flows.

It did tell us if a marriage had been preceded by a PACS union, by asking the question “Were you in a PACS union together before you married?”.

The Famille et Logements survey usefully complements the data collected every quarter by the Ministry of Justice (SDSE), which indicate the PACS partners’ date of birth, their sex and the place where they registered their union, but which give no other information about their social characteristics.

that money is the only consideration for potential PACS partners. Its pioneers generally share a nonreligious value system and eschew traditional gender roles in favour of a more egalitarian vision.[5] [6] The forthcoming joint INED-INSEE survey of couple formation, planned for the autumn of 2013, will tell us whether this observation holds good for more recent PACS partners.

References

- [1] Guillemette BUISSON, Aude LAPINTE, 2013, “Le couple dans tous ses états”, *Insee Première*, 1435, February 2013.
- [2] Wilfried RAULT, 2009, *L’invention du Pacs. Pratiques et symboliques d’une nouvelle forme d’union*, Paris, Presses de Sciences-Po.
- [3] Magali MAZUY, France PRIOUX, Magali BARBIERI, 2011, “Recent demographic developments in France: Some differences between the overseas départements and metropolitan France”, *Population, English Edition*, 66 (3-4), pp. 503-535.
- [4] Emma DAVIE, 2011, “Un million de pacsés début 2010”, *Insee Première*, 1336, February 2011.
- [5] Wilfried RAULT, Muriel LETRAIT, 2010, “Formes d’unions différentes, profils distincts ? Une comparaison des pacsés.e.s en couple de sexe différent et des mariés.e.s”, *Sociologie*, 1 (3), pp. 319-336.
- [6] Wilfried RAULT, 2011, “The intimate orientations of the first ‘PACS’ couples in France” *Population, English Edition*, 66 (2), pp. 343-372.

Abstract

In 1999, the French Government introduced civil partnerships, known as PACS (*pacte civil de solidarité*), to provide legal recognition to same-sex couples, although they were also open to different-sex couples. Since then, they have proved increasingly popular. By 2010, the initial figure of around 20,000 new PACS unions per year had risen to more than 205,000, most of these contracted by different-sex couples.

So is there any difference between those who have opted for marriage since 1999 and those who have chosen to become PACS partners? While not diametrically opposed, the two groups do have several distinguishing features. PACS partners are more often childless and more of them are highly educated. More of them are in higher-level or intermediate occupations, and they are more often public-sector employees.

Nevertheless, the gap between the two has tended to narrow in recent years, especially since 2008. Today’s PACS partners differ less from their married peers than the PACS “pioneers” did. PACS unions have become democratized, in the sense that their numbers have increased dramatically and they have spread to social groups that initially showed little interest in them.