

Pragmatic Romance

Civil Union, 'Emerging Adulthood', and
the Effect on Marriage in France

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Abstract

Marriage rates in France have declined since the introduction of the *Pacte Civile de Solidarité* (PACS) or Civil Union Pact in 1999. Although instituted for same-sex couples, over the past decade, a significant number of heterosexual couples chose to PACS instead of, or prior to, getting married. This research studies the effect of introducing civil union on marriage in France.

Second-wave feminists criticised marriage extensively for its exclusive, oppressive nature and suggested that civil unions might be an alternative means to legally recognise relationships. However, the French case study of PACS defies expectations. PACS is used as a transitional union during ‘emerging adulthood,’ late teens to mid- to late-twenties, prior to establishing a nuclear family. Unlike marriage, PACS is easily dissolved, allowing individuals to move in and out of PACSes. PACS has placed marriage semiotically into a ‘higher stakes’ category, interviews reveal, especially given the prevalence of divorce, increasing the social value and clarifying what marriage signifies. Couples aspire to marry as much or more than in the past and look to PACS as a stepping-stone to marriage that requires less emotional, material or symbolic commitment. This research begins to explain the drop in marriage rates but suggests reasons why marriage rates are still higher than those of PACS. PACS is refining, not replacing, the significance of marriage in France.

Statement of Originality

I, the candidate, affirm that this thesis is truly and entirely my original work. Materials cited throughout this thesis have been referenced accordingly, and this thesis has not been submitted for a higher degree at any other university or institution.



Signed – Lara McGIRR

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Introduction

Aubrey and her boyfriend, Jean, are in their early 20s and live in an apartment together in Saint Denis, a suburb on the periphery of Paris. Aubrey is a student and was on a study break when we met for coffee. The couple want to get married, she explained, but they are waiting for the right time. Aubrey and Jean feel that they are still young with careers ahead of them, and so decided that a civil union, or PACS as it is commonly known in France, would be a good alternative. “We envisaged getting married”, she said, “but we didn’t envisage getting married now so we discussed getting paced because it has some benefits.” The PACS provides Aubrey and Jean access to some of the advantages of marriage without requiring the symbolic commitment in front of their family and friends. Aubrey described the process involved in getting a PACS:

We were paced last year in January. We celebrated it with our friends. We had a meal. It wasn’t a very big event. Not like a wedding. We got it at the tribunal. It was so quick. We went into the waiting room with other couples who were getting paced. Nothing symbolic behind it.

Aubrey and Jean spent very little money on their PACS celebration, far less than the average amount spent on a wedding, a fact she emphasised in the interview. Additionally, Aubrey felt that by getting paced rather than married, they could keep their finances separate, which suited them at this stage in their lives. “I have a debt from my studies”, she explained. “Out of respect for [Jean], I feel like it is better to be separated because he works. He has a [permanent job] and he earns more than me.” Aubrey and Jean are using PACS as a stepping stone toward marriage, yet still aspire to be married in the traditional sense. This narrative, amongst others, illustrates one of the key findings of this research: that PACS provides a foretaste of marriage but it is explicitly and quite pronouncedly *not* marriage in the eyes of those who undergo it.

The research poses the overarching question: what does the introduction of PACS mean for marriage in France? This question is broken into three more specific inquiries: (1) why has there been a considerable decline in marriages in France? (Does this decline also mean a shift away from marriage?), (2) why do couples choose one option over the other? and (3) what is the public perception of each form of union?

I undertook three months of field work in Paris, France, between December 2015 and February 2016. During this time, I carried out semi-structured interviews with a diverse range of individuals including heterosexual and homosexual men and women who are paced, married, cohabiting and single. My informants were predominantly aged between 20 and 40 years with several outliers in their mid-50s and late-60s. I also spoke with a French Catholic priest and a British columnist and author who has lived in Paris and written about the French for over twenty years.

I conducted 14 interviews with 16 interviewees. That is, two of the interviews were conducted with couples. Each informant was interviewed once and questions posed during these interviews can be found in appendix 2. More specific details of each informant are given when they are quoted in the text, providing context to their responses.

Of the participants, 9 were male and 7 were female. Three of the 16 interviewees were homosexual (one pacsed and two married, but not to one another), one was a priest, another did not disclose his relationship status, and the remainder were heterosexual (of these individuals, one was pacsed, another in a long-term relationship, and the remainder were married).

All participants were middle-class, professional people living in Paris; although they did not all originate from Paris. Of the informants whom I interviewed individually, four came from rural or suburban areas, three were Parisian, and four were international who lived in Paris and were married to or in long-term relationships with French people. One informant did not disclose where they originated from.

One couple were French and originated from rural areas. They were in a PACS together and were engaged-to-be-married. They identified as Catholic and planned to marry in the Catholic Church. The other couple were pacsed with the intention to marry in the future, but with no immediate plans (and they were not yet engaged). The woman was Brazilian (having lived in France for over six years) and the man French. Neither expressed religious views throughout the course of the interview. Both couples were middle-class, professional people in their late-20s and early-30s. Additionally, they each cohabited.

I also undertook participant observation: I attended a marriage preparation course in a Catholic parish, visited several wedding expos and watched French comedies based on relevant topics including marriage, divorce and the 'modern family'. These opportunities provided an 'internal' or emic view of how the French prepare for marriage and the wedding celebration. The comedies were a form of indigenous social commentary; presented in a humorous, laid back manner, they spoke to how common these themes are in everyday life in Paris. Additionally, I spent some time in the archives reviewing newspaper and magazine articles. These provided a cohesive overview of media commentary from the period prior to and immediately following the major changes in civil union laws.

The research took an ethnographic approach in order to address the gap in the literature which largely focuses on statistics. An ethnographic approach allowed me to concentrate instead on narratives which provided insight into the individual human experience and meaning of PACS. I undertook thematic analysis. That is, themes were drawn out as they occurred regularly in interview data. This approach is inductive in that observations and patterns in the data led to the formulation and development of conclusions. Theoretical frameworks were then adopted to support these conclusions.

These methods, of course, impose limits on the research. First, sample size is small, yet the phenomenological nature of the study meant concentrating on the individual experiences of my informants. Although validating the findings of this approach can be difficult compared to large statistical surveys, a variety of data collection and observational methods was chosen to overcome this limitation. In addition, my own profile – my age, unmarried status, and non-French nationality – no doubt influenced what subjects told me and my interpretations. Equally, French is not my native tongue and some of the word use can be quite subtle, so translation poses challenges. To address this limit, uncertain translations were confirmed with native French speakers.

The scope of this project is limited to considering individual experiences within the heterosexual community. I acknowledge however that there is a chance that informants might have expressed biased or ‘privileged’ opinions about PACS. I avoid making cross-cultural comparisons as doing so would expand the project unnecessarily. I consider especially the influence of the Catholic Church, a common theme across my interview data, excluding other religious views or experiences from the discussion because all my informants were Atheist or Catholic.

Although same-sex marriage was introduced in France in 2013, the thesis does not put emphasis on the lived experiences of same-sex couples. During the period of my fieldwork, I spoke to several gay individuals, and I reflect upon their experiences and perspectives. However, the thesis concentrates on the experiences of opposite-sex couples as PACS has, perhaps unexpectedly, impacted on the traditional institution of marriage which was, until 2013, available only to opposite-sex couples. That is, although instituted explicitly to address the gap in marriage rights for gay and lesbian couples, PACS has evolved into a union accessed predominantly by heterosexual couples consistent with a decline in marriage rates in France. As a result, this thesis will focus primarily on heterosexual couples and the perhaps unintended influence of PACS on opposite-sex marriages. With critics of same-sex marriage rights often quick to suggest that inclusive change to the laws about marriage will affect the institution more broadly, how would the example of a country that instituted these rights confirm or upend these fears?

Chapter 1:

PACS, Catholicism and the Feminist Debate

PACS

Throughout the early to mid-1990s, a perceived lack of equality for same-sex couples prompted a discussion in France about legal rights for domestic partners.¹ By 1998, the French government began drafting legislation for a civil union that would grant some degree of legal recognition to same-sex couples. However, the legislation for a *Pacte Civile de Solidarité* (commonly known as PACS) faced extraordinary criticism. In particular, parties such as the Catholic Church expressed concern that PACS would not only sanction same-sex unions, but might also undermine marriage and potentially undermine family structure. For example, in November 1998 during a parliamentary debate, Representative Kossowski argued that the proposed institution of PACS would ‘gravely threaten the millennial edifice that the family is’ (quoted in Robcis, 2013: 3).

Despite this, the *Pacte Civile de Solidarité* (PACS) entered into the Civil Code on 15 November, 1999, after lengthy debate in the French Parliament. Poulin-Deltour (2016) draws on queer theory to describe the PACS as an ‘intriguing alternative to same-sex marriage’ suggesting that it took the ‘state out of the bedroom and initiated new and ingenious forms of coupledness’. Although initially created as an alternative to marriage for same-sex couples, PACS provided a level of legal recognition to any couple who chose to register. The introduction of PACS was also significant as it simultaneously gave opposite-sex couples, who had chosen not to marry, rights that were otherwise restricted to married couples. A British novelist and non-fiction writer who I spoke with early on in my fieldwork described PACS as:

a kind of romantically pragmatic thing to do because it was about inheritance and the right to pass on your belongings to someone you’re not married to. It meant that you could give your half of the apartment to your partner rather than it going to [your] mother or something, and your partner getting kicked out.

PACS is a contract that binds two adults of the same or opposite sexes ‘in order to organize their common life’ (Article 515-1 Civ.C, quoted in Godard, 2007: 312). Entering into or dissolving a PACS is significantly less complicated than initiating or terminating marriage. Unlike marriage, which requires two witnesses and is conducted in a civil ceremony at the *mairie* (or town hall), PACS only requires registration by a clerk at the *Tribunal d’Instance* (or Court of First Instance). The PACS is relatively straightforward to dissolve; the legal

¹ This discussion arose particularly in light of the AIDS epidemic when gay couples were ‘denied hospital visitations, prevented from acting as their partner’s primary health proxies, and denied any symbolic recognition from the state’ (Robcis, 213: 240).

procedures involved are not as lengthy, cumbersome, or costly as those required for a divorce (Godard, 2007: 313).

Gutierrez and Suarez Beccera (2010: 115) define PACS as ‘a cohabitation contract less binding than marriage’. One of my informants, Natalie, a twenty-year-old female law student, described PACS as ‘a commitment, but marriage is more’. She likened PACS to a *contrat durée déterminé*, or a fixed-term contract.

[PACS] makes me think of a CDD, a *contrat durée déterminé* (a fixed-term contract), and marriage to me is more like a CDI, a *contrat durée indéterminé* (a permanent contract). So for me, marriage is without limit, and PACS is more limited.

PACS does not technically have an expiry, yet Natalie’s comparison alludes to the perception that PACS is a temporary status with a foreseeable or potential end-date, and marriage a more permanent relationship status without an anticipated end.

PACS was not immediately popular with politicians, academics, activists or members of religious organisations. In contrast, the French public saw value in the pragmatism of the union, as opposed to its symbolic dimensions (Stychin, 2001: 351). Largely missing the symbolic characteristics associated with marriage, PACS provided couples a legal relationship status with administrative and fiscal benefits not previously available to them while avoiding the social and symbolic dimensions of marriage. Whilst my informants spoke at great length about the symbolic nature of marriage (particularly in relation to the wedding ceremony), they tended to discuss the practical values of PACS. Aubrey, for instance, described this sentiment succinctly:

PACS is very practical to have all the advantages before marriage, for finances, to be attached to him, all of this. To live as a couple without having the step of marriage... but symbolically, it’s not the same thing.

In the decade following its introduction, France saw a steady increase in opposite-sex couples choosing to enter into a PACS. Most recent statistics, released in 2012, show that two PACS were registered for every three marriages (Bellamy & Beaumel, 2013).²

The current literature on PACS focuses predominantly on the origin of the legislation and whether or not civil unions will undermine the prevalence or ‘sanctity’ of marriage, particularly in light of the same-sex marriage debate (AASECT, 2000; Zanghellini, 2007). Yet the ongoing popularity of PACS amongst heterosexual couples suggests that it has found a place in modern French culture, one that is best explored by examining individuals’ experiences of the union and motives for choosing PACS over marriage (or vice versa). At the

² This ratio illustrates that, despite the drop in numbers, marriage is still the most common form of legal union in France, but the uptake of PACS amongst opposite-sex couples is significant, especially given that they were not the intended beneficiaries of the legislation.

same time, the continued popularity of marriage demonstrates that PACS has not simply replaced marriage. That is, the concrete lived experience of PACS, including large-scale demographic patterns, suggests that the new institution's cultural effect on marriage is not a straightforward substitution.

This contrasts with the situation of marriage in same-sex couples. Same-sex marriage was legalised in France only recently (in 2013), and statistics have not yet been released to show the impact of this change on rates of PACS amongst same-sex couples. Until these two legal changes (both PACS and same-sex marriage), no comparable institution existed for same-sex couples. This distinctive, even opposite pattern – PACS historically prior to marriage rights – likely means that PACS has had a radically different significance for gay and lesbian couples. One of my informants explained to me that “homosexual PACS has more meaning than heterosexual PACS because, before [same-sex couples] had the opportunity to marry, it was the only alternative.” In contrast, for opposite-sex couples, PACS was an alternative form of union, not the only type of legal recognition available to them, so they deployed it specifically as an alternative to marriage rather than a substitute institution.

Legislation

When I first met Flore and explained my reason for visiting Paris, she told me she knew nothing about marriage or PACS in France. She said she did not even have an opinion on the topic. Only twenty minutes later, however, whilst talking about her weekend, she explained that her parents had recently married. ‘Married?’ I asked. ‘They weren’t married before now?’ She revealed that, although they had been together for thirty years and had three adult children, they had never seen a reason to get married. But as they were now getting older, her parents thought it was perhaps a good time to secure the benefits that marriage made available to them. I asked Flore whether her parents had considered getting a PACS instead. She explained that they had not considered PACS as it did not provide the security they sought, mainly in relation to her father’s pension. Flore said that she did not really know the differences between PACS and marriage, and so our discussion on the subject ended. My thoughts and questions, however, did not, as this was not the first time I had had this discussion with friends and informants in Paris. Very early on in my fieldwork, it became evident that the shared understanding of the nature of PACS and how it differed from marriage was limited.

Articles in the French civil code address marriage and the formalities of its celebration, divorce and its consequences, children (including filiation, adoption and parental authority), and PACS (Yildirim, 2014). Despite its title ‘Régimes matrimoniaux et PACS’ (‘legal system of matrimony and PACS’), of the approximately three hundred and ninety articles in this section of the civil code, only eleven apply to the *Pacte Civile de Solidarité*.

Article 515-1 states that a PACS is a contract entered into by two natural persons of age, of different or of the same sex, to organise their lives in common. Article 143, which describes marriage, also uses the term ‘contract’ but does not refer to organising common life. Like marriage, a PACS is precluded ‘between ascendants and descendants in direct line, between those allied by marriage in direct line or between collaterals until the third degree inclusive’, and an individual who is already married or paced may not get a PACS. Once a couple enters into a PACS, they are then responsible for one another’s debts ‘incurred... for the needs of daily life’, excluding any ‘clearly excessive expenditures’ or purchases made on credit or ‘contracts to borrow’ unless these relate to ‘sums necessary for daily life’ (Article 515-4, Civ.C). Their individual assets acquired prior to the PACS remain separate unless contrary provisions in the contract are made, but assets that cannot be proven to be owned exclusively by one party are considered joint assets, split half-and-half if the union is dissolved (Article 515-5, Civ.C). Couples can choose to co-own property and assets, acquired together or separately, if outlined in the initial contract or in amended versions (Article 515-5-1, Civ.C).

My informants agreed on one aspect of PACS: how straightforward it is to dissolve. Natalie explained:

I am at law school. Last year, we studied civil law and family law, and there was a section on the difference between PACS and marriage, notably the fact that a PACS can be dissolved very quickly. There is not much of an administrative process. It is very quick. If one of the two *concubins* [partners] wish to finish the PACS to *se pacser* or get married to someone else, they don’t need to let the other know. They just say, ‘ok, *voilà*. I have decided to *se pacser* with someone else,’ and the other has no choice but to agree.

According to the civil code, a PACS is dissolved on ‘the death of one of the partners or by the marriage of the partners or by one of them’, or can also be dissolved by joint declaration or ‘the unilateral decision of one of them’ (Article 515-7, Civ.C). My informants were correct in this regard. Partners must then arrange the closing of their rights and obligations resulting from the PACS. A judge may intervene and rule on the ‘patrimonial consequences of the end of the [PACS]’ if the couple cannot agree. By contrast, the divorce process is long and cumbersome, to the extent that a title in the civil code focuses on divorce explicitly, and the procedure for divorce has a dedicated chapter. Grounds for divorce are limited to ‘mutual consent, acceptance of the principle of the breakdown of the marriage, definitive alteration of the bond of marriage, or fault’ (Article 229, Civ.C). Although one spouse can file a divorce petition, both spouses must agree in order for a divorce to be granted.

The civil code does not make reference to children or parenting, an aspect of the code that Robcis (2013: 2) argues was ‘key’ in differentiating the union from marriage. Crucially, PACS allowed same-sex couples legal rights as a couple, but not as a ‘family.’ The code also does not

refer to the advantages or benefits that couples receive on getting *pacser*. To understand these dimensions of PACS requires ethnographic attention to the experience of these unions.

Catholic Marriage in France

Julie is a Parisian woman in her early 30s. She is a lawyer and engaged to be married to Paul, also a lawyer. Julie and Paul decided to *se pacser* even though they are engaged in order to make the most of the fiscal advantages of PACS. Julie identifies as Catholic and is very active in her parish community, organising regular events for young professionals. In Julie's eyes, marriage is inherently connected to Christianity. She said, "If you believe in God, you prefer to get married. If you don't believe in God, why get married?" When asked what she thought of PACS, Julie explained that PACS is less of a commitment to someone, and that she "prefers [her] religion" to PACS. "The most important for us", she explained, "is the [Church wedding]."

Catholicism plays an important role in Parisian lives, albeit to varying degrees. France is a secular state – the Church and the State are separate – and the French government has not kept data on religious affiliations since 1872 (US Department of State, 2014). However, in a population of approximately 66.3 million people, 63-66% identify as Roman Catholic whereas 23-28% claim to have no religious affiliation (CIA, 2016).

In spite of the prevalence of Roman Catholic affiliation, Ghosh (2013) argues that the number of 'active believers' in France has fallen dramatically over the last decade. Gregg (2015) provides statistics in the *Catholic World Report* supporting this assertion: 'Weekly Mass-going Catholics', he writes, 'are about 6 percent of the overall population; another 15 percent of France is considered occasional-practicing Catholics'. Interestingly, many of my informants identified as Catholics, yet they did not attend church regularly. Natalie described this trend eloquently:

In fact, in France, we are not very religious... it's an atheist country... They are Catholic, but they aren't practicing. So they are 'Catholic', *entre guillemets* ['in inverted commas' or quotation marks]. Catholics in the sense that usually they are baptised, but they don't practice. Generally, they practice for Christmas and Easter.

Marriage is a sacrament in the Catholic Church, one of its most important rituals (Robinson, 2010). Romain, a Catholic priest, explained that marriage in the Catholic church is 'indissoluble' – permanent. A couple who married in the Church might get divorced, but they were not permitted to remarry in the Catholic Church; only those who have had their marriages annulled can remarry. However, as France is a secular state, Catholic marriage has no legal standing – a legal marriage is a 'civil marriage' and must be carried out in the *mairie*, or town hall, presided over by the Mayor or an associate.

Despite this legal caveat, Catholic marriage holds significant symbolic power. Pierre and his fiancé, Madeleine, are in their late 20s and, much like Julie and Paul, decided to *se pacser* before their Catholic wedding to make the most of administrative advantages afforded to pacsed couples. When asked what they felt were the most significant differences between PACS and marriage, Pierre spoke about the Church wedding. He said, “it’s more of a commitment to marry and to marry in the Church. To me, this is more important than PACS. The PACS, I think, is less important.” For Pierre, marriage in the Church is distinctive specifically because of the symbolic nature of that marriage and its greater demonstration of commitment. The performative value of marrying in the Church increases its significance, despite the marriage not having any legal underpinning. Madeleine described the complicated nature of having two weddings: the civil marriage in the *mairie* and an elaborate traditional wedding in the Church.

What happens often is that there are two [events]. There is a marriage at the *mairie* in Paris, with a small group of people. Then there is a wedding at the church, in Province, or somewhere else. But another day. So it's done twice: *mairie* one day, church another day.

She went on to explain that, in fact, she and Pierre would have both ‘marriages’ in the same day: “for us, it will be 14h30 at the *mairie* and 15h30 at the Church”. Pierre added, “the *mairie* will take only 15 minutes. The church will take longer.” Each event had a different guest list, with close family attending both the *mairie* and Church weddings, followed by an *aperitif* and the reception, and extended friends and relatives attending only the Church wedding and the *aperitif*. Legal potency and symbolic significance were separate, with different audiences for each performance. Evidently, the marriage at the *mairie* has some degree of symbolic significance or even close family would not necessarily be invited. In contrast, the symbolic gravitas and social prominence of the Church wedding can be seen in the considerable number of guests attending to witness the occasion.

Feminism and the Marriage Debate

Brook (2002: 46) maintains that feminists have criticised marriage for ‘as long as there have been feminists’. Generally, the range of opinions on marriage is ‘large and critically diverse,’ but fall into two broad categories: those who criticize the institution of marriage and argue for its abolition, and those who argue for its reform. ‘Second-wave’ feminists such as Kate Millett (1969), Germaine Greer (1970) and Jessie Bernard (1972), amongst others, argued for abandoning the tradition entirely. They reasoned that the emancipation of women was conditioned on the destruction of the institution: ‘the institution of marriage is the chief vehicle for the perpetuation of the oppression of women’ (Dixon, 1969). Similarly, ‘[the end of marriage] is a necessary condition for the liberation of women’ (Lehmann & Sullinger, 1971). ‘Freedom for women cannot be won without the abolition of marriage’ (Cronan, 1970:219).

These arguments reflect the legal impact of marriage in the context of eighteenth century France. The institution of marriage at that time ‘defined most women’s lives’ (Mainardi, 2003: 4). Power resided with the husband (or father for unmarried women). Women were disadvantaged considerably in the legal system and were permitted to be ‘married off’ as young as twelve. Marriages were predominantly arranged, and in keeping with Catholic doctrines, divorce was forbidden (see Chapter 3): ‘whatever personal freedom a woman enjoyed was held on sufferance and not on legal rights’ (Mainardi, 2003: 4). She remained the property of and ‘under legal authority of her husband’ (ibid.). The rise of individualistic ideals prompted ‘a call for egalitarian relationships within the family, for companionate marriage, the freedom to choose one’s spouse, and for the right to personal happiness’ (Mainardi, 2003: 5). ‘Feminist advocates of marital reform began to invoke specific legal structures and statutes to ameliorate women’s position within marriage’ (Desan, 2004: 41). Robert-Joseph Pothier, a renowned French jurist, was called upon in 1768 to write a set of French laws which would later serve as a model for the Civil Code. In his draft, he referenced early Roman law which overwhelmingly favoured the husband. Women had virtually no rights, particularly in the case of adultery. In the first article of Pothier’s treatise, he states:

The dominance of husband over his wife consists, by natural law, in the husband’s right to exact from her all the duties of obedience due to a superior.

A subordinate position for women and profound patriarchy are deeply embedded in the historical institution of marriage, particularly in the French context.

Given its history, recent feminists have been scathing of the institution. Cronan (1970: 214) likened marriage to slavery. She claimed that the institution of marriage ‘protects’ women just as slavery ‘protected’ black people: ‘the word “protection” in this case is simply a euphemism for oppression’. Bernard (1972: 48) claimed that ‘wifing’, or being a wife, ‘makes women sick’ due to the destructive nature of marriage. Andrea Dworkin likened marriage to prostitution in her 1989 publication, and in 1987, Catherine MacKinnon asserted that marriage was indistinguishable from prostitution and sexual harassment. Currently, marriage is associated with the gendered division of labour, with women taking on the majority of household chores for little, if any, financial reward (Kiernan et al, 2001). More recently, Catherine Donovan (2004: 24-25) has written that marriage reflects the ‘existence of a structured set of inequalities attached to the living and loving arrangements we make in our personal lives’. She cautions against ‘embracing a model for love with such a troubled and troubling history’.

These activist critiques have also been adopted by academics engaging with the same-sex marriage debate. Marriage, they allege, creates social pressures and expectations to conform (Rolfe & Peel, 2011). Advocacy groups have claimed that marriage is outdated and that the institution is a ‘site of a gendered power relationship’ (Brook, 2002: 47). Shipman and Smart

(2007) consider civil unions to be a more desirable option as they are a modern, 21st century way to recognise relationships. Additionally, Chambers (2013) argues for the abolition of state-recognised marriage entirely, asserting that another form of relationship regulation could grant *all* couples the 'bundle' of legal rights and responsibilities that would usually only apply to married couples. In the context of these critiques, PACS could offer an alternative form of relationship regulation, the type which Chambers and Shipman and Smart advocate.

Brook (2002) considers what is meant by an 'institution': the underlying question being 'why would one want to be institutionalized?' Marriage is an 'institution of kinship' (Brook, 2002: 47) and acts as a means to organise society. Yet marriage is not an 'institution' in the same way a school, hospital or prison is an institution. 'Institution' in this sense refers to the tradition that is widely accepted and practiced. The term refers to a set of roles for each spouse who must then treat each other differently, according to standards provided by the institution. Brook notes, however, that when we refer to marriage as an 'institution', we tend to forget the side of marriage that is a social, lived experience, and focus instead on marriage as a 'fixed social structure'. In fact, the ethnographic evidence on lived experiences of individuals in both PACS and marriage in France demonstrates that the 'institution' of marriage is not simply defined by statutes but also situated in French society today, in a context shaped by alternative institutions (like PACS), overshadowing experiences (like divorce), and broader forces (like consumerism, advertising and popular culture images of idealised romantic relations).

Some feminist critics have specifically attacked the patriarchal nature of the institution of marriage, not simply as a legal arrangement, but as a cultural ritual and ideal. For example, they point to aspects of the ceremony and lifestyle implications, such as the wife's adoption of her husband's name, the fact that the bride's father walks her down the aisle in order to 'give her away'³, the expectation that a woman will move into her new husband's home, and the assumption that a wife is to provide domestic (and sexual) services to her husband in exchange for his financial support. Although these feminist critiques still can be found in the contemporary feminist debate, attitudes toward marriage have fundamentally shifted since the late 1980s. This change was a point of interest going into field work, yet the results of the research defied my expectations especially given France's reputation for gender equity and feminist progress (in areas like workplace regulation and civil rights).

This thesis was forced to consider how PACS, as an example of a civil union, intersected with feminist critiques of marriage: does PACS provide an alternative to marriage that feminists have advocated? Or, on the contrary, has PACS paved the way for a marriage renaissance of

³ This tradition extends back to the 'doctrine of *couverture*': on marrying, a woman was given from her father to her new husband and became consolidated into the being of her husband (i.e. she had no legal standing on her own). The law has since changed; women and men are now considered equals in a marriage. In spite of the change in law, this tradition continues.

sorts, encouraging or at the very least not undermining an elaboration of a renewed emphasis on traditional marriage and weddings?

Chapter 2:

PACS is *not* marriage

“[Getting a PACS] was quicker than getting a passport.”

- Michel

When asked whether PACS was similar to marriage, Michel responded without hesitation: “I see [PACS] as not at all the same thing as marriage”. He continued to explain the process he went through with his partner, Nicolas, to enter a PACS:

We went to the court, *voilà*. It was quite cold. Very quick... For me, the court is more for divorce... It's a bit violent. And the *mairie* is more for joyous events. [Marriage] is more beautiful, symbolic.

My informants overwhelmingly agreed with Michel's sentiment. PACS is *not* marriage, and despite offering practical and legal advantages, the institution is not a replacement for marriage. PACS is most commonly undertaken for pragmatic, administrative reasons such as tax benefits and inheritance rights. Pierre, who is both engaged-to-be-married and paced to Madeleine, said, “My brother, I think, is paced. He sees this as an administrative formality.” Pierre was unsure whether or not his brother was even paced, demonstrating the low level of significance placed on PACS by family and friends. Additionally, Pierre indicated that his brother's PACS was for administrative, not symbolic or emotional, reasons. Madeleine explained that although PACS *can* have symbolic value, “PACS is not an emblem of this symbolic value. The people getting a PACS give it this value”. Although a couple may choose to *se pacser* and may see either symbolic or administrative value in doing so, the couple themselves must invest the value placed on their PACS as they see fit – it is a personal attribution, not a social fact. Communicating these reasons for the PACS ensures that it is appropriately understood socially. As Madeleine shared:

It's not to say that if my friends get paced, it doesn't have value. It's just that I don't attach much symbolic value to PACS. For me, [PACS] is administrative.

Schneider (1968) suggests that kinship is not merely about biological relatedness, but is a cultural system with an accompanying set of symbols and meanings. Schneider argues that knowing that a word has many meanings and knowing what those meanings are is not enough. Instead, we must investigate how these meanings apply at specific moments and how different meanings relate to one another. In the case of PACS and marriage in France, knowing what each term means legally is not enough. The way each is employed differs from couple to couple, between the gay and heterosexual communities, and has changed over time according to the needs of couples within their social context. As life stages develop and shift,

so too do the ways that individuals navigate their relationships. With this shift comes a change in the meaning of the key symbols associated with coupling. Throughout the nineteenth century, if a couple announced an ‘engagement’, for example, kin may have thought to the organising of a new household – embroidering linens, securing an income, and the like. Today, when a couple gets engaged, family and friends are more likely to enter into a discussion about the wedding day and how the ritual might be celebrated. Little thought may be given to the couple’s home as they have likely been cohabiting for some time. Yet, in both contexts, the terminology used might be the same. The couple might even announce an engagement with the same language: ‘We are getting married’. But the same phrase invokes different meanings depending on the context in which it appears. In the same sense, if a couple informs their friends they are to *se pacser*, the meaning of that symbol is not inherent in it.

Currently, the symbolic value of PACS in Paris appears highly individualised and does not seem to have one single social definition.⁴ That is not to say that the symbolic value of marriage is not personal; however, unlike marriage, PACS has neither a long history, nor a substantial cultural, institutional, religious, ritual, and social foundation. Therefore, PACS has not developed a widely shared symbolic value. The understanding of PACS depends on the individuals’ own experiences. PACS is not rigidly socially defined as is the case with marriage, which allows it to be more individually defined, which – I would argue – is one reason for its popularity (just as its availability actually releases marriage symbolically to develop a more unified and refined symbolic meaning and ritual elaboration).

The symbolic significance and social value of marriage outweigh that of PACS in four distinctive areas. First, the two unions are celebrated differently: a wedding tends to accompany marriage, whilst a PACS celebration typically consists of a small gathering in a bar with friends (if the couple choose to celebrate their PACS at all). Secondly, although the exchange of rings is commonly associated with marriage, no similar standard practice of material symbols or transformed performance of identity exists amongst those getting paced. Third, women tend not to change their names when they *se pacser*; in contrast, all the married French women interviewed for this project had changed their names on getting married, a subtle but profound shift in a core symbol of individual identity. Lastly, a couple’s social status does not change on getting a PACS. This absence of status change is reflected in the way PACS is celebrated – or rather, the way PACS is *not* celebrated – and the fact that paced couples do not commonly wear rings, the physical symbol used to visually indicate one’s married status.

⁴ This polysemic instability is one reason that this thesis does not discuss the significance of PACS in the gay and lesbian community. The institution means something quite different there, and is likely undergoing seismic shifts with recent legal changes to marriage law in France allowing for same-sex marriage.

Material Emblem of Marriage

'Betrothal rings' have existed since the second century C.E. in Rome, when 'brides-to-be [received] circlets of iron or rush as tokens of their upcoming marriages' (Otnes & Pleck, 2003: 62). Rings are now intimately entwined with both the engagement ritual and marriage itself. Natalie explained the significance of the wedding ring, or in French, the *alliance* (which also translates to 'pact' or 'union'):

When you get pacsed, you don't have a wedding ring... when someone is married, you can see this on the outside with the ring on the left hand.

The ring, as Natalie describes, is symbolic, used to display your marital status socially. Without it, those who are not close to you do not know immediately whether you are single or married. Madeleine felt similarly to Natalie about the *alliance*:

With marriage, you have the *alliance*, and this changes something, I think. You are identifiable from the outside as someone who is married. This will change things, I think. We are then seen by society as being side by side. But not for PACS.

PACS does not have its own version of the *alliance*. Although Julie herself does not wear a ring for her PACS (except she does have an engagement ring as she is also engaged), she said that a friend of hers wears a ring for her PACS: "I have a friend, when she got pacsed with her partner, she got a ring. They both have a ring". Aubrey was the only one of my informants who wore a ring for her PACS, and she described it as just like an engagement ring rather than existing specifically for PACS. "[My ring] is for the PACS," she said. "My partner doesn't wear one. He doesn't want it." Therefore, the ring is not a shared sign of PACS, but rather a personal choice of performative symbol.

The wedding ring is an example of the symbolic importance of marriage, and likewise, of engagement. The diamond engagement ring 'seems "quintessential" in that it is key to fulfilling the promise of romance and magic for the bride' (Otnes & Pleck, 2003: 61). All over the world, globalisation of romance practices mean that women are likely to receive a diamond ring on getting engaged, a tradition that supposedly stems back to Austrian royalty in 1477, but which was actually made popular by the successful advertising campaign of the diamond mining company, De Beers, throughout the early 20th century. Ironically, PACS is *more* of a practical commitment than engagement because the engagement ring is purely symbolic in its nature whereas PACS is legally significant. PACS does not have the romantic, symbolic characteristics of engagement, or indeed, of marriage. Unlike marriage, which features socially valued performances, like the exchange of rings and vows, and socially significant support through the witnessing of family and friends, PACS has no similar symbolically-freighted acts or highly-valued symbols. PACS is a legally potent, but symbolically under-determined act, so individuals find it difficult to aspire to the PACS rite (if we can even call it a 'rite'); in contrast, the symbolic richness of weddings encourages

individuals to aspire to marry. In addition, the ring does not simply symbolise the union, it can form a constant material and performative emblem of a person's changed status. PACS has no similar material marker, and even one's own family members may not recall whether a person is pacsed.

Changing Names, Shifting Identities

Women do not change their name when they *se pacser*. As one of my informants said: 'With the PACS, there is no name change, no possibility to change your name'. However, French women continue to change their name when they marry. Sophie is an Australian woman who recently married her French husband, Bruno. The couple are in their early 30s and had an elaborate 'traditional' wedding. Sophie was initially hesitant to change her name, but found that the decision was a social one, not necessarily one she could make in isolation. She explained, "[In France], when you get married, you change your name. It's just what's done. Um, so even if I hadn't changed my name, people would still refer to me as Mrs. Oudet [her husband's surname]."

Those in France who take on their spouse's surname, either to replace their own or hyphenate with their natal surname, do so for use in a *social* rather than legal context.⁵ In France, one is not permitted to legally change one's surname; if a person wishes to change his or her *nom d'usage*, or the name used socially, it can be registered to appear on identity documents. Marriage does not automatically change the family names of the spouses. However, 'each spouse acquires through marriage the right to use the name of his/her spouse either by adding or substituting his/her own' (Ministry of the Interior, 2012: 2609). The surname given to an individual at birth continues to be used on all legal administrative documents, as outlined in the Civil Code:

In all cases, the person will keep their name, that which is indicated on their birth certificate. This will remain as their official surname and will always be inscribed on their [administrative] papers. The name of the spouse or double-name is only a *nom d'usage*.⁶

Sophie decided to change her name on getting married, predominantly because she was under the impression that doing so would help with her visa application. Additionally, Sophie and her husband wanted to have a family name that they could give to their children. Changing a wife's name socially in order to have a shared family name is common in France and is directly linked to marriage. Many of my informants described this symbolic transition and explained that because marriage is associated with the coming together of two

⁵ Taking on or changing one's name to that of the husband is common across many cultures (Fowler & Fuehrer, 1997). In most cases, laws do not require this name change (Slovenko, 1984). Social norms have instead influenced patronymy in naming (Lebell, 1988).

⁶ See www.service-public.fr (2015a) – the 'official site of the French administration'.

individuals into a family unit, they adopted a family name – which is traditionally patrilineal. In Sophie's experience, not only is the practice common; it was expected.

Madeleine also struggled with the idea of taking her partner, Pierre's surname. In her case, Madeleine felt her name was part of her professional identity; changing it would disrupt the continuity of her work. Madeleine decided that she would take Pierre's surname but hyphenate it with her own. "Why?" she said, "Because... I have already done work... My name is my identity... I want some continuity". Hyphenation of surnames in order to preserve a woman's own identity and family history was a common theme throughout my fieldwork, and several informants suggested the option. "I think you can have a second, like you have two names", said Hanna, a middle-aged Hungarian woman who had immigrated to France five years prior. In her time in France, Hanna observed that, "[French women] keep their names, and they add a second one".

Several informants discussed the fact that PACS does not change a surname. In fact, paced and cohabiting couples are not permitted to take the name of their partners, even to use socially:

It is not possible to use as a *nom d'usage*, the name of your *concubin* (translation: cohabiting/common-law partner) or [the name of] your partner of a civil solidarity pact. (Service-Public.fr, 2015b)

Aubrey indicated that, because a person does not change a surname, others may find it difficult to identify whether or not a person is paced. Michel argued that being able to take a partner's name "would add something to the PACS". "It's a status of the couple", he said. The change of name reflects a person's social status as a couple or as a family unit, a key point of difference between PACS and marriage. The legal difference highlights explicitly that PACS is not equivalent to marriage in symbolic terms. Changing the name is both an important factor in the creation of a family unit and also an external social identifier of one's relationship status.⁷

⁷ My informants' hesitation toward changing their surnames raises questions regarding the feminist implications of this tradition. Laskowski and Jackson (2006) investigate issues of identity relating to marital name change whilst Fowler and Fuehrer (1997) consider the implications of naming on perceptions of marriage. Lebell (1988) notes that most women would not question the patronymic nature of marital naming, highlighting the unusualness of my informants' hesitations, and suggesting that women today are perhaps more conscious of gender roles and the modern day implications of changing one's names. Name changing has been associated with gender roles within marriage – one of the most significant feminist criticisms of the institution – implying that the transformation of a woman's role or identity from single woman to wife is 'more profound than the shift from single man to husband' (Fowler & Fuehrer, 1997: 315). Desan (2004: 41) writes of eighteenth-century France, 'Even [a married woman's] name is taken from her "to remind her that she is no longer anything..."'.

Becoming a Family

“Marriage is about committing yourself in front of other people, and [one’s]
status changes in society.”

- Hanna

If a couple chooses to *se pacser*, their social status does not change as it would with marriage. For example, the status of ‘family’ in France is linked exclusively to marriage in both a social and legal sense. Those who get *pacsed* do not receive a *livret de famille*, or ‘family booklet’, which is given to newly married couples as a means to document important occasions in the life of the new family (such as the birth of a child). “Without the [*livret de famille*],” explained Sophie, “you are not recognised as a family in France”. Robcis (2013: 4) argues that family in the French context is the ‘foundation of the social order’. Drawing on both the Civil Code and Family Law of 1939, Robcis writes that the family is ‘never simply private... [it is] intimately connected to the public’. The unique nature of the *livret de famille* demonstrates the significance of the family unit in France. A comparable tradition does not seem to exist in other Western contexts, such as the United States or Australia.

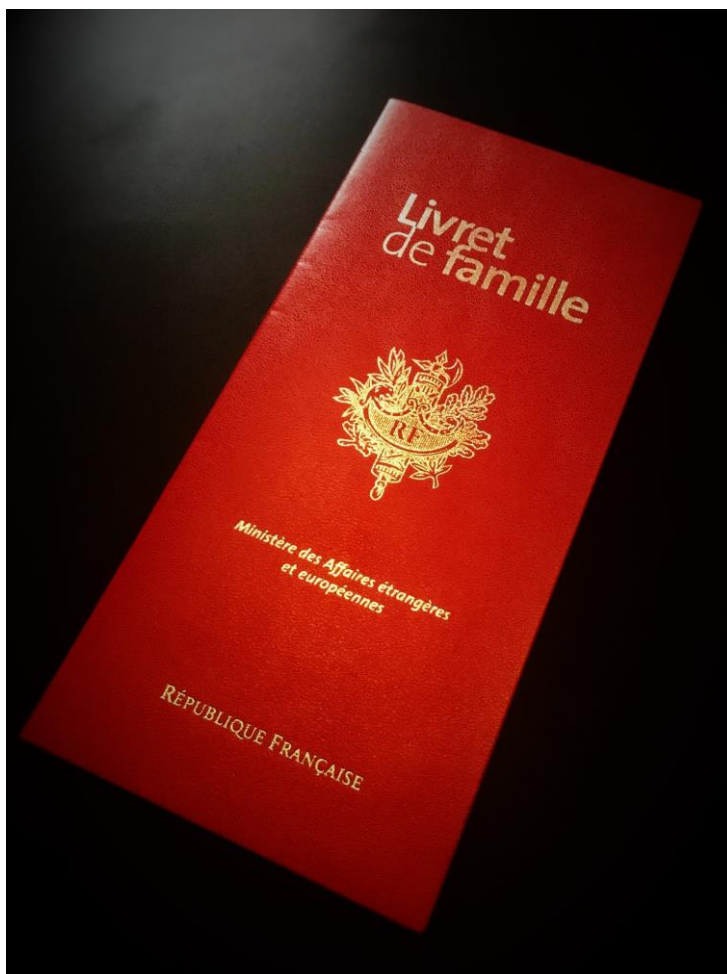


Figure 1: *Livret de Famille* © 2016, Michael Bell [<https://www.jeparleamericain.com>]

Social status as a family determines how those around the couple behave toward them, or whether or not partners are included in significant occasions, for example. Sophie explained that when she and Bruno were engaged, she would not get invited to his family's events:

Even though we were engaged, people would not necessarily invite me to weddings, which is fine. But then as soon as we got married, then it's an automatic, 'Well, you're family, so come!'

Marriage signifies not only the coming together of two individuals into a family but also the initiation of Sophie into Bruno's extended family (and vice versa). The 'union of two families as much as two individuals' dates back to eighteenth century France, under the *Old Regime*, prior to the Revolution of 1789 (Mainardi, 2003: 4). The coming together of two family units through marriage was significant as it joined property, and hence, economic interest. In a sense, marriage was strategic, particularly arranged marriages. The Enlightenment caused a shift in thinking, a move away from marriage as an economic strategy to a focus on romance, love and the right to choose one's spouse. That is, marriage became more individualised and companionate rather than a strategic joining of families.

My informants indicated a strong connection between getting married and having children, or beginning a new family unit, through their description of their intentions to wait for marriage and children, and to take the time to explore their options, both in love and professionally. Julie said, "I think it is good to wait. I am 34. You work in your mind and you change about things..." Romain explained, "I believe there are some couples who get paced and then marry. As they move toward having children, they come to get married." Michel shared a similar sentiment: "I am just starting my life. I want to wait until I have more money. And if we marry, this is more to have children, to protect that." PACS provides an opportunity for non-married 'pre-adults' to gain legal recognition of their relationships; however, this union is clearly distinguished from the creation of a new family unit. A connection between marriage and having children is preserved.

Michel's friend, Hervé, described PACS as 'a status more so than a union'. He was not, however, referring to social status, but rather to PACS as a legal status, a contractual arrangement. 'Union' in Hervé's description refers to the emotional, social, or symbolic idea of two individuals living their lives together unconditionally as is commonly understood in marriage. Although 'union' in this sense may refer to 'together-ness', it more likely refers to the notion of 'family-ness' which is closely identified with marriage in France.

Madeline and Pierre explained, "With PACS, we were given a paper, and they said, 'you are still two people. Hold onto your belongings'". Despite Pierre and Madeleine's decision to enter a contractual agreement to give legal status to their relationship, PACS does not actually create a family. Belongings remain the property of each individual because PACS has the potential to end and does not produce a more profound social union; the division between the two partners remains – and should remain according to authoritative advice.

PACS promotes a sense of ‘together-ness’ that does not extend fully to ‘family-ness’. In fact, in many ways, the social perception or status of those who *se pacser* is more closely related to being single than to those who are married: separate belongings, no social change in one’s name. A couple that gets a PACS may be together, but they are not intimately linked in the same way as a family, nor is one necessarily merged into the extended family of the other. The link between marriage and change of social status, such as the creation of a new family and integrating into another family, is not a fundamental part of PACS. A transformation may be created by a couple individually, but that change is not necessarily registered socially on a wider scale.

A Practical Perspective

To *se pacser* is to make a pragmatic decision with your partner. Or, in Julie’s words, PACS is a ‘negotiation’:

For me, marriage is sentimental, but PACS is not. That is why we got the PACS for tax beforehand... It’s like negotiation.

One major advantage of PACS is that the cost is far less than marriage. The couple is not expected to have a wedding, which may be a significant financial burden, particularly for young people who may be studying or just beginning their careers. Without spending a significant amount of money or arranging an appropriate celebration, those who *se pacser* can still benefit administratively by gaining inheritance and fiscal rights. Taxes were the most common reason my informants gave for getting pacsed. Julie explained that in her experience, PACS is “something interesting for tax [sic]” but has additional benefits of which her friends have taken advantage.

...if you buy a flat. I have many friends who did that. When they bought a flat, they prefer to get pacsed... Also, if you have children... for inheritance. You can say, [my children will get this].

Whilst PACS made it easier for some couples to buy or rent apartments together, and, as Julie indicated, provided peace-of-mind for issues of inheritance, Pierre and Madeleine explained that in their case, PACS afforded them professional advantages:

We are teachers, and the French system is based on a system of points [for allocation of spouses to public schools within the same region]. And you receive points for being pacsed. Voila!

In addition, several informants mentioned that PACS helped to streamline the process of attaining a visa, although I found no evidence to substantiate this claim.

PACS has practical features without being overly complex. Olivier, a man in his mid-30s, described PACS as a ‘good’ thing because ‘it is not complicated.’ “It’s less complicated than marriage,” he said. “It’s less than marriage [but] it’s also less expensive.” By describing PACS as ‘less complicated’ but also ‘less’ than marriage, Olivier alludes to the parallel between PACS as a pragmatic union and marriage as a symbolic union. Marriage is more than PACS because one can gain both the practical advantages of PACS whilst also experiencing its symbolic characteristics – the wedding, the performance of the marriage in front of family and friends, the name change, and the material symbol of the ring. Aubrey explained this, emphasising the fact that PACS does not replace marriage:

PACS is a *premiere engagement* (a ‘first commitment’). It doesn’t replace marriage. There are more financial benefits. PACS is a step before marriage. It’s a commitment but is less symbolic than marriage. [PACS] announces a certain something and it gives us more advantages, but it doesn’t replace marriage.

The uncomplicated procedural nature of PACS helps make it a pragmatic union. A couple decide to *se pacser*: they go to the court, sign a document, and in as little as five minutes, have access to a host of administrative benefits. If the relationship does not work out, the PACS is terminated quickly with little, if any, cost to the couple. In contrast, marriage, as Natalie describes, is complicated. “Marriage is still like this heavy psychological burden... like, [PACS signifies] ‘I sort of want you to know that I love you and that I’m in this for [the] long term, but I don’t want to get married’”, explained Sophie. For the most part, the complication and psychological burden stems not only from the greater social and ritual expectations of a wedding, but also from the unwieldiness of a potential divorce.

Managing Others’ Expectations

“[Marriage] is more emotional. It’s really about love. You want to stay with the same person for all your life. PACS is *un avant gout* (a foretaste) of all of this.” - Michel

PACS is considered to be a ‘foretaste’ of marriage – a time when a couple can ‘test the waters’ before making a life-long commitment. In 2012, 40% of dissolved PACS were terminated in anticipation of marriage, suggesting that a significant number of people who *se pacser* do so as a precursor to marriage. For these couples, PACS is a transitional institution, a way to explore a relationship before deciding whether it should become a marriage. A significant number of my informants compared PACS to engagement. Aubrey, for example, described PACS in terms similar to engagement: ‘[PACS] is a first commitment... a step before marriage...’. Michel described the PACS as ‘the beginning of something’. He and Nicolas felt

that, after two years, they wanted ‘something a little more’ in their relationship. “So we paced,” he said, “like *fiancailles* (engagement)”.

Comparing PACS to engagement is noteworthy for several reasons. First, hosting an engagement party today in France is optional in the same way a couple can choose whether they do or do not celebrate their PACS. Whilst some couples may host elaborate parties with gift registers and the like, others may not celebrate at all. The social expectation for engagement is not significant, if it exists at all, in contrast to a wedding. Secondly, engagement is a period of transition between single and married life. PACS is being adopted in a similar way as a transitionary union by some French couples throughout ‘emerging adulthood’ (which I will discuss in more detail in Chapter Four). However, PACS is not necessarily proposed in the same way an engagement might come about, itself a symbolically heavy event. Similarly, while engagement often involves the gift of a diamond ring as a symbol, a prelude to the rings exchanged at the wedding, a ring is optional and rare amongst paced couples. Although PACS resembles engagement for couples that use it as a transition, it simultaneously offers more legal advantages and obliges fewer symbolic acts and objects.

“Marriage is more complicated,” Natalie explained. “You have the *contrat de mariage* (marriage contract) that says ‘yes, I am happy to share my things’... [PACS] is a contract but it is a lot less of a commitment.” Marriage is, as Natalie says, ‘complicated’ by the joint property relations that emerge. Despite its similar contractual nature, PACS is considered socially as ‘a lot less of a commitment’ and not quite as complex as marriage, both for actual practical reasons and because it involves less symbolic transformation and social merging. Therefore, PACS as a form of engagement assures the family and friends of a couple that they intend to get married at some future date, even though that moment has not yet arrived. Michel explained that many couples get married because of pressure they face from those close to them – family pressure, social pressure, and peer pressure. He said, “PACS allows [the couple] to reassure those around them of their commitment, and then it means they don’t need to rush into this decision,” that is, into marriage. By getting a PACS, a couple can demonstrate their intention to commit to one another in a low-pressure environment without the additional burdens associated with having a wedding and with the expected longevity of a marriage (i.e. not ending in divorce). Despite being ‘enough’ for some couples, for others, PACS is a means of assuring one’s closest kin that they are on the path to marriage whilst avoiding the emotional or psychological commitment that one might expect of marriage. In this sense, PACS is a ‘non-marriage’ way to assuage social pressures that propel couples toward marriage.

The emotional or psychological weight of each union is also significant at the other end of the relationship. If the relationship fails, the cost of dissolving PACS is far less than the cost of divorce – not just emotionally, but also financially and socially. Due to the lower social significance of PACS, expectations of both the couple involved and those in their social circle mean the dissolution might not be as disastrous or dramatic as divorce. Marriage is, in

principle, for a lifetime – ‘in sickness and in health, until death do us part’. Anything less than a life together is a ‘failed’ marriage. In contrast, if a PACS ends – if it does not lead to marriage, even if entered as a ‘transitional’ institution – the couple avoid the social and financial expense of a divorce, and divorce looms as a key defining institution of marriage in France.

Chapter 3:

The Dark Side of Marriage

“When people think of marriage, they think of divorce. Immediately. And divorce is complicated.”

- Hervé

Oscar is a banker in his mid-20s. As a ‘child of divorce’, he understands the pain caused by the breakdown of a marriage. “I’ve been engaged twice,” he told me. Yet, Oscar is not married, and never has been. He did not want to go through with the marriages on either occasion as he feared divorce and had not wanted to make such a significant commitment. Oscar was obviously keen to get married – a man twice engaged was a man interested in marrying. Oscar explained that, despite this, he no longer wants to get married. “I think actually I would prefer to get pacsed now,” he said. He feels that with PACS comes less pressure and no risk of divorce. PACS may not come with a risk of divorce, but that is not to say that it has no possibility of dissolution, nor that the end of a relationship would not still be emotionally painful. Therefore, the combination of the symbolic and social nature of marriage, the institution itself, makes divorce particularly difficult and shapes the meaning of marriage, as well as the motivation for some couples to seek PACS instead.

A History of Divorce

Under the Old Regime (pre-1789), marriage was indissoluble in keeping with the doctrine of the Roman Catholic Church (Desan, 2004; Phillips, 1991). Separations were permitted in particular circumstances but divorce was not an option. The National Constituent Assembly only instituted divorce in France after the Revolution on September 20, 1792 (Mainardi, 2003: 11). Under the original legislation of 1792, a marriage could be dissolved on several specific grounds: ‘mutual consent, incompatibility, mental illness, cruelty, abandonment, moral depravity, or emigration.’ Adultery was not cited. An estimated 30,000 divorces were processed between 1792 and 1803. Those individuals who sought a divorce were predominantly women – they comprised over 70 percent of divorce plaintiffs, according to Mainardi (2003: 12) – despite the economic consequences of divorce being particularly grievous for women.

The 1792 divorce law, however, was revoked in 1803. The Civil Code instituted in 1804 replaced the previous divorce legislation with a law that limited the grounds for divorce, adding in an adultery condition, but only for husbands seeking divorce from unfaithful wives:

The husband could now divorce his wife for adultery, but the wife’s options in similar circumstances were limited to one extreme case: she could

divorce her husband for adultery only if he maintained his “concubine” in their conjugal dwelling. (ibid.: 14)

The changes to the regulation of divorce saw a move back to the ideals of the Old Regime and away from the greater equality before the law of the Revolutionary period (Frader, 1981; Mainardi, 2003; Traer, 1980). Mainardi (2003: 17) argues that ‘in some ways the Civil Code was even more harsh towards women than the Old Regime had been’, whilst Frader (1981: 853) suggests that the Civil Code ‘left no doubt about the inequality of husbands and wives’. Sturzer (1984: 105), drawing on Traer’s work (1980), describes the discrimination against women in divorce proceedings and the re-establishment of the authority of the husband under the new legislation as ‘striking’. After this shift, divorce rates dropped to 2500 in the thirteen years between 1803 and 1816, possibly because adultery had been the primary grounds for divorce amongst the women who had previously been the majority of plaintiffs seeking to dissolve their marriages.

In 1815, the Restoration of the Legitimist Monarchy saw any and all provisions of the Civil Code that contradicted the ideologies of the Catholic Church suppressed. Under the rationale that to tolerate divorce was to legislate adultery, Louis XVIII abolished divorce in May 1816, ‘in the interest of religion, of morality, of the monarchy, of families’ (Mainardi, 2003: 19). For almost seventy years, divorce remained illegal in France, a separation agreement being the only means to end an unhappy marriage during this period.

‘No matter how much divorce was criticized, its temporary existence cast a long shadow across the rest of the nineteenth century’ (Mainardi, 2003: 219). Between 1816 and 1884, the legalisation (or re-legalisation) of divorce was proposed and debated on a regular basis, and rejected on each occasion. The Naquet Law of 1884, however, ‘redefined marriage as a civil contract between equals’ (ibid.: 220). Yet, references to adultery in the Civil Code were not completely removed, and the reestablishment of divorce by mutual consent did not occur in France until 1975. The history of divorce in France over three centuries clearly tracks political movements from revolutionary gender equality to reactionary religious paternalism; the fate of the intimate institution was tied up with the political battle between right and left in the country.

The current generation of young adults are the children of divorce, and divorce is also common amongst their friends. Michel said:

Everyone gets divorced. EVERYONE gets divorced. Except for my parents, everyone gets divorced [laughs].

Aubrey also described this phenomenon:

It’s true that nowadays there are more divorces, and there is a fear of committing to marriage... I think in my generation, there are more children of divorce than of couples who are still married.

Natalie goes one step further when she comments on her friend's changed opinions on marriage due to her parents' divorce. "I know very few people my age whose parents are still together," she said. "For example, my best friend's parents are not together anymore, and I think there is a difference in her decision to get married." The negative experience of their parents' divorces has not influenced the current generation of those getting married enough to discourage them from marriage completely. Rather, they are more hesitant, aware of the risks involved, and postpone marriage until they are in their late twenties or early thirties, their hesitancy shaped as much by the reality of divorce as by the meaning of marriage.

Michel explained to me that because divorce is so common, people will ask 'is everything going well with your *copain* ('boyfriend' or 'girlfriend')?' "People are always waiting for something to go bad and for people to get divorced," he said. Arguably, the social expectation that a relationship is likely to fail may increase the likelihood that it actually will as a couple comes under additional social pressure at the first sign of conflict. The couple themselves are encouraged to interpret their own interpersonal issues as a potential sign of impending divorce.

Infidelity

"I think [PACS] is good for the French because, well, the French have a reputation, they are not very faithful... [infidelity] is accepted... That's not to say that those who are unfaithful do it under their own roof, but it is something that is sort of normal. It doesn't shock me."

- Natalie

Natalie specifically linked her evaluation of PACS to infidelity. More precisely, she, like a number of other informants, felt that PACS was a particularly good legal option in France because of the country's reputation for adultery. Natalie explained that she felt PACS worked well for the French because "...the French, are, well, they don't just marry one person." Although Natalie said that she was not shocked by adultery, she described the French reputation in third person, arguably distancing herself from the practice at the same time that she indicated it is pervasive. Herzfeld (2005: 3) describes the act of self-stereotyping, such that Natalie demonstrates here, as 'cultural intimacy' which he defines as:

The recognition of those aspects of a cultural identity that are considered a source of external embarrassment but that nevertheless provide insiders with an assurance of common sociality.

Those within a particular culture, or 'insiders', tend to use these self-stereotypes at their own 'collective expense' and may reject the stereotype if it were to come from an outsider. They are removed to a degree despite the self-stereotype acting as an ironic self-critique, in this

case, of an alleged propensity for infidelity. That is, the ‘culturally intimate’ attribution of a tendency to commit adultery intersects with a progressive capacity to legislate for gay and lesbian rights to recognition (albeit for civil union and not initially a comparable institution of gay marriage) to produce an alternative ‘non-married’ institution for opposite-sex couples.

I then sat down to talk to Oscar, and early in our meeting, he said:

France is a country where, I think, infidelity is a part of our society... with advertising and the website for adulterers. In the metro, they have ads. If you want to cheat on your husband or wife, it’s easy enough.

Oscar also referred to the French in third person at times, despite being French himself, which is another example of the ambivalence Herzfeld identifies as part of ‘cultural intimacy’. However, Oscar discusses two things here: (1) infidelity is commonplace and acceptable, and (2) the practice of cheating is simple in that you can very easily access people with whom to cheat.

Several of my informants alluded to infidelity as a historical trend through their use of the term, ‘reputation’. Oscar explained that sexual liberation in France is ‘what it is to be French’. “Throughout history,” he said, “there were the private clubs.” Oscar referred to the turn of the century, or the *Belle Epoque*, when Paris was alleged to be the “sex capital” of Europe. I met with a British author and columnist who had lived in France for over twenty years, writing extensively on the culture. “It was where the high society came to have fun,” Glenn explained. “There were loads of prostitutes”, and a perception that “lots of rich men had, you know, mistresses.”⁸

Thomas, a middle-aged, professional, married man, described his perception of infidelity in France. “It is not acceptable in France, but it does tend to be accepted”, he concluded. Thomas draws on two versions of the same root word in order to explain the public perception of infidelity, suggesting that whilst the French may accept that monogamy cannot always be expected or is unrealistic in some circumstances, and that adultery is widespread, they do not necessarily agree with it. The idea of adultery is tolerated, but the act less so, especially in one’s own relationship. Thomas explained that politicians are not judged for their infidelity or for what happens in the private sphere, but rather for their ability to do their job, which takes place in the public domain. For example, Thomas could not believe the Tiger Woods’ scandal in the US. He said that in France, a sportsman or a politician is not expected to be a role model of faithful monogamy in private life, but rather they are expected to do their job.

⁸ Glenn was interviewed in the same manner as all other informants. He has not conducted systematic peer-reviewed research and so must be considered as a cultural commentator. His opinions must be considered critically and as opinions rather than fact.

As an Australian living in France with a French husband, Sophie is at least partially a cultural outsider. However, she and Thomas concurred in their descriptions of infidelity in France:

[Infidelity] is culturally accepted if it's kept in your private life. What's not accepted is if you flaunt it because, what I understand about infidelity in the French culture, is that there is only harm if someone is socially harmed. Which means that, if I'm cheating on my husband, it only harms him if everybody knows people are laughing behind his back.

Like Thomas, Sophie draws a distinction between private and public spheres, but she links the contrast to the question of social harm and damage to public standing. By Sophie's description, public awareness of politicians' affairs could potentially cause social harm in that public discussion could humiliate the aggrieved spouse. The possibility is that the social 'acceptance' of infidelity lowers politicians' risk of both suffering and doing social harm. Or, in contrast, following Thomas's logic, an affair is 'acceptable' because it does not influence a politician's ability to do his job⁹, so the social cost of the affair is low (at least to the groups that depend upon that person in his official role).

To gain a better understanding of the differing views on adultery, one must consider their historical context. Dating back to the late eighteenth century, prior to the Revolution of 1789, Pothier referred directly to adultery in his 1768 treatise, which became a part of the Civil Code after the Revolution. For Pothier, the threat was both to the proper transmission of family property and to the patriarchal organisation of society:

Adultery committed by the wife is infinitely more injurious to the proper organisation of civil society since it tends to plunder the family and result in the transference of property to adulterine children who are alien to it. Adultery committed by the husband, however, although extremely criminal in itself, is, in this regard, without consequence. Furthermore, the wife, who is an inferior, does not have the right to police the conduct of her husband, who is her superior. She must assume that he is faithful, and jealousy must not lead her to investigate his conduct. (cited in Mainardi, 2003: 7)

The reasons for adultery given in Pothier's treatise are remarkably different to those discussed by my informants, and much more obviously sexist. Pothier refers to issues of male authority, property and inheritance of bastard children, whilst my informants spoke of adultery causing social harm and the social tolerance, or intolerance, of the act. Like my informants though, Pothier draws a clear distinction between what is wrong and what is socially damaging, between private offense and public injury.

⁹ Given the patriarchal nature of French divorce law, including adultery as a grounds for dissolving marriage, it is not clear how the public would respond to news that a female public figure was engaged in adultery.

Traer (1980: 40) describes the gender disparity in perceptions of infidelity throughout the eighteenth century. Whilst a wife's adultery is 'grounds for separation' and 'detention in a convent for an indeterminate time', a husband's adultery resulted in neither of the consequences experienced by a wife, 'except under the most extreme circumstances'. Jean-Francois Fournel's set of standardised provisions of case-law practice on adultery, written in 1778, provided an understanding of the male authority or paternal power to which Pothier and Traer allude. These demonstrate not only the deep inequality between men and women but also the objectification and oppression of women in the prosecution of adulterers.

(1) A woman convicted of adultery is relegated to a convent; (2) Her husband takes her property and dowry; (3) For two years (or whatever the court decides) her husband can visit her and take her back, and during this time she wears secular dress; (4) After two years, if her husband does not take her back, her head is shaved, she is veiled, forced to don a religious habit, and must live in the convent for the rest of her life; (5) Even in this case, however, her husband can take her back at any time; (6) Her accomplice will be fined, banished, or even sent to the galleys, according to the gravity of the crime.

Society supported the husband in disciplining his wife. He was given the power to grant reprieve and could forgive her and 'take her back' if he so chose. However, her future was bound by the will of her husband. If he did not forgive her, she would spend the rest of her life relegated to the convent (Desan, 2004). In contrast, her 'accomplice' was dealt with quickly, usually with fewer consequences than those experienced by the wife (although this depended on who he cuckolded, and in dire circumstances, the accomplice may have been sent to the galleys). The husband had the support of the state against his wife. He was essentially granted executive power and control of her fate. Profound inequality between men and women is evident in the work of both Pothier and Fournel. A significant gap exists between the ideas of adultery throughout the eighteenth and nineteenth century, and those expressed today by my informants. Modern attitudes are, in part, a result of rejecting this inequality stemming from the feminist movement.

Mainardi (2003: 22) recounts that throughout the first quarter of the nineteenth century, Paris police bulletins recorded one to six cases of adultery each month. These cases were almost always against married women as convicting married men of adultery was near impossible. Mainardi highlights a peculiar aspect of this trend:

Not every husband who filed charges of adultery against his wife followed through on his complaint: the criminal justice statistics for the 1820s show a pattern throughout France of many more arrests than prosecutions. [This disparity] ... seems to imply that husbands were often satisfied with merely

having their wives arrested and imprisoned but not actually tried and sentenced.

Legal prohibitions were used to reinforce a husband's power, not necessarily to actually punish the offenders. In a sense, husbands intimidated their wives with the threat of prosecution, but in order to save face and keep the family unit together, avoided following through. Or the exercise of the arrest and initial imprisonment was sufficient to reinforce their private authority over their wives. The state provided resources to men in order to control their own private relationships. Although divorce today is public, in a similar way, the fear or stigma that exists is more closely associated with the effects it might have on the private lives of individuals.

Today, infidelity is the most common reason for divorce in France, suggesting that in fact, adultery is not as accepted as the French may think. We can see here a contradiction between the social level of acceptance and the private experience of injury. The degree to which infidelity is considered acceptable in a public or self-stereotyping context does not seem to permeate to the private realm. In an email Glenn sent prior to our meeting, he described the way he sees infidelity in France:

I find that a lot of nonsense is said about the way the French are supposed to be oh-so-relaxed about sex in general and adultery in particular. People imagine sophisticated couples inviting each other's lovers to share the ski chalet and suchlike. But in my experience, adulterers do their best to hide what they're doing, and if found out, get either yelled at or divorced or both.

Infidelity is widespread throughout history, yet this behavior has indeed been considered unacceptable for some time. The Kings of France are famous for having mistresses. Perhaps one of the most famous of which was Henri II, who admired his mistress, Diane de Poitiers, so much so that he gifted her his favourite *chateau* in the Loire Valley. However, his wife, Catherine de Medici, on Henri's death, forced Diane de Poitiers to exchange the *chateau* for another, smaller and far less impressive one. Albeit 'acceptable' to some degree, the status of 'mistress' was not in any way equal to that of 'wife' in legal and social effects. Furthermore, Catherine de Medici tolerated her husband's infidelity for many years; however, if she herself had been the perpetrator, under French law, she may well have been punished or sent to a convent.

The connection between PACS and infidelity, however, is unclear. PACS may be useful if someone wants to see if their partner will cheat without the binding commitment of marriage. It may mean that a couple can move in and out of legal unions if they are unfaithful without facing the consequences of divorce. Perhaps PACS could be used as a forum for fidelity testing. As Twamley (2013: 19) argues: 'As popular as the global ideal of companionate marriage and modern intimacy might be, in practice local cultural norms and socio-economic circumstances shape its local realization.' In the case of the French, we can

see a particular understanding of marriage, or rather, a distinctiveness in the way the French believe that they fail the ideal, through this discussion of infidelity and the self-stereotyping it demonstrates. Certainly, my informants repeatedly brought up the self-stereotype of infidelity when asked to discuss the popularity of PACS among opposite-sex couples.

Influence on Marriage

Marriage and divorce are closely associated. According to Jurifiable (2016), a French organisation that provides free legal advice, approximately 56% of marriages end in divorce; an average of 130,000 divorces are processed annually in France. Settersten and Ray (2010: 85) describe marriage as 'daunting', a demanding union with increasing expectations. Like Oscar, many of my informants spoke of divorce at great length. For the most part, they shared their fear of marriage deteriorating and eventually ending in divorce, often linking this fear directly to experiences of their parents' divorces, but also because they attributed social shame to divorce.

A PACS has as much chance of ending as a marriage, and the end of a PACS could be as emotionally difficult as a divorce. Michel highlighted this possibility: "Yes, perhaps sentimentally, [dissolving a PACS] would be emotional. If I wanted to be pacsed and then it was over, I would be sad." That is, although the dissolution of a PACS may involve a simpler administrative process than divorce, it is after all the breakdown of a long-standing relationship and therefore could be as emotionally confronting or upsetting for individuals involved in a divorce or the end of any long-established relationship.

Pierre and Madeleine suggested that the administrative dimensions of marriage, the complexity of the legal arrangements, are actually what makes divorce more difficult: "[For marriage], there are more documents. It's more complicated if it breaks down. A PACS is very easy to [dissolve]..." In other words, the different perceived threat posed by dissolution of a marriage compared to PACS highlights the gulf between the two institutions: rather than an alternative form of marriage, the significance of PACS is radically different because the association with divorce so central in marriage-related anxiety is absent with PACS.

Oscar's fear was not that a marriage might end, necessarily, but of the consequences that would follow the divorce. The social stigma attached to being divorced does not follow from the dissolution of PACS. If a couple were to break off a PACS, my informants suggest that little, if any, social shame would accrue. The stigma highlights that marriage is considered a significant commitment, one fraught with potential failure and social effects, whilst PACS is not. Hervé said, "People are scared of marriage. It is more serious [than PACS]." He went on to describe the differing levels of commitment and how these connect with individuals' fears:

It's not as frightening, the PACS. It is a commitment that is less important. [PACS] is a union, yes, but it comes with less commitment than is expected in marriage.

The expectation that Hervé alludes to in this quote is not simply an individual one, but includes social expectations of people surrounding the couple. That is, the commitment he speaks of is not simply the two individuals committing to one another for each other's sake, but a social expectation of changed behaviour and treatment of the couple's own relationship. The ambivalence about whether adultery is merely a private affair or cause for public concern highlights that the institution is not strictly just a personal or private relationship between the spouses; in fact, marriage is a publicly significant act, and people feel that breaking the union will have consequences beyond the narrow bounds of the relationship. In contrast, PACS, although a civil institution, seems not to carry the same public implications (and thus less stigma if the relationship fails and ends in dissolution).

Jurifiable (2016) suggests that a divorce can cost from 500 to 5000 Euros or more; the majority of this cost is legal fees. Michel explained:

[Marriage] is really complicated. One [partner] is often not in agreement with the other. Then you have the lawyers. It can take several years and cost lots of money. With the PACS, it costs nothing, and in a second [clicks his fingers], it can all be erased.

The alleged practical ease of dissolving a PACS was crucial to my subjects' understandings of the institution. Michel, for example, emphasised: "PACS can be ended the next day. At an administrative and legislative level, [PACS] is less cumbersome [than divorce]. Within two seconds, it can be over." The flexible dissolution of PACS contrasts practically and semiotically with increasing rates of divorce and the fear that has come to be associated with marriage. This helps in part to explain why PACS has been so popular amongst heterosexual couples as an alternative or precursor to marriage.

The point is that marriage is being redefined, not just by the existence of an alternative institution – PACS or civil union – but also by the legalisation and increasing prevalence of divorce. To choose to marry is to choose to subject oneself to potential divorce. And for many young people, growing up with parents of a generation that divorced at high rates, the sequence of marriage to divorce can appear almost inevitable: 'Everyone gets divorced. EVERYONE gets divorced.' From a semiotic perspective, to borrow terminology from Saussure (1983), PACS offers a paradigmatic contrast with marriage while frequent divorce appends a syntagmatic appendix, one loaded with conflicting emotional and social meaning, to the already heavily symbolically freighted rite of marriage.

So why not just avoid marriage altogether? As Olivier said, "Without marriage, there is no chance of divorce." Boden (2003: 119) suggests that getting married might appear more

‘romantic’ today when divorce rates are so high and couples co-habit, as choosing to marry means ‘striving against the odds to live happily ever after as husband and wife.’ Interestingly, divorce has not caused people to move away from marriage entirely, as a rational actor model of marriage might predict. Instead, divorce pushes the date of marriage backward and into a higher stakes category, arguably making marriage more ‘deep’ in the sense that Clifford Geertz (1972: 15) uses that term. Because the consequences include such great risks – and such a high probability of eventual divorce (‘EVERYONE gets divorced’) – the choice to marry becomes even more invested with emotional intensity. Couples wait until they feel they are certain that the person they are with is their ‘forever’ person, or their betrothed, before they get married. In the meantime, as they wait, many of these couples use PACS as a means to benefit from administrative advantages, whilst also assuring those around them that they are committed to their partner for the foreseeable future. In other words, they put marriage off until they believe the risk of divorce is as low as possible because they fear divorce and the social and financial consequences that come with it. At the same time, the presence of a legitimate legal option for formalising their union means that marriage is symbolically refined and sharpened: it is truly a choice when another, less high-stakes legal institution is available. In summary, divorce is redefining marriage as much as PACS is shifting the significance of the ritual. PACS fills a gap made by divorce, and divorce has pushed marriage into a higher stakes category while PACS makes marriage a more significant choice, rather than socially obligatory for couples.

Chapter 4:

A Symbolic Ritual, A Consumerist's Dream

“When you are in love, you want to get married... You think about it –
there is birth, there is wedding, there is death.”

- Hanna

Madeleine and Pierre are pacsed; they are also engaged-to-be-married. Their PACS was a small occasion – just the two of them. I asked Madeleine whether they placed any meaning on their PACS, to which she replied: “Marriage is a material, concrete memory. But PACS, I remember it well, but we don’t have the photos.”

Marriage is both a tradition and an institution, which is sentimental, associated with romance, and socially valued more than PACS. After all, the introduction of PACS is relatively recent and does not hold the traditional and historic value of marriage. Madeleine said, “marriage is more substantial, and PACS is less so”. Julie explained that marriage is “more sentimental than PACS”, and as Hervé put it, “marriage is more attractive because it is more the idea that it is for your whole life”.

A party or wedding reception typically follows the civil marriage in the *mairie*. In contrast, people sometimes celebrate their PACS with their loved ones, but, according to my informants, the norm is not to stage a social event. Stephanie, a young law student on exchange in Paris from Luxembourg, told me about her French boyfriend’s colleagues who recently got pacsed. The celebration took place in a local bar and the couple themselves did not dress up. Neither did their guests. In fact, the party was very casual. “I could not even tell who were the couple getting pacsed”, she said. The lack of any clear visual or symbolic distinction for the bride highlighted the degree to which the event did not mark a profound shift in the status of the woman who underwent the PACS. Stephanie expressed her confusion about the absence of symbolic differentiation: ‘I want the big white dress, and I want people to know it is me getting married’. Without suitably distinctive outfits, the event did not clearly pivot around the couple being celebrated. “If I can get married, then I will get married,” Stephanie explained. “Why wouldn’t I?” The muted PACS celebration was less attractive than the symbolically rich wedding ritual.

Similarly, Aubrey described her PACS as a quick and casual affair with a small celebration held a week later:

We got [the PACS] at the court. It was so quick. We went into the waiting room with other couples who were getting pacsed. Nothing symbolic behind it. And then the following week, we celebrated with a meal with our friends.

She explained, “[PACS is] celebrated differently. The marriage is with family and friends.” Aubrey came from a small country town approximately two hours southwest of Paris. Her family, who still live in the village, were confused as to why she and her partner, Jean, had decided to *se pacser* and were worried that the couple would not get married. The celebration, or symbolic and social aspects of the union, were important to her family. Yet, as Aubrey and Jean do indeed want to get married in the future, celebrating their PACS was of little importance to them. Marking the event of the PACS was sufficiently important to arrange a meal in a local restaurant with their friends, but not important enough to require significant financial or emotional investment.

Conversely, for those couples who have chosen to *se pacser instead* of getting married, the celebration of PACS can be of great significance. This was particularly the case for same-sex couples prior to the legalization of same-sex marriage. Pierre explained that PACS was important for homosexuals who could not get married: “It was a symbolic institution.” Pierre’s discussion of symbolism in relation to PACS was the only one of its kind throughout my research. He referred to PACS directly as a symbolically significant union for gay couples. As PACS was originally legislated specifically for same-sex couples, the value they placed on it may have been higher than for heterosexual couples, as they were not legally permitted to marry. For heterosexual couples, PACS took some of its value from being “not marriage.” That is, the characteristics of marriage that make it a socially significant event (i.e. the wedding ritual and the foundation of a new family) are not attached to PACS. Same-sex couples now have access to marriage in France, so the value of PACS for the homosexual community may have become more in line with the attitudes of the heterosexual community.

The elaborate ‘traditional’ wedding is still popular in France, even for non-religious, civil marriages. Planned well in advance, the wedding is always civil in nature, in that it is required to be conducted ‘civilly’ in accordance with the state law at the *mairie*, or town hall. The wedding may, in some cases, also have a religious dimension. The bride typically wears a traditional white dress, and the groom, a tailored suit. Bridesmaids and groomsmen dress formally in matching dresses and suits. The couple typically chooses a special venue and a complex menu of at least three courses. For many couples, the planning of a wedding may be the most ambitious and expensive social event that they orchestrate in the course of their entire lives.

The symbolically rich image of the dream wedding was strong amongst my informants. Natalie who, at age twenty, has been in a long-term relationship with her boyfriend, said, “[Marriage] is a dream. When we are little and we watch Disney films with Cinderella, we say, ‘waow!’” She explained that she did indeed want a *mariage de rêve* or ‘dream wedding’ but wants to do other things with her life first, including finishing her studies and finding an

interesting and stable job. She said that she and her friends talk about their 'dream weddings' rather than about marriage in a serious, pragmatic way.¹⁰

The differences in the way that PACS and marriage are celebrated reflect the social value placed on the two unions. Natalie described this contrast in similar terms to those used by Aubrey: "When you get pacsed, you go and sign the papers. When you get married, you have the ceremony with family and friends. It's more official for me, I think." In fact, PACS and France's civil marriage are both equally 'official' in a strict sense, but one is more socially significant.

Gestures or signs of commitment and love, such as exchanging rings or changing one's name, intensify the symbolic gravity of marriage and distinguish it from PACS. At the same time, the social understanding of marriage as a significant occasion helps make it aspirational. The couple's loved ones and a public watch as they say their vows in a dedicated space, lending the event a performative dimension: not just to achieve marital status but to be the central actors in the wedding performance.

Madeleine emphasised the significance of the performative aspect of marriage: "At the *mairie*, there is a performative value. You say 'I marry you'." Austin (1975: 5) argues that sentences or statements are not just used to describe a situation or an object; they are also 'part of the doing of an action'. He describes these as 'performative utterances'. Two of his examples of performative utterances are taken from the marriage ceremony: 'I do (take this man to be my lawful wedded husband)' and 'I now pronounce you man and wife'. What Austin is referring to here is the fact that by *saying* this 'explicit performative', one is *doing*. In other words, the uttering of the performative has a consequence. The performative uttered under inappropriate circumstances (for example, during the marriage rehearsal) does not have the same consequences because it is outside the social context that enables performativity. In the same vein as Austin, Butler (1993: 2) argues that discourse has the power to 'produce the phenomena that it regulates and constrains', whilst Parker and Sedgwick (1995) suggest that 'transformative' performatives can instantly change one's social status. The defining moment in the course of a marriage ceremony is when the couple are declared husband and wife because this utterance has a lasting consequence on the individuals' identities. Entering into a PACS involves signing a document in the courthouse, so the PACS has legal consequences, but its relatively simple and non-social performativity, the absence of more elaborate symbolic ritual, suggests that the identities of the individuals getting a PACS remain little changed from what they were prior, except in specifically defined legal contexts.

¹⁰ Natalie and her friends' discussion of marriage is markedly different to the ideas expressed by second-wave feminists during the 1980s, raising questions about the feminist implications of changing views on the wedding and increasing aspirations to marry.

Consumerism

In Madeleine's words, "Marriage has a certain, um, aura". This 'aura', a distinctive atmosphere or inchoate set of associations that surround marriage generated by its long history as well as the wedding industry, is what makes marriage so attractive. The fact that this 'aura' or symbolism surrounding marriage has persisted despite a move to a secular society suggests that there may be a new force at play in maintaining it – especially consumerism.

On a rainy Sunday afternoon, I attended a marriage fair in an exhibition centre on the *périphérique* of Paris. Entry was free-of-charge; as I entered, I understood why. This *Salon du Mariage*, or wedding exposition, could be better described as a 'Wedding Department Store' – like 'Home Depot' but for wedding paraphernalia. Hundreds of stores lined the exhibition hall with salespeople standing at the ready to engage each guest with flyers about their lines of rings, dresses, and cakes, or their wedding venue. In one corner, I could see (and hear) a gospel choir demonstrating the entertainment they could provide a young couple making an enquiry.

Several wedding ring merchants had set up extravagant stalls with beautifully-lit jewelry cabinets. Young couples lined these cabinets choosing the rings they would exchange on their wedding day. One stall in particular had a disk jockey mixing music, and at one point, the classic ABBA tune, 'Money, Money, Money', started to play. Ironical indeed, or perhaps appropriate, given the context in which sales of goods and services seemed at least as important as romance or personal commitment. Women were fitted for dresses they would likely wear only once but which might cost the equivalent of several weeks' rent. Men tested cakes they were unlikely to ever get a chance to eat during the reception after their *mariage*. A considerable disconnect existed between the symbolic value that individuals and society place on the celebration of the union and the consumption being modeled at this wedding fair. Yet this consumerism, the act of buying all of these unusual things in order to create an elaborate wedding, introjects a significant portion of the key symbols into the overall performance.

To discuss consumerism in this thesis, I refer to the expectation that French couples want an extravagant wedding celebration, a costly occasion for which they tend to save and then spend a substantial, and in some cases, exorbitant sum of money. As Oscar pointed out, "the value of marriage is different for everyone... some people get married just for the ceremony... Women want the party, the dress, the gifts". Yet, most engaged couples share a common desire for an elaborate wedding. And in fact, contrary to Oscar's comment, men expressed this desire as much as women. Michel said, "Me, I dream of marriage. But why? I don't know."

Boden (2003) describes the 'sacred' objects associated with marriage: the white wedding dress, rings, photographers, the venue (Church or otherwise) and decorations, amongst other

things. 'Sacred' consumption is 'that which is regarded as more significant, powerful and extraordinary than the self' (Belk et al., 1989: 13).

'Sacred' artifacts possess a special aura, making them very different from ordinary, mundane consumables and implicating them in the attempt to live out fantasies, especially that of being the fairy-tale bride/princess.... Sacred wedding consumption evolves around the creation of a suitable wedding ambience or atmosphere... (Boden, 2003: 50)

My informants overwhelmingly recognised that their aspiration to marry could be linked with their desire for an ostentatious 'traditional' wedding, or to create the specific 'wedding ambience or atmosphere' to which Boden refers. Hanna explained, "...when you are a child, when you're young, you want to be a bride", whilst Aubrey went into more detail, describing some of her social concerns about having a wedding:

I want a big wedding... It's a shame because with a wedding, you have to please lots of people. You are under the critique of everyone. You may not want a traditional wedding but you need to because people expect it. You spend so much money on just one day. It's a day to share with your friends and family, to celebrate this, but I don't think it needs to be that [extravagant].

I attended a second *Salon du Mariage* on a cool, dry Sunday afternoon, this time in the centre of Paris. The event was similar to any wedding exposition found in Western countries, and resembled the previous event, albeit slightly smaller due to the limited space. People approached running stalls trying to sell various wedding-related goods (rings, invitations, venues, photographers, dresses, suits, dance lessons, music, wedding planners, magazines, bands, and candied almonds [a French tradition]). In order to plan a wedding, brides-to-be and their fiancés or, in some cases, female family members may attend marriage expositions where they can view the wide range of wedding-related products available to them.

Otnes and Pleck (2003: 57-58) describe the consumption that occurred throughout the engagement period during the eighteenth and nineteenth centuries in the United States:

The engagement period was a time for both the bride and groom to accumulate goods for their new household, and for the man to solidify his financial prospects and acquire a home.... Brides typically spent their engagement periods acquiring the necessary clothing, linens, and other furnishings for their trousseaux.

These nineteenth-century brides tended to produce items themselves, because 'stores were far away' and most could not afford to buy household goods like 'embroidered hand towels or a floral quilt'. In a sense, the engagement period was, and still is, a time dedicated to acquisition, but the earlier period involved more production by the couple themselves. The

items consumed today, in contrast, are not necessarily for the setup of a new household, but rather products required when hosting a wedding celebration of grandiose proportions. According to Otnes and Pleck (2003: 59), little time was spent planning a wedding ceremony or even inviting guests in the eighteenth and nineteenth centuries. These weddings were 'often simple affairs' to which far-off relatives rarely travelled. Since then, as the Industrial Revolution increased the standard of living, advertising developed, and access to retail stores improved, the consumption that occurs in preparation for a wedding has changed drastically. No longer manufactured at home, production is outsourced. Instead of focusing on setting up a household, couples attempt to express individual style and taste through the purchase of wedding-related items, decorations, flowers, and other elements to stage the 'dream wedding'. In fact, many couples now live together prior to marriage and hence have already set up a household. In France, with the advent of PACS, many couples ensure their pre-marriage home by binding it legally in a civil union.

Boden (2003) describes the wedding as a commodity and suggests that the bridal role is a specific consumer identity. She argues that the wedding has become more commodified and brides have developed a distinctive consumer identity as a by-product of two things: (1) the licensing of 'more unconventional premises' for marriages, and (2) the increasing media spectacle of celebrity weddings. Boden's research is based in the United Kingdom, which is important to note; in France, this consumer identity could not be a by-product of licensing different venues, as this has not happened – couples must still marry in the *mairie*. However, the consumer identity of brides, as well as grooms, is found in the French context. Wedding imagery, as described by Boden in England, also circulates in France. Wedding magazines disseminate the images widely as well as regular marriage expos like those described above. Additionally, social media plays a role in the increasing pervasiveness of wedding imagery. Boden (2003: 19) suggests that '[the wedding] exists as a cultural performance which, ideally, should express and display the romantic commitment of two people.'



Figure 2: Cover of *Mariages* Magazine, Issue 283 (December 2015, January & February 2016), France

Boden (2001, quoted in Boden, 2003: 111) suggests that: ‘magazines have helped to create the “superbride” – an aspirational consumer identity which fuses together a rational “project manager” with an emotional “childish fantasiser”.’ The priority of the ‘superbride’, explains Boden, is to ‘negotiate and manage her experiences of reason and emotion, rationality and romance as they interplay in wedding consumption’ (2003: 113). In this sense, wedding consumption refers not only to the purchasing of items for the celebration of the wedding, but also to emotional consumption. Boden describes emotional consumption as a ‘transformatory process’ – the idea that, in order to fully experience the wedding day, the bride must transform into the best version of herself, and to do this, she will require outside assistance from professionals (such as hairdressers, make-up artists, and the like).

Elaborate 'traditional' weddings may once have been available only to kings, queens, and other nobility; now, a wider public aspires to a wedding of grand scale. The accessibility of the elaborate wedding celebration is at least partly due to increased affluence and greater income through postponing the wedding. Boden references commentary published in American women's magazine, *She*, in July 1999:

Compare the pragmatic weddings of the 70s with today's lavish spectacles. The emotional significance is underlined with romantic symbols at every juncture, from hand-made invitations... to rose petals fluttering down on the happy couple. (quoted in Boden, 2003: 19)

Today, couples save more money over an extended period of time in order to accumulate the romantic symbols to which *She* magazine refer; PACS may facilitate this delay.

Boden proposes that weddings are experienced by brides as 'staged and socially constructed events'; yet they also experience them as 'authentic and romantic' (2003: 113). My informants described the wedding in the same way: as a staged and socially constructed event, or in their words, a 'performance'. This performative characteristic is important for the symbolic value of the wedding and may contribute to why individuals (be they brides or grooms) place such significance on consumption. The consumer identities they take on serve the production of an event that meets socially constructed expectations whilst striving to match the culturally shaped aspirations of the individual or the couple, deeply influenced by advertising and popular culture images of idealised romance. Although the deep symbolism of marriage is connected to the harmony of society and the continuation of family, the symbolic elaboration of the wedding is much more: a veritable explosion of symbols of romance and normative heterosexuality. This makes the wedding ideal for consumerist exploitation, which, although mercenary or cynical, still serves to reinforce the symbolic importance of the 'dream wedding'. That is, although profit-seeking might seem antithetical to either romance and the couple's individual expression, or the goals of marriage from the point of view of society or the French state, these forces all seem to flow together to drive an increasingly elaborate expectation for weddings.

Marriage, or more specifically, the wedding event, has become carnival-esque. Geertz's notion of 'deep play', which he theorises in his 1972 work on the Balinese cockfight, can be used to describe wedding culture seen in France and other Western societies. The wedding has become a 'deep' ritual. That is, the wedding is so symbolically rich, with so much at stake, that couples are willing to spend a seemingly illogical amount of money despite being in over their head (in a manner of speaking). In a similar sense, we can consider the potlatch event of Native Americans in the Pacific Northwest. Held on special occasions, the potlatch required obtaining a large amount of property and gifting it to friends to prove one's worth or wealth. Mauss (1969) describes this event as a competitive form of gift exchange in which those people gifting endeavour to out-give their opponents. One could argue a parallel between the

potlatch and a wedding, in that, even if it financially harms a couple, the event itself lives on in a kind of symbolic immortality. This extravagant rite is arguably irrational consumption, but perhaps not if the social value of the consumption can be realised. This hyper-consumption, over and above what is deemed necessary, in fact helps to define the difference between PACS and marriage.

PACS and 'Emerging Adulthood'

“[Marriage] is just so much a part of the culture of ‘now I am an adult’.”

- Sophie

Michel and his partner, Nicolas, have been a couple for several years and lived together since early in their relationship because it was most cost effective to do so. Michel is a student, whilst Nicolas works as a physician. Their incomes differ significantly, as do their ages. Michel explained that Nicolas is older so they are at different stages in their lives. Although Michel dreams of marriage, the couple felt they should wait until Michel finished studying, and they are more financially stable before getting married. The couple decided that PACS would be a wise choice in the meantime, considering their circumstances. Michel and Nicolas are in a similar situation to that of Aubrey and Jean, who I introduced earlier on. Michel, like Aubrey, explained that he felt it was ‘way too early’ to get married: “I am 24 years old... We will wait. My partner wasn’t yet settled... We still have to buy an apartment. Step by step.”

PACS is not marriage, and PACS has not been deployed as an alternative to marriage as proposed by second-wave feminists who advocated for civil unions. PACS is instead a transitional union for many couples between being ‘single’ and ‘family’ life. In the last twenty years, we have seen more broadly the advent of a new life stage between when individuals finish school and when they settle down to form a new nuclear family, or rather, between adolescence and adulthood. In fact, ‘young people are delaying marriage for longer than at any other time in history’ (Settersten & Ray, 2010: 77). Arnett (2000; 2006; 2007; 2010) coined the term ‘emerging adulthood’ to describe this life stage, which has developed significantly over the past two decades in a number of societies. Arnett’s work draws on previous theoretical research by Erikson (1968), Levinson and colleagues (1978) and Keniston (1971) in fields of psychology and cultural studies. ‘Emerging adulthood’ is culturally constructed, existing for the most part in the industrialised West, and is a time for exploring ‘possible life directions in love, work, and world-views’ (Arnett, 2000: 469). Arnett argues that emerging adulthood responds to a set of ‘sweeping demographic shifts’ including delaying marriage and parenthood to the mid- to late-twenties, and increased participation in higher education.

‘Companionate marriage’, that is, marriage with expectations of romance, friendship and intimacy, came into existence only fairly recently. In the past, marriage was a practical or pragmatic rather than romantic union. ‘Dating’ did not exist; in fact, having romantic partners prior to marriage was not considered acceptable in the context of Western Europe until the beginning of the 20th century (Noel & Brumberg, 1998). Therefore, the demographic shift has occurred relatively quickly. Women may no longer feel substantial social pressure to find a husband, as the feminist movements of the 1960s, ‘70s and ‘80s have changed women’s roles both at home and in the workplace. At the same time, the sexual revolution made it more appropriate or socially acceptable to have sexual relations before marriage. Now, in the early 21st century, those in the midst of emerging adulthood seek legal recognition for their relationships, albeit potentially transitional ones.

Arnett focuses his research on the United States and its demographic profile. However, Douglass (2005) has written extensively on the lived experiences of emerging adults in parts of Europe, specifically the Czech Republic, Spain and Norway, noting similar trends to those described by Arnett in the US. The existence of emerging adulthood as a life stage in Paris was apparent in the way informants described their hesitations and desire to wait for marriage. Natalie explained that, although she wanted to get married and have children, she also sought to finish her degree and work for several years before having a family. She said:

In France, we get married quite late. We also have children later, around 30 years old. Women now want to finish their studies, get a job and be on a stable salary before having a family...

Natalie refers here specifically to women’s capacity to affect the timing of their life transitions. Increasing numbers of women now participate in higher education. As a consequence, women tend to have their first child later than women did in the 1980s. Interestingly, the average age of having a first child has stabilized at 28 in France between 1990 and the most recent statistics from 2010, whilst the average age of marriage has risen in both women and men in France between 1990 and 2010: men from 27.6 to 31.8, and women from 25.6 to 30.0 (UNECE, 2016). This shift suggests that more children are being born out of wedlock or prior to marriage, raising questions about whether marriage, in a practical context, is really serving as the foundation of a new family.¹¹

Emerging adults enter into ‘cohabitation with a romantic partner’ at high rates: approximately two-thirds live together (Arnett, 2000: 471). The experimental nature of emerging adulthood means that individuals’ living arrangements change frequently. Emerging adults may live with several different partners over the course of their late teens and twenties, and may move back into their parental home or share living spaces with

¹¹ The position of women in society differs from the city to the country. Aubrey said that women in the country get married and have children sooner than her friends in Paris. This difference is noteworthy and so this discussion of emerging adulthood in the French context more specifically refers to the experiences of informants in metropolitan Paris.

friends. Whereas Arnett uses the term ‘exploratory’ to describe this period of time, I also adopt the term ‘transitory’ to refer to the fluctuation that occurs in the lives of emerging adults, and in particular, to consider the role of PACS in this period of exploration. PACS is a ‘transitory’ union that addresses the needs of emerging adults, even if it was not legislated with this goal in mind. As marriage is pushed backward in the life course, couples both want and, in many circumstances, need their relationships to be legally recognised. PACS provides this legal recognition whilst also affording fiscal advantages and a level of security.

PACS initiates a form of kinship relation between the two individuals who *se pacser*. Marriage differs, however, in that its newly-formed kinship relations extend to the families of both spouses, and in turn, affects lineage and identity. PACS therefore does not change or create kin in the same sense as marriage. It denies family status to those who *se pacser* and prevents same-sex couples from adopting children (Poulin-Deltour, 2016). PACS is purely a legal connection. Marilyn Strathern (1992) argues that the English symbols of kinship reduce an individual to a unit made up of parts of other individuals or systems. In other words, an individual is not socialized independently of their kin relations or the social institutions with which they interact. Franklin and McKinnon (2001:12) argue that kinship does not pre-exist; it is produced by the society in question and created according to the needs of the specific cultural context. Despite this, my data within the French setting demonstrates that individuals exercise agency in order to work these institutions to their advantage. Many couples in France, and more specifically in metropolitan Paris, adopted PACS as a transitory union during emerging adulthood. PACS provides an example of kinship traditions or institutions developing according to the social needs of those involved, and not necessarily as they may have been intended by those who legislated them. That is, using PACS legislation to their advantage is an expression of individuality that goes beyond socio-cultural conditions, but which has in turn actually created a new socio-cultural trend.

Recent research into romantic relationships throughout emerging adulthood suggests that these relationships are in fact important and formative. Amongst other reasons, these different relationships allow individuals to explore their romantic capacity and to gain experience in intimacy and cohabited life. Lewandowski and Bizzoco (2007) suggest that individuals may learn to end abusive relationships or experience significant personal growth through the course of these different relationships; in this sense, they are self-formative, even if they do not last. Additionally, and perhaps most importantly when considering PACS and its place in emerging adulthood, Karney and Bradbury (1995) argue that risk factors for potential future marital conflicts can be acknowledged in prenuptial relationships. In fact, Fincham and Cui (2011: 6) suggest that ‘patterns of romantic relationships in emerging adulthood could be predictive of later relationships and marriage in adulthood’. In this regard, PACS used as a transitory union throughout emerging adulthood provides participants a sample of what is to come if they were to marry their partner, or as my informants said, ‘a foretaste of marriage’. These couples can access the legal benefits of PACS

whilst learning if their relationship could survive marriage and therefore reduce the risk of divorce. ‘Today’s emerging adults spend more years single and dating than young people in previous generations, but the great majority of them eventually make their way to the altar’ (Arnett, 2004: 97).

PACS is a time of marriage preparation comparative to that necessary of couples marrying in the Catholic Church. The Church requires that all couples wanting to have a Catholic wedding undertake a *cours de la préparation du mariage* (CPM), or marriage preparation course.

We have two preparations with other couples... you read the Bible, and you exchange about it. And it is with the priest, the priest organises this. And then you have a meeting, or interview, with the priest, but only with your future, your fiancé. We have three meetings with the priest. And we have also dinner with a couple who is married for a long time... and we are with another couple also. So we exchange about the life, professional life, family life, things like that.

Several of my informants were in the process of completing the CPM when we met, including Julie and her fiancé, Paul. Julie saw value in participating in the CPM as it gave her and Paul the opportunity to talk with one another and reflect on issues together in a way in which they may not have otherwise engaged.

I think it is important to speak about [marriage with the priest] because sometimes you exchange about it in your couple but, umm, sometimes... the subjects are quite difficult... so it is important to speak and to speak and to speak and to speak to clarify the issues.

Of course, this degree of reflection may not occur in a PACS. That is, couples may not reflect on or talk through their issues as they would in the formal environment of the CPM. Yet PACS does provide a lower-pressure institution in which a couple can reflect on their differences (or in some cases, not) prior to deciding to marry¹².

The requirements of the CPM in each Parish differ. Whilst one couple might be required to meet with the priest of their Parish monthly for an extended period of time, another couple only met with their priest twice. Each Parish then runs group sessions in addition to the one-on-one meetings with the priest. These sessions cover both the practical aspects of being married (i.e. family, housework, and children) and religious factors (i.e. transmission of faith, prayer, and forgiveness). Romain invited me to the second of three events for the CPM in his Parish. Held on a Wednesday evening after dinner, the event was split into three short sessions led by parishioners who were already married. The sessions on this particular

¹² It could, of course, be argued that any long-term relationship also provides couples a chance to reflect on their differences prior to deciding on marriage. However, PACS provides legal advantages including tax benefits and inheritance rights which give couples a level of security without committing to marriage.

evening focused on the religious, or Christian, elements of marriage. Approximately twenty couples preparing to get married were split into three discussion groups led by the already-married couples. Some topics sparked more conversation than others.

PACS offers couples the opportunity to learn about the practical aspects of a relationship, much like the first of the two group sessions in the CPM. The CPM acts as a transition to Catholic marriage, much in the same way my informants are using PACS as a transitional period toward civil (or in some circumstances, religious) marriage.

As Arnett suggests, marriage is still common despite young adults taking longer to walk down the aisle. Emerging adults in France appear to use PACS as a transition from single to family life for fiscal and administrative advantages, as well as a means of understanding whether their relationship is one that will endure, but they are emphatic that PACS is ‘not marriage’. Much like engagement, couples who *se pacser* find themselves in a state of liminality with ‘a foot in both the single and married worlds’ without properly occupying either (Otnes & Pleck, 2003: 56). A liminal condition is one during which an individual ‘passes through a realm that has few or none of the attributes of the past or coming state’ (Turner, 1969: 94). Whilst engaged couples pass through this ‘realm’ on their way toward married life, the route for *pacsed* couples is not quite so clear. That is, some couples may *se pacser* with the intention of marrying if the PACS succeeds; but if it does not, the couple are not required to follow through to marriage as they would in the case of engagement. Therefore, PACS is a ‘truly’ liminal state, particularly because it differs from engagement. The *pacsed* individuals are in control of their liminal condition and do not always pass through to a married state. They can go forward into marriage or break the PACS and return to being single.

Emerging adults ‘fear some things about marriage’; however, ‘the dream of a true, lifelong love outweighs those fears’ (Arnett, 2004: 98). Instead of avoiding marriage altogether, couples now ‘test the waters’ with PACS prior to making the marriage commitment. As Boden describes: ‘What is now being celebrated [in marriage] is less the beginning of a romantic and sexual relationship than the confirmation of one that already exists’ (2003:76). And that confirmation, due in part to the forces of consumerism gathered around the wedding, has become the object of increasing aspiration and symbolic ambition.

Conclusion

Civil union was suggested by second-wave feminists as a suitable alternative to traditional marriage. On its introduction, PACS was designed to provide a form of legal union for same-sex couples while also offering opposite-sex couples a 'civil union' option outside of the traditional institution of marriage, often criticised as patriarchal and outdated. Although some people may opt for PACS *instead* of marriage, for the majority, PACS has not replaced marriage. Rather PACS has largely been incorporated into the process through which a relationship may lead to marriage, which appears to retain its important role in modern, middle-class French society, at least in Paris. That is, PACS has been incorporated by the opposite-sex community as a specifically 'non-marriage', transitional way to make their relationships for legal and pragmatic purposes.

The importance of marriage in modern French society seems to be stable or increased, influenced at least in part by media, globalization and marketing, but also because the institution retains its traditional significance in terms of family relations. Men and women in contemporary Paris are excited at the prospect of getting married, even though the institution of PACS has decreased the necessity of weddings. Wedding expositions are common and couples expend extraordinary amounts of money to fund their *mariage de rêve*. Boden (2003: 113) argues that the wedding is 'not floundering in its popularity'; on the contrary, the rite is flourishing, even growing in elaboration. Consequently, marriage remains strong, even if it is shadowed by the threat of divorce. Globalisation has significantly influenced the symbolic face of marriage, which has been shaped by 'global ideologies of love' (Twamley, 2013). The aspirational dimensions to marriage continue strong, even amongst women who identify as feminists. Remarkably, women continue to change their name on marrying, even though name changing lacks legal value in the context of French society. Some of my informants expressed confusion or hesitation regarding this tradition, but chose to change their name nonetheless. This pattern suggests that the wedding has shifted from the legitimization and control of women in a patriarchal system to an aspirational striving for idealised companionate marriage, embodied in a dramatic, expensive social rite of consumption.

Despite its importance, marriage has a dark side: the threat of divorce has influenced considerably the trajectory of young couples throughout 'emerging adulthood'. Divorce is seen as a failure of marriage, and my informants' comments suggested that social stigma or fear of stigma still attaches to divorce. One might assume that this stigma has prevented couples in France from marrying at all, yet they continue to marry, albeit later in their adult lives. Couples instead adopt PACS as a means to legally recognise their relationships throughout the transition to marriage. PACS is not linked to divorce, making it less risky and dramatic, removing the risk of stigma for failure, and, ironically, muting the potential that the institution will be a transformative life choice. The desire to delay the high stakes of

marriage helps explain why, for most opposite-sex couples, they consciously or non-consciously suppress or avoid many of the symbols of weddings that indicate a major change in status. Symbolically, PACS is emphatically ‘not marriage.’

While PACS is clearly ‘not marriage’, the incorporation of PACS into the marriage process has, in fact, amplified the significance of the wedding by ‘pushing’ marriage into a higher stakes category, increasing its social value and clarifying what marriage means. In France, the practicalities – that is, the administrative and legal aspects of marriage – may be handled prior to marriage in the form of PACS, suggesting that the purpose of marriage and its rituals have shifted, or the bundle of traits of marriage have been loosened, apportioning some to PACS. This is also true of engagement. Whilst engagement could be considered a ‘pre-wedding’, PACS is more like the ‘anti-wedding’ in terms of symbols and social rituals. That is, PACS is neither marriage nor engagement. Yet, despite this seeming opposition, PACS can be used as complementary to engagement. This might explain why some couples, like Julie and Pierre, get both engaged and paced at the same time.

The incorporation of PACS into the marriage/engagement process illustrates how legislation is interpreted and enacted in a social context. According to Romain, a Catholic priest who I interviewed, the social unrest of May 1968 in France influenced marriage more than the introduction of PACS. For Romain, social and historical events were more important than legislative changes in shaping social institutions. The Revolution had a similar effect on both marriage and divorce. Like PACS, the earlier reforms show that legal implementation of institutions do not determine social change as the legislation itself has the potential to be used very differently by those within the society. Whether PACS aids feminists or serves to reinforce traditional ‘dream marriages’ depends upon how people deploy the institutions created by legal reforms.

Connie de Boer (1981: 265) suggests that marriage has ‘come to occupy a less important position’ in society due to increasing rates of divorce and an increase in cohabitation outside of marriage. Yet, marriage continues to be the ‘most suitable form of cohabitation’, and its symbolic salience remains high. Couples adopting PACS in a variety of ways has been linked to shifts in individuals’ biographies, carving out an institutional niche for ‘emerging adulthood’. Whilst PACS addresses the needs of ‘emerging adults’ as they navigate what may be a turbulent, though exciting, time in their lives, marriage becomes even more symbolically significant as it gets pushed backwards in individual biographies. The stakes can be raised as marriage relates closely to adulthood and the founding of a new family unit. In this sense, marriage is a rite of passage and signifies a coming of age. PACS has not, as critiques suggested, undermined marriage. Evidence from France resoundingly suggests that, in fact, it has done the opposite. If anything, PACS has left marriage symbolically unscathed and has buttressed the compelling nature of the romantic wedding against erosion from social change, even as the meaning of marriage has changed significantly in a feminist, secular society. Couples like Aubrey and Jean aspire to marriage even more so than they may have in

the past and look to PACS as a stepping stone toward a more significant marriage that does not require making such a considerable emotional and symbolic commitment. PACS clarifies just how durable the significance of marriage is.

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Appendix 1: Human Research Ethics Committee Approval

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MACQUARIE
University
SYDNEY · AUSTRALIA

14 October 2015

Associate Professor Greg Downey
Department of Anthropology
Faculty of Arts
Macquarie University
NSW 2109

Dear Associate Professor Downey

Reference No: 5201500771

Title: *Pacte Civile de Solidarité: France's alternative option for the legal recognition of relationships and its implications for marriage*

Thank you for submitting the above application for ethical and scientific review. Your application was considered by the Macquarie University Human Research Ethics Committee (HREC (Human Sciences & Humanities)) at its meeting on 25 September 2015 at which further information was requested to be reviewed by the HREC (Human Sciences and Humanities) Executive.

The requested information was received with correspondence on 7 October 2015. The HREC (Human Sciences and Humanities) Executive considered your responses at its meeting held on 13 October 2015.

I am pleased to advise that ethical and scientific approval has been granted for this project to be conducted at:

- Macquarie University

This research meets the requirements set out in the *National Statement on Ethical Conduct in Human Research* (2007 – Updated March 2014) (the *National Statement*).

This letter constitutes ethical and scientific approval only.

Standard Conditions of Approval:

1. Continuing compliance with the requirements of the *National Statement*, which is available at the following website:

<http://www.nhmrc.gov.au/book/national-statement-ethical-conduct-human-research>

2. This approval is valid for five (5) years, subject to the submission of annual reports. Please submit your reports on the anniversary of the approval for this protocol.
3. All adverse events, including events which might affect the continued ethical and scientific acceptability of the project, must be reported to the HREC within 72 hours.
4. Proposed changes to the protocol must be submitted to the Committee for approval before implementation.

It is the responsibility of the Chief investigator to retain a copy of all documentation related to this project and to forward a copy of this approval letter to all personnel listed on the project.

Should you have any queries regarding your project, please contact the Ethics Secretariat on 9850 4194 or by email ethics.secretariat@mq.edu.au

The HREC (Human Sciences and Humanities) Terms of Reference and Standard Operating Procedures are available from the Research Office website at:

http://www.research.mq.edu.au/for/researchers/how_to_obtain_ethics_approval/human_research_ethics

The HREC (Human Sciences and Humanities) wishes you every success in your research.

Yours sincerely



Dr Karolyn White

Director, Research Ethics & Integrity,
Chair, Human Research Ethics Committee (Human Sciences and Humanities)

This HREC is constituted and operates in accordance with the National Health and Medical Research Council's (NHMRC) *National Statement on Ethical Conduct in Human Research* (2007) and the *CPMP/ICH Note for Guidance on Good Clinical Practice*.

Appendix 2: Interview Questions

For Married or Paced Individuals/Couples:

1. Why did you choose a PACS / Marriage?
2. Did you consider the alternative (i.e. either PACS or marriage depending on that which they chose)? Is there a specific reason (or several) that you decided to *not* go with this option?
3. Did your partner feel the same way or did you have to come to a compromise?
4. If you got a PACS, did you celebrate it in a certain way? If you did, can you describe the celebration to me?
5. How did your family respond to your decision to get married / paced?
6. Did you live with your partner before you became paced / married?
7. Do you think that your lives changed since you became paced / married? How so?
8. Has your relationship changed since you became paced / married?
9. Are you religious or spiritual? Does your faith recognize your relationship (marriage, PACS or otherwise)?
10. If you are married, were you married in the church, synagogue, mosque, etc *in addition to* the secular marriage at the *Mairie* (town hall)? Why did you decide to do this?
11. Do you have children? If so, did your children influence your decision to get married or Paced?
12. Do you and your partner have separate assets? Did becoming married or paced change the way you manage your assets?
13. Do you both contribute equally to the household tasks (this may include raising children)? Which tasks do you each undertake?
14. [For paced couples] do you have a name for your partner (such as the marriage equivalent of Husband & Wife)?
15. If you are a woman who is paced, do you still like to be referred to as *mademoiselle* or do you prefer *madame*? Or is there another title that you prefer to be addressed with?

For Single or Cohabiting Individuals:

1. If you were to seek legal recognition of your relationship, which option would you choose? Why? Have you always felt this way? If not, why did you change your mind?
2. What does your family expect you to do? Does this influence your decision?
3. Would you be willing to compromise on your decision? Why / why not?

For Divorced or Separated Individuals:

1. Were you married or paced prior to your current relationship? If so, how does your current relationship differ from your previous?
2. Did it have an impact on the option you decided to choose in your current relationship (i.e. cohabiting, married, paced, etc)?
3. If you were paced, how did you find the process of dissolving the PACS? If you were married, how did you find the divorce process?
4. Would you look to enter another PACS or marriage? Why / why not?