



Reflexive Convention

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Title: **Reflexive Convention: Civil Partnership, Marriage and Family**

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Abstract

Drawing on an analysis of qualitative interview data from a study of formalized same-sex relationships (Civil Partnerships) this paper examines the enduring significance of marriage and family as social institutions. In doing so, it intervenes in current debates in the sociology of family and personal life about how such institutions are undermined by reflexivity or bolstered by convention. Against the backdrop of dominating sociological frames for understanding the links between the changing nature of marriage and family and same-sex relationship recognition, the paper analyses the diverse and overlapping ways (including the simple, relational, strategic, ambivalent and critical ways) in which same-sex partners reflexively constructed and engaged with marriage and family conventions. My analysis suggests that instead of viewing reflexivity and convention as mutually undermining, as some sociologists of family and personal life do, it is insightful to explore how diverse forms of reflexivity and convention interact in everyday life to reconfigure the social institutions of marriage and family, but do not undermine them as such. I argue the case for recognizing the ways in which 'reflexive convention', or reflexive investment in convention, contributes to the continuing significance of marriage and family as social institutions.

KEY WORDS: Civil Partnership, Convention, Family, Same-Sex Marriage, Reflexivity, Social Change.

Introduction

Reflexivity is a key theme in contemporary social theory (e.g. Archer 2012; Boltanski 2011; Beck 2000; Giddens 1991; Lash 2003; Lahire 2011; Author A) and has become a central one in the sociology of family and personal life (e.g. Beck and Beck-Gernsheim 1995; Brownlie 2014; Giddens 1992; Gilding 2010; Rahman and Jackson 2010; Smart 2007). It is a latent theme in study of lesbian and gay identities and relationships, and is often associated with personal and political agency and the ability of individuals and groups to bring about institutional change (e.g. Blasius 1994; Giddens 1992; Gilding 2010; Roseneil and Budgeon 2004; Weeks 2007; Weeks et al. 2001; Author B).

Some sociologists argue that family and personal life has become intensively reflexive, citing developments in the diversity and negotiability of personal relationships and the socio-legal recognition of same-sex relationships and their families. Diversity and negotiability are themes that have underpinned the shift within sociology from analyzing ‘the family’ to analyzing families and family practices (e.g. solo parented, reconstituted post-divorce, transnational, lesbian and gay, friendship and chosen families) (Morgan 2011; Silva and Smart 1999; Stacey 1997). This reflects more open definitions of family in everyday life, as well as the impact of feminist and queer critiques of the (hetero)normative nature of ‘the family’ as a concept. In terms of reflexivity and personal-political agency, it has been argued that

through their everyday relating practices same-sex partners and their political communities have successfully claimed relational and familial ‘rights’, which as part of a broader privatization of the meaning of personal relationships has weakened marriage and family as social institutions.

Reflecting on these developments, Carol Smart (2007) proposes using the concept ‘personal life’ as part of a conceptual move beyond ‘family’ because it is more ‘appropriately neutral in that it does not prioritize relationships with biological or marital bonds...[Thus] there is more open conceptual space for families of choice, same-sex intimacies, reconfigured relationships and so on.’ (2007: 29). For Smart, ‘personal life’ can better capture the more diverse, dynamic and reflexive quality of contemporary relationships than ‘the old idea of “the family”’ (ibid). Smart argues the need to shift the emphasis away from family as a social institution towards a broader cultural conception of relational life.

Some sociologists are wary of the conceptual withdrawal from marriage and family as social institutions as it undermines researchers’ ‘ability to engage with how families are invoked in ever-intensifying ways in the public political, and ...to address how this interacts with and shapes everyday family lives and experiences.’ (Edwards and Gillies 2012a: 63). They highlight the risks in a depleted ‘engagement with policy developments and professional practices that focus on “family” as a core, institutionalized, idea.’ (Edwards, Ribbens McCarthy and Gillies 2012: 730). Some also point out the continuing power of ‘family’ as the dominating linguistic frame through which relationships are constructed as socially valued or denigrated as problematic (Ribbens McCarthy 2012), while others note how ‘family’ is an enduring

heteronormative model that influences everyday conceptions about how relationships should be ‘done’ (Wilkinson and Bell 2012). The conceptual move away from family also risks shifting the emphasis from the social to the individual (See debate between Edwards and Gillies 2012a; 2012b; May 2012; Wilkinson and Bell 2012). As Edwards et al. note: ‘The conceptual turn away from family that stemmed from a feminist critique has been reinvigorated by ideas associated with individualization [but] with a significant weight placed on the shoulders of the concept “reflexivity”’(Edwards, Ribbens McCarthy and Gillies, 2012).

Gilding (2010), referring to Smart’s work with Neale (1999), as well as that of Beck and Beck-Gernsheim (1995), Cherlin (2004) and Popenoe (1993), argues more forcibly against the reconfiguration of the sociology of family as the sociology of personal life. He argues that notwithstanding the differences between these accounts of family change, they ‘converge in their emphasis upon the increasing negotiability of intimate relations at the expense of family as an institution; that is, *reflexivity over and above convention.*’ (2010: 760 Emphasis added). Gilding argues the importance of retaining the conception of family (and marriage) as social institutions and of acknowledging the continuing significance placed on conventional meanings of family as they concern blood and legal ties.

Against the backdrop of these debates, this paper analyses qualitative interview data from a study of same-sex couples’ civil partnerships, where partners were aged under 35 when they formalized their relationship, to provide an analysis of the relationship between reflexivity, legally formalized same-sex relationships and the conventions associated with the social institutions of marriage and family. The data were

generated five years after Civil Partnership was introduced in 2005, and two years before same-sex marriage became possible in 2014. They provide insights into how, when formal same-sex marriage was unavailable, a new form of legal relationship that was technically distinct from marriage was reflexively constructed and given meaning in relation to the conventions associated with the latter.

The paper begins by considering ‘institutionalized inequality’, ‘informalization’, and ‘reflexive transformation’ frames for understanding interlinked developments in same-sex relationship recognition, marriage and family change. It then considers arguments about the extent to which analyses of contemporary family and personal life overemphasize reflexivity at the expense of convention. Having described the study that forms the basis of the paper, I analyze same-sex partners’ accounts of their civil partnerships and the ways in which the latter were reflexively given meaning and structured as both a form of marriage or as akin to it, and as key to family formation. I argue the case for avoiding an emphasis on oppositional understandings of reflexivity and convention, and focusing instead on reflexive investments in marriage and family conventions. While the implicit study of reflexive investments in ‘traditional’ marriages and families is well established (see discussions of emotion, provisioning, feeding, caring, domestic, communication and mothering work in Duncombe and Marsden 1995; Erickson, 1993; 2005; DeVault 1994; 1999; Himmelweit 1999; McKie et al. 2002), by explicitly attending to diverse modes of reflexivity we can better understand how ‘reflexive convention’, and reflexive investments in convention (as opposed to tradition), contribute to the continuing significance of marriage and family as *reconfiguring* institutions.

Civil partnership, marriage and family

The study of civil partnerships and same-sex marriage in the UK has been influenced by a range of interdisciplinary frames encompassing law (e.g. Harding 2011), politics and human rights (e.g. Kollman and Waites 2009), psychology (e.g. Clarke, Burgoyne and Burns 2006), feminist and gender studies (e.g. Clarke and Finlay 2004), social history (e.g. Weeks 2007), queer studies (see Oerton 2008, Richardson 2004) and other sub-disciplinary areas (see Barker and Monk 2015). Existing sociological analyses tend to be framed in one of three ways.

The first, in line with an institutionalized inequalities approach to analyzing marriage, family and sexuality emphasizes the role of civil partnership and same-sex marriage in maintaining modern and/or neo-liberal social order (e.g. Auchmuntz 2013; Browne 2011; Taylor 2015). Influenced by critical analyses of family, marriage and sexuality as heterosexual institutions, it proposes that such institutions continue to perform an essential role in the reproduction of inequalities associated with modern (Harding 2011), neoliberal (Duggan 2002), patriarchal (Barker 2012), heteronormative (Roseneil et al. 2013) and/or postcolonial (Paur 2007) modes of governance. These analyses are concerned with how civil partnership and same-sex marriage incorporate previously counter-hegemonic relationships and sexualities into the mainstream to legitimate existing and reconfiguring patterns of inequality - not only in relation to family relationships, gender and sexuality, but also to class, race and nationality (Browne 2011; Paur 2013, 2009; Taylor 2015). While they can acknowledge that reflexive claims to same-sex relationship recognition and 'rights' can act in

opposition to oppressive conventions (Barker and Monk 2015), they tend to view the association of marriage-like rights with citizenship as akin to false consciousness.

The second frame, informalization, suggests that civil partnership and same-sex marriage is indicative of how family, marriage and sexuality are increasingly privatized and negotiable. Civil partnership is just one development linked to the opening up of diverse possibilities for ‘doing’ family, marriage (cohabitation is an informal way) and sexuality (Amato 2012; Morgan 2011; Weeks 2007). While marriage provides institutionalized ideals and cultural guidelines for relating, and in heterosexual contexts is underpinned by gendered norms, it is an evolving institution that increasingly includes diverse formalized, informal and negotiated arrangements (see Mansfield and Collard 1988; Smart 2007; Finch 2007). This frame acknowledges the possibilities that reflexive negotiation offers for institutional change with respect to marriage and family conventions, but also the resilience of conventional inequalities as they are embedded in ways that are akin to heterosexually gendered habitus.

The third frame, reflexive transformation, takes the second approach further by arguing that family and marriage are becoming deinstitutionalized (Beck 2000; Giddens 1992; Bauman 2003; Cherlin 2004; Weeks 2011). Civil partnership, like same-sex marriage, is imagined to be just one form of post-conventional relationship amongst others, whose organization is negotiated according to individual partners’ choices, desires and needs. Marriage and family are viewed through the lens of the reflexive project of the self, which assumes that the individual has become more significant than the married couple or family or the couple as a unit of social

reproduction (Beck 2000). This view sees all marriages and family (be they heterosexual, same-sex, legally recognized, parenting-centred, monogamous or not) as post-conventional in principle (*c.f.* Giddens 1992; Beck and Beck-Gernsheim 1995).

The reflexive transformation frame suggests that relational conventions are becoming less significant because of the twin forces of ‘detraditionalization’ and reflexivity. However, as Gross (2005) argues, the decline of the ‘regulative tradition’ of lifelong, internally stratified marriage ‘does not mean that reflexivity, understood as unbounded agency and creativity, has rushed to fill the void.’ Social action is also shaped by what Gross terms ‘meaning-constitutive tradition’: ‘patterns of sense making passed down from one generation to the next’ (Gross 2005: see also Jackson et al.). For Gross, relational practices ‘continue to revolve as much around debts to tradition [...] as around autonomous principles or preferences that are individually or collectively negotiated.’ Whilst Gross overstates the distinctions between regulative and meaning-constitutive traditions, and by implication the boundaries between convention and reflexivity, his comments raises the question of how conventions associated with ‘traditional’ relationships are more or less *reflexively* incorporated into same-sex partnership and marriage practices.

Reflexive and conventional relationships

Few empirical studies have focused of the experiences of civil partners in the UK, but such experiences have been discussed in studies of sexuality, family and class (Browne 2011; Taylor 2015), parenting (Ryan-Flood 2009), religion (Valentine and

Waite 2013), financial arrangements (Burgoyne, Clarke and Burns 2011) and relationship dissolution (Auchmunty 2015). These acknowledge the new legal opportunities that civil partnership present for same-sex couples and their families, but also for fairly conventional inequalities. For example, although civil partners may aspire to financial, parenting, domestic and emotional democracy, these can sites of struggle and irresolvable tension in practice (Auchmunty 2015).

Empirical evidence for same-sex partners' desires for conventional couple and family recognition has come from transnational studies. Of the 1072 women and men that Peel and Harding surveyed in the mid-2000s, most of whom were in a same-sex relationship, the majority were in favour of marriage over civil unions as only this was perceived to guarantee equality (Peel 2012). Harding's (2008) analysis of the same data found that amongst lesbian and gay men liberal formal arguments for equality were better understood than radical ones against marriage as a heterosexual institution. This suggests that while discourse about the formalization of same-sex relationships has promoted individual and collective reflexivity about the exclusion from marriage as a legalized form of discrimination, it could simultaneously lead lesbians and gay men to travel down the path of convention towards relational (hetero)normalization or what Duggan (2002) terms 'homonormativity'.

While some sexuality theorists embrace marriage and marriage-like arrangements as part of a grassroots politics of lesbian and gay citizenship (Weeks 2007), others are critical of the heteronormative nature of marriage and family discourse (e.g. Fineman 2001; Richardson 2004; Weeks et al. 2001; Wilkinson and Bell 2012; Author C).

Some argue that marriage and marriage-like legal arrangements potentially ‘domesticate’ queer sexualities and relationships. As Harding puts it, such arrangements provide a legal framework that ‘mirror[s] heteronormative discourse around societal expectations of ...life’ (Harding 2008: 748). This risks the creation of new hierarchies of ‘good’ and ‘bad’ gays, and ‘responsible’ and ‘irresponsible’ relationships, where the good and responsible buy into the ideology of conjugal couple, while the latter do not (Auchmunty 2015; Barker 2015; Richardson 2004). Finally, some legal theorists note the irony of claims to citizenship through marriage when it has become redundant as a legal model for relationships. As Fineman (2001: 240) puts it: ‘The pressing problems today do not revolve around the marriage connection, but the caretaker-dependent relationship.’

In contrast these critical analyses, Shipman and Smart’s (2007) study of non-legally binding symbolic registrations emphasizes more the self-consciously (or reflexively) negotiated rationales that same-sex partners gave for their intention to enter into civil partnership. These included love, legal protection, family recognition and wanting to make a public or ‘political’ statement of some sort. Shipman and Smart’s (2007) analysis is an example of developments in analyzing relationships that sociologists like Michael Gilding object to in his criticism of a ‘new orthodoxy’ in what was previously termed the sociology of family, which ‘highlights the open-endedness of intimate relations at the expense of family as an institution’ and that ‘overstates reflexivity at the expense of convention’ (2010: 757). Gilding, like many of those he criticizes, is concerned with a version of reflexivity that equates contemporary social change with increased reflection, negotiation, choice and personal-political agency. He cites Beck and Beck-Gernshiem’s (1995) work as a prime example of this, and

although Smart (2007) is critical of Beck and Beck-Gernsheim's thesis, Gilding is especially critical of her work on personal life for its emphasis on reflexivity over convention, and by implication the work through which she develops her arguments (Finch 2007, Finch and Mason 1993; Morgan 2011; Smart and Neale 1999; Week et al. 2001).

While Gilding is right to point to the dangers of over-emphasizing transformative agency at the expense socio-culturally embedded norms, his working definition of reflexivity is problematic, as is his construction of it as an opposing force to convention. As Lynch (2000) notes there are many definitions of reflexivity. In identifying social scientific conceptions he includes 'mechanical' (deployed in mechanistic explanations of natural and social processes); 'substantive' (in interpersonal interaction it refers to a fundamental property of human communicative action); 'meta-theoretical' (a general reflexive orientation involving a heightened awareness of taken-for-granted assumptions); 'interpretative' (interpretation that imagines and identifies non-obvious alternatives to habitual ways of thinking and acting); and methodological. As we shall see in the remainder of this paper, the issue of defining reflexivity (and its relationship to convention) becomes even more complex when we consider, as I suggest we should, diverse modes of reflexivity and their links to situated constructions of convention in everyday life. Prior to that, I briefly discuss the study that generated the data analyzed in the paper.

The Study

The personal narratives considered in this paper were generated through joint and individual interviews with 50 couples (100 partners). Partners were aged up to 35 when they entered civil partnership. The study, funded by the XXXX, was undertaken by XXXX (see Author D for a full account of the methodology). Equal numbers of male and female partners were recruited with the help of registrar offices in England and Wales, and through the General Registrar Office of Scotland. Recruiting in terms of civil partnership status meant that interviewees did not necessarily identify in terms of sexuality. As Stacey recounted ‘I just went with [the relationship]’. Amongst those who did identify, men almost exclusively identified as ‘gay’ as did many of the women. Women also used the term ‘lesbian’ and occasionally ‘bisexual’. The sample was predominantly white (91 participants) and mixed in terms of the indicators of social class, rural/urban location and religion. None of the interviewees were previously married. Relationship length ranged from under six months to over ten years and civil partnership length ranged from one month to five years. Eight female couples had children in their care and none of the men did.

Couples were first interviewed together and then separately (by the same researcher, the research associate or myself). Joint interviews were focused on the ‘couple story’ of the relationship, and individual interviews were focused on socio-biographically shaped orientations to relating (see Author D). In attempting not overly influence the terminology that participants deployed to talk about their relationships, we avoided mentioning civil partnership, marriage or family until couples used the terms themselves. In the couple interviews participants appeared to be open about tensions and conflicts in their relationship. In the individual interviews couples tended to tell

their ‘side’ of the story rather than to contradict the couple narrative.

The analysis drew on a critical interactionist approaches, with an emphasis on the links between personal and cultural stories of relating, narrative reality and social change (see Atkinson and Housley 2003; Gubrium and Holstein 2009; Plummer 1983; 1995; Author D). By focusing on ‘younger’ civil partnerships the study generated findings about ‘new’ generational experiences. A drawback of this approach was the inability, within the study, to compare how civil partnership is incorporated into mid-life and older experience. However, we drew on the findings of studies of previous generations (Dunne 1997; Weston 1991; Weeks et al. 2001) and of civil partnership amongst older cohorts (Auchmuty 2015) to consider developments in how same-sex relational commitments are organised and framed (see Author D).

Civil partnerships and marriage, reflexivity and convention

In discussing their formalized relationships some partners embraced the norms and conventions they associated with marriage as the ‘natural’ foundation of good and stable relational lives, while some knowingly embraced them as *social*. Todd recounted that ‘it just felt like natural to commit to somebody’, while Fredrik stated ‘It’s kind of the way that society does things [...] [you] expect that your life process is to meet someone, you marry them, you grow old together’. Others recounted engaging with such norms and conventions in strategic ways, especially women who were concerned about protecting their children. As Kathryn put it, ‘it’s not just about our [couple] relationship, it’s about our family’ and ‘when we use the terms “marriage” or “wife” it’s more about conforming to make it easier for other people

[...] to understand'. Some partners held ambivalent or critical views of marriage norms and conventions, but while they rejected more obviously regulative norms they could be invested in those they perceived to be less regulative. Irrespective of the various ways in which they reflexively constructed their civil partnerships, most partners used the conventional language and vocabulary of marriage in conjunction with the term civil partnership to refer to their relationship: with many explicitly claiming both forms of legal commitment were 'the same' and that they viewed themselves, and were viewed by others, as married. This pointed to the interaction between the restrictive linguistic frames for the describing relationships (Ribbens McCarthy 2012), the power of meaning-making traditions (Gross 2005; Jackson et al.), and how partners were mostly *invested* in, as opposed to challenging of, their inclusion within the social institutions of marriage and family.

From the outset, it is important to note that the gender differences between women and men were most obvious in terms of their actual and planned parenting, styles of communication and earnings and finances. Where the women paid more attention to the practicalities of actual parenting or planning for this, the men's parenting desires were less grounded in actual plans. Whereas women emphasized the need for couples to engage in ongoing 'disclosing talk', men tended to associate such talk with critical moments in the relationship. Women generally earned less than men which, combined with parenting and extended family commitments, could imply greater financial interdependence. Surprisingly, there was no clear correlation between gender, age and more ambivalent or critical views of marriage.

Simple reflexivity

Here, I use the term simple reflexivity to refer how partners constructed their formalized relationships as marriages, or as akin to them, in straightforwardly conventional ways. Consistent with Shipman and Smart's (2007) findings, partners identified love as the primary motivation for entering into civil partnership or for 'getting married'. Formalized commitments were often presented as the 'natural' consequence of emotional desires and commitments. Todd linked his and his partner's entry into civil partnership to a lifetime commitment based on love: 'we just felt like natural to commit [...] and say "This is who I want to spend the rest of my life with" and all that kind of thing.' 'All that kind of thing' refers to motivations that are assumed to be so conventional that it is unnecessary to articulate them.

Responses like Todd's suggested an almost *reflex reaction* to the availability of civil partnership that embraced marriage conventions as they involved the intention to form a lifetime commitment based on love. Several partners, both women and men, had long-imagined getting married before the legal possibility of formalising same-sex relationships existed, and drew on hegemonic cultural imaginaries in underscoring their commitments to marriage conventions (Gross 2005). As Callum put it: 'I always wanted to be recognized not as a gay man getting married but [...] like a man gets married to a woman and they can have this big church service and choir and everything'. The fact that a church wedding was unavailable to Callum and his male partner did not stop him from describing their civil partnership as a marriage. In their couple interview Callum and his partner Mark constructed their relationship as akin the most conventional of heterosexually gendered marriages, by claiming to be

‘opposites’ in terms of temperaments, domestic skills and caring ‘roles’. They also claimed to be indistinguishable from the heterosexual couples they associated with: ‘you would never know that we were any different to the straight friends that we’ve got’ (Mark).

Callum and Mark, along with one female couple, were exceptional in how they explicitly framed their formalized relationship as the joining of opposites. However, the ‘off the shelf’ conventions they drew on could be a subtle feature of many other interviews. Such accounts seemed to give credence to institutional inequalities analyses that equate the formalization of same-sex relationships with (hetero)normalization. They highlight how simply reflexive investments in historically established conventions can signify to partners and others that their relationships are based on a lifelong commitment. They can also be conceived as a claim to what many partners believe to be the ‘sameness’ of same-sex and heterosexual relationships, and to social and legal recognition on a par with heterosexual couples on the basis of this. Overall, they trouble the idea that civil partnership is indicative of how marriage has become so privatized or individualized that it is post-institutionalized. This becomes more evident when we consider relationally framed reflexive claims to marriage.

Relational Reflexivity

Younger same-sex civil partners constructed their relationships relationally through comparisons to heterosexual marriages and families, especially their parents'. Such constructions seemed consistent with elements of the 'informalization' frame, where self-definitions of marriage mattered more than legal specifics. What counted in defining a marriage was that a relationship was that is claimed as such and that it involved at least some identifiable conventions (Finch 2007). This was echoed by interviewees like Sara who recounted: 'I just think that we were both raised by parents who were married and we've been around people who are married and we consider we have a marriage'.

Partners tended to construct their parents' marriages as 'good', 'ambivalent' or 'unhappy'. Good marriages were based on love, were egalitarian and mutually supportive, and provided stable relational environments. They were relationships to be aspired to, which made alternative families unnecessary (such as those constructed by previously marginalized lesbians and gay men, see Weston 1991; Weeks et al. 2001). Hanna recounted: 'I share the same values as me parents you know, try and work things out if we can [...] in it for the long run [...] sometimes that's all you need [...] the love of your family'. Ellen recounted: 'what I think I have inherited [...] is a big thing about respect and communication [...] my parents had a great deal of respect for each other, and that means that you take the time to understand the other person's opinion.'

While Hanna's relationship and family values corresponded with longstanding hegemonic ones that emphasized the need to work at relationships to recoup the benefits of family love and care, Ellen's comments also pointed to what many

partners articulated as more contemporary conventions of a good relationship: mutual respect and active communication. In narrating their parents' marriages as good models for their own relationships, civil partners emphasized both long established *and* more contemporary conventional ideals (see Jamieson 1998). In doing so they demonstrated how reflexive responses to civil partnerships were embedded in and framed by the changing, but not wholly transformed or irrelevant, norms and conventions associated with the social institutions of marriage and family.

In contrast to Hannah and Ellen, other interviewees (women and men) recounted growing up in the contexts where what they viewed as historically outmoded marriage conventions had led to stark gender inequalities, personal constraints and family misery. Partners contrasted these to *contemporary* marriage and family conventions linked to individual freedom of choice, independence and equality. As Maria put it: 'my parents' generation just took the idea that you get married and you're in a relationship and that's it [...] very clear definite defined roles' (Maria)'. Pam recounted: 'They got married in a totally different era [...] my mum [...] was giving up things to get married.'

These personal accounts point to the ways in which hegemonic meanings of marriage and family have remained consistently influential *and* changed. On the one hand, love continues to be the most common and conventional basis for defining a marriage, as is the commitment to an enduring (and monogamous) couple and families based on legal or biological notions of kin. On the other hand, more contemporary conventions eschew the notion of gender-based roles and emphasize free choice, communication, mutuality and democracy as principles that *should* underpin marriage and family.

The embracing of hegemonic meanings of marriage was not merely an *automatic* or reflex response to unchanging institutionalized conventions, but also one that could be relationally and reflexively accounted for with reference to social change. While partners could be critical of the more obviously regulative (gendered) conventions that governed their parents' ambivalent and unhappy relationships, they reflexively embraced the (more subtly regulative) meaning-constitutive conventions associated with good marriages by investing in a couple and family as the primary focus of relational life, committing to working at the relationship in the long run, and working at communication in the hope of achieving mutuality and democracy. The upshot of this was that a failed, unhappy or ambivalent partnership was unlikely to be reflexively conceived as a symptom of institutional failure (Auchmuty 2015), as was the case for previous generations' marriages. Rather it could be interpreted as a personal one linked to 'choosing' the wrong partner, committing at the wrong time, being unclear about the shared couple or family project and/or and the inability or unwillingness to invest the required communicative labour.

Strategic Reflexivity

Strategic motivations shaped almost all partners' reflexive responses to civil partnerships. These were evident where partners referenced their conventional reasons for choosing a 'marriage' partner, and the socio-legal protections and 'rights' that civil partnerships offered. The majority of partners, like heterosexual one's, continued the historically embedded convention of entering into 'life-long' commitments with

partners of similar socio-cultural backgrounds, aspirations and potential. As Louise put it: '[We] just happened to be very similar, because of the similar type of [...] middle class upbringing [...] very similar values.' Whether or not they self-consciously accounted for their actions as strategic, partners' narratives were peppered with accounts of the importance of making the right choice and *investing* in relationships.

Partners presented their decision to enter civil partnerships in more highly self-conscious strategic terms when it came to legal 'rights' and protections. This often included reflexive interpretations of the legal situation with respect to co-parenting, next-of-kin status, pensions and inheritance. Very few partners acknowledged that in most of these cases legal contracts could enable similar protections and 'rights' (Barker and Monk 2015). Pragmatically, civil partnership could be seen as a one-stop shop that provided access to a 'full' package of 'rights'. Claims to such rights revealed how partners strategically deployed conventional discourse about love-based marriages. While eight couples initially stated they had formalized their relationship to ensure a non-EU partner's right to stay in the UK, they emphasised that they 'loved each other as well', as if responding to some perceived pressure to go along with the idea that love is the only authentic motivation for a marriage-like commitment.

A strong motivation for constructing civil partnership as marriage was the opportunity it provided for consolidating 'given' family and community relationships. Marriages, and the events they involve, require the participation of others to validate them

(Berger and Kellner 1964), and partners' narratives of their weddings and celebrations were often reflexively linked to performative claims to family connectedness, sameness and legitimacy. OJ articulated this explicitly: 'we wanted that traditional stamp of it representing commitment [...] we didn't want to be boyfriends, we wanted to be something greater than that. We wanted to be family.' While claims to marriage or marriage-like 'rights' could be interpreted as part of lesbian and gay (re)turn to family convention or intimacy (Noys 2008), it would be mistaken to interpret comments like OJ's as evidence of a lack of reflexivity. Rather, they highlight a *reflexive investment* in family as a social institution.

Partners viewed their relational citizenship as important. However, marriage-like 'rights' are also linked to the strategic preservation of classed, national and ethnic and gendered privilege. First, a seemingly serendipitous similarity to one's partner can be a function of shared family values, as mediated by class. Second, the notion of 'pure' love as the basis for sponsoring a partner's national citizenship undermines a more critical understanding of the interlinked national, racial, ethnic basis on which citizenship is available to some over others, and reinforces dependency as a defining aspect of marriage-like relationships. Third, for women who parent or had plans to do so, formal partnership recognition could make sense in light of the need to perform conventionally 'good' and 'stable' families to official agencies and others. For male and female couples the absence of children or plans for parenting, could imply that they were 'merely' boyfriends or girlfriends. Participation in conventional displays of commitment through legalizing the relationship and celebrating it through ceremonies associated with marriage could support their claims to be family.

Reflexive ambivalence

While the majority of partners embraced civil partnership as a form of marriage to some extent, some were more ambivalently reflexive about it. As Caroline put it: ‘it should be a marriage [...] I know all the arguments and I know why [...] if they just argue for civil partnership then they’ll get it’. As this quotation indicates ambivalent reflexivity could stem from personal disappointment combined with an engagement with political debates about how civil partnership is more marriage-lite than marriage-like. It underscores Harding’s point, considered earlier, about exclusion from marriage facilitating consciousness about legalized forms of discrimination.

Nevertheless, ambivalent partners could perform their relationships as form of, or akin to, marriage even if they were self-consciously – or reflexively – critical of their exclusion from formal marriage by law. As Maria put it: ‘It’s our relationship and they call it a civil partnership and we feel it’s a marriage’. The desire for recognition, the embedded nature of marriage and family as cultural ideals, and the political stakes perceived to be at play, could combine to encourage ambivalent partners to invest in performative displays of conventional marriage and family. This could lead some partnerships to appear to be more conventional than many contemporary heterosexual families.

Critical reflexivity

A small number of participants initially rejected the association of civil partnership with formal marriage in both a reflex *and* highly reasoned ways. They did not want to go along with the religious, sexual, gendered practices and conventions they associated with marriage as a heterosexual institution. However, critical partners could also offer (complex) reflexive rationales for why they viewed their own civil partnerships as marriages. As Sue and Beverley put it:

Sue: when we got married [...] I did have quite big problems with the notion of [...] marriage as an institution

Beverley: I'm not a big fan of marriage as an institution [...] I'm not particularly keen on the implications. But we are just like a married couple really, aren't we?

Sue: even though [...] it [marriage and civil partnership] is the same, there wasn't that baggage of what marriage should mean that you get with a heterosexual marriage.

Sue and Beverley's comments partly echo the 'institutional inequalities' frame. Their criticisms of marriage as an institution are linked to their reflexive awareness of its links to heterosexually gendered norms and inequalities. Nevertheless, they actively construct their own formalized relationship as a marriage by introducing it as such, claiming that marriage and civil partnership to be 'the same', and describing themselves as 'just like a married couple really'. In short, they display a critical reflexivity towards marriage as a social institution while they lay claim to conventional practices (other than gender) that are constitutive of the institution.

This points to three ways in which the links between civil partnership and marriage could be reflexively accounted for. First, partners could be critically reflexive about marriage as a heterosexual institution *and* conceptually distinguish this from everyday relational practices. The assumption seemed to be that marriage was a highly situated institution, and that the anti-democratic conventions associated with it were relevant only within historical or heterosexual context. Second, in line with the idea of increasingly privatized meanings of marriage, for some partners it was possible to live with *conflicting* meanings involved in the pick-and-mix approach to constructing civil partnership as marriage. This raises the distinction between reflexivity as it is often theorized in work on contemporary intimacy as an overly rationalized cognitive ‘ordering’ practice, and reflexivity as it can occur in day-to-day life as contradictory, ambiguous and ambivalent. Third, in line with informalization frames, partners could acknowledge that the institution of marriage was subject to reconfiguration, and that the conventions associated with it were not a straightforward issue. This raises the issue of reflexive convention.

Reflexive convention

As noted earlier, a significant body of sociological research has implicitly examined the reflexive work involved in continuing investments in ‘traditional’ marriages and family. Building on my analysis so far I draw out the value of a more explicit focus on diverse forms of reflexivity and ‘reflexive convention’. This can enable us to go

beyond debates about whether formalized same-sex relationships and contemporary formal and informal marriages (such as long term cohabitation, Mansfield and Collard 1988) are conventional or reflexive, and to conceptualize how continuing and reconfiguring norms do not undermine marriage and family as social institutions.

Distinguishing between diverse and overlapping forms of simple, relational, strategic, ambivalent and critical reflexivity provides some purchase on the multiple ways in which reflexivity and convention are not the opposite of each other, but link and interconnect. This provides a sense the various forces at play that encourage individual and social *investments* in marriage-like legal arrangements and family as institutions. First, simple reflexivity could refer to marriage and family as natural *or* as social, implying that they represent naturally or socially ‘right’ ways of organizing and expressing relational commitments. Simple reflexivity could encompass the near reflex opting into what was seen as a ‘natural’ arrangement and/or the straightforward acceptance of the advantages of going along with established social norms. Simply reflexive investments in civil partnerships as a form of marriage enabled partners to claim their relationships to be normal, acceptable and worthy of state as well as everyday recognition.

Second, relational reflexivity pointed to how civil partners mostly constructed their relationships as ‘good’ marriages, or as akin to them, by rejecting the ‘regulative conventions’ that governed their parents’ generation of marriages; embracing the historically embedded conventions of the couple and family as the primary focus love, care and relational stability; and committing to the *contemporary* marriage and family convention of active communication as a route to mutuality. Relational reflexivity

enabled a claim to be both knowing about the historically regulative nature of marriage and family as social institutions, but also their changed nature, and the perceived rewards of *investing* in them in terms of stability, support and care.

Third, strategic reflexivity could refer to how investments civil partnerships and the conventional norms of marriage and family provided socio-legal protections, ‘rights’ and advantages. Legal family formation through civil partnership rarely disrupted the convention of marrying within one’s class, and promoted class-based interests in property, wealth and inheritance. Legal recognition of the couple and/or family also offered exclusive ‘rights’ and, via the wedding ceremony, could provide a ‘traditional’ platform through which family and community inclusion, connectedness and belonging could be affirmed.

Fourth, reflexive ambivalence points to how partners could construct their relationships as form of, or akin to, marriage even if they were self-consciously – or reflexively – aware of their exclusion from formal marriage by law. The desire for recognition, the embedded nature of marriage and family as cultural ideals, and the political stakes perceived to be at play, often combined to act as a powerful force in encouraging even the most ambivalent of partners to interpret, perform and invest in civil partnerships *as* marriage. Fifth, critically reflexive partners could reject marriage as a heterosexual institution *and* conceptually distinguish this from their own self-defined marriages. This points to the distinction between reflexivity as it is theorized as an overly rationalized cognitive ‘ordering’ practice, and reflexivity as it can occur in day-to-day life as contradictory, ambiguous and ambivalent.

Overall, the analysis highlights weaknesses in reductive versions of institutional inequalities (which emphasize continuities) and reflexive transformation (which emphasize change) frames for understanding the contemporary nature of marriage, family and its links to same-sex partnership recognition. The important point here, as made by interactionists of various kinds, is the vital nature of conventions, and the dynamic character of the institutions they constitute. The norms and rules associated with marriage and family conventions emerge through cultural, social and personal interactions, and this gives rise to diverse and competing conventions. This points to problems inherent in analyses that emphasize either the reflexive *or* institutionalized (or conventional) nature of marriage and family relationships. As Al-Amoudi and Atsis (2014: 358) argue, sociological working definitions of convention: ‘appear limited when it comes to analysing situations of conflict between competing conventions as is increasingly the case.’ Lash (2003) goes one step further in discussing reflexivity and contemporary social institutions by arguing: ‘Complex systems do not simply reproduce. They change. [...]. Perhaps at stake is a question of institutions so different that for us they are almost unrecognizable as institutions.’ (Lash 2003: 51-4). In line with this I argue that instead of focussing on whether or not civil partnerships are akin to conventional *or* ‘post-conventional’ marriages, and basis of conventional *or* ‘post-conventional’ families, we would do better to focus on how, taken together, diverse forms of reflexivity provide insights into the enduring significance *and* changing character of social institutions as they are reconfigured through reflexive convention.

Conclusion

The aim in this paper has been provide a basis for greater conceptual precision in our explorations of marriage, family and personal lives as they are shaped by and shape social institutions. My argument is that instead of framing the debate about the continuing significance of marriage and family as social institutions in terms of reductive institutionalized inequality or reflexive transformation frames *or* the mutually undermining nature of reflexivity and convention, it is more insightful to attend to the ways in which ‘reflexive convention’, or reflexive investments in convention, operate in everyday life. The study of younger couples civil partnerships considered here provided an especially insightful opportunity to do this.

Because previous generations of same-sex couples and families have been argued to be critically reflexive with respect to marriage and family relationships, and civil partnerships are legally distinct from marriage, it might be expected that younger civil partners would be at the forefront of reflexive challenges to the conventions associated with social institutions of marriage and family. However, partly because of the lack of alternative linguistic frames, civil partners often self-consciously deployed the language of ‘marriage’ and ‘family’ in defining their own relationships. While partners rejected more obviously regulative ‘traditional’ conventions, the majority of partners were committed to, and also *reflexively invested in*, meaning-constitutive conventions (‘traditional’ and ‘contemporary’) associated with marriage and family as social institutions.

Conventions are not beyond the grasp of people in their everyday lives. They can be perceived as both constraining and as symbolic of new freedoms, and can only rarely be reduced to constraint or freedom. This is the case for both regulative and meaning-constitutive conventions, which overlap, contradict and interact. It is mistaken to focus on reflexivity as undermining convention or as the source of potential liberation from convention. Rather, convention is often the subject of diverse forms of reflexive *investment*. Reflexivity can be categorized in diverse ways, many of which are as invested in convention as they are undermining of it. The term ‘reflexive convention’, therefore, is a way of alerting ourselves as sociologists to how all conventions entail one or more forms of reflexivity, and all forms of reflexivity entail a relationship to some form of convention – be it historically embedded or more contemporary.

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