

GENDER DIFFERENCES IN COUPLES' CIVIL UNION PROPERTY REGIME¹

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Abstract. Property regime is a key indicator to investigate intra-household inequality in wealth. In Italy, the community of property is for the default property regime. However during the years a growing diffusion and prevalence of the separation regime has been observed. Various explanations have been developed for marriages focusing on couples' asymmetry. Little is known about same-sex couples where separation of property is the most popular property regime too. Using data from the total Survey on Labour Discrimination against LGBT+ people (in civil union or formerly in union), carried out by Istat and Unar in 2020-2021, the main aim of this study is to investigate if there are gender differences in the property regime option between women and men couples in civil union in Italy and explore the main associated factors for choosing one type of property regime or the other.

1. Introduction

Intra-household inequality in wealth is an under-researched area. Research has documented that partners are increasingly more likely to separately keep and manage at least part of their economic resources, which means that couples' partners may have unequal access to the household's monetary resources (e.g. Bennett, 2013; Frémeaux and Leturcq, 2020; Sauer *et al.*, 2021). Property regime is a key indicator to investigate intra-household wealth inequality offering an objective measure of how resources are pooled between spouses and specifically addressing the allocation of wealth. The separation of property is the matrimonial property regime under which each spouse retains exclusive ownership of property acquired during the marriage.

In Italy, the reform of the Family Law in 1975 introduced the community of property as the default property regime. However, over the years, we have observed a growing diffusion and prevalence of the separation regime. At the end of the 1970s, 81.2% of celibate and unmarried couples in their first marriage adopted the

¹ This article is the joint work of the authors, however paragraphs 1, 2, 3.1 and are written by Eugenia De Rosa, paragraphs 3, 3.2, 4 by Vincenzo Napoleone.

community of property, while by 2015 this percentage has decreased to just 29.0% of spouses.

Various explanations have been developed about the prevalence of the division of property. They refer to: a) instrumental motivation; b) value motivation and c) the role of the family of origin. The first one is based on the consideration that, in general, opting for a division of property is simpler from an administrative point of view, but also with specific reference to either the management of inheritance or considering a hypothetical end of the marital relationship. Independent workers, in particular, may choose this regime to safeguard their family's assets in the event of bankruptcy. Secondly, the value motivation refers to a statement of principle that stresses managerial autonomy based on a concept of formal fairness. This strategy aims at maintaining and consolidating individual identities, in contrast to those who choose the community property regime, which fosters a sense of community and is typically associated with more conservative contexts. Finally literature highlights also the conditioning by the family of origin who are going to pass on real estate and capital to their children and who are therefore interested in protecting their heirs, also for the future, regarding the availability of these assets (Facchini, 2009).

Recent studies focus on couple asymmetry. By asymmetry, we mean a relationship in which there is an imbalance, even of power, between two subjects or groups. They show that couples with economically advantaged husbands (i.e., older, more educated husband, or employed husband and unemployed wife) were more likely to choose the community of property when compared with couples with similar resources, e.g. both employed spouses, similar age or educational attainment (Fraboni and Vitali, 2019). Conversely, couples with economically advantaged wives were more likely to choose the separation of property (ibidem). Previous findings for Italy, also, show that couples composed by a foreign spouse and a native one are more likely to choose community of marital property than couples of native spouses, hence protecting the foreign spouse with equal sharing of marital wealth in case of divorce, independently of their gender (ibidem).

Little is known about same-sex couples. Since July 2016 in Italy the union of same-sex persons over 18 has been regulated by a special institution named civil union. It differs from marriage which is only for different-sex couples. In 2021, 2,148 civil unions were celebrated in Italy (Table 1). As for marriages (73.4%) also for civil unions celebrated in 2021, separation of property is the most popular property regime chosen by the 71% (I.stat).

Table 1 – *Marriages and Civil Unions in Italy (2017-2021)*

	2017	2018	2019	2020	2021
Total Marriages	191,287	195,778	184,088	96,841	180,416
Civil Marriages %	49.5	50.1	52.6	71.1	54.1
Civil Unions	4,376	2,808	2,297	1,539	2,148

Source: Istat (2023).

International literature suggests that same-sex couples have a greater adherence to equity norms and are more committed to dividing tasks equally (Chauvin and Lerch, 2016, p. 58; Ferzli, 2001). Other research highlights that person's sexual orientation and gender roles may play a role: male and female couples do differ in how they divide tasks (Jaspers and Verbakel, 2013). Additionally, inequalities related to differences in age, citizenship, income and parental roles between gay and lesbian parents exist (Chauvin and Lerch, 2016, p. 59).

In Italy, we observed a progressive convergence in the family expectations and cultural models of heterosexual and homosexual couples; the heterosexual has been considered a model for a long time, both for the loving dimension and a stable relationship.

The study of the distribution of resources within same-sex couples in Italy is an unexplored field. A first exploratory study on asymmetries within couples in civil unions has been conducted using administrative sources (De Rosa *et al.* 2022). It shows higher education heterogeneity and a higher rate of mixed couples than in marriages.

The study also shows that the probability of an educational gap between partners is higher among same-sex male couples than among female couples in a civil union, also because the age gap between partners is wider for the formers; it decreases when the couple is made up by Italians alone.

The main aim of this paper is to investigate if there are gender differences in the property regime option between women and men couples in civil union in Italy. It addresses several open questions within the emerging literature concerning gender differences among same-sex couples, wealth gap between partners and the existence of norms around pooling and sharing.

2. Data and Methods

This study is based on data from the total Survey on Labour Discrimination against LGBT+ people (in civil union or formerly in union), carried out by Istat and

Unar (Anti-Discrimination Office) in 2021-2022, as part of the project Labour discrimination against LGBT+ people and the diversity policies implemented in enterprises (2018-2023).

The survey was addressed to over 21,000 Italian residents who, as of 1 January 2020, were in civil union (Law 76/20 May 2016), or formerly in civil union (due to dissolution of the union or death of the partner), considering both civil unions celebrated in Italy and the transcriptions of unions (or similar institution) celebrated abroad.

A CAWI survey based on a self-administered web questionnaire was conducted and self-identification of respondents as LGBT+ was a key principle adopted. About 9,000 questionnaires were sent and validated; a post-stratification non-response was carried out. The main results of the Survey on Labour Discrimination against LGBT+ people (in civil union or formerly in union) were published in 2022 (Istat, 2022).

The main investigated phenomena were: coming out, experience of discrimination while looking for a job or while working and discrimination in other areas of social life (e.g., at school), microaggressions, aggressions, and hate speech. A specific section of the questionnaire covered aspects related to the celebration of the civil union and the couple's relationship. It includes a specific question about the matrimonial property regime, indicating the choice between a shared or separate ownership of assets accumulated during civil union.

The main aim of this study is to investigate from a gender perspective the characteristics of couples in civil union in Italy who choose to pool their economic resources and those who choose the separation of property. Combining descriptive statistics and multivariate analysis, it explores the interaction among the socio-economic characteristics of partners in civil union, their family background, family model, employment status, type of job, relationship features, family support and their likelihood of choosing the community of property.

The population of this study is people in civil union or formerly in union, living in Italy and openly declaring a homosexual or bisexual orientation, and whose union does not derive from a heterosexual marriage transformation and answered the question about the property regime included in the questionnaire (20.115 units).

The article models the probability that a person in civil union chooses the community of property with a logistic regression model incorporating every single covariate at the $P < 0.05$ level, with multinomial logistic regression models, which allowed to calculate odds ratios (OR) with confidence intervals at 95%. Variables as regressors in the models are sex, age, level of education, geographical area, employment status, and the type of job (dependent/independent), reason for civil union ("the civil union guarantees certain rights" versus other reasons), cohabitation before the civil union, family support, cultural capital of the family of origin. All regressors are dichotomous, exception made for quantitative variables (e.g. age).

3. Results

Same-sex couples in civil union represent a specific group of LGBT+ population living in Italy. 95.2% people in civil union or formerly in union who live in Italy declared a homosexual or bisexual orientation². They indeed evidenced some specific features for being in their majority men (66.9%), older people (43.6% are 50 years old and over), highly educated (38.8% have at least a university degree), living in the North of the country (61.2%), opened and well integrated in the labour market.

In general, they judge their own economic condition to be good: with reference to the 12 months preceding the interview, almost seven out of ten people consider the economic resources of the household (all the people with whom they live) to be adequate. About one in four respondents comes from a family where both father and mother have at least a diploma; 15.6% have at least one of their parents with a university degree.

Women, who on average are younger (20.2% are under 35, against 11.9% of men), live more often with their partner and children (18.9% of lesbians, 23.7% of bisexual women, against negligible values for the male counterparts). On the whole, 8.4% have cohabiting or non-cohabiting children (19.9% among lesbians and 26% among bisexual women, against values close to 2% for men); the incidence drops to 7.7% if only minor children are considered. Almost half of the homosexual and bisexual people interviewed said they had joined a civil union because "the civil union guarantees certain rights" (48.9%), while more than a third indicated as their main reason: "the union seemed to me to be the natural evolution of our relationship" (36.5%). This is followed, with more modest values, by the reasons "to claim the legitimacy of same-sex unions" (7.2%) and "to make our relationship official in the family, at work, etc." (4.6%). Nine per cent celebrated the union (or other similar institution) abroad and subsequently transcribed it in Italy.

In almost all cases the family of origin and friends of people in civil union or formerly in union are aware of their current sexual orientation, but for some of the interviewees the decision to come out has generated a negative reaction from their parents. Mothers showed hostility or rejection in more than a fifth of cases (21.8%), to a greater extent for women (28.8% compared to 18.1% for men). The negative reaction of fathers was slightly lower (19.8%), with a higher incidence for men (20.4% vs. 18.7%). When the son or daughter was civilly united, the mother and father did not accept the partner as part of the family in 4.8% and 6.4% of cases respectively.

² The survey included questions about sex and sexual orientation. Gender identity was not disclosed.

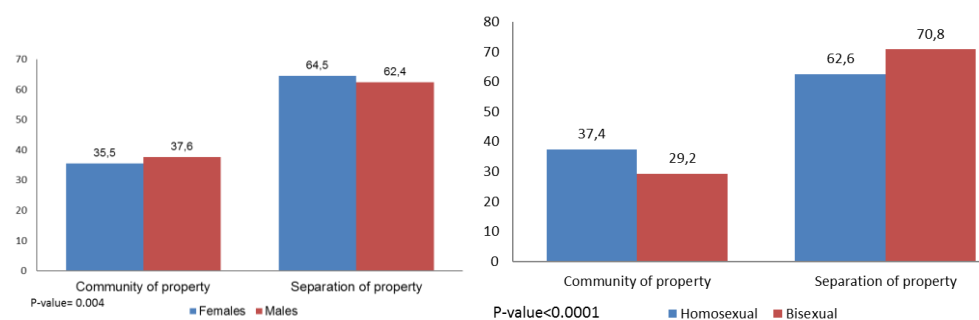
Looking at the property regime the survey shows that the community of property is chosen by 36.9% of homosexual and bisexual people in civil union (or formerly in union). More detailed descriptive analyses are presented in section 3.1, then the results of multivariate analysis are discussed in section 3.2.

3.1. Community of property among people in civil union

First, same-sex couples in civil union in Italy who choose to pool their economic resources are analysed by some social characteristics.

Data show that community of property is slightly higher among same-sex male couples and homosexuals (Figure 1-2). Men are likely to enter unions with more wealth than women: men in civil union are older on average, hence entered in the labour market and started earning and saving earlier compared to women.

Figure 1-2 – Community of property by sex and sexual orientation. Percentage.

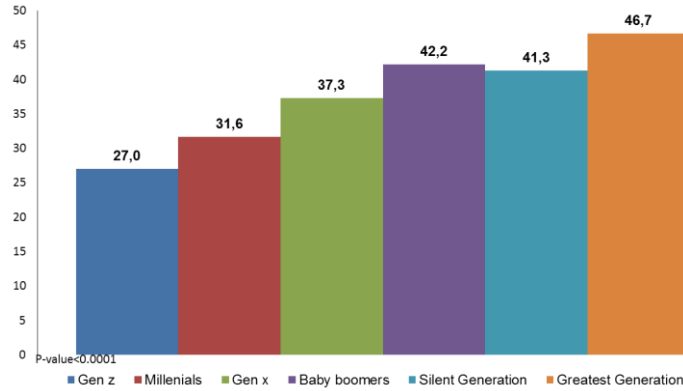


Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021.

When we look at the age, we observe a linear trend whereby the communion of property decreases with the alternation of generations, with the exception of the Baby boomers. Community of property is chosen by 46.7% of Greatest generation (in civil union or formerly in union) and by 37% of Gen z (Figure 3). These results are in line with the cultural explanation that community of property is chosen for maintaining and consolidating individual identity and maintain autonomy.

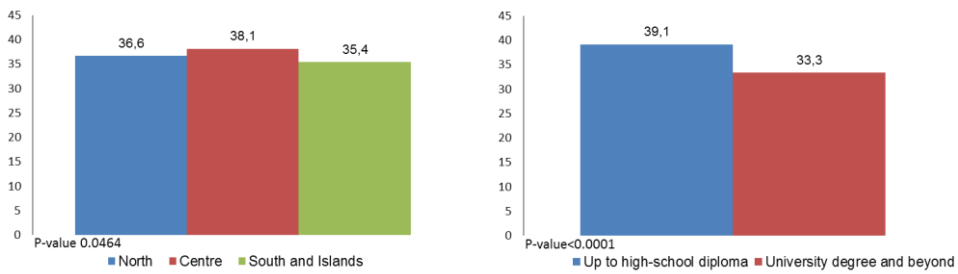
A higher share of community of property is observed among people living in the Centre-North, people with lower educational qualifications, unemployed and those working as employee (Figures 4-7). Data show that, on the one hand, pooling economic resources is chosen by people in a disadvantaged position and, on the other hand, by employees who have no risks associated with their job.

Figure 3 – Community of property by generation. Percentage.



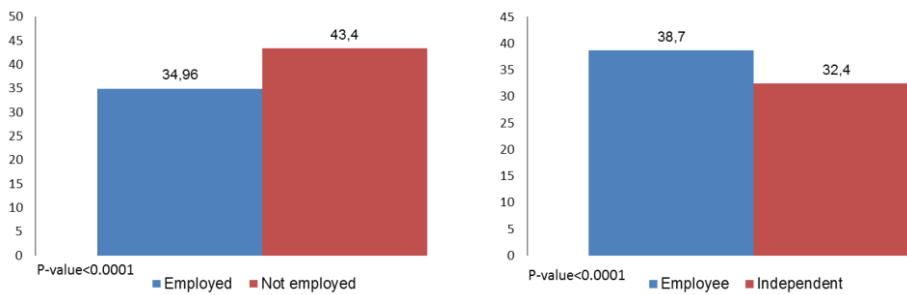
Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Figure 4-5 – Community of property by geographical area and education level. Percentage.



Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Figure 6-7 – Community of property by employment status and type of job. Percentage.

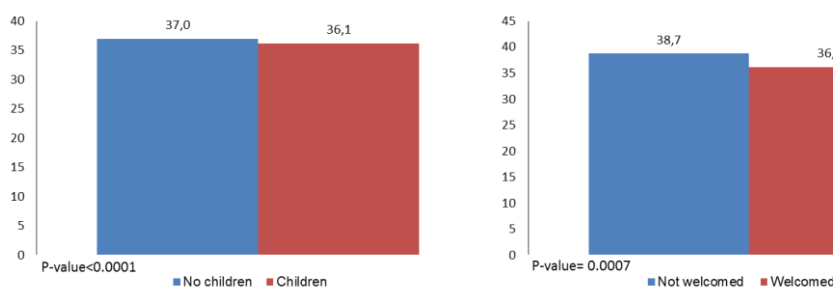


Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Another important dimension taken into account is related to care responsibilities and having children. Our data show the community of property is more common among those who do not have children (biological and non-biological children, both of the respondent and of the partner, also when not legally recognised in Italy). Community of property is more common also among those who lived together before the union.

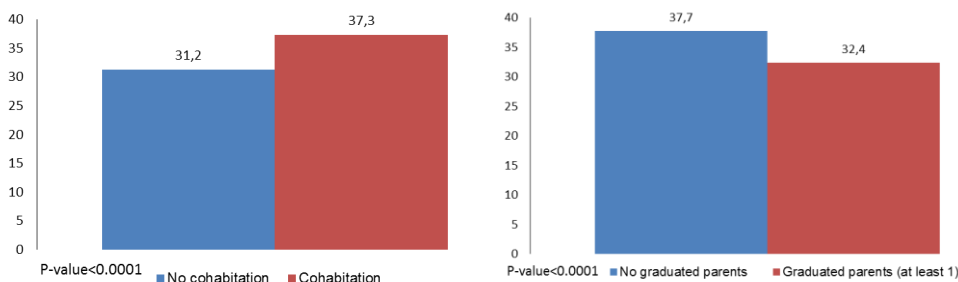
In order to consider the potential influence of the family of origin we analysed two specific questions of the questionnaire which inquired about whether, a son or a daughter was civilly united, their mother and father accepted or did not accept the partner as part of their family. When the family of origin did not accept the son/daughter-in-law, the percentage of community of property is higher (Figures 8-9). Similarly, it is higher for people with a lower cultural capital of the family of origin that indicates no parent with a degree (Figures 10-11).

Figure 8-9 – Community of property by parental responsibilities and family support. Percentage.

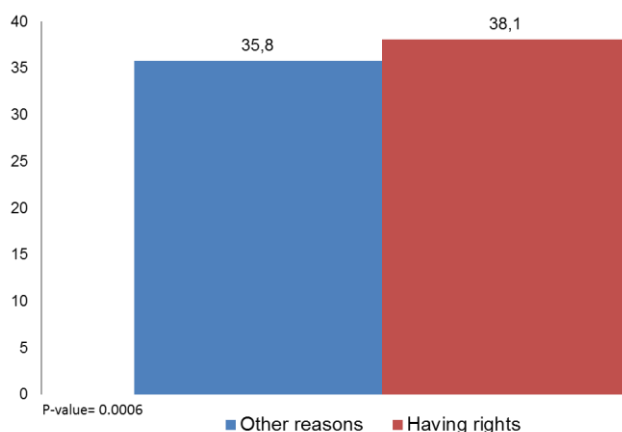


Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Figure 10-11 – Community of property by cohabitation or not and cultural capital of the family or origin. Percentage.



Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Figure 12 – Community of property by main reason to choose the civil union. Percentage.

Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Another investigated dimension is the underlying reason to choose the civil union and their rights' awareness.

A question asked "What is the main reason that prompted you to the civil union?" and the possible items were: 1. it felt like the natural evolution of our relationship, 2. the civil union guarantees certain rights, 3. to formalize our relationship (in the family, at work, etc.), 4. to claim the legitimacy of same-sex unions, 5. other (Specify___), 6. I prefer not to answer. All these items are aggregated except that of claiming rights, in order to create the dichotomy.

Figure 12 shows that communion is more common among those who indicate as the main reason for the union the fact it guarantees certain rights. This may support the hypothesis of an attachment to a community logic and identification in the couple. Differently from what is hypothesized for heterosexual couples, this does not seem to be associated with a traditionalist context but with the claim of one's rights and willingness to support one another, even in the face of hostile contexts.

3.2. Community of property and main associated factors

The model that assesses the probability that a person in civil union chooses the community of property shows that sex is not a significant variable, as well as there are no significant differences by the geographical area in which a person lives and between those having the support of family e those and those who don't have it.

Table 2 shows the results of the estimation of the model.

Table 2 – Probability that a homosexual or bisexual person in civil union chooses the community of property. Odds ratio.

Parameter	Analysis of Maximum Likelihood Estimates			Odds Ratio Estimate		
	Estimate	Standard Error	P-value	Point Estimate	95% Wald Confidence Limit	
Intercept	-1.4637	0.1198	<.0001	-	-	-
Homosexuals	0.3286	0.0663	<.0001	1.389	1.220	1.582
Age	0.0124	0.0014	<.0001	1.013	1.010	1.015
University degree	-0.1847	0.0321	<.0001	0.831	0.781	0.885
Employed	-0.1997	0.0376	<.0001	0.819	0.761	0.882
Independent	-0.2987	0.0341	<.0001	0.742	0.694	0.793
Having children	0.1113	0.0543	0.0405	1.118	1.005	1.243
Cohabitation	0.3064	0.0647	<.0001	1.359	1.197	1.542
Graduated parents	-0.0934	0.0436	0.0321	0.911	0.836	0.992
Having rights	0.0678	0.0297	0.0223	1.070	1.010	1.134

Source: Survey on Labour Discrimination against LGBT+ people in civil union. 2020-2021

Being declared homosexual (rather than bisexual) increases the probability of choosing the community of property by 38.9%. Higher likelihood of choosing the community of property among those who lived together before the union, have children and have chosen the civil union because the union guarantees certain rights.

In addition, it can be observed that for each one-year increase in age, the probability of choosing the community of property increases by 1.3%.

Conversely, there is a lower likelihood of selecting this regime among more educated people, employed and independent workers.

4. Conclusions

This exploratory study is one of the first to analyse gender differences on property regime choice- in civilly united couples in Italy. It provides a first insight. We find no evidence about differences between male and female same-sex couples in civil unions when choosing the property regime. Gender seems to be not relevant.

The community of property is more common among homosexuals and older people. This may indicate that bisexuals choose separation of property more often to protect their children born from a previous relationship. Similarly, the youngest opt

for this regime due to their desire of individualization and autonomy, but also because they consider the possibility of a future divorce.

Overall, we thus found evidence that the characteristics for which people in civil union are more likely to choose the community of property are related to a higher awareness of claiming rights.

When we look at our results about a higher likelihood to choose the separation of property among the more educated, with more economic resources and independents workers, there may be various explanations, e.g. desire to maintain more autonomy and for independents also protecting the family assets from entrepreneurial risks.

This emerging field would greatly benefit from further studies gaining insights, for example, on the extent to which the unbalanced distribution of economic resources in a same-sex couple is a key factor when choosing the separation or community of property or on the main economic or cultural motivations for one option or the other. In line with this, further studies on same-sex couples as unit of analysis should be encouraged.

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