

Submission to the Australian Senate Legal and Constitutional Affairs Committee
Regarding the Marriage Equality Amendment Bill 2009

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I am writing to comment on the likely impact of the Marriage Equality Amendment Bill on Australian same-sex couples and their families. My three main points are based on the experience with marriage equality for same-sex couples in the United States and the Netherlands. Dutch same-sex couples have been able to marry since 2001. The Commonwealth of Massachusetts has allowed same-sex couples to marry since 2004, and today, Connecticut (2008) and Iowa (2009) also allow same-sex couples to marry. As a result of legislative action, New Hampshire and Vermont will make marriage available to same-sex couples in September. The experiences of Massachusetts and the Netherlands demonstrate that marriage has had positive effects on same-sex couples and their families. Furthermore, the experiences of Connecticut and Vermont, as well as research I have conducted in the Netherlands, demonstrate that civil unions are not a good substitute for marriage. And finally, marriage equality has been economically advantageous for the states that have enacted it.

First, earlier this year, my colleagues and I conducted a survey of 552 married same-sex couples in Massachusetts.

(http://www.law.ucla.edu/WilliamsInstitute/publications/Effects_FINAL.pdf) We found that same-sex couples report motives for marriage that are very similar to the reasons for marrying often expressed by heterosexual couples. Among married same-sex couples in our survey, almost all (93%) reported that the love and commitment they shared with their partner was a reason for marrying. Nearly nine out of ten respondents (85%) indicated that they married because they wished for their relationship to have legal status. Four in ten reported wanting to have society know about lesbian or gay relationships. Twenty percent cited factors related to their children. Less than one in five respondents indicated that issues pertaining to finances such as estate planning (18%), property (14%), or the ability to obtain health benefits (13%) played an important role in their decision to marry.

We found evidence that access to a social institution that is widely recognized—marriage—enhances same-sex couples' relationships and their interactions with their families and communities. Seventy-two percent of individuals agreed that marriage had increased their commitment to their spouses. Seven out of ten also said that they feel more accepted in their own community as a result of being married. Families of these

couples, in particular, supported the marriages of same-sex couples. Sixty-two percent agreed that their families have become more accepting of their partner as a result of being married. Nearly nine out of ten respondents (89%) reported that all or most family members supported their marriage. When asked about parental reactions, over four-fifths (82%) agreed that their parents reacted positively. Respondents report even more positive reactions from siblings (91% agreement) and other family members (88%).

The legal and economic benefits of marriage also strengthen the health of same-sex couples' families. Nearly half of respondents (48%) report that being married means that they worry less about legal problems.

Our survey also showed that the children in same-sex couples' families gain when their parents can marry. More than one-quarter (28%) of respondents indicate that they have children in their home and that they and/or their spouse serves as a parent to those children. Of these households, nearly all respondents (93%) agreed or somewhat agreed that their children are happier and better off as a result of their marriage. One-quarter responded that their children have been explicitly teased or taunted about having gay or lesbian parents. However, only 5% indicated that their children have been explicitly teased or taunted as a result of their parents' wedding or marital status.

Married parents were also asked an open-ended question, "How has your being married affected your children?" Many parents reported that their children felt more secure and protected. Others noted that their children gained a sense of stability. A third common response was that marriage allowed children to see their families as being validated or legitimated by society or the government. Sometimes this feeling had a direct effect on children's relationship to their parents, stepparents, or siblings by increasing the sense of being connected to those family members.

Many Massachusetts parents saw marriage as a status that also provided external supports for their children. According to their parents, children gain legal protection and, in some cases, health insurance as tangible benefits. Parents also reported that marriage made it easier for other people to understand their families. The common social understanding of marriage gave children a way to describe their parents' relationship to their friends and gave parents an understandable relationship to use in dealing with the institutions and people who affected their children's daily life. The most notable situation mentioned concerned children's schools, as well as other government agencies or family members. The importance of this sense of legal and social support for childrearing that marriage provides is probably most obvious from two respondents who reported that they would not have even decided to become parents without the support of marriage.

The findings in the Massachusetts survey of gains for same-sex couples and their families match my findings from a study of same-sex couples in the Netherlands, detailed in my book, *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage* (New York University Press, 2009). That study shows that the right to marry helped to reduce the sense of social exclusion of gay men and lesbians. Gains from inclusion could include improvements in the mental and physical health of gay people by

reducing “minority stress” and increasing social support for gay couples. I also found evidence that marriage strengthened relationships. Many individuals in married Dutch couples reported feeling different, more responsible, or more special with regard to their relationships as a result of marriage, and those effects might well translate into healthier, longer-lasting relationships. The married couples also reported that their family members encouraged and supported the decision to marry, and family acceptance of the couple and the new spouse were enhanced by marriage.

Secondly, it is clear that lesbian and gay people see alternative ways of granting legal status, such as civil unions, civil partnerships, domestic partnerships or registered partnerships, as inferior social and legal statuses. When given an option of marriage or registered partnership, Dutch same-sex (and, for that matter, different-sex) couples were much more likely to formalize their unions with marriage. Dutch couples understood the political point of registered partnerships as making a statement about the inferiority of gay people generally, and they react with disdain for that new status now that marriage is an option, calling registered partnership “a bit of nothing.” Same-sex couples reject what they describe as the dry accounting-like connotation of “registered partnership” and opt instead for the rich cultural meaning and emotional value of marriage.

Likewise, in the United States, we see that same-sex couples do not see civil union-like statuses as the equivalent of marriage. In a recent study, my colleagues and I found strong evidence that same-sex couples prefer marriage to civil unions, even though civil unions come with very similar legal rights and benefits. (<http://www.law.ucla.edu/WilliamsInstitute/publications/Couples%20Marr%20Regis%20Diss.pdf>) Most strikingly, the portion of same-sex couples that seeks legal recognition in the first year that it is offered is much higher for marriage than for other statuses. In the first year that marriage was offered in Massachusetts, 37% of same-sex couples were married. Nearly 8 in 10 of those first-year couples married in the first three months that marriage was available. In contrast, the percentages of couples who seek civil unions and domestic partnership registration in the first year those statuses are offered has been much lower. In Vermont, the first state to offer marriage-like recognition via civil unions, only about 26% of couples received a civil union in the first year. Five years later when Connecticut offered a similar status, less than 11% of same-sex couples there took advantage of the opportunity. Similarly, only 11% of New Jersey couples sought civil unions in 2007. This slower take-up of the opportunity to enter civil unions when compared with marriage offers evidence that same-sex couples view marriage as a socially and culturally distinct and preferable status.

My third and final point is that state economies and government budgets gain from marriage equality. A recent study of Massachusetts shows that same-sex weddings injected significant spending into the Massachusetts economy and brought out-of-state guests to Massachusetts, whose spending also gave the state an economic boost. The economic effect of these weddings was a boost of \$111 million over the last five years. (<http://www.law.ucla.edu/WilliamsInstitute/pdf/BusinessBoost.pdf>) A related study showed that marriage equality appears to have an impact on the migration of creative class workers (highly educated, younger workers in creative industries) among same-sex

couples in the United States. They were 2.5 times more likely to move to Massachusetts after marriage equality than before. A survey also shows that recent movers among same-sex married couples cited marriage equality and the positive LGB political climate in the state as one of the primary reasons they chose to move to Massachusetts. (http://www.law.ucla.edu/WilliamsInstitute/pdf/MA_CreativeClass.pdf) A series of other studies shows that state and federal budgets gain (or would gain) from allowing couples to marry, since the net effect of the rights, benefits, and obligations of marriage is to save governments money.

Overall, the experiences of same-sex couples in two countries, the United States and the Netherlands, suggest that same-sex couples and their families are strengthened by a policy of marriage equality for same-sex couples. Other statuses might have similar legal rights, obligations, and benefits, but they are viewed as less desirable by same-sex couples, who perceive such statuses as badges of inferiority that lack the cultural and social content of marriage. States also gain from the economic and budgetary advantages of marriage equality.