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**Submission to the Australian Senate Legal and Constitutional Affairs Committee
Regarding the Recognition of Foreign Marriages Bill 2014**

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I am writing to comment on the likely impact of the Recognition of Foreign Marriages Bill 2014 on Australian same-sex couples, their families, and Australian society. The passage of that bill would mean that same-sex couples legally married in another country would have their marriage recognized in Australia. As a result, there are likely to be an increasing number of married same-sex couples residing in Australia, as married Australian same-sex couples return home after marrying in other countries and as married non-Australian same-sex couples migrate to Australia.

My three main points below speak to the issue of the impact on Australian society of legal recognition for those marriages. The 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, 19 states and the District of Columbia allow same-sex couples to marry. I estimate that more than 100,000 same-sex couples have now married in the United States.

The impacts of marriage equality have been positive. First, the experiences in the United States and the Netherlands demonstrate that allowing same-sex couples to marry has had positive effects on couples, their children, and their families. Second, data from both countries shows that civil unions are not a good substitute for marriage. And third, marriage equality has been economically advantageous for the states that have enacted it in the U.S. and would bring direct economic benefits to Australian businesses as well if Australian couples could marry at home.

1. Positive effects from marriage on same-sex couples, their families, and their children

Impact on couples and families: My colleagues and I conducted a survey of 558 people in married same-sex couples in Massachusetts that revealed common motives and positive effects of marriage on those couples.¹ We found that same-sex couples report

¹ Christopher Ramos, Naomi G. Goldberg, and M.V. Lee Badgett, “The Effects of Marriage Equality in Massachusetts: A survey of the experiences and impact of marriage on same-sex couples,” May 2009,

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 primary 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 practical 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, particularly their commitment and their sense of security. Seventy-two percent of individuals agreed that marriage had increased their commitment to their spouses. 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.

In addition, one important effect of having the right to marry and of marriage itself was that lesbian, gay, bisexual, and transgender people in same-sex couples report greater feelings of social inclusion in the Netherlands and Massachusetts.² In the Massachusetts survey data, seven out of ten 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 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*.³ That study showed 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

Williams Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Ramos-Goldberg-Badgett-MA-Effects-Marriage-Equality-May-2009.pdf>

² See also M. V. Lee Badgett, “Social Inclusion and the Value of Marriage Equality in Massachusetts and the Netherlands,” *Journal of Social Issues*, Vol. 67, No. 2, 2011, pp. 316-334.

³ M. V. Lee Badgett, *When Gay People Get Married: What Happens When Societies Legalize Same-Sex Marriage* (New York University Press, 2009).

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.

Impact on children: Our Massachusetts 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 agreed that their children are happier and better off as a result of their marriage.

We also asked married parents an open-ended question about their children: "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, such as legal protections and health insurance. 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.

No negative impact on heterosexual families: Finally, a growing body of evidence continues to show that heterosexual people and their marriages are not harmed by allowing same-sex couples to marry. Measures such as marriage rates and divorce rates do not change in response to laws allowing same-sex couples to marry.⁴

⁴ See Badgett, *When Gay People Get Married*; Laura Langbein and Mark Yost, "Same-sex Marriage and Negative Externalities," *Social Science Quarterly*, Volume 90, Number 2, June 2009, pp. 292-308; Jonathan Eggleston, "Does the Legalization of Same-Sex Marriage or Civil Unions Affect Divorce Rates?" unpublished, July 2011, <http://people.virginia.edu/~jse4fp/Eggleston%20Does%20Same-Sex%20Marriage%20Affect%20Divorce%20Rates.pdf>; William N. Eskridge, Jr., and Darren R. Spedale. 2006. *Gay marriage: For better or for worse?: What we've learned from the evidence*. New York: Oxford University Press; Marcus Dillender, "The Death of Marriage ? The Effects of New Forms of Legal Recognition on Marriage Rates," Working paper, 2013; Alexis Dinno and Chelsea Whitney. "Same Sex

2. The added value of marriage over civil unions and other alternatives

A variety of sources of evidence show that lesbian and gay people see alternative ways of granting legal status, such as civil unions, 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.⁵ 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, Iowa, and Vermont, 30% of same-sex couples got married. 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, averaging only 18% of same-sex couples in the first year. Statuses with even fewer benefits attracted only 8% of same-sex couples in year one. This slower take-up of the opportunity to enter civil unions when compared with marriage offers evidence that same-sex couples view marriage as socially and culturally distinct status that is much more valuable than civil unions.

3. The benefits to the economy from allowing marriage equality

My third and final point is that state economies gain from marriage equality for their own residents and other same-sex couples traveling from other states to marry. 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.⁶ The economic effect of these weddings was a boost of \$111 million over the last five years.

Marriage and the Perceived Assault on Opposite Sex Marriage,” *PlosONE*, Vol. 8, No. 6, June 2013, pp 1-8.

⁵ M. V. Lee Badgett and Jody L. Herman, “Patterns of Relationship Recognition by Same-Sex Couples in the United States,” Williams Institute, November 2011. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Herman-Marriage-Dissolution-Nov-2011.pdf>.

⁶ Naomi Goldberg, Michael Steinberger, and M.V. Lee Badgett “The Business Boost from Marriage Equality: Evidence from the Health and Marriage Equality in Massachusetts Survey,” May 2009, Williams

A 2012 study that I conducted with a colleague shows that Australia would gain in similar ways.⁷ Based on data on Australian couples, we predict that 17,820 same-sex couples would marry in the first three years after marriage opens up. Given the typical spending on weddings, the Australian wedding industry would see a boost of more than \$161 million. That boost could be significantly more if couples from other countries and wedding guests travel to Australia for those weddings, if couples spend more than expected, or if more couples marry than expected.

However, to the extent that same-sex couples in Australia must travel to other countries to marry, those direct economic gains would obviously accrue to other countries instead of Australian businesses. Indeed, many of the 19 states in the U.S. that allow same-sex couples to marry are actively welcoming and encouraging same-sex couples to travel to their states to marry. The wedding industry in those states has embraced same-sex couples as a promising new market and is actively competing for those wedding dollars.

Another study demonstrates that Massachusetts has seen other economic gains, in particular increased in-migration of creative class workers (highly educated, younger workers in creative industries) among same-sex couples in the United States.⁸ They were 2.5 times more likely to move to Massachusetts after marriage equality than before. The Massachusetts survey discussed earlier 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. Also, in the United States 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, their children, 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. By recognizing foreign marriages by same-sex couples, Australia is also likely to gain from the social advantages of marriage equality that have been observed in other countries.

Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Goldberg-Steinberger-Business-Boost-MA-Survey-May-2009.pdf>

⁷ “The Economy Impact of Extending Marriage to Same-sex Couples in Australia,” M. V. Lee Badgett and Jennifer Smith, February 2012, Williams Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Smith-Econ-Impact-Marriage-Feb-2012.pdf>

⁸ Gary J. Gates, “Marriage Equality and the Creative Class,” May 2009, Williams Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-MA-Creative-Class-May-2009.pdf>