

The Emotional Content of Marriage

The marriage equality victory for same-sex couples was a home run. Most same-sex couples never imagined that they would gain this right during their lifetimes. But now confronted with the option to marry, many couples approach marriage analytically, questioning whether it is right for them.

Marriage is not the right option for all couples. Here are two examples.

If one member of the couple is receiving a government benefit based on income, that benefit could be at risk. When one marries the family income is used to determine eligibility. I represented two men who were receiving state support for their expensive HIV anti-viral medication. As single men, they met the criteria for assistance. When they married, their joint income was too high. Faced with paying pharmaceutical bills beyond their means, their only choice was to terminate the marriage.

Consider a couple who have been life partners for years. One of them has been diagnosed with a long term, expensive, debilitating illness. If they marry, the well spouse would be required to spend her individual assets for the medical expenses of the spouse.

Even couples without these complications want to use a financial analysis to determine whether to wed. They seek to calculate if the monetary gains from marriage would be greater than the cost.

Some of the economic measurements include:

- The potential marriage penalty for some couples who will not be required to file joint federal and state income tax returns
- Advantageous options for a surviving spouse who inherits a retirement account
- Potentially better Social Security benefits for a surviving spouse.

Undertaking this analysis is fine. Couples should understand the full impact of marriage. But it should not be the deciding factor.

Marriage is the currency of our world civilization. No matter where you go, marriage is understood. Marriage carries an incalculable emotional content.

I have many same-sex female couple clients of a certain age who are particularly skeptical about marriage. They grew up in the feminist movement and view marriage as a patriarchal, hierarchal institution where women were considered property. These couples have been together for decades. They argue that they don't need a piece of paper from the government to prove their commitment.

Yet, slowly, these doubting couples have one by one decided to get married. It is interesting how many of them reported about the unexpected emotional impact of getting married. As one said to me after her wedding, "I feel freer and more secure."