

# SAME-SEX MARRIAGE AND HEALTH

GAY AND LESBIAN MEDICAL ASSOCIATION  
MARRIAGE EQUALITY INITIATIVE

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## Introduction

Whether or not to permit gay male and lesbian couples to marry is being considered by legislatures, courts, and voters across the United States. Same-sex marriage is legal in California and Massachusetts and in several countries, including the Netherlands, Belgium, Spain, Canada, Norway, and South Africa.

A large body of scientific research indicates that the denial of marriage rights to gay men and lesbians can negatively impact their health and well-being and that of their children. This document summarizes this research and provides citations to the published literature.

## Who We Are

The Gay and Lesbian Medical Association (GLMA) is the world's largest and oldest association of lesbian, gay, bisexual, and transgender (LGBT) healthcare professionals. Founded in 1981, GLMA's mission is to ensure equality in healthcare for LGBT individuals and healthcare professionals. GLMA's work includes mobilizing and speaking for healthcare professionals on topics important to the health and well-being of LGBT persons.

We gratefully acknowledge the guidance of GLMA's Marriage Equality Initiative Advisory Committee: Rob Daroff, Ellen Haller, Robert Kertzner, Kate O'Hanlan, Natalie Ramos, Ricky Riggs, and Tom Maddox. We also acknowledge the important work of Gilbert Herdt, Robert Kertzner, and the National Sexuality Resource Center.

## Key Points

**The denial of marriage rights to same sex couples is a form of discrimination that perpetuates stigma and contributes to stress. Minority stress is associated with a variety of physical and mental health problems.**

**The denial of marriage rights to same sex couples is often based on stereotypes and assumptions that have been proven false.**

**The premier medical authorities in the United States, having reviewed the scientific research, endorse equal access to civil marriage.**

- We should seek and follow experts' scientifically-based policies for guidance in considering laws that impact family, child, and community health.
- Leading experts, including the American Psychiatric Association, the American Psychological Association, and the National Association of Social Workers, endorse equal access to civil marriage for same-sex couples.

**Marriage can help protect and promote the mental and physical health of lesbians and gay men.**

- Marriage is associated with multiple mental and physical health benefits.
- Marriage is also associated with many tangible and intangible benefits that support psychological health, including access to healthcare through a spouse.
- Other kinds of legal recognition of same-sex relationship do not provide the full range of benefits provided by marriage.

**Marriage can help protect and promote the health of children being raised by gay men and lesbians.**

- Millions of children are currently being raised by same-sex couples. Their health and well-being are at risk because of the lack of legal and insurance protections that are granted automatically through marriage. They benefit when their families are respected and afforded legal protections.
- Multiple, published credible research studies find no differences in parenting skills by sexual orientation or in the psychological health or adjustment of children raised by heterosexual or homosexual parents.

**Marriage can help protect and promote the health of aging gay and lesbian individuals.**

- Many older gay and lesbian people are in long-term committed relationships.
- Without legal recognition, older lesbians and gay men will face additional stressors related to their finances which have the potential to worsen their physical and mental health.

## Discussion

*The denial of marriage rights to same sex couples is a form of discrimination, which is linked to negative impacts on health and well-being.*

The denial of marriage rights is a form of discrimination.<sup>1</sup> In a carefully reasoned decision, Massachusetts' highest court recognized that the denial of marriage rights to homosexuals is related to prejudice:

The marriage ban works a deep and scarring hardship on a very real segment of the community for no rational reason . . . . The absence of any reasonable relationship between, on the one hand, an absolute disqualification of same-sex couples who wish to enter into civil marriage and, on the other, protection of public health, safety, or general welfare, suggests that the marriage restriction is rooted in persistent prejudices against persons who are (or who are believed to be) homosexual.<sup>2</sup>

Perceived discrimination is linked to a decreased sense of personal growth, diminished environmental mastery, and lowered self-acceptance.<sup>3</sup> Among lesbians and gay men, sexual orientation stigma and discrimination are associated with decreased quality of life and increased rates of psychological distress and mood and anxiety disorders.<sup>4</sup>

Gay and lesbian couples face unusual and specific stressors due to the absence of social and legal rights and duties that define same-sex couplehood.<sup>5</sup> The American Psychiatric Association has found that "same-sex couples . . . experience several kinds of state-sanctioned discrimination that can adversely affect the stability of their relationships and their mental health."<sup>6</sup> Research has shown that being in a marginalized relationship is associated with decreased investment in relationships.<sup>7</sup> The invisibility of some same-sex relationships deprives people of the social and family support that could help to counteract a destructive sense of shame and social isolation,<sup>8</sup> and can cause individuals to distance themselves from their partners, resulting in devaluation of the relationship.<sup>9</sup> Heterosexuals who live in close

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<sup>1</sup> The California Supreme Court referred to the denial of marriage as "a mark of second class citizenship." In *Re Marriages Cases*, 2008.

<sup>2</sup> Massachusetts Supreme Judicial Court, *Goodridge et al.*, 2003.

<sup>3</sup> Herdt & Kertzner, 2006, citing Ryff, Keyes, & Hughes, 2003 (studies of women in the general population).

<sup>4</sup> Mays & Cochran, 2001; Meyer, 2003.

<sup>5</sup> Herdt & Kertzner, 2006, citing Green and Mitchell, 2002.

<sup>6</sup> American Psychiatric Association, 2005, *Support of Legal Recognition of Same-Sex Civil Marriage*, Position Statement.

<sup>7</sup> Lehmler & Agnew, 2006.

<sup>8</sup> Herdt & Kertzner, 2006, citing Cohler & Galatzer-Levy, 2000.

<sup>9</sup> Herdt & Koff, 2000.

proximity to gay couples often fail to understand these feelings of shame in their gay and lesbian couple counterparts.<sup>10</sup>

Young people today have a greater expectation of openly expressing their sexual orientation in adolescence.<sup>11</sup> This expectation is frustrated by campaigns to continue to deny them the possibility of a future that includes marriage. This marriage denial reinforces stigma associated with sexual orientation and undermines well-being, an effect to which adolescents and young adults are particularly sensitive.<sup>12</sup>

The ability to be married increases developmental options for lesbian and gay adolescents and young adults, who could envision marriage as a key element of their adulthood.<sup>13</sup>

***The denial of marriage rights to same sex couples is often based on stereotypes and assumptions that have been proven false.***

Marriage denial to same-sex couples is often based on stereotypes and false assumptions about the sexual promiscuity of gay men and lesbians and the view that homosexuality is a sin or a disease that can be altered or cured.<sup>14</sup> Many studies contradicted these assumptions. The research indicates that 40-60% of gay men and 45-80% of lesbians are in committed long-term relationships at any given time,<sup>15</sup> and many lesbians and gay men have expressed the desire to marry if and when same-sex marriage becomes legal.<sup>16</sup> All major mental health organizations, including the American Psychiatric Association<sup>17</sup> and the American Psychological Association,<sup>18</sup> reject the notion that homosexuality is a mental disorder and oppose “therapies” that purport to change sexual orientation, as this theory contradicts a large body of scientific research<sup>19</sup> and has been shown to be based not on fact but on opinion, faith, or prejudice.<sup>20</sup>

***The premier medical authorities in the United States, having reviewed the scientific research, endorse equal access to civil marriage.***

Healthcare experts are important resources when formulating policies that affect the health of individuals and families. Lawmakers typically look to America’s premier national medical and scientific authorities for guidance when they write laws about family, child, and community health. Courts in the United States have previously used data regarding mental health and well-being to assess the impact of discrimination.<sup>21</sup>

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<sup>10</sup> Stein, 2001, p. 216.

<sup>11</sup> Savin-Williams, 2005; Teunis & Herdt, 2007

<sup>12</sup> Herdt & Kertzner, citing Herdt & Boxer, 1993, and Paul et al., 2002.

<sup>13</sup> Herdt & Kertzner, 2006.

<sup>14</sup> Herdt & Kertzner, 2006, citing Jordan, 2005.

<sup>15</sup> Hostetler & Cohler, 1997; Herdt & Kertzner, 2006, citing Blumstein & Schwartz, 1983, Kertzner, 1999, Peplau & Spalding, 2000, and Sang, 1991.

<sup>16</sup> Herdt & Kertzner, 2006, citing Henry J. Kaiser Family Foundation, 2001.

<sup>17</sup> American Psychiatric Association, 1998, 2000.

<sup>18</sup> American Psychological Association, 1997, Resolution on Appropriate Therapeutic Responses to Sexual Orientation.

<sup>19</sup> Haldeman, 1991.

<sup>20</sup> Herek, 2004; Irvine, 2005.

<sup>21</sup> Herdt & Kertzner, citing Kitzinger & Wilkinson, 2004.

Mental health arguments were central to the reasoning of courts which struck down laws that mandated racial segregation and which disallowed interracial marriage and criminalized interracial sexual relations.<sup>22</sup> The Massachusetts Supreme Judicial Court, in addressing same-sex marriage in that state, relied upon research relating to the health impacts of marriage and found that the discrimination inherent in denying same-sex couples the right to marry “works deep and scarring hardship” on same-sex families.<sup>23</sup>

The American Psychiatric Association,<sup>24</sup> the American Psychological Association,<sup>25</sup> the National Association of Social Workers,<sup>26</sup> the American Academy of Pediatrics, California District,<sup>27</sup> and the American Psychoanalytic Association<sup>28</sup> have reviewed the research and issued policy statements endorsing equal access to civil marriage for same-sex couples. In its policy statement, the American Psychiatric Association found that:

Psychiatrists note the invariably positive influence of a stable, adult partnership on the health of all family members. Sustained and committed marital and family relationships are cornerstones of our social support network as we face life’s challenges, including illness and loss. There is ample evidence that long-term spousal and family support enhances physical and mental health at all stages of development.<sup>29</sup>

***Marriage can help protect and promote the mental and physical health of lesbians and gay men.***

Like heterosexuals, lesbians and gay men enter into and sustain loving, committed relationships that are integral to a sense of well-being, personal fulfillment, and realization of individual potential. Sexual bonds, a component of intimate relationships, have the potential to impart distinctive qualities to relationships beyond the emotional fulfillment associated with other relationships such as with children, parents, and friends. Intimate, committed relationships, and by extension, institutions such as marriage that support them, are associated with psychological health in coupled individuals and resilience in the face of life stressors.<sup>30</sup>

Marriage provides a context for individuals to realize their capacities for love, care, and self-transcendence.<sup>31</sup> Marriage provides social legitimacy to the intimate bonds of adults and is required for the recognition of full adulthood across many cultures.<sup>32</sup>

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<sup>22</sup> Cott, 2002.

<sup>23</sup> Massachusetts Supreme Judicial Court, Goodridge et al., 2003.

<sup>24</sup> American Psychiatric Association, 2005.

<sup>25</sup> American Psychological Association, APA Supports Legalization of Same-Sex Civil Marriages, 2004.

<sup>26</sup> National Association of Social Workers, 2004.

<sup>27</sup> American Academy of Pediatrics – California District IX, 2005.

<sup>28</sup> American Psychoanalytic Association, 1997, Marriage resolution.

<sup>29</sup> American Psychiatric Association, 2005.

<sup>30</sup> Blumstein & Schwartz, 1983; Waite & Gallagher, 2002.

<sup>31</sup> Herdt & Kertzner, 2006, citing Erikson, 1959.

Hundreds of studies of heterosexuals have found that married individuals have better mental health, more emotional support, less psychological distress, and lower rates of psychiatric disorders than unmarried individuals.<sup>33</sup> Being in a relationship is associated with decreased depression regardless of sexual orientation. For lesbians and gay men, relationships may confer additional benefits because of the protective effects of relationships in countering discrimination and sexual prejudice.<sup>34</sup>

Married individuals report more emotional support and are more likely to have a close confidant than the unmarried.<sup>35</sup> Emotional support is directly associated with health and wellbeing and provides protection against the negative health consequences of stress.<sup>36</sup>

Many Americans relate their well-being to marriage,<sup>37</sup> which is widely perceived to bestow a variety of resources and benefits.<sup>38</sup> Married individuals report less economic strain and slightly higher incomes than the unmarried.<sup>39</sup>

Marriage is associated with many tangible and intangible benefits that support psychological health, including spousal benefits such as social security and public pensions; income tax benefits; inheritance, insurance, and survivorship rights including estate tax benefits; health insurance in spouses' group plans; the right to sue for wrongful death of a spouse; and power to make medical decisions on behalf of a spouse.<sup>40</sup> More than 60 percent of insured Americans received health care through their own employer or that of their spouse or other family member.<sup>41</sup>

Non-marital legal recognition of relationships does not provide the full range of legal, economic, social, and mental health benefits provided by marriage. Legal recognition short of marriage is not transportable across state lines and subjects lesbians and gay men to the vicissitudes of local law and law enforcement.

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<sup>32</sup> Waite & Gallagher, 2000; Mead, 1950.

<sup>33</sup> Herdt & Kertzner, 2006, citing Ross et al., 1990; Umberson & Williams, 1999; and Waite & Gallagher, 2000.

<sup>34</sup> Herdt & Kertzner, 2006, citing Mills et al., 2004 and Sandfort, de Graaf, Bijl, & Schnabel, 2001. See also Kurdek, 2004.

<sup>35</sup> Herdt & Kertzner, 2006, citing Gerstel, Riessman, & Rosenfield, 1985, Ross & Mirowsky, 1989, Turner & Marino, 1994, and Umberson, Chen, House, Hopkins, & Slaten, 1996.

<sup>36</sup> Herdt & Kertzner, 2006, citing Thoits, 1995.

<sup>37</sup> Duggan & Kim, 2005.

<sup>38</sup> Waite & Gallagher, 2000.

<sup>39</sup> Herdt & Kertzner, 2006, citing Ross et al., 1990, Waite & Gallagher, 2000, and Zick & Smith, 1991.

<sup>40</sup> Herdt & Kertzner, 2006, citing Rutter & Schwartz, 1996, Kessler, 1982 and Ross & Huber, 1985.

<sup>41</sup> Herdt & Kertzner, 2006, citing Badgett, 2004, p. 8.

***Marriage can help protect and promote the health of children being raised by gay men and lesbians.***

Millions of children are being raised by same-sex couples.<sup>42</sup> Marriage equality provides crucial protections for children from a financial, legal and psychosocial stability perspective, along with increased degrees of social acceptance and support. Marriage denial affects the children being raised by lesbians and gay men by undermining family stability and perpetuating false claims about parental fitness.<sup>43</sup>

Legal recognition of a same-gender spouse can increase the ability of adult couples to provide and care for one another and fosters a nurturing and secure environment for their children.<sup>44</sup> Marriage also benefits children by conferring survivorship rights and protections, recognition of parental rights and responsibilities, tax and other financial advantages, and legal protections to partners and children during the dissolution of relationships.

Children of same-gender parents often experience economic, legal, and familial insecurity as a result of the absence of legal recognition of their bonds to non-biological parents.<sup>45</sup> An adoptive parent who is lesbian or gay is often prejudicially presumed as unfit in many U.S. jurisdictions. Furthermore, when unmarried couples do adopt, usually one parent is granted legal rights, while the other parent may have no legal standing.<sup>46</sup> Additionally, without access to civil marriage, same gender couple's death, disability, and divorce disputes are relegated to civil courts, which apply contract or business law, but not family law, such that children's concerns are ignored.<sup>47</sup>

Multiple, published credible research studies find no differences in parenting skills by sexual orientation or in the psychological health or adjustment of children raised by heterosexual or homosexual parents.<sup>48</sup> Specifically:

- There are no important differences with respect to psychological well-being or gender development between children in lesbian-mother families and children in two-parent heterosexual families.<sup>49</sup>
- Adolescents with same-sex parents have the same personal, familial, and school adjustments as adolescents living with opposite-sex parents.<sup>50</sup>

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<sup>42</sup> Patterson & Friel, 2000.

<sup>43</sup> Herdt & Kerzner, 2006.

<sup>44</sup> Pawelski et al., 2006.

<sup>45</sup> Id.

<sup>46</sup> Support of Legal Recognition of Same-Sex Civil Marriage, Position Statement. American Psychiatric Association. 2005.

<sup>47</sup> O'Hanlan, KA, 2006.

<sup>48</sup> For a review of this research, see Stacey & Biblarz, 2001 and Kitzinger & Wilkinson, 2004. See also Golombok et al., 2003; Wainwright et al., 2004.

<sup>49</sup> Bos, 2004; Brewaeys, Ponjaert, Van Hall, & Golombok, 1997; Chan, Raboy, & Patterson, 1998; Flaks, Ficher, Masterpasqua, & Joseph, 1995; Golombok, Tasker, & Murray, 1997; MacCallum & Golombok, 2004.

<sup>50</sup> Herdt & Kertzner, 2006, citing Wainright, Russell, & Patterson, 2004; large national US school-based sample.



- Children with lesbian mothers are as well-adjusted and have the same gender role behaviors as children of heterosexual parents.<sup>51</sup>
- Young men and women raised in lesbian-mother families continue to function well in adult life.<sup>52</sup>

Many of the nation's leading healthcare associations have issued position statements addressing such issues as the capability of lesbian and gay parents to meet the best of interests of their children, the importance of second parent adoption for the well-being of children, and the lack of difference in childhood development by the sexual orientation of parents. These associations include the American Medical Association,<sup>53</sup> the American Psychoanalytic Association,<sup>54</sup> the American Psychological Association,<sup>55</sup> the American Academy of Pediatrics,<sup>56</sup> the California section of the American College of Obstetricians and Gynecologists,<sup>57</sup> the American Psychiatric Association,<sup>58</sup> the American Academy of Child and Adolescent Psychiatry,<sup>59</sup> the National Association of Social Workers,<sup>60</sup> and the Child Welfare League of America.<sup>61</sup>

One of the leading authorities on child development and health is the American Academy of Pediatrics. In a 2002 statement, it stated:

The American Academy of Pediatrics recognizes that a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as can children whose parents are heterosexual.<sup>62</sup>

In a 2006 article published in *Pediatrics*, a distinguished group of experts stated:

The scientific data overwhelmingly demonstrate that there is no relationship between parents' sexual orientation and any measure of children's emotional, psychosocial, and behavioral adjustment. We conclude that civil marriage is beneficial to children, regardless of the gender of the parents, because it strengthens families and helps foster financial and legal security, psychosocial stability, and an augmented sense of societal acceptance and support.<sup>63</sup>

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<sup>51</sup> Golombok et al., 2003; United Kingdom study.

<sup>52</sup> Tasker & Golombok, 1995, 1997; longitudinal study of adults.

<sup>53</sup> American Medical Association, 2004 (supporting same-sex second-parent adoptions).

<sup>54</sup> American Psychoanalytic Association, 2002.

<sup>55</sup> American Psychological Association, 2004.

<sup>56</sup> American Academy of Pediatrics, 2002.

<sup>57</sup> American College of Obstetricians and Gynecologists District IX, 2007.

<sup>58</sup> American Psychiatric Association, 2004.

<sup>59</sup> American Academy of Child and Adolescent Psychiatry, 2006.

<sup>60</sup> National Association of Social Workers, Lesbian, Gay, and Bisexual Issues.

<sup>61</sup> Child Welfare League of America, 2006.

<sup>62</sup> American Academy of Pediatrics, 2002.

<sup>63</sup> Pawelski et al., 2006.

Extending marital rights to lesbians and gay men will enhance the psychological well-being of children raised by same-sex couples by providing legal standing for non-biological parents, ensuring that children are eligible to receive support and benefits from both parents, and removing stigma attached to parental unmarried status.<sup>64</sup>

***Marriage can help protect and promote the health of aging gay and lesbian individuals.***

There are many same-sex couples in which one or more of the partners is over the age of 55: nearly one in ten same-sex couples is comprised of two people over 65 or older; nearly one in five same-sex couples is comprised of two people 55 or older; and one in four same sex couples includes a partner over the age of 55.<sup>65</sup>

Like heterosexuals, gay and lesbian persons often face added health and financial concerns as they age. Aging gay and lesbian individuals, however, may face more difficult health circumstances than their heterosexual counterparts who have the benefit of legal marriage.

A gay or lesbian retiree who is not legally married can only receive Social Security at a single person's rate, even though Social Security benefits and other retirement funds, if present, are often needed to support both partners in a same-sex relationship. When one of the members of a same-sex couple dies, the survivor is greatly disadvantaged compared to a heterosexual widow or widower: Social Security payments stop, retirement plan benefits are heavily taxed, and survivors must pay estate tax on inherited homes, even if jointly owned.

The American Psychiatric Association has reviewed scientific research and found that access to civil marriage is important for to the health of same-sex couples:

As the population ages, the denial of legal recognition of civil marriage has consequences for increasing numbers of older adults in same-sex relationships who face age-related health and financial concerns. Excluding these adults from civil marriage protections of survivorship and inheritance rights, financial benefits, and legal recognition as a couple in healthcare settings increases the psychological burden associated with aging.<sup>66</sup>

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<sup>64</sup> Wolfson, 2004; Herek, 2004.

<sup>65</sup> Herdt & deVries, 2004. citing Bennett, L. & Gates G. (2004). The cost of marriage inequality to gay, lesbian and bisexual seniors. Urban Institute. At [www.urban.org/url.cfm?ID=410939](http://www.urban.org/url.cfm?ID=410939).

<sup>66</sup> Support of Legal Recognition of Same-Sex Civil Marriage; Position Statement, 2005, American Psychiatric Association.

***Marriage can help prevent discrimination based on sexual orientation in healthcare settings.***

Hospital visitation and decision making rights conferred by marriage are important to the quality of care. People in committed same-sex relationships are sometimes denied access to their partners by hospitals which only allow legal next of kin to visit or to make decisions for disabled individuals.

In February 2007, Janice Langbehn, her long term partner Lisa Pond, and their three adopted children were in Miami to take a cruise. Pond suffered a brain aneurysm and was admitted to Jackson Memorial Hospital. The hospital, after telling Langbehn that she was “in an anti-gay city and state” refused to allow Langbehn and the couples’ children to be with Pond, despite having received a durable power of attorney and advance directive. Pond died without her family present.<sup>67</sup> Civil marriage for same-sex couples will decrease the likelihood of this kind of discrimination.

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<sup>67</sup> See statement of Janice Langbehn at <http://thelpkids.com/national-media-awards>. The story was widely reported in the media.

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