Negative Social and Economic Effects of the Marriage Penalty Tax on Women and Society

Dennis Lassila
Texas A&M University

L. Murphy Smith
Texas A&M University - Corpus Christi

Daqun "David" Zhang
Texas A&M University - Corpus Christi

For decades the marriage penalty tax (MPT) has been debated, reduced, increased, and muddled in the US tax system. Research shows that the MPT negatively affects marital stability. This study examines the impact on the MPT of the new tax law, the Tax Cuts and Jobs Act of 2017. While the MPT was greatly reduced by the 2017 Act, notably regarding tax rates, the MPT, as connected to the earned income tax credit, continues to have a major detrimental impact on low to moderate income couples, discouraging marriage and thereby having particularly negative effects on them and their children.

INTRODUCTION

For decades, the marriage penalty tax (MPT) has been debated, reduced, increased, and muddled in the US tax system. The issue is important to individual taxpayers, as well as to policy-makers, academic researchers, and society overall. For tax policy to be accepted by society, tax laws should be reasonable and fair to all. Law-makers need to evaluate social and political ramifications in the development of tax law. Past research has shown the MPT to have a negative impact on marital stability, resulting in particularly deleterious effects on women and children, as single females, especially single-parent females, are more likely to be in poverty (AP 2016; Michelmore 2016; Rand 2015). Consequently, the MPT is a gender issue in that women are more negatively affected by it than men, but to varying degrees all members of society are negatively affected, women, men, and children.

The MPT has been a tax controversy since the "married filing jointly" option was introduced in 1913. MPT is defined as the amount that total tax liability incurred by a married couple on their combined income surpasses the amount owed had they filed as separate/single individuals (Feucht et al. 2009). The purpose of this study is to review how the MPT was affected by the new tax law, Tax Cuts and Jobs Act of 2017, and briefly review the history of the MPT and its impact on individuals and society. Findings of this study will benefit tax researchers and policy-makers by providing a better understanding of the impact of the MPT.

In the 2016 US Presidential campaign, President Donald Trump stated that one of his goals would be to eliminate the MPT and the alternative minimum tax. The President also indicated that he wanted to reduce complexity in the United States tax code and decrease the number of tax brackets. In addition, he proposed reducing the tax rates on individual and corporate taxpayers (Johnson 2016). With the help of Congress, a new tax law was indeed passed. Considered one his most influential accomplishments of his first year in office, President Trump signed into law on December 22, 2017 the Tax Cuts and Jobs Act of 2017 (2017 Act). The 2017 Act generally takes effect on January 1, 2018, eliminates or greatly reduces the MPT for some taxpayers, and represents the most comprehensive change to United States tax law in 30 years. The President acknowledged the work of congressional leaders, such as Senate Majority Leader Mitch McConnell (R-Ky.) and House Speaker Paul D. Ryan (R- Wis.) (Wagner 2017).

REVIEW OF PRIOR RESEARCH

The marriage penalty tax arises from the three conflicting objectives ("trilemma") in the U.S. tax system: equal treatment of married couples (or couples equity), marriage neutrality and progressive taxation (Listokin 2014; Pomerleau 2015; Roberts 2017). Equal treatment of married couples suggests that married couples with the same joint income should pay the same amount of income tax regardless of the distribution of annual income between the spouses. Neutrality of marriage means that a couple's income tax should be independent of their marriage status. Marriage penalties (bonuses) occur when a married couple has to pay more (less) income tax than their combined income tax if they are unmarried. Because of the progressive tax structure, the married couples who earn similar income suffer marriage penalties, while those couples who earn significant different amounts might receive marriage tax "bonuses" (Pomerleau 2015).

Under The Tax Cuts and Jobs Act of 2017 Act (2017 Act), the progressive tax rates on individual taxpayers are on average reduced by two to three percentage points compared to 2017 income tax rates, and the 10%, 12%, 22%, 24% and 32% tax brackets for married jointly filing double these single filing brackets. Thus, the 2017 Act will greatly mitigate marriage penalty because it reduces the tax progressivity and widens tax brackets for married couples. In addition to recent efforts by President Trump, other efforts to address the MPT include The Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA 2001) which was signed into law on June 7, 2001, by President George W. Bush. A key goal of this Act was to decrease effects of the MPT.

One MPT-reducing provision of EGTRRA 2001 was a phase-in of an escalation in the standard deduction for married couples and increase of the income subject to the 15 percent rate to an amount double that of single taxpayers. Subsequently, to stimulate the economy, on May 28, 2003, President Bush signed another tax act into law, the Jobs and Growth Tax Relief Reconciliation Act of 2003 (JGTRRA 2003). This Act fast-tracked a number of provisions of EGTRRA 2001, raised the childcare tax credit, increased the standard deduction for married couples, and endeavored to decrease the inequity of MPT. Table 1 lists examples of past and current provisions in the Internal Revenue Code that could have MPT consequences.

In one of his speeches regarding JGTRRA 2003, President Bush specifically addressed the MPT: "My tax cut plan is not just about productivity, it is about people. Economics is more than narrow interests or organized envy. A tax plan must apply market principles to the public interest. And my plan sets out to make life better for average men, women, and children. The current tax code is full of inequities. Many single moms face higher marginal tax rates than the wealthy. Couples frequently face a higher tax burden after they marry. High marginal tax rates act as a tollgate, limiting the access of low and moderate-income earners to the middle class. The current tax code frequently taxes couples more after they get married. This marriage tax contradicts our values and any reasonable sense of fairness" [emphasis added] (White House 2003).

TABLE 1
EXAMPLES OF PROVISIONS IN THE INTERNAL REVENUE CODE THAT POTENTIALLY RESULT IN MPT

Internal Revenue Code Section	Provision
1	Single vs. Married Filing Joint Return Rate Schedules
1	Head of Household vs. Married Filing Joint Return Rate Schedules
22	Credit for the Elderly and Permanently Disabled
24	Child Tax Credit (Before 2018)
32	Earned Income Tax Credit
36B	Health Care Premium Assistance Credit (takes effect in 2014)
55(d)	Alternative Minimum Tax Exemption and Phase-out of the Exemption
62(b)	Expenses of a Qualified Performing Artist
63(c)(2)	Basic Standard Deduction (except from 2003-2025)
63(f)	Additional Standard Deduction
67	Deduction Limit on Miscellaneous Itemized Deductions (Except for 2018 Through 2025)
68	Phase-out of Total Itemized Deductions (Partial from 2006-2009; None in 2010-2012 and 2018 through 2025)
86(c)	Taxation of Social Security Benefits
151(d)(3)	Phase-out of Personal Exemption Deduction (Partial from 2006-2009; None in 2010-2012).
163(d)	Limit on Investment Interest Deduction
163(h)	Limit on Acquisition and Home Equity Indebtedness
165(h)(2)	Limit on the Deduction of Casualty and Theft Losses
170	Limitation on Charitable Contribution Deductions
179	Limit on One-Time Expensing Election
219(b)	Phase-out of Deduction for IRA Contributions
267	Losses Between Related Parties
302	Taxation of Stock Redemptions
304	Redemption Through The Use of Related Corporations
408A	Phase-out of the Amount of Allowable Roth IRA Contributions
469(i)	Passive Loss Limitation and Phase-out
1091	Wash Sales
1211(b)	Capital Loss Limitation
1239	Certain Sales of Depreciable Property
1411	Medicare Contribution Tax on Net Investment Income (effective in 2013)
3101	Additional Medicare Tax on Earned Income (effective in 2013)

Source: Carpenter, Floyd, Dennis Lassila, and L. Murphy Smith. (2013). The Federal Government's War on Marriage AKA the Marriage Penalty Tax: Unfair to Individuals and Harmful to Society. *Journal of Legal, Ethical and Regulatory Issues* 16(2): 107-130, as adjusted for changes in the law since this article was published.

The issue of "fairness" is very important to taxpayers in regard to their intrinsic willingness to pay taxes, sometimes referred to as "tax morale." In a study that included the United States and 15 European countries, the US had the highest tax morale (Alm &Torgler, 2006). Through the centuries, tax compliance depends on people accepting the right of government to tax its citizens (Axtell et al., 2017). The establishment of this governmental right can be traced back to ancient times. In a first century clash with his adversaries, Jesus of Nazareth was questioned whether Jewish citizens must pay taxes to the Roman government (Mark 12: 13-17). In the account, Jesus asked to see a Roman denarius, a silver coin, about the size of a US dime. Figure 1 shows a Roman denarius. Using the denarius as an object lesson, Jesus established that paying taxes was a citizen's moral responsibility:

"…Bring me a denarius and let me look at it." And they brought one. And he said to them, "Whose likeness and inscription is this?" They said to him, "Caesar's." Jesus said to them, "Render to Caesar the things that are Caesar's, and to God the things that are God's" (Holy Bible, 1996, p. 856).

FIGURE 1
ROMAN DENARIUS

Note: Augustus (born Gaius Octavius), 23 September 63 BC – 19 August 14 AD, was the first Emperor of the Roman Empire, ruling from 27 BC until his death in 14 AD. The silver denarius depicts Augustus on the obverse and his adopted sons, Caius and Lucius, with shields, on the reverse.
Source: Smith, L.M. (2017).

This first-century clash on tax compliance is listed among the key events on the timeline regarding accounting and financial reporting, as shown in Table 2. Establishing the legitimacy and fairness of government taxation has had a major impact on Western thought, from ancient times to the present, particularly in Christian-influenced societies. A US-based study published the *Journal of the American Taxation Association* found that firms based in more-religious counties were correlated with a smaller likelihood of avoiding taxes. Further, religiosity is consistently correlated to smaller levels of tax avoidance by individual citizens (Boone, Khurana, & Raman, 2012).

A study by Alm & Leguizamon (2015) examined the evolution of marriage penalties or bonuses in the federal individual income tax over the period 1969-2009. They find that the tax treatment of the family has changed significantly from a large average marriage bonus in 1969, to a large average marriage penalty in the 1990s and early 2000s, to a large average marriage bonus since the Bush tax cuts in 2003. The adjustments in the federal tax code contribute the most to such an evolution, though family income and demographic changes also have a minor effect. Table 3 shows estimates of the net MPT based on previous research.

TABLE 2
TIMELINE OF KEY EVENTS REGARDING ACCOUNTING AND FINANCIAL REPORTING

4000 BC	Archeological findings in lower Mesopotamia show that scribes accounted for temple income on clay tablets.
27 BC	In Ancient Rome, an account-keeper, also called dispensator or procurator, is employed to maintain stewardship of financial matters.
33 AD	Jesus of Nazareth affirms a citizen's duty to pay taxes: "Render to Caesar the things that are Caesar's, and to God the things that are God's."
60	The Bible describes internal control procedures such as the use of accounting reports to monitor a steward's performance (Jesus's parable of the 'unjust steward') and dual custody of assets (Apostle Paul's handling financial gift).
1086	William the Conqueror's Doomsday Book is compiled, providing detailed information about England and Wales from which taxes were levied.
1200s	The development and spread of manorial accounting, the proffer system, and tallies throughout England, Scotland, and Ireland.
1455	Johann Gutenberg invents the movable type printing press.
1494	Friar Luca Pacioli authors first book on double-entry accounting.
1600	East India Company, early joint-stock corporation, established with royal charter by Queen Elizabeth I.
1629	Appointment of auditors to examine the accounts of Massachusetts Bay colony.
1792	New York stock exchange established.
1853	Institute of Accountants is established in Edinburgh, Scotland, UK.
1883	First US college accounting course offered at the University of Pennsylvania.
1896	New York is first US state to pass CPA legislation.
1899	First woman CPA, Christine Ross of New York.
1928	Helen Lowe, Chartered Accountant, starts her own accounting practice in Scotland.
1930s	US securities acts of 1933 and 1934 require filing and public disclosure of audited financial statements to the SEC.
1946	The first electronic computer, ENIAC, is constructed at the University of Pennsylvania.
1969	ARPANET, the forerunner of the Internet, established with four nodes: UCLA, Stanford, UC-Santa Barbara, and University of Utah.
1973	International Accounting Standards Committee established, forerunner of the International Accounting Standards Board (IASB).
1980s	Widespread use of microcomputers, particularly for word processing and spreadsheet applications.
1991	Sir Tim Berners-Lee, working at CERN in Geneva, develops the World Wide Web in a relatively innocuous newsgroup, "alt.hypertext." Later, people refer to the Internet itself as the Web. The impact on e-commerce is profound.
1995	*The Bottom Line is Betrayal* authored by K.T. Smith, L.M. Smith, and D.L. Crumbley: the first business educational novel combining accounting, international trade, global marketing, and emerging technologies (7th edition published in 2014).
1998	Olivia F. Kirtley becomes first woman Chair of the American Institute of CPAs (AICPA).
2002	Sarbanes-Oxley Act signed into law by President George W. Bush, contains provisions regarding corporate governance, auditing, and financial reporting of public companies, including provisions designed to prevent and punish corporate accounting fraud and corruption.

Table 2: Timeline--Continued

2005	European Union requires use of International Financial Reporting Standards (IFRS) by publicly traded companies in the EU.
2007	US Securities and Exchange Commission accepts IFRS for financial reporting by non-US companies listed in the US stock market (no Form 20-F reconciliation to USA GAAP) if those companies use IFRS in their home country.
2009	The implementation of the Codification of U.S. GAAP.
2014	Olivia F. Kirtley becomes first woman President of the International Federation of Accountants (IFAC).
2018	International Financial Reporting Standards accepted or required in over 140 countries.

Adapted from: Smith (2018).

TABLE 3
ESTIMATES OF NET MARRIAGE PENALTY TAX BASED ON PRIOR RESEARCH

Study / year published [tax act]	Tax Year	Average Penalty % and $	Average Benefit % and $	Net Penalty ($B)
Feucht, et al. 2009 [JGTRRA]	2000			$(11)
Feucht, et al. 2009 [pre JGTRRA]	2000			$311
Bull, et al. 1999	1999	48 and $1,141	41 and $1,274	$31
CBO 1997	1996	42 and $1,380	51 and $1,300	-
CBO 1997 (all itemized)	1996	47 and $1,750	49 and $1,350	-
Alm and Whittington 1996	1994			$375*
Feeberg and Rosen 1995 [OBRA 93]	1994	51 and $1,244	38 and $1,399	$124*
Feeberg and Rosen 1995	1993	51 and $898	38 and $1,577	$(143)*
Rosen 1987 [TRA 86]	1988	40 and $1,091	53 and $609	$119**
Rosen 1987	1986			$529**
*1994 Dollars and **1988 Dollars				

Source: Carpenter, Floyd, Dennis Lassila, and L. Murphy Smith. (2013). The Federal Government's War on Marriage AKA the Marriage Penalty Tax: Unfair to Individuals and Harmful to Society. *Journal of Legal, Ethical and Regulatory Issues* 16(2): 107-130.

Prior research on tax and transfer programs shows the negative impact of the MPT on marital stability. The declining marriage rate is regarded as one of the key problems facing the United States society. Previous research shows that the MPT, because of its negative impact on marital stability and two-parent families, leads to significant negative consequences to individuals, resulting in significant social and economic costs, including increased rates of children living in poverty, reduced education, greater unemployment, higher rates of crime, and reduced public health (Feucht et al. 2009, Heritage Foundation 2012a, Carpenter et al. 2013). According to Alm & Whittington (1995, 1996, and 1999), a significant consequence of the MPT is its negative impact on the decision to marry, which in turn negatively affects society overall.

The earned income tax credit (EITC) is another benefit in U.S. tax system, designed for low to moderate-income earners and low-income families with children to reduce poverty (Erard and Ho 2003; Drumbl 2016). Michelmore (2016) utilize the federal and state variations in earning income credit generosities from 2001 to 2008 to examine the impact of expected changes in earned income tax credit on the cohabitation and marriage decision among low-income single mothers. She finds that single mothers expect to lose about $1,300 of earned income tax credit benefits upon marriage. As a result, single mothers who expect to lose EITC benefits are 2.5% more likely to cohabit with their partners than those whose ETIC benefits are not affected. The results suggest that the potential marriage penalty of EITC has a significant impact on the marriage and cohabitation decisions of low-income single mothers. This paper provides further, updated analysis of the impact of the EITC on the MPT in the analysis below.

In addition to marriage and cohabitation decisions, the marriage tax penalties could affect the secondary earner of a married couple's decision to work. The progressive tax system of tax rates has historically been strongly in favor of single-earner families because the second earner's income is taxed on the top of primary earner's income for married couples filing joint income tax returns (Walsh 2015). For example, the marginal tax rate in 2017 for the secondary earner was 39.6% if the primary earner made enough money to put the couple in the highest tax bracket. Consequently, the secondary earner may have decided not to work considering the tax expenses, childcare expenses, clothing, traveling, and loss of leisure time. Lee et al. (2013) compare the expenditures of dual-income married couples with those of single-income married couples. They find that dual income households paid a higher proportion of gross income for taxes (4.16%) than single income households (3.12%). The marriage penalty for dual income households may discourage married women from working.

Given the negative effect on individuals and on society overall, elimination of the MPT would be logical. However, opponents to the elimination of the MPT complain that 'higher-income' taxpayers take a disproportionate amount of the reduced tax. Yet, prior research indicates that the MPT has an equally adverse effect on couples that are in the lowest income brackets, especially due to MPT associated with the earned income tax credit. In addition, another complaint is that removal of the MPT only decreases taxes for married couples, not for single taxpayers; thereby, married taxpayers obtain a 'disproportionate' benefit relative to single taxpayers. The counter-argument is that removal of the MPT corrects an unfair, negative feature of the tax system (Feucht et al. 2009, Carpenter et al. 2013).

According to President Lincoln, foreign invaders would never be able to subjugate America but that America could be destroyed only if American citizens destroyed themselves from within (Lincoln 1838). History shows that the marriage and families are key building blocks of advanced civilization. The famed British Prime Minister, Winston Churchill, noted: "There is no doubt that it is around the family and the home that all the greatest virtues, the most dominating virtues of human society, are created, strengthened and maintained" (ThinkExist 2017). Where it has existed in the past, and still persists in parts of the federal tax code, the MPT is an example of national self-destructive legislation, negatively affecting American families (Feucht et al. 2009, Carpenter et al. 2013).

Logic dictates that a couple should not pay higher taxes, simply due to the fact that they are married, rather than merely cohabiting unmarried. Extensive research on family configuration that controls for factors such as income level, race, and education, has shown that children brought up in married two-parent families have improved outcomes on average than children brought up in other arrangements (McLanahan 1996, Parker and Johns 2002, Deleire and Kalil 2002, Morse 2003, Demuth and Brown 2004, Coverdale 2007). Due to economic disincentives, the MPT is anti-marriage; as a result, the MPT is detrimental to children and society in general. Without stable families, civilization erodes. Positive economic outcomes of stable two-parent families include improved employment, enhanced public health, and reduced rates of crime. (Carpenter et al. 2013, Heritage Foundation 2012b, Feucht et al. 2009, Feucht et al. 2008). Maher (2001) listed numerous benefits of marriage on society. A few are shown in Table 4.

TABLE 4
HOW MARRIAGE BENEFITS SOCIETY

1. Complementary Parental Roles: Marriage ensures that children have access to a mother and a father. Mothers and fathers have unique and complementary roles in children's development.
2. Less Risky Behavior: Some of the most important benefits children receive from married parents are love and attention. This makes them less likely to engage in behaviors such as premarital sex, substance abuse, delinquency, and suicide.
3. Better Children's Health: Children with married parents have better emotional and physical health than those raised by single parents.
4. Economic Benefits: Children with married parents fare better economically.
5. Higher Academic Scores: Children living in single-parent families have lower math and science scores than children in two-parent families.
6. Better Married Person's Health: Married people have better emotional and physical health than unmarried people.
7. Safety Benefits: Marriage is the safest relationship for women.
8. Less Government, Lower Taxes: With more strong marriages, fewer programs such as child support enforcement, foster care, and welfare would be needed to alleviate the effects of broken homes, lessening taxpayers' burdens.

Source: Maher, B. (2001). The Benefits of Marriage. Washington, D.C.: Family Research Council. Retrieved 3 January 2018 from http://downloads.frc.org/EF/EF11B13.pdf.

With regard to complimentary parental roles, research shows that the emotional bond of a mother to her children assists them in developing their conscience, capabilities for empathy, and self-worth (Hunter 1997). A study by Hojat (1998) found that adults who saw their mothers as accessible and devoted to them in childhood were less prone to depression and poor self-esteem as adults, and be hardier in handling life events. When fathers are involved with their children, they attain better emotional health, have higher academic performance, and achieve higher job standing as adults (Biblarz & Gottainer 2000). Interaction with fathers is also associated with children learning independence and assertiveness. Fathers provide a role model for sons and daughters, showing sons how to healthily relate to women and daughters how to healthily relate to men (Popenoe 1996).

Seton Hall University law professor John Coverdale summed up research on family structure and children, as follows:"[C]hildren raised in intact nuclear families have better outcomes on virtually every index than children raised in any other setting. This is demonstrated by numerous studies based on large national samples over extended time frames that control for other variables such as parents' race, education, and income level" (Coverdale 2007, p. 7). There are some who would suggest that a person could have a nuclear family but avoid the marriage penalty by being unmarried, cohabiting parents. However, this approach often ends poorly for children, as half of cohabiters break up within five years, compared to just 15 percent of married couples (USA Today 2005). Similarly, a British study determined that unwed parents had six times higher probability to split up than married parents by the child's fifth birthday (Harris 2011).

Regarding less risky behavior, Weitoft et al. (2003) in a study, which involved nearly one million children, concluded that children raised in a single-parent home have over double the probability as children raised in two-parent homes to experience serious psychiatric disorder, to attempt or commit suicide, or to become addicted to alcohol. Regarding better children's health, Kelleher et al. (2000) determined that children residing in single-parent homes have double the likelihood of experiencing behavioral and emotional as children residing with both parents. Regarding economic benefits, for children in the United States, children living with single mothers have about five times greater likelihood of being in poverty rates than children residing with married parents, 51 percent versus 13 percent (Casey & Maldonado, 2012).

Regarding higher academic scores, in a study involving 11 industrialized countries, Pong et al. (2003) found that children residing in single-parent homes scored lower in science and math than children residing in two-parent homes. Regarding better married person's health, the National Center for Health Statistics determined that people who are married enjoy better health and higher levels of happiness than divorced, widowed, cohabiting, separated, or never married people, regardless of sex, age, race, income, education, or nationality. Married persons drink and smoke less, and have the least amount of psychological distress (Schoenborn 2004). In addition, a study by Pienta (2000) determined that persons who are married experience the least occurrence of diseases such as heart disease, hypertension, and diabetes.

Regarding safety benefits, rates of physical aggression are three times higher for cohabiting couples compared to married couples (Salari & Baldwin 2002). In a study by the Department of Justice, divorced and separated women experienced the highest rates of violence by a boyfriend, ex-spouse, or spouse. Married and widowed women experienced the bottommost rates of violent abuse (Bureau of Justice Statistics 2000). Regarding less government and lower taxes, when marriages succeed in a society, the tax burden on all citizens is reduced, as there are not as many taxpayer-funded programs such as foster care, welfare, and child support enforcement. A study by Schramm (2003) estimates that costs of divorce in the US amount to $33.3 billion annually.

In some situations, instead of a marriage penalty, a so-called marriage "bonus" can occur. Given that the MPT is the excess of (1) the amount of income tax that a married couple would pay when filing married-filing-jointly minus (2) the combined income tax that two single (unmarried individuals) would pay when filing as single individuals. In most cases, the MPT is largest when the spouses achieve equal or almost equal amounts of taxable income. The marriage bonus tax (MBT) is said to result when the (1) combined amount of tax paid by two single individuals is greater than (2) the tax paid by a married couple when filing jointly (Cook et al. 1999).

Typically, the MBT is highest when one spouse in a married couple produces all or almost all of the couple's combined income. Historically, this "bonus" was regarded as fair and logical, given the contributions to society by a married couple. For example, in the case of a married couple with children, when one spouse chose to give up or reduce work time (and income), that spouse was able to devote greater time to nurturing children, which yields great benefits to society such as lower crime, fewer school dropouts, etc. (Carpenter et al. 2013). In various ways, previously described, children benefit from the presence of both parents in the home. There is logic in allowing a couple to split their income between each spouse, particularly given the positive impact of marriage on children.

ANALYZING IMPACT ON THE MPT BY THE TAX CUTS AND JOBS ACT OF 2017

Impact on the MPT Due to Tax Rate Schedules

The Tax Cuts and Jobs Act of 2017 (2017 Act) (Public Law 115-97, 115th Congress, 1st Session (December 22, 2018) made major changes to the United States tax system, including the MPT. Carpenter et al. (2013) listed key factors connected to the MPT, such as tax rate schedules and the Earned Income Tax Credit (EITC). The MPT was reduced in some cases by the 2017 Act, eliminated in other cases, and not changed in yet other cases. One of the ways the MPT was reduced by the new law was in its effect on the tax rate schedule brackets. Shown in Table 5 are the tax brackets for 2018 resulting from passage of the 2017 Act. (Internal Revenue Code, Section 1(i)) Table 6 shows what the 2018 brackets would have been if the 2017 Act had not passed. (Revenue Procedure 2017-58) The President proposed cutting down the number of tax brackets from seven to three. However, the 2017 Act retained the seven-bracket structure but for the most part with reduced tax rates. The MPT due to the tax rate brackets is almost eliminated under the 2017 Act. The MPT, as with many other parts of tax law, is a partisan political issue, with Republicans generally supporting elimination of the MPT and Democrats not supporting (Carpenter et al. 2013, Feucht et al. 2009, Stevenson 2000a, Stevenson 2000b).

TABLE 5
TAX BRACKETS FOR 2018 IMPLEMENTED BY THE TAX CUTS AND JOBS ACT OF 2017

Marginal Tax Rate	Single	Married Filing Jointly	Head of Household	Married Filing Separately
10%	$0-$9,525	$0-$19,050	$0-$13,600	$0-$9,525
12%	$9,525-$38,700	$19,050-$77,400	$13,600-$51,800	$9,525-$38,700
22%	$38,700-$82,500	$77,400-$165,000	$51,800-$82,500	$38,700-$82,500
24%	$82,500-$157,500	$165,000-$315,000	$82,500-$157,500	$82,500-$157,500
32%	$157,500-$200,000	$315,000-$400,000	$157,500-$200,000	$157,500-$200,000
35%	$200,000-$500,000	$400,000-$600,000	$200,000-$500,000	$200,000-$300,000
37%	Over $500,000	Over $600,000	Over $500,000	Over $600,000

To illustrate how the 2017 Act affects the MPT due to tax rate brackets, consider a scenario in which two taxpayers are married or unmarried cohabiting. Under pre-2017 Act, the first two tax brackets (10% and 15%) begin and end for married persons filing joint returns at exactly twice the dollar amount that applies to single unmarried individuals. Thus, under prior law there would have been no MPT for persons with taxable incomes within the first two brackets. For instance, the MPT would have been $0 for a married couple filing a joint return with taxable income of $40,000 versus two unmarried persons each with taxable income of $20,000. This is shown in Table 7, which presents MPT amounts for married couples filing jointly for 2018 under prior law and under the law in effect as a result of the 2017 Act at selected taxable income levels.

On the other hand, for 2018 under former law, the last five tax brackets (25%, 28%, 33%, 35%, and 39.6%) begin and end at points that are less than twice the amount where they begin and end for single unmarried individuals. This would have resulted in a MPT for some married couples with taxable incomes subject to those brackets. For example, assume a single man and single woman with taxable income each of $80,000 and a married couple with taxable income exactly twice as large at $160,000. As shown in Table 7, their MPT would have been $115.50.

TABLE 6
TAX BRACKETS FOR 2018 BEFORE THE TAX CUTS AND JOBS ACT OF 2017

Marginal Tax Rate	Single	Married Filing Jointly	Head of Household	Married Filing Separately
10%	$0-$9,525	$0-$19,050	$0-$13,600	$0-$9,525
15%	$9,525-$38,700	$19,050-$77,400	$13,600-$51,850	$9,525-$38,700
25%	$38,700-$93,700	$77,400-$156,150	$51,850-$133,850	$38,700-$78,075
28%	$93,700-$195,450	$156,150-$237,950	$133,850-$216,700	$78,075-$118,975
33%	$195,450-$424,950	$237,950-$424,950	$216,700-$424,950	$118,975-$212,475
35%	$424,950-$426,700	$424,950-$480,050	$424,950-$453,350	$212,475-$240,025
39.6%	Over $426,700	Over $480,050	Over $453,350	Over $240,025

The amount of the MPT would have been substantially larger for higher income individuals. For instance, Table 7 indicates that the MPT would have been $8,585 and $34,258.10, for a married couple filing a joint return with taxable incomes of $400,000 and $1,000,000, respectively, compared to single unmarried individuals with taxable incomes of $200,000 each and $500,000 each, respectively.

The 2017 Act largely eliminated the MPT that is due to tax rate brackets. That is because for the first five of the seven tax brackets (10%, 12%, 22%, 24%, and 32%), the beginning and ending dollar amounts for married persons filing joint returns are twice the amount applicable to unmarried single individuals. Thus, as indicated in Table 7, there is no MPT under the new law for 2018 for married couples with taxable income s of $40,000, $160,000, and $400,000, compared two unmarried single individuals each with exactly half that taxable income. Under the new law, MPT biases only can occur for the few very high income taxpayers that are in the 35% and 37% brackets. For example, consider the case of a married couple with a taxable income of $1,000,000 compared two single unmarried individuals each with $500,000 of taxable income. The MPT under former law would have been $34,258.10, but is reduced to $8,000 by the 2017 Act.

Impact on the MPT Due to the Earned Income Tax Credit (EITC) Rules

While the 2017 Act largely eliminated the MPT due to the tax rate brackets, the 2017 Act did nothing to reduce the potentially large MPT resulting from the Earned Income Tax Credit (EITC) rules. The EITC is a refundable credit that is designed to provide some tax benefits to low to moderate income families. Since the credit is based on earned income, this provision encourages low to moderate-income taxpayers to be gainfully employed. Generally, the income base (up to a specified limit) can include salaries, wages, tips, other employee compensation and net earnings from self-employment. The credit rate to apply to the base depends upon whether the taxpayer has qualifying children. For taxpayers who are between 25 and 64 years of age without any qualifying children, the credit rate is 7.65%. For taxpayers regardless of age who have qualifying children as dependents, the credit rates are 34% for one child, 40% for two children, and 45% for three or more children (Internal Revenue Code, Section 32).

Table 8 presents the 2018 the maximum earned income levels, the credit rates, and the maximum EITC for taxpayers with and without qualifying children. Also shown are income phase-out levels that result in a reduction in the EITC allowed for married couples filing jointly (MFJ) and for other taxpayers: single, head of household, or a qualified widow(er). Married couples must file jointly to claim the EITC.

TABLE 7
IMPACT OF MPT ON TAX RATES AND TAX LIABILITIES, UNMARRIED VS. MARRIED COUPLE

A. 2018 Before The Tax Cut and Jobs Act of 2017

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 20,000	$ 20,000	$ 40,000	$ 40,000
Related Income Tax	2,523.75	2,523.75	5,047.50	5,047.50
			MPT	**$0**

2018 With The Tax Cut and Jobs Act Implemented

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 20,000	$ 20,000	$ 40,000	$ 40,000
Related Income Tax	2,209.50	2,209.50	4,419.00	4,419.00
			MPT	**$0**

B. 2018 Before The Tax Cut and Jobs Act of 2017

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 80,000	$ 80,000	$ 160,000	$ 160,000
Related Income Tax	15,653.75	15,653.75	31,307.50	31,423.00
			MPT	**$115.50**

2018 With The Tax Cut and Jobs Act Implemented

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 80,000	$ 80,000	$ 160,000	$ 160,000
Related Income Tax	13,539.50	13,539.50	27,079.00	27,079.00
			MPT	**$0**

C. 2018 Before The Tax Cut and Jobs Act of 2017

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 200,000	$ 200,000	$ 400,000	$ 400,000
Related Income Tax	49,070.25	49,070.25	98,140.00	106,725.50
			MPT	**$8,585.00**

Table 7: Impact of MPT—Continued

2018 With The Tax Cut and Jobs Act Implemented

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 200,000	$ 200,000	$ 400,000	$ 400,000
Related Income Tax	45,689.50	45,689.50	91,379.00	91,379.00
			MPT	**$0**

2018 Before The Tax Cut and Jobs Act of 2017

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 500,000	$ 500,000	$ 1,000,000	$ 1,000,000
Related Income Tax	152,943.05	152,943.05	305,886.10	340,144.20
			MPT	**$34,258.10**

2018 With The Tax Cut and Jobs Act Implemented

	Single Male	Single Female	Total for Unmarried Couple	Total for Married Couple
Taxable Income	$ 500,000	$ 500,000	$ 1,000,000	$ 1,000,000
Related Income Tax	150,689.50	150,689.50	301,379.00	309,379.00
			MPT	**$8,000.00**

As shown in Table 8, the adjusted gross income (AGI) phase-out levels for 2018 begin and end for married couples at $5,700 above the level for unmarried taxpayers (Revenue Procedure 2017-58). If there were no bias against married taxpayers, the reduction in the credit would begin for those couples at twice the level that applies to other taxpayers. In short, the income phase-out level for married couples should begin at $17,020 ($8,510 x 2) for those without children instead of beginning at $14,200. For those married couples with qualifying children, the income phase-out level should begin at $37,400 ($18,700 x 2) rather than at $24,400. This bias translates into lower EITCs for parents who are married than for parents who are unmarried, but with about the same amount of AGI.

To illustrate the magnitude of the MPT, assume there are two couples (Bob & Beth and Ted & Tammy) with two qualifying children. Each parent has AGI of $20,000, consisting solely of earned income. Bob and Beth are unmarried and Beth claims the children as dependents. Ted and Tammy are married filing jointly and they claim their two children as dependents. Beth, unmarried with AGI of $20,000 and two qualifying children, receives an EITC of $5,454.22. (The EITC amounts are based on 2018 inflation-adjusted Internal Revenue Service published amounts in Revenue Procedure 2017-58). Ted and Tammy, also with two qualifying children, but with a combined AGI of $40,000, receive an EIC of only $2,442.64. So, while both couples have the same total income and the same number of qualifying children, Ted and Tammy pay a penalty for being married of $3,011.58, an amount equal to over 7.5% of their AGI. The MPT impact on EITC is illustrated in Table 9 at a number of levels of AGI.

TABLE 8
2018 EARNED INCOME CREDIT AND PHASE-OUT PERCENTAGES

NUMBER OF QUALI-FYING CHILDREN	MAX. EARNED INCOME	CREDIT %	MAX. EIC	PHASE-OUT BEGINS	PHASE - OUT %	PHASE-OUT ENDS
MFJ						
NONE	$ 6,800	7.65%	$ 520	$ 4,200	7.65%	$ 21,000
ONE CHILD	10,200	34.00%	3,468	24,400	15.98%	46,102
2 CHILDREN	14,320	40.00%	5,728	24,400	21.06%	51,598
3 OR MORE	14,320	45.00%	6,444	24,400	21.06%	54,988
OTHER TAXPAYERS						
NONE	$ 6,800	7.65%	$ 520	$ 8,510	7.65%	$ 15,310
ONE CHILD	10,200	34.00%	3,468	18,700	15.98%	40,402
2 CHILDREN	14,320	40.00%	5,728	18,700	21.06%	45,898
3 OR MORE	14,320	45.00%	6,444	18,700	21.06%	49,298

Even at lower income levels, there is still an MPT. If each parent in the above example had AGI of $15,000 and two children, Beth would receive an EITC of $5,728. In addition, Bob would receive an EITC as a single individual of $23.52. Ted and Tammy, with combined AGI of $30,000, would only receive an EITC of $3,373. Ted and Tammy incur a marriage penalty of $1,202.88 in this scenario.

The MPT is even worse if each person in the unmarried couple has one qualifying child instead of one of the persons having two qualified children and the other, none. That is because there is a further cause of the penalty in that the maximum EITC for the two single persons each with one qualifying child is $6,936 ($3,468 times 2), whereas, for the married couple, the maximum EITC is $5,728 (Revenue Procedure 2017-58). For example, Bob and Beth each with AGI of $20,000 and one qualifying child would have a combined EITC of $6,520, which is $4,077 larger than the EITC of $2,443 they would be entitled to as a married couple. That $4,077 MPT is equal to 10.2 percent of their combined AGI. The MPT at various AGI levels for this type of scenario is illustrated in Table 10.

Even at lower total income levels there is still a substantial MPT. If each parent, Bob and Beth, had AGI of $15,000, the total EITC they would receive would be $6,936, which is $2,388 larger than the EITC of $4,548 that Ted and Tammy would receive as a married couple. That penalty amount is equal to nearly 8% of the combined AGI of the married couple.

In summary, the MPT due to the EITC can be quite significant, and may be large enough in some circumstances to deter a couple that is considering marriage from getting married. The 2017 Act did nothing to reduce the MPT resulting from the way EITC affects married versus unmarried couples. As a result, the MPT is a major discourager to marriage for low earners who are the key recipients of the EITC. This, in turn, leads to all the negative social consequences on their children, such as higher rates of children living in poverty, lower education, higher unemployment, increased rates of crime, and reduced public health.

TABLE 9
IMPACT OF MPT ON EITC BENEFITS, UNMARRIED VS. MARRIED COUPLE (TWO QUALIFYING CHILDREN)

	Single Male No Child	Single Female Two Children	Total for Unmarried Couple	Total for Married Couple
AGI	$ 22,500	$ 22,500	$ 45,000	$ 45,000
EITC Allowed	N/A	4,927.72	4,927.72	1,389.64
			MPT	**$3,538.08**
AGI	$ 20,000	$ 20,000	$ 40,000	$ 40,000
EITC Allowed	N/A	5,454.22	5,454.22	2,442.64
			MPT	**$3,011.58**
AGI	$ 17,500	$ 17,500	$ 35,000	$ 35,000
EITC Allowed	N/A	5,728.00	5,728.00	3,495.64
			MPT	**$2,232.36**
AGI	$ 15,000	$ 15,000	$ 30,000	$ 30,000
EITC Allowed	23.52	5,728.00	5,751.52	4,548.64
			MPT	**$1,202.88**
AGI	$ 12,500	$ 12,500	$ 25,000	$ 25,000
EITC Allowed	214.77	5,000.00	5,214.77	5,601.64
			MPT	**($387)**

TABLE 10
IMPACT OF MPT ON EIC BENEFITS, UNMARRIED (ONE QUALIFYING CHILD EACH) VS. MARRIED COUPLE (TWO QUALIFYING CHILDREN)

	Single Male One Child	Single Female One Child	Total for Unmarried Couple	Total for Married Couple
AGI	$ 22,500	$ 22,500	$ 45,000	$ 45,000
EIC Allowed	2,860.76	2,860.76	5,721.52	1,389.64
			MPT	**$4,331.88**
AGI	$ 20,000	$ 20,000	$ 40,000	$ 40,000
EIC Allowed	3,260.26	3,260.26	6,520.52	2,442.64
			MPT	**$4,077.88**
AGI	$ 17,500	$ 17,500	$ 35,000	$ 35,000
EIC Allowed	3,468.00	3,468.00	6,936.00	3,495.64
			MPT	**$3,440.36**
AGI	$ 15,000	$ 15,000	$ 30,000	$ 30,000
EIC Allowed	3,468.00	3,468.00	6,936.00	4,548.64
			MPT	**$2,387.36**
AGI	$ 12,500	$ 12,500	$ 25,000	$ 25,000
EIC Allowed	3,468.00	3,468.00	6,936.00	5,601.64
			MPT	**$1,334.36**

CONCLUSIONS

Past research shows the marriage penalty tax has a negative impact on marital stability, resulting in particularly deleterious effects on women and children, as single females, especially single-parent females, are more likely to be in poverty. Thus, the MPT is a gender issue in that women are more negatively affected by it than men, but to varying degrees all members of society are negatively affected, women, men, and children. This study described the new tax law, Tax Cuts and Jobs Act of 2017 (2017 Act), and how it affects the MPT for a large number of taxpayers. It was determined that while the 2017 Act largely eliminated the MPT due to tax rate brackets, the Act did nothing to reduce the MPT that is due to the earned income tax credit, which largely could affect a substantial number of lower to moderate income taxpayers. In addition, a brief history of the MPT and its impact on individuals and society was presented.

Over the years, the marriage penalty tax (MPT) has been debated, reduced, increased, and muddled in the US tax system. The issue is important to individual taxpayers, as well as to policy-makers, academic researchers, and society overall. For tax policy to be accepted by society, tax laws should be reasonable and fair to all. Legislators must consider the social and political effects when forming tax law. Public policy, including tax laws, should encourage, not discourage two-parent families and their related economic benefits, which include heightened employment, improved public health, and reduced crime.

The family is the critical building block of civilization. A tax system that imposes greater tax burdens on married couples, as compared to single individuals and co-habiting couples, is detrimental to the well-being and progress of any nation. Taxes will continue to be a highly debated political matter. Nevertheless, the eradication of the marriage penalty tax is one thing upon which all political parties should be able to reach agreement. The vitality of marriage and the family are foundational to the future success of United States society.

DEDICATION

This study is dedicated to researcher, scholar, and marriage penalty tax expert, the late Leslie A. Whittington, Professor of Public Policy at Georgetown University in Washington D.C., who was killed on September 11, 2001 when American Airlines Flight 77 was taken over by terrorists and crashed into the Pentagon with 59 people aboard. Professor Whittington, her husband, Charles Falkenberg, and their two daughters, 8-year old Zoe and 3-year old Dana were traveling to Los Angeles and then on to Australia where Whittington had been named a visiting fellow at Australian National University in Canberra.

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