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THE MARRIAGE TAX IS
DOWN BUT NOT OUT

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The Marriage Tax is Down But Not Out

ABSTRACT

The public debate surrounding the Tax Reform Act of 1986 has paid little attention to the tax consequences of being married. Specifically, there has been virtually no discussion of the possible existence of an implicit "marriage tax"--the increase in the joint income tax liability of a man and woman when they marry. This lack of concern appears to be due to the perception that the new law has lowered marginal tax rates to such an extent that the magnitudes of marriage taxes (and subsidies) are inconsequential. In this paper, I show that to the contrary, the new law creates large taxes on being married for some couples, and large subsidies for others. On the basis of a tax simulation model, I estimate that in 1988, 40 percent of all couples will pay an annual average marriage tax of about \$1100, and 53 percent will receive an average subsidy of about \$600.

One striking result that emerges from the analysis is the relatively large marriage tax that will be borne by some low income couples with children. For such couples, the marriage tax can amount to 10 percent of joint gross income. Hence, the new tax law appears to quite "anti-family" for some low income workers.

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I. Introduction

The Tax Reform Act of 1986 (TRA86) will lead to large changes in the after-tax returns associated with various personal and business activities. The magnitudes and consequences of these changes were vigorously debated when TRA86 was under legislative consideration, and they continue to receive a lot of attention from the popular press as well as academic economists. One topic that has received scant coverage is how TRA86 affects the tax consequences of being married.¹ In contrast, the public discussion preceding the important 1981 tax reform was replete with references to the fact that people's tax liabilities depended on their marital status. In particular, there was much concern that income tax liabilities often increased when a couple married--the so-called "marriage tax"--, although it was also possible for couples in some situations to receive implicit subsidies for being married.

Public concern over possible non-neutralities in the tax treatment of married couples has dissipated. This appears to be due to the perception that TRA86 has lowered marginal tax rates to such an extent that the magnitudes of marriage taxes and subsidies are inconsequential. In this paper we show that to the contrary, the new law creates large taxes on being married for some couples, and large subsidies for others. Non-neutralities with respect to marital decisions remain an important part of the tax code.

In order to put the marriage tax consequences of TRA86 in perspective, section II briefly recounts the history of the tax treatment of the family under the personal income tax. Section III discusses the relevant portions of TRA86, and provides examples of how it will affect the tax consequences of marriage for various kinds of couples. In section IV, data from a sample of actual tax returns are used to compute estimates of the marriage tax by

income class for the year 1988. It is shown that 40 percent of American couples will pay an annual average marriage tax of about \$1100, and 53 percent will receive an average subsidy of about \$600. Section V concludes with a summary and a discussion of some implications of the findings.

II. Background

Prior to 1948, individuals' tax liabilities under the U.S. personal income tax were independent of their marital status. There was one rate schedule that applied to each person's income, regardless of whether he or she was married. In 1948 income splitting was introduced.² Under this regime, when a man and woman married, their joint tax liability was computed as twice the tax liability on half their joint income. In the presence of a tax schedule with increasing marginal rates, this meant that joint tax liabilities for couples fell when they got married, ceteris paribus. The tax system, in effect, subsidized marriage.

By 1969, it was possible for a single person's tax liability to be 40 percent higher than that of a married couple with the same income. This was perceived as a major inequity, and in 1969 Congress created a new tax schedule for unmarried people. Under this schedule, a single person's tax liability could never be more than 20 percent higher than the tax liability of a married couple with the same taxable income. A side effect of the new tax schedule was that it became possible for persons' tax liabilities to increase when they married, i.e., when they filed a joint return instead of a two single returns. This situation was particularly likely to emerge when both husband and wife had earned income. Thus, the marriage tax was born. It is important to note that the law did not force married couples to file joint returns. Married persons could file "separate returns," but they were treated differently from the "single returns" filed by the unmarried. In

particular, the rate schedule for separate returns was higher than that on the other schedules.

As noted in Section I, by the late 1970s, the fact that the tax code imposed a penalty on some couples for being married became a hot political issue. President Carter, for example, disapprovingly noted that the system seemed to be encouraging people to live in sin. A response finally came in 1981 in the form of the "two-earner deduction." The two-earner deduction allowed joint filers to deduct from Adjusted Gross Income an amount equal to 10 percent of the earnings of the spouse with the lower earnings, up to a maximum of \$3000. As Feenberg [1983] showed, while the two-earner deduction did not eliminate the marriage tax, it did reduce its magnitude. In any case, since 1981, the marriage tax has not been a major public issue.

The Tax Reform Act of 1986 repealed the two-earner deduction. The Joint Committee on Taxation [1986, p. 3] noted, "Adjustments made in the standard deduction for married individuals filing jointly and in the relationship of the rate schedules for unmarried individuals and married individuals filing joint returns are intended to compensate for the repeal of this provision." The next section examines more carefully the "adjustments" embodied in TRA86, to see whether or not they do indeed "compensate" for the repeal of the two-earner deduction.

III. Relevant Aspects of the Law

This section outlines the provisions of TRA86 that are most relevant to the calculation of marriage taxes and subsidies, and then provides some preliminary calculations of their significance.

A. Rate Schedules

TRA86 maintains the practice of mandating different rate schedules depending upon marital status. Table 3.1 shows for 1988 the correspondence

between marginal tax rates and taxable income for married couples filing joint returns, married couples filing separate returns, singles, and heads of households.³ (A head of household is an unmarried individual who maintains a household which includes as a member a son, daughter, or any other person eligible to be claimed as a dependent.) Note that the "separate" schedule is set so that it is generally disadvantageous to use.⁴ The breakpoints for the first two brackets on the separate return are exactly half those of their counterparts on the joint return. This means that in these brackets, a couple could at best come out just even by filing separate returns. To make things worse, the breakpoint for the top of the 33 percent bracket on the separate return is more than half its counterpart on the joint return.

The schedules in Table 3.1 demonstrate that just as under the old law, it is possible for marriage to lower a couple's joint tax liability. If A has a taxable income of \$29,000 and B has no income, then if they marry, all of A's income is taxed at a 15 percent rate, while before marriage, some would also be taxed at a 28 percent rate. But the possibility of tax liabilities increasing with marriage is also present. If C and D each have taxable incomes of \$17,000 and file as singles, then all their income is taxed at a rate of 15 percent. But if they marry, then part of their income is taxed at a 28 percent rate. Hence, their joint tax liability increases with marriage.

These comparisons are somewhat misleading because they fail to take into account that couples and singles with the same AGI have different taxable incomes due to differences in the standard deductions they are allowed to take. The calculations done at the end of this section incorporate this information, and the qualitative result that emerges is similar--spouses with roughly equal incomes tend to pay a marriage tax, while spouses with

unequal incomes tend to receive a marriage subsidy.

An important aspect of the tax schedule facing low income households is not reflected in Table 3.1. This is the earned income credit (EIC), under which households with at least one child receive a 14 percent tax credit on earnings under \$5714. Thus, 800 dollars ($.14 \times \$5714$) can be subtracted from the individual's tax liability on other income; if this tax liability is less than \$800, the difference is refunded. Starting at \$9,000 of earnings, the credit is reduced by 10 cents for each dollar earned; hence, at \$17,000 of earnings, no credit is received. The key point in the current context is that on a joint return, eligibility for the EIC is based on the couple's joint earnings. Hence, an unmarried individual with a child may lose part or all of the credit upon marriage. As we shall see, this can impose a relatively high burden when both spouses have low earnings.

B. Standard Deduction

The standard deduction allowed on each type of return is recorded in Table 3.2. Note that the standard deduction associated with two single returns is \$6,000 ($= 2 \times \$3,000$); this exceeds the standard deduction on a joint return by \$1,000. This difference will tend to create a penalty for marrying, ceteris paribus. The penalty is even more severe when two heads of households marry; in this case, the loss of deductions amounts to \$3800 ($= 2 \times \$4,400 - \$5,000$).

C. Some Examples

This section illustrates how the provisions in Tables 3.1 and 3.2 determine the tax consequences of marriage. These illustrations assume that all income is from earnings and every return uses the standard deduction. The only other subtraction from AGI to obtain taxable income is the personal exemption of \$1950 times the number of people on the return. (The exemption

is constant regardless of filing status.) For the sake of comparison, we also compute what the marriage tax would have been under the old law.⁵

To begin, consider childless couples in which the before tax wages of the primary earner are \$10,000. The solid line in Figure 3.1 shows the marriage penalty under TRA86 as a function of the wages of the secondary earner. Negative numbers indicate that tax liabilities go down with marriage. Thus, for example, if the secondary earner has zero income, the couple receives an annual subsidy of about \$600 for being married. However, when the secondary earner's wages are \$10,000, the couple's joint tax liability increases by about \$150 with marriage.

Marriage penalties under the old law are indicated by the dashed line. In Figure 3.1, the general tendency is for the absolute values of marriage penalties and subsidies to be greater under TRA86 than the old law, ceteris paribus. Hence, for these couples, TRA86 is less neutral with respect to marriage decisions than its predecessor.

Figures 3.2 and 3.3 show the results of similar calculations for childless couples in which the wages of the primary earners are \$25,000 and \$50,000, respectively. Taken together, Figures 3.1, 3.2, and 3.3 suggest the following observations:

a) The new tax law can provide a substantial "dowry" for an individual who marries someone with no income. Suppose, for example, that E, who has an AGI of \$50,000 is living with F, who has no income. From Figure 3.3, if they marry, E's tax liability decreases by about \$2700. One spouse having zero income is not a necessary condition for a dowry, however. The figures indicate that marriage is subsidized as long as the spouses' incomes are sufficiently far apart.

b) Conversely, TRA86 penalizes marriage for couples whose incomes are

relatively close. Suppose G and H both have \$25,000 incomes. According to Table 3.2, if they marry, their joint tax burden increases by about \$1000.

c) It is hard to say much in general with respect to whether marriage taxes are greater or less under TRA86 than the old law. Contrary to Figure 3.1, in Figure 3.2 and 3.3 there are many cases in which marriage penalties fall with TRA86. For example, consider a couple whose members have incomes of \$50,000 and \$30,000. According to Figure 3.3, their marriage tax is more than \$1,000 lower under TRA86 than under the old law.

We next examine couples with children. These calculations assume that each couple has two children. Thus, if the couple is married, four exemptions can be claimed on their joint return. It is assumed that for unmarried couples, the individual with the higher earnings claims the two children as dependents and files as a head of household, while the other parent files as a single.⁶

The results are reported in Figures 3.4, 3.5 and 3.6. Again, for the sake of comparison, calculations under the old law are represented by dashed lines. Perhaps the most dramatic result that emerges is the relatively large marriage tax borne by some couples whose members both have low earnings. For example, Figure 3.4 indicates that individuals with earnings of \$10,000 and \$7,500 face a tax increase of more than \$1,500 when they marry, about 9 percent of their joint gross wages. The increase is partly due to the fact that the standard deduction on a joint return is \$2400 less than the sum of the deductions on head of household and single returns. In addition, the spouse who was taking the earned income credit finds the amount of the credit reduced, perhaps to zero. In short, the new tax law appears to be quite "anti-family" for low income workers with children.

Taken together, the results in Figures 3.1 through 3.6 suggest that

TRA86 is far from marriage neutral. Some couples will experience substantial tax increases upon marriage, others substantial tax reductions. The discussion surrounding the Figures also indicates that the marriage tax faced by a couple depends crucially on the incomes of each of its members and on their number of dependents, inter alia. Hence, in order to say anything about the overall magnitude of the marriage tax, we require data on the joint distribution of these variables in the population. Such a data set is analyzed in the next section.

III. Tax Simulation Results

In this section we use information from a sample of actual U.S. tax returns to calculate marriage taxes under TRA86, and compare their magnitudes to those under the old law. The figures are generated by the Tax Simulation Model (TAXSIM) maintained by the National Bureau of Economic Research.⁷ TAXSIM contains a stratified random sample of 30,723 tax returns filed in 1983. To obtain estimates for years subsequent to 1983, the data are "aged"--raised in proportion to the growth of population and income as measured in the national income and product accounts. The adjustments used to make projections from 1986 to 1988 assume 7 percent income growth and 3.5 percent inflation over that period, as predicted by the U.S. Office of Management of Budget. A computerized representation of the tax code is used to estimate the tax liability of each return. Unlike the simple examples of the previous section, the tax computation allows for different tax rates on different sources of income, itemized deductions, etc. Sample weights are applied to the results on each return to obtain totals for the population as a whole.

The sample used in this study consists of all joint returns. Tax liabilities on these joint returns are calculated under both the old law (as it

would have looked in 1988) and TRA86. Then, the joint tax liability of each couple is computed under the assumption that a divorce occurs. Members of childless couples are assumed to file as singles; if there are itemized deductions on the return, they are allocated to the spouse with higher earnings. For couples with children, we assume that exemptions are allocated such that the joint tax liability is minimized. Spouses who end up not claiming a child file as singles; otherwise they file as heads of households. Of course, one can imagine other reasonable algorithms for allocating exemptions and deductions among the spouses. We experimented with several others (e.g., allocating all itemized deductions in proportion to spouse's earnings), and found that the results were not materially affected.⁸

Column (1) in Table 4.1 shows the average marriage tax under the new law by adjusted gross income class. The figures in square brackets show the comparable figures for the old law. The general tendency is for the marriage tax to be negative for couples with relatively low AGIs. However, once AGI exceeds \$30,000 the average marriage tax is generally positive. For example, in the \$50-75,000 range, the annual tax cost of being married is about \$750. The figures near the bottom of the column indicate that under TRA86, the average marriage tax per return will be \$119, and its aggregate value about \$6.4 billion.

Compared to the old law, TRA86 appears more favorable to marriage. On average, TRA86 provides a larger marriage subsidy or a smaller marriage tax in each AGI class. Indeed, under the old law the average marriage tax would have been more than four times its value under TRA86--about \$529 per couple or \$28 billion in aggregate.

Of course, the averages in column (1) are over both positive and negative values of the marriage tax. As we saw in the last section, however,

it is possible for couples with about the same AGI to have marriage taxes of opposite signs; the answer depends upon the relative incomes of the spouses, inter alia. This suggests that a low marriage tax on average does not necessarily imply that the system is marriage neutral. It can just as well mean that some families have very high marriage taxes while others have very high marriage subsidies.

To investigate this possibility, we divided the sample into couples who pay a positive marriage tax and those who receive a marriage subsidy, and calculated the average tax/subsidy for each group. Column (2) of Table 4.1 shows the proportion of couples in each AGI group who pay a positive marriage tax, and column (3) shows the average tax paid by members of that group. Similarly, Column (4) shows the proportion who receive a marriage subsidy in each AGI group, and column (5) the average subsidy received. (In any given AGI group, the percentages in columns (2) and (4) may not add to 100 percent because the tax liabilities of some couples are approximately unchanged by marriage.)

The results in column (2) suggest that relatively few people in the lower income brackets are penalized by marriage. But in the upper income brackets the percentage is quite substantial; in the \$50-75,000 range, 64 percent of the couples pay a positive marriage tax. Moreover, the column (4) results suggest that the size of this tax can be quite substantial. The average value in the \$50-75,000 range is \$1765; in the \$75-100,000 range it is \$2748. The figures near the bottom of columns (2) and (3) indicate that 40 percent of all couples will pay a positive marriage tax under TRA86, and its average will be about \$1100. This is still less severe than under the old law, under which 45 percent of the couples paid an average marriage tax of \$1463. But the percentage reduction in the marriage tax under TRA86 will be

less impressive than one would gather from the figures in column (1).

The figures in columns (4) and (5) indicate that under TRA86 about 53 percent of the couples will receive a marriage subsidy, and the average value of this subsidy will be about \$609. This is more than the average subsidy of \$269 received under the old law. In addition, under the old law, only 47 percent of the couples received the subsidy.

A thought suggested by our discussion of columns (2) through (5) is that under both the old and new laws the dispersion of the marriage tax is large, and that TRA86 may have increased the dispersion even while lowering its mean. To get a handle on this issue, we computed the standard deviation of the marriage tax for all returns within each AGI bracket. The results are reported in column (6) of Table 4.1. The first thing to note about these numbers is that they are large relative to the size of the average marriage tax. For example, for the sample as a whole, the standard deviation of \$1164 is almost 10 times the average value of \$119. Second, within some income brackets (particularly in the middle and the bottom of the income distribution), TRA86 increases the standard deviation of the marriage tax over its value under the old law. Nevertheless, for the sample as a whole, the standard deviation of the marriage tax will be somewhat lower under TRA86 than its predecessor--\$1164 rather than \$1269. In short, TRA86 has reduced the dispersion of taxes and subsidies on marriage, but not by very much.

V. Conclusion

Despite the fact that TRA86 eliminated the two-earner deduction, both the percentage of families paying a positive marriage tax and its size will be lower than under the old law. Indeed, on average the marriage tax under TRA86 will be quite modest--\$119 per couple. However, this figure conceals the fact that some families will be paying substantial penalties for being

married. In 1988, about 40 percent of U.S. families will pay an average marriage tax of \$1100. This corresponds to a total of about \$24 billion. At the same time, about 53 percent of the families will receive a marriage subsidy averaging \$609 per family; the aggregate amount will be \$17.4 billion. TRA86 is far from neutral with respect to marriage decisions.

Are the transfers implicit in this arrangement desirable? To think about this question, recall that the source of the marriage distortion is the fact that married and single people have different tax schedules. A separate schedule for married couples guarantees that families with the same joint incomes have the same tax burdens, ceteris paribus. Hence, what the marriage distortion "buys" is horizontal equity among married couples. However, given the fact that in today's society there are many arrangements for living together outside of marriage, it is not obvious why the existence of a marriage license per se should have such a large impact on the design of the tax system.⁹ Perhaps this issue will be more prominent in the next round of tax reform.

Table 3.1
Rate Schedules for 1988 Under TRA86

Marginal Tax Rate	Taxable Income			
	Joint	Separate	Single	Head of Household
15%	\$ 0-29,750	\$ 0-14,875	\$ 0-17,850	\$ 0-23,900
28%	\$29,750-71,900	\$14,875-35,950	\$17,850-43,150	\$23,900-61,650
33%*	\$71,900-171,090	\$35,950-124,220	\$43,150-100,480	\$61,650-145,630
28%	\$171,090-	\$124,220-	\$100,480-	\$145,630-

*The top of the 33 percent bracket depends upon the number of exemptions. The schedules for joint and head of household returns are based on the assumption of two exemptions; those for separate and single returns assume one exemption. For each additional exemption, the 33 percent bracket is increased by \$10,920.

Table 3.2

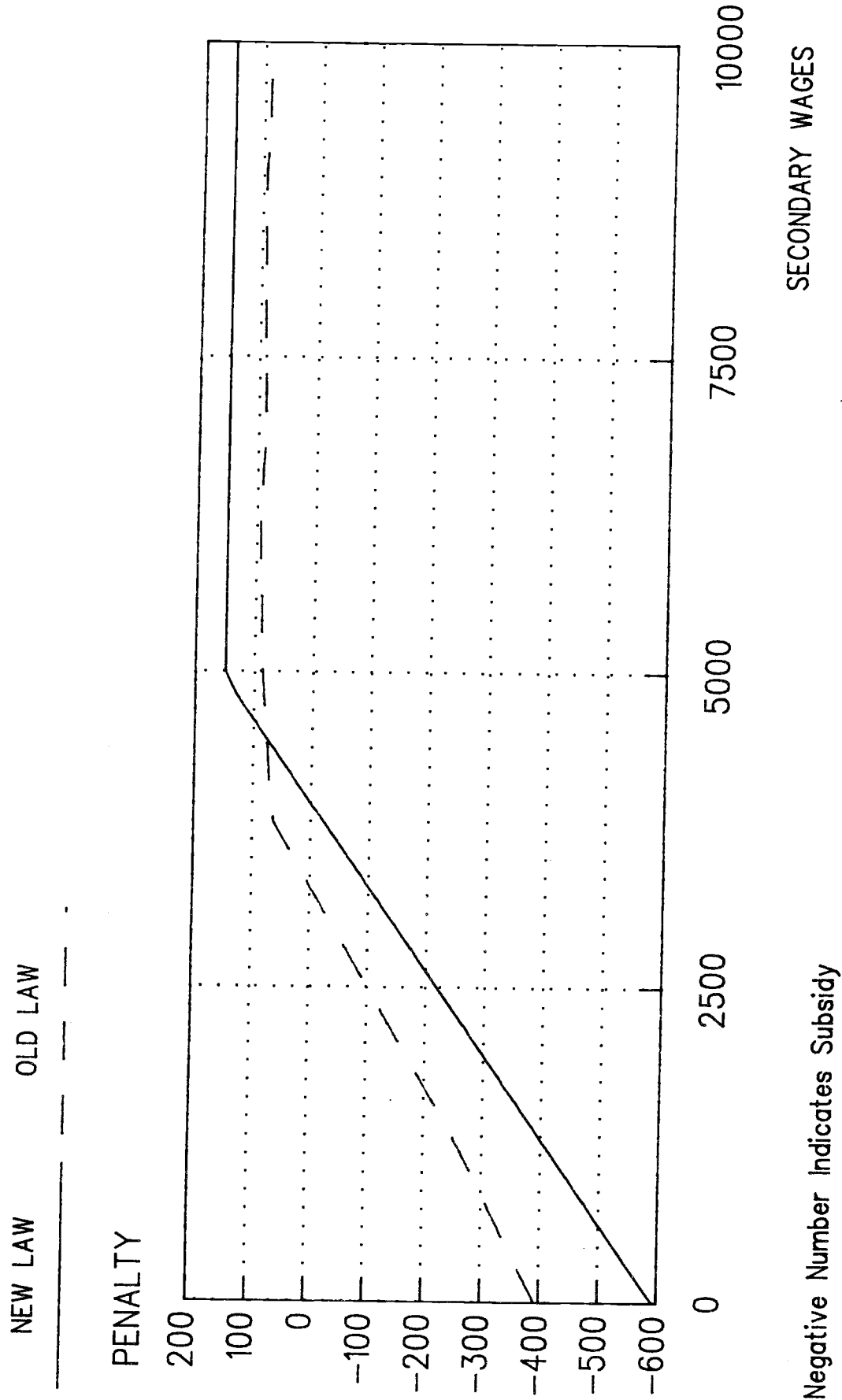
Standard Deductions for 1988

<u>Type of Return</u>	<u>Standard Deduction</u>
Joint	\$5000
Separate	\$2500
Single	\$3000
Head of Household	\$4400

Figure 3.1

MARRIAGE PENALTY FOR CHILDLESS COUPLE

Primary Earner Wages: \$10,000



Negative Number Indicates Subsidy

Figure 3.2

MARRIAGE PENALTY FOR CHILDLESS COUPLE

Primary Earner Wages: \$25,000

NEW LAW OLD LAW

PENALTY

1500

1000

500

0

-500

-1000

-1500

0

5000

10000

15000

20000

25000

SECONDARY WAGES

Negative Number Indicates Subsidy

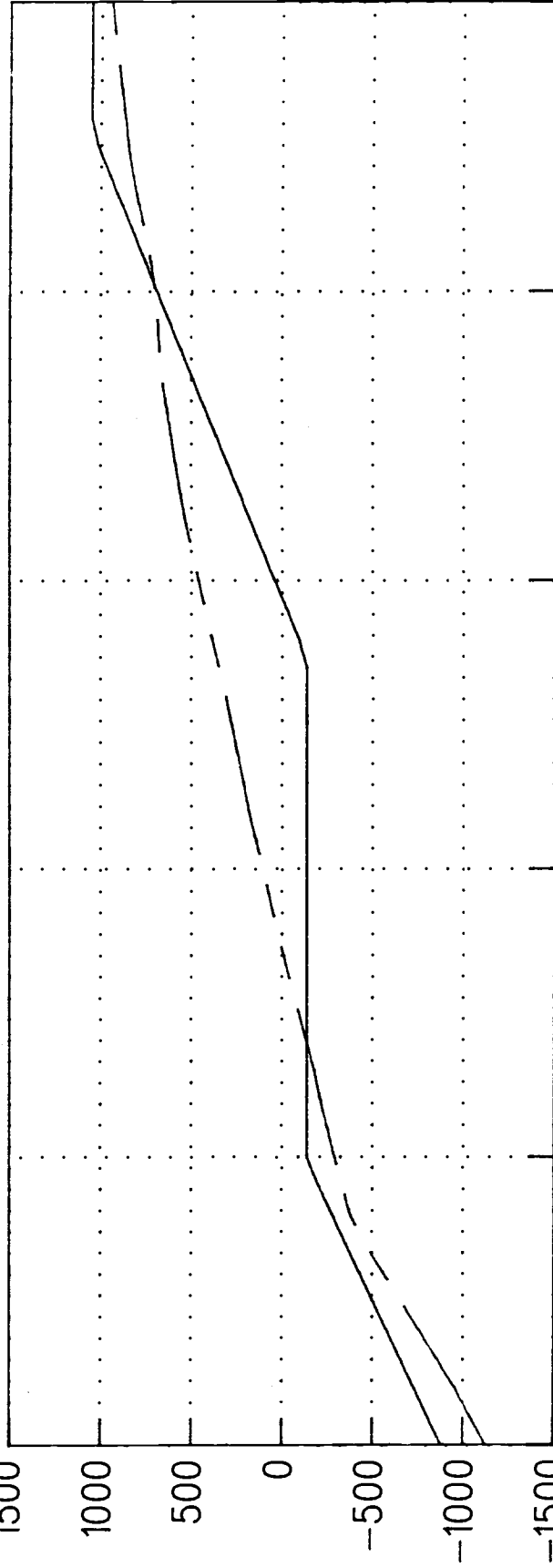


Figure 3.3

MARRIAGE PENALTY FOR CHILDLESS COUPLE

Primary Earner Wages: \$50,000

NEW LAW OLD LAW

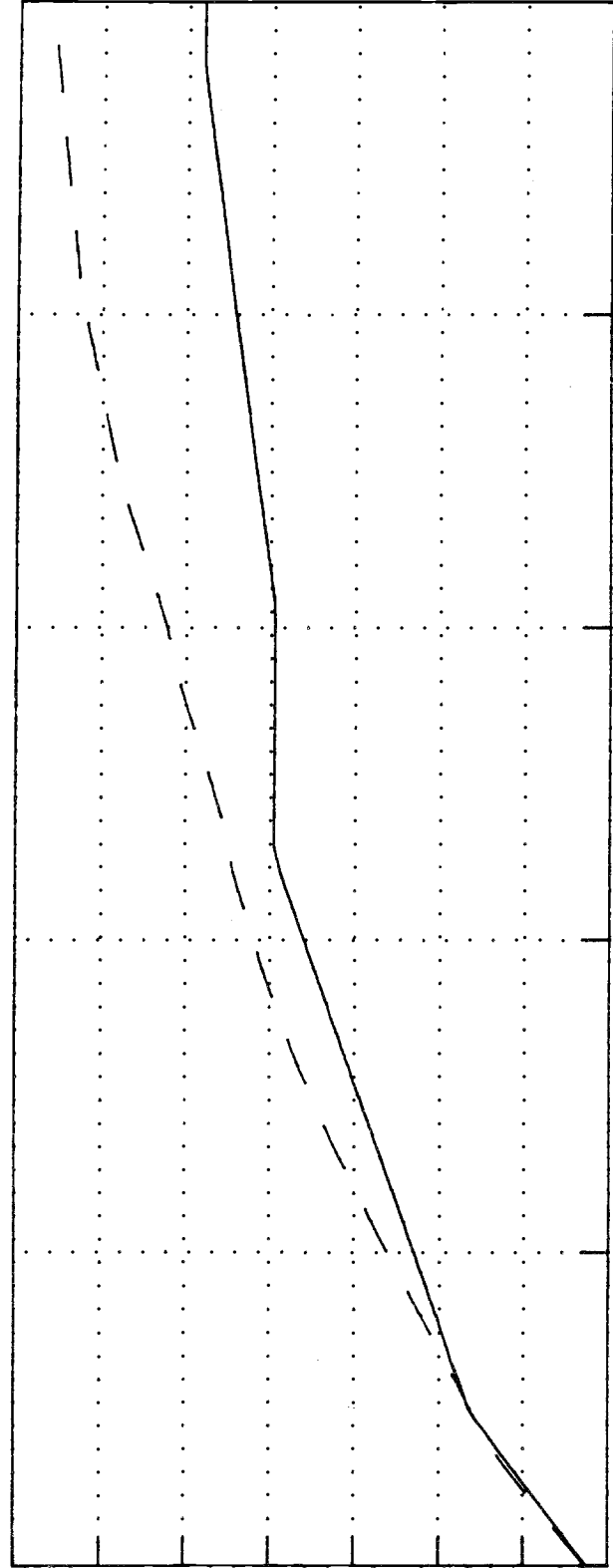
PENALTY

4000
3000
2000
1000
0
-1000
-2000
-3000

0 10000 20000 30000 40000 50000

SECONDARY WAGES

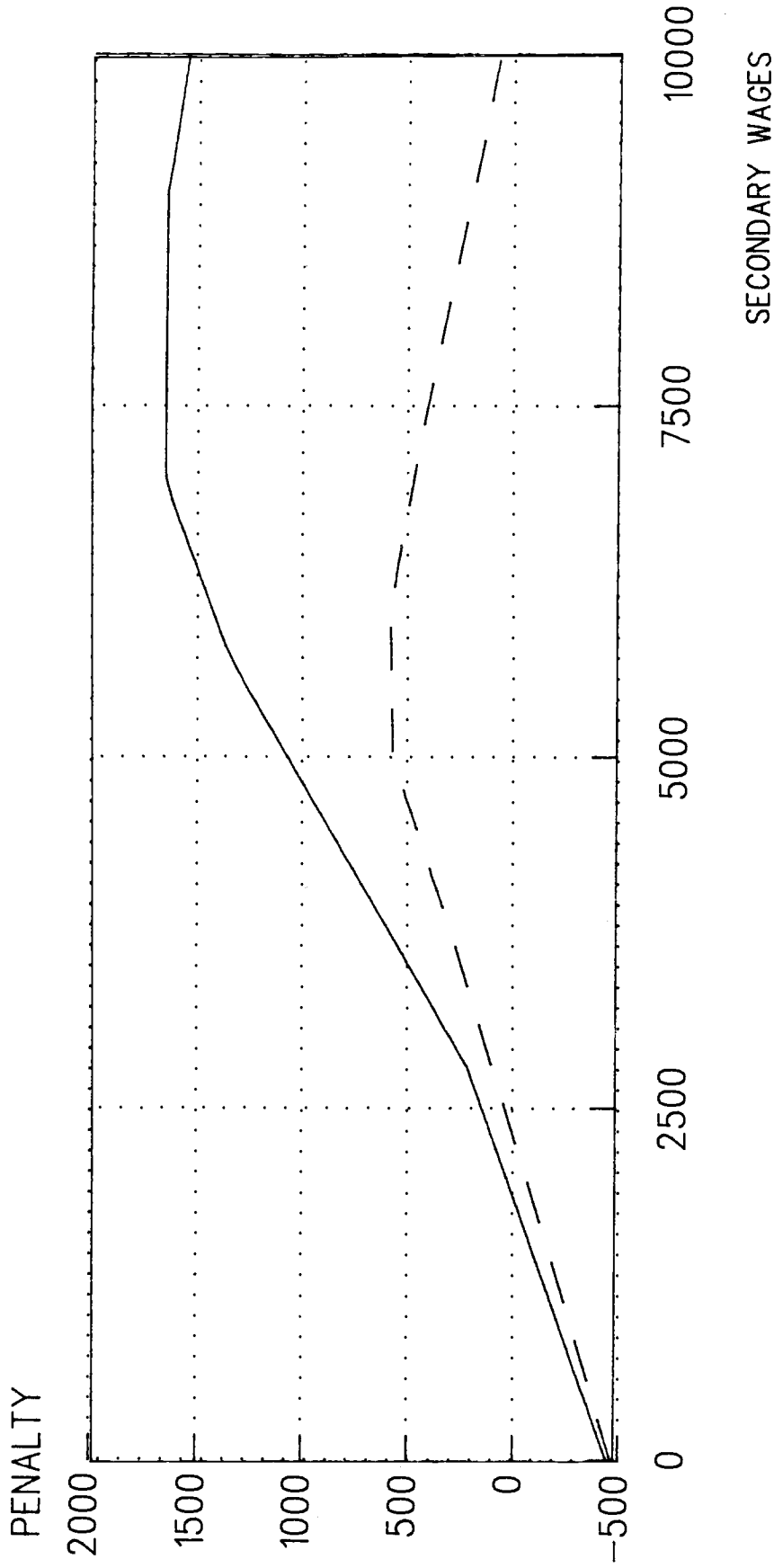
Negative Number Indicates Subsidy



MARRIAGE PENALTY FOR TWO CHILD COUPLE

Primary Earner Wages: \$10,000

NEW LAW OLD LAW



Negative Number Indicates Subsidy

Figure 3.5

MARRIAGE PENALTY FOR TWO CHILD COUPLE

Primary Earner Wages: \$25,000

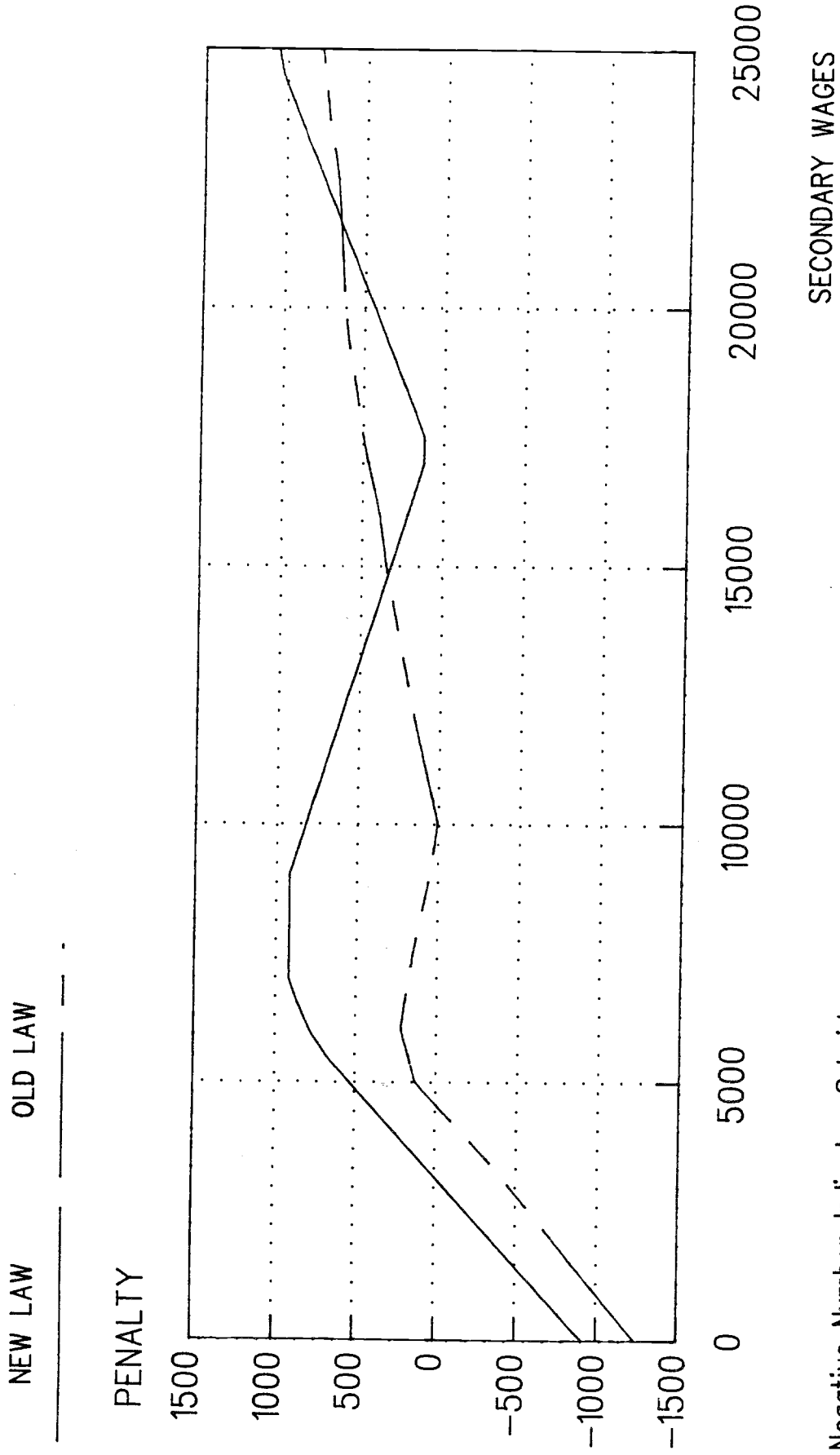
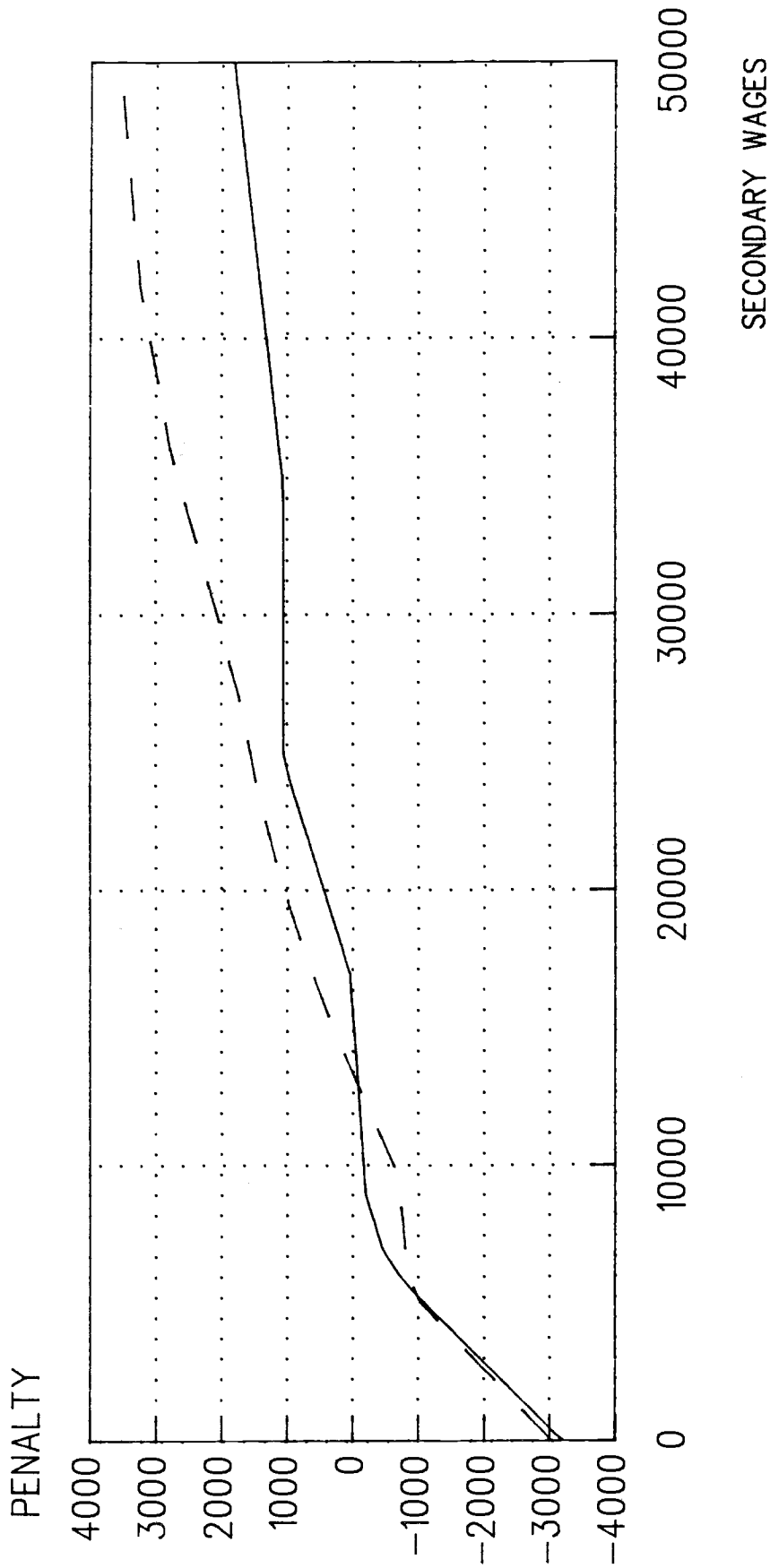


Figure 3.6

MARRIAGE PENALTY FOR TWO CHILD COUPLE

Primary Earner Wages: \$50,000

NEW LAW OLD LAW



Negative Number Indicates Subsidy

Table 4.1

The Marriage Tax By Income Class (1988)
 [Figures in brackets are for the old law.]

AGI Class	(1) <u>Average</u> <u>Marriage</u> <u>Tax</u>	(2) <u>% Positive</u> <u>Tax</u>	(3) <u>Average</u> <u>Positive</u> <u>Tax</u>	(4) <u>% Negative</u> <u>Tax</u>	(5) <u>Average</u> <u>Negative</u> <u>Tax</u>	(6) <u>S.D. of</u> <u>Marriage</u> <u>Tax</u>
\$10,000 <	-135.4 [-42.06]	1.5% [3.2%]	135.8 [119.8]	37% [32%]	-367.1 [-142.6]	293 [87.2]
\$10-20,000	-215.3 [-60.90]	20% [25%]	559.8 [377.8]	74% [69%]	-447.4 [-226.7]	494 [305]
\$20-30,000	-61.11 [114.8]	35% [39%]	611.1 [620.2]	64% [59%]	-430.6 [-223.7]	602 [467]
\$30-40,000	98.13 [442.0]	49% [54%]	620.4 [986.5]	50% [45%]	-414.3 [-205.5]	618 [678]
\$40-50,000	200.0 [801.3]	57% [62%]	844.3 [1435.]	42% [38%]	-656.8 [-246.0]	844 [945]
\$50-75,000	758.7 [1517.]	64% [70%]	1765. [2289]	35% [29%]	-1051. [-301.7]	1551 [1470]
\$75-100,000	573.6 [1871.]	51% [59%]	2748. [3558]	47% [39%]	-1777. [-613.7]	2570 [2590]
\$100-200,000	-134.6 [1431.]	34% [42%]	3225. [4366]	66% [54%]	-1882. [-755.5]	2853 [3352]
> \$200,000	973.2 [484.2]	72% [33%]	2132. [4922]	25% [58%]	-2332. [-1977]	4688 [4398]
<u>Grand Mean</u>	119.0 [528.6]	40% [45%]	1091. [1463.]	53% [47%]	-608.8 [-269.0]	- -
<u>Total</u>	6.41b [28.49b]	- -	23.79b [35.37b]	- -	-17.38b [-6.88b]	1164* [1269]*

*These are standard deviations for the sample as a whole, not the average of the standard deviations for each income group.

Footnotes

1. For example, recent evaluations of the new law by Aaron [1987], Pechman [1986] and Hausman and Poterba [1987] do not mention this topic.
2. Prior to 1948, citizens of community property states were effectively already allowed the benefits of income splitting. Congress introduced universal income splitting in order to correct this inequity. See Brazer [1980] for further details on the history of the tax treatment of the family.
3. Some taxpayers will face higher marginal tax rates than those in Table 3.1 due to provisions such as the phase-out for deductibility of Individual Retirement Accounts. See Hausman and Poterba [1987].
4. Exceptions can occur when one spouse has deductions which can only be taken in excess of some percentage of Adjusted Gross Income. An example is the deduction for medical expenses.
5. Specifically, this is the 1986 law as it would have looked in 1988 after the bracket widths and personal exemptions were indexed for inflation in the intervening years.
6. An alternative procedure is to assume that the dependents are allocated so as to minimize joint tax liability. This assumption would tend to increase the marriage tax relative to the amounts in Figures 3.4 - 3.6.
7. See Lindsey [1986] for a detailed discussion of TAXSIM.
8. We also implicitly assume that the (positive or negative) changes in tax burdens associated with marriage do not affect before tax earnings. Feenberg's [1983] discussion of the marriage tax suggests that allowing for an endogenous labor supply response for females does not have a major impact on estimates of the marriage tax.
9. See Brazer [1980] and Munnell [1980] for further arguments along these lines. Rosen [1977] discusses the implications of the marriage tax for labor supply decisions of secondary earners.

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