

# ISSUE BRIEF

No. 3879 | MARCH 18, 2013

## Marriage Matters: Consequences of Redefining Marriage

Ryan T. Anderson

The Supreme Court is considering challenges to state and federal laws that define marriage as the union of a man and woman. After lower courts ruled against these marriage laws, the Supreme Court now has the opportunity to uphold the laws and return to citizens and their elected representatives the authority for answering questions about marriage policy.

If marriage policy is going to be based on principle, Americans need to answer three questions:

1. What is marriage?
2. Why does marriage matter for public policy?
3. What would be the consequences of redefining marriage?

**What Is Marriage?** Marriage exists to bring a man and a woman together as husband and wife to be father and mother to any children their union produces.<sup>1</sup> It is based on the anthropological truth that men and women are different and complementary, the biological fact that reproduction depends on a man and a woman, and the social reality that each child needs both a mother and a father.<sup>2</sup>

Rutgers University sociologist David Popenoe explains:

We should disavow the notion that “mommies can make good daddies,” just as we should disavow the popular notion... that “daddies can make good mommies.”... The two sexes are different to the core, and each is necessary—culturally and biologically—for the optimal development of a human being.<sup>3</sup>

Mothers and fathers matter, and marriage helps to connect them to children. Marriage predates government and is the fundamental building block of all human civilization. Marriage has public purposes that transcend its private purposes.

**Why Marriage Matters for Policy.** Government recognizes marriage because it is an institution that benefits society in a way that no other relationship does. Marriage is society’s least restrictive means of ensuring the well-being of children. State recognition of marriage protects children by encouraging men and women to commit to each other and take responsibility for their children.

Marriage is thus a personal relationship that serves a public purpose. According to the best available sociological evidence, children fare best on virtually every examined indicator when reared by their wedded biological parents. Studies that control for other factors, including poverty and even genetics, suggest that children reared in intact homes do best in terms of educational achievement, emotional health, familial and sexual development, and delinquency and incarceration.<sup>4</sup>

A study published by the left-leaning research institution Child Trends concluded:

[I]t is not simply the presence of two parents...but the presence of *two biological parents*

This paper, in its entirety, can be found at <http://report.heritage.org/ib3879>

Produced by the Richard and Helen DeVos Center for Religion and Civil Society

**The Heritage Foundation**  
214 Massachusetts Avenue, NE  
Washington, DC 20002  
(202) 546-4400 | [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

that seems to support children's development.

[R]esearch clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage. Children in single-parent families, children born to unmarried mothers, and children in stepfamilies or cohabiting relationships face higher risks of poor outcomes.... There is thus value for children in promoting strong, stable marriages between biological parents.<sup>5</sup>

Marriage benefits everyone because separating childbearing and childrearing from marriage burdens innocent bystanders: not just children, but the whole community who must step in to provide for their well-being and upbringing. Thus, by encouraging marriage, the state is strengthening civil society and reducing its own role.

The breakdown of marriage most

hurts the least well-off. A leading indicator of whether someone will know poverty or prosperity is whether, growing up, he or she knew the love and security of having a married mother and father. Marriage reduces the probability of child poverty by 80 percent.<sup>6</sup>

Marital breakdown harms society as a whole. A Brookings Institution study found that \$229 billion in welfare expenditures between 1970 and 1996 can be attributed to the breakdown of the marriage culture and the resulting exacerbation of social ills: teen pregnancy, poverty, crime, drug abuse, and health problems.<sup>7</sup> A 2008 study found that divorce and unwed childbearing cost taxpayers \$112 billion each year,<sup>8</sup> and Utah State University scholar David Schramm has estimated that divorce alone costs local, state, and federal-level government \$33 billion each year.<sup>9</sup>

Recognition of marriage serves the ends of limited government more effectively, less intrusively, and at less cost than does picking up the pieces from a shattered marriage culture.

**The Consequences of Redefining Marriage.** Redefining marriage would further distance marriage from the needs of children and deny the importance of mothers and fathers. It would deny, as a matter of policy, the ideal that children need a mother and a father.

Redefining marriage would diminish the social pressures and incentives for husbands to remain with their wives and their *biological* children and for men and women to marry before having children. The concern is not so much that a handful of gay or lesbian couples would be raising children but that it would be very difficult for the law to send a message that *fathers matter* when it has redefined marriage to make *fathers optional*.

In recent decades, marriage has been weakened by a revisionist view that marriage is more about adults' desires than children's needs. This view reduces marriage primarily to emotional bonds or legal privileges. Redefining marriage represents the culmination of this revisionism and would leave emotional intensity as

1. See Ryan T. Anderson, "Marriage: What It Is, Why It Matters, and the Consequences of Redefining It," Heritage Foundation *Background* No. 2775, March 11, 2013, <http://www.heritage.org/research/reports/2013/03/marriage-what-it-is-why-it-matters-and-the-consequences-of-redefining-it>.
2. Sherif Girgis, Ryan T. Anderson, and Robert P. George, *What Is Marriage? Man and Woman: A Defense* (New York: Encounter Books, 2012).
3. David Popenoe, *Life Without Father: Compelling New Evidence That Fatherhood and Marriage Are Indispensable for the Good of Children and Society* (New York: The Free Press, 1996), p. 197. See also W. Bradford Wilcox, "Reconcilable Differences: What Social Sciences Show About the Complementarity of the Sexes and Parenting," *Touchstone*, November 2005, p. 36.
4. For the relevant studies, see Witherspoon Institute, "Marriage and the Public Good: Ten Principles," August 2008, pp. 9-19, [http://www.winst.org/family\\_marriage\\_and\\_democracy/WI\\_Marriage.pdf](http://www.winst.org/family_marriage_and_democracy/WI_Marriage.pdf) (accessed March 4, 2013).
5. Kristin Anderson Moore, Susan M. Jekielek, and Carol Emig, "Marriage from a Child's Perspective: How Does Family Structure Affect Children, and What Can We Do About It?" *Child Trends Child Research Brief*, June 2002, pp. 1, 6, <http://www.childtrends.org/files/MarriageRB602.pdf> (accessed March 4, 2013). Emphasis in original.
6. Robert Rector, "Marriage: America's Greatest Weapon Against Child Poverty," Heritage Foundation *Special Report* No. 117, September 5, 2012, <http://www.heritage.org/research/reports/2012/09/marriage-americas-greatest-weapon-against-child-poverty>.
7. Isabel V. Sawhill, "Families at Risk," in Henry J. Aaron and Robert D. Reischauer, eds., *Setting National Priorities: The 2000 Election and Beyond* (Washington: Brookings Institution Press, 1999), pp. 97, 108. See also Witherspoon Institute, "Marriage and the Public Good," p. 15.
8. Institute for American Values et al., "The Taxpayer Costs of Divorce and Unwed Childbearing: First-Ever Estimates for the Nation and for All Fifty States," 2008, <http://www.americanvalues.org/pdfs/COFF.pdf> (accessed March 6, 2013).
9. David G. Schramm, "Preliminary Estimates of the Economic Consequences of Divorce," Utah State University, 2003.

the only thing that sets marriage apart from other bonds.

However, if marriage were just intense emotional regard, marital norms would make no sense as a principled matter. There is no reason of principle that requires an emotional union to be permanent. Or limited to two persons. Or sexual, much less sexually exclusive (as opposed to “open”). Or inherently oriented to family life and shaped by its demands.

In other words, if sexual complementarity is optional for marriage, then almost every other norm that sets marriage apart is optional.<sup>10</sup>

Redefining marriage marginalizes those with traditional views and leads to the erosion of religious liberty. The law and culture will seek to eradicate such views through economic, social, and legal pressure. If marriage is redefined, believing what virtually every human society once believed about marriage—that it is a union of a man and woman ordered to procreation and family life—would be seen increasingly as a malicious prejudice to be driven to the margins of culture.

The consequences for religious believers are becoming apparent.<sup>11</sup>

For example, after Massachusetts redefined marriage to include same-sex relationships, Catholic Charities of Boston was forced to discontinue its adoption services rather than place children with same-sex couples against its principles. Massachusetts public schools began teaching grade-school students about same-sex marriage, defending their decision because they are “committed to teaching about the world they live in, and in Massachusetts same-sex marriage is legal.” A Massachusetts appellate court ruled that parents have no right to exempt their children from these classes.<sup>12</sup>

In fact, the Becket Fund for Religious Liberty reports that “over 350 separate state anti-discrimination provisions would likely be triggered by recognition of same-sex marriage.”<sup>13</sup>

**The Supreme Court and the Future of Marriage.** The Supreme Court should not usurp democratic authority from citizens and their elected officials. Let the political

process do its work. The definition of marriage is not something for activist courts to decide. The Supreme Court should respect the constitutional authority of the people.<sup>14</sup>

Government recognizes traditional marriage because it benefits society in a way that no other relationship or institution does. Yet promoting marriage does not ban any type of relationship. All Americans have the freedom to live and love as they choose, but no one has a right to redefine marriage for everyone else.

The future of this country depends on the future of marriage, and the future of marriage depends on citizens understanding what it is and why it matters and demanding that government policies support true marriage rather than undermine it.

—*Ryan T. Anderson is William E. Simon Fellow in Religion and a Free Society in the Richard and Helen DeVos Center for Religion and Civil Society at The Heritage Foundation.*

10. See Anderson, “Marriage: What It Is, Why It Matters, and the Consequences of redefining It,” and Girgis, Anderson, and George, *What Is Marriage? Man and Woman: A Defense*.

11. Thomas M. Messner, “Same-Sex Marriage and the Threat to Religious Liberty,” Heritage Foundation *Backgrounder* No. 2201, October 30, 2008, <http://www.heritage.org/research/reports/2008/10/same-sex-marriage-and-the-threat-to-religious-liberty>; Thomas M. Messner, “Same-Sex Marriage and Threats to Religious Freedom: How Nondiscrimination Laws Factor In,” Heritage Foundation *Backgrounder* No. 2589, July 29, 2011, <http://www.heritage.org/research/reports/2011/07/same-sex-marriage-and-threats-to-religious-freedom-how-nondiscrimination-laws-factor-in>; and Thomas M. Messner, “From Culture Wars to Conscience Wars: Emerging Threats to Conscience,” Heritage Foundation *Backgrounder* No. 2532, April 13, 2011, <http://www.heritage.org/research/reports/2011/04/from-culture-wars-to-conscience-wars-emerging-threats-to-conscience>.

12. For example, see *Parker v. Hurley*, 514 F.3d 87 (1st Cir. 2008).

13. Becket Fund for Religious Liberty, “Same-Sex Marriage and State Anti-Discrimination Laws,” *Issue Brief*, January 2009, p. 2, <http://www.becketfund.org/wp-content/uploads/2011/04/Same-Sex-Marriage-and-State-Anti-Discrimination-Laws-with-Appendices.pdf> (accessed March 7, 2013). See also Messner, “Same-Sex Marriage and Threats to Religious Freedom,” p. 4.

14. John C. Eastman, “The Constitutionality of Traditional Marriage,” Heritage Foundation *Legal Memorandum* No. 90, January 25, 2013, <http://www.heritage.org/research/reports/2013/01/the-constitutionality-of-traditional-marriage>.