

ISSUE BRIEF

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The Consequences of Redefining Marriage: Eroding Marital Norms

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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 permanently and exclusively and to take responsibility for their children. The norms of monogamy and sexual exclusivity encourage the raising of children by their mother and father. The norm of permanency ensures that children will at least be cared for by their mother and father until they reach maturity.¹

Marriage laws work by embodying and promoting a true vision of marriage, which makes sense of those norms as a coherent whole. Law affects culture. Culture affects beliefs. Beliefs affect actions. The law teaches, and it shapes the public understanding of what marriage is and what it demands of spouses.

But redefining marriage to exclude the norm of sexual complementarity makes other marital norms optional and sabotages the reason for marriage policy: To ensure that relationships that could result in children are permanent and monogamous to provide children with a mom and a dad.

Redefining Marriage Ignores Children's Needs and Renders Marital Norms Arbitrary.

In recent decades, marriage has been weakened by a revisionist view that it is more about adults' desires than children's needs. This view reduces marriage primarily to intense emotional bonds.

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.²

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 also 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. It would be very difficult for the law to send a message that *fathers* matter once it had redefined marriage to make *fathers optional*.

Leading Advocates of Redefining Marriage Agree That It Undermines Marital Norms.

Weakening marital norms and severing the connection of marriage with responsible procreation are the admitted goals of many prominent advocates of redefining marriage. E. J. Graff celebrates the fact that redefining marriage would change the "institution's message" so that it would "ever after stand for sexual choice, for cutting the link between sex and diapers." Enacting same-sex marriage, she argues,

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“does more than just fit; it announces that marriage has changed shape.”³

Andrew Sullivan says that marriage has become “primarily a way in which two adults affirm their emotional commitment to one another.”⁴

The Norm of Monogamy. New York University Professor Judith Stacey has expressed hope that redefining marriage would give marriage “varied, creative and adaptive contours,” leading some to “question the dyadic limitations of Western marriage and seek...small group marriages.”⁵ In their statement “Beyond Same-Sex Marriage,” more than 300 “LGBT and allied” scholars and advocates call for legal recognition of sexual relationships involving more than two partners.⁶

University of Calgary Professor Elizabeth Brake thinks that justice requires using legal recognition to “denormalize[] heterosexual monogamy as a way of life” and “rectif[y] past discrimination against homosexuals, bisexuals, polygamists, and care networks.” She supports “minimal marriage” in which “individuals can have legal marital relationships with more than one person, reciprocally or asymmetrically, themselves determining the sex and number of parties, the type of relationship involved, and which rights and responsibilities to exchange with each.”⁷

In 2009, *Newsweek* reported that the United States already had over 500,000 polyamorous households.⁸ The author concluded:

[P]erhaps the practice is more natural than we think: a response to the challenges of monogamous relationships, whose shortcomings...are clear.... [C]an one person really satisfy every need? Polyamorists think the answer is obvious—and that it’s only a matter of time before the monogamous world sees there’s more than one way to live and love.⁹

A 2012 article in *New York Magazine* introduced Americans to “throuple,” a new term akin to a “couple,” but with three people whose “throuplehood is more or less a permanent domestic arrangement. The three men work together, raise dogs together, sleep together, miss one another...and, in general, exemplify a modern, adult relationship. Except that there are three of them.”¹⁰

The Norm of Exclusivity. Andrew Sullivan, who has extolled the “spirituality” of “anonymous sex,” also thinks that the “openness” of same-sex unions could enhance the bonds of husbands and wives:

[A]mong gay male relationships, the openness of the contract makes it more likely to survive than many heterosexual bonds.... [T]here is more likely to be greater understanding of the need for extra-marital outlets between two men than between a man and a woman.... [S]omething of the gay relationship’s necessary honesty, its flexibility, and its

1. Ryan T. Anderson, “Marriage: What It Is, Why It Matters, and the Consequences of Redefining It,” Heritage Foundation *Backgrounders* 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>, and Sherif Girgis, Ryan T. Anderson, and Robert P. George, *What Is Marriage? Man and Woman: A Defense* (New York: Encounter Books, 2012).
2. *Ibid.*
3. E. J. Graff, “Retying the Knot,” *Same-Sex Marriage: Pro and Con: A Reader*, ed. Andrew Sullivan (New York: Vintage Books, 1997), pp. 134, 136, and 137.
4. Andrew Sullivan, “Introduction,” *Same-Sex Marriage*, pp. 17 and 19.
5. Maggie Gallagher, “(How) Will Gay Marriage Weaken Marriage as a Social Institution: A Reply to Andrew Koppelman,” *University of St. Thomas Law Journal*, Vol. 2, No. 1 (2004), p. 62, <http://ir.stthomas.edu/cgi/viewcontent.cgi?article=1047&context=ustlj> (accessed March 6, 2013).
6. BeyondMarriage.org, “Beyond Same-Sex Marriage: A New Strategic Vision for All Our Families and Relationships,” July 26, 2006, http://beyondmarriage.org/full_statement.html (accessed March 6, 2013).
7. Elizabeth Brake, “Minimal Marriage: What Political Liberalism Implies for Marriage Law,” *Ethics*, Vol. 120, No. 2 (January 2010), pp. 302-303, 323, and 336.
8. Jessica Bennett, “Only You. And You. And You,” *Newsweek*, July 28, 2009, <http://www.thedailybeast.com/newsweek/2009/07/28/only-you-and-you-and-you.html> (accessed March 6, 2013).
9. *Ibid.*
10. Molly Young, “He & He & He,” *New York Magazine*, July 29, 2012, <http://nymag.com/news/features/sex/2012/benny-morecock-throuple/> (accessed March 6, 2013).

equality could undoubtedly help strengthen and inform many heterosexual bonds.¹¹

“Openness” and “flexibility” are Sullivan’s euphemisms for sexual infidelity. Similarly, in a *New York Times Magazine* profile, gay activist Dan Savage encourages spouses to adopt “a more flexible attitude” about allowing each other to seek sex outside their marriage.¹² *The New York Times* recently reported on a study finding that exclusivity was not the norm among gay partners: “‘With straight people, it’s called affairs or cheating,’ said Colleen Hoff, the study’s principal investigator, ‘but with gay people it does not have such negative connotations.’”¹³

Leading Advocates of Redefining Marriage Celebrate That It Will Weaken Marriage. Some advocates of redefining marriage embrace the goal of weakening the institution of marriage *in these very terms*. “[Former President George W.] Bush is correct,” says Victoria Brownworth, “when he states that allowing same-sex couples to marry will weaken the institution of marriage.... It most certainly will do so, and that will make marriage a far better concept than it previously has been.”¹⁴ Professor Ellen Willis celebrates the fact that “conferring the legitimacy of marriage on homosexual relations will introduce an implicit revolt against the institution into its very heart.”¹⁵

Michelangelo Signorile urges same-sex couples to “demand the right to marry not as a way of adhering to society’s moral codes but rather to debunk a myth

and radically alter an archaic institution.”¹⁶ Same-sex couples should, he says, “fight for same-sex marriage and its benefits and then, once granted, redefine the institution of marriage completely, because the most subversive action lesbians and gay men can undertake...is to transform the notion of ‘family’ entirely.”¹⁷

It is no surprise that there is already evidence of this occurring. A federal judge in Utah allowed a legal challenge to anti-bigamy laws.¹⁸ A bill that would allow a child to have three legal parents passed both houses of the California state legislature in 2012 before it was vetoed by the governor, who claimed he wanted “to take more time to consider all of the implications of this change.”¹⁹

The Future of Marriage. Government recognizes marriage because it benefits society in a way that no other relationship or institution does. Government policies should support marriage and protect it rather than undermine it. 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. Those who believe in monogamy and exclusivity—and the benefits that these bring to orderly procreation and child well-being—should take note.

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11. Andrew Sullivan, *Virtually Normal: An Argument About Homosexuality* (New York: Vintage Books, 1996), pp. 202-203.
 12. Mark Oppenheimer, “Married, With Infidelities,” *The New York Times Magazine*, June 30, 2011, http://www.nytimes.com/2011/07/03/magazine/infidelity-will-keep-us-together.html?pagewanted=all&_r=0 (accessed March 25, 2013).
 13. Scott James, “Many Successful Gay Marriages Share an Open Secret,” *The New York Times*, January 28, 2010, <http://www.nytimes.com/2010/01/29/us/29sfmetro.html> (accessed March 6, 2013).
 14. Victoria A. Brownworth, “Something Borrowed, Something Blue: Is Marriage Right for Queers?” in *I Do/I Don’t: Queers on Marriage*, ed. Greg Wharton and Ian Phillips (San Francisco: Suspect Thoughts Press, 2004), pp. 53 and 58-59.
 15. Ellen Willis, “Can Marriage Be Saved? A Forum,” *The Nation*, July 5, 2004, p. 16, <http://www.highbeam.com/doc/1G1-118670288.html> (accessed March 6, 2013).
 16. Michelangelo Signorile, “Bridal Wave,” *Out*, December 1993/January 1994, pp. 68 and 161.
 17. *Ibid.*
 18. Julia Zebley, “Utah Polygamy Law Challenged in Federal Lawsuit,” *Jurist*, July 13, 2011, <http://jurist.org/paperchase/2011/07/utah-polygamy-law-challenged-in-federal-lawsuit.php> (accessed March 6, 2013).
 19. Jim Sanders, “Jerry Brown Vetoes Bill Allowing More Than Two Parents,” *The Sacramento Bee*, September 30, 2012, <http://blogs.sacbee.com/capitolalertlatest/2012/09/jerry-brown-vetoes-bill-allowing-more-than-two-parents.html> (accessed March 6, 2013). For more on this, see Jennifer Roback Morse, “Why California’s Three-Parent Law Was Inevitable,” Witherspoon Institute *Public Discourse*, September 10, 2012, <http://www.thepublicdiscourse.com/2012/09/6197> (accessed March 6, 2013).